

REFORM OF THE ELECTION LAW IN OHIO

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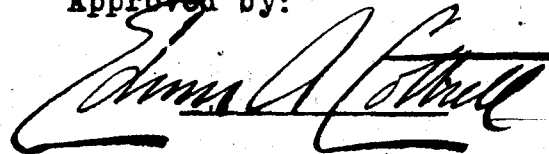
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## HISTORY OF THE BALLOT IN OHIO.

- I -

The history of the ballot in Ohio shows a gradual evolution and growth. This growth and change is commensurable and dependant upon the development of our modern political and governmental institutions. It was incepted by the granting of statehood and continued with various deviations up to the present day. Its past, though obscure, is for that reason the more interesting.

The provisions of the first constitution provided that "all white male inhabitants, above the age of twenty-one years, having resided in the state one year next preceding the election and who have paid or are charged with a State or County tax, shall enjoy the right of an elector".<sup>1</sup> A property qualification was thus attached to the right of suffrage. This same provision had been upon the statute books of the territory before its admission to the Union. It was also in conformity with the practices of other states and it is but natural that Ohio should have incorporated the provision into her law. Very few electors were disfranchised; it was, in substance, universal white male suffrage. At that time Ohio was purely an agricultural state, where practically every resident owned his own home and as such was charged with a county tax, which permitted him to vote. The development of industry, bringing with it a large army of laborers

1. Article IV - Sec.I.

who pay no tax, did not come until the end of the period of the first constitution; in fact, it was one of the reasons, among many, for a new constitutional convention.

The new provision of the Constitution of 1851, as regards suffrage read; "Every white male citizen of the United States, of the age of twenty-one years, who shall have been a resident of the state for one year next preceding the election and of the county, township and ward in which he resides, shall be entitled to vote at all elections".<sup>1</sup> This abolished the property qualification, which has been termed as "unnecessary, unwise, and un-American".<sup>2</sup> The number of voters, however, was not increased perceptibly; the state was still primarily agricultural. The records for the time reveal that the number of votes cast after the provision was in force show only the same gradual growth of previous elections. It was at this time, too, that the section was added regarding military and naval forces stationed within the state, who were not to be deemed residents. Section six provides that no idiot or insane person shall be entitled to the privileges of an election.

Several attempts were made to amend and change the qualifications for suffrage, but without avail. In 1867, an amendment was placed before the voters to prevent those who had borne arms against the Union or who had avoided or evaded military service from exercising the right of suffrage. This was defeated, as was the proposed constitution of 1873.

1. Article V - Sec. I.

2. Tannehill, J/ W., "Ohio Interrogation Points", Page 5.

The only change made by the proposed constitution as regards suffrage was the elimination of the word "white" in conformity with the Fifteenth Amendment to the United States Constitution. It happens that this is still in the constitution of our state, although long since ineffective because of the federal amendment.

The constitution as enacted in 1912 retained all the provisions of 1851 and added thereto another, relative to the nomination of candidates for office. In short, this provided that all nominations of candidates in municipalities with more than two thousand population should be made by direct primary; delegates to the national convention shall be chosen by direct vote of the people; each candidate for election must declare his first and second choice preferences for President.

At present, state and national elections are held at the same time. It was not always thus. Prior and up to 1887, the state elections were held "on the second Tuesday of October". By constitutional amendment this date was changed in favor of the "first Tuesday after the first Monday in November". This brought national and state politics before the voters at the same time. The change was made complete in 1908 when the governor, who hitherto had been the only state official elected upon odd years, was elected with the remaining officials. This method lessened the expenses connected with the elections but whether it was worth the combining of partisan aims and policies, is another question.

Perhaps the greatest change and most interesting development has been with that part of the first constitution, retained to the present day, which reads, "all elections shall be ballot". The legislature, at various times passed laws regulating elections and their conduct. The provisions therein relating to the ballot are shown by the following citations:

The electors within the several districts shall give in their votes for a suitable person to represent them in Congress.<sup>1</sup>

That each elector shall openly and in full view deliver to one of the judges of election a single ballot or piece of paper on which shall be written or printed in an intelligible manner, the name or names of the person or persons voted for, with a pertinent designation of the office which he or they may be intended to fill.<sup>2</sup>

That each elector shall in full view deliver to one of the judges of elections a single ballot or piece of paper on which shall be written or printed the names of persons voted for; with a pertinent designation of the office which he or they may be intended to fill.<sup>3</sup>

All ballots shall be written on plain white paper or printed with black ink - not more than two and one-half

1. Laws of Ohio 1803-4, Page 75.

2. Statutes of 1833, Vol. 1, Ch. 15, Sec. 13.

3. Statutes of Ohio, 1860, Ch. 40, Sec. IX.

nor less than two and three-eighths inches wide, without any device or mark by which one ticket may be known or distinguished from another, except the words at the head of the ticket.<sup>1</sup>

Every ballot intended for the use of electors shall contain the names of all candidates arranged in tickets or lists under the respective party or political or other designation certified.<sup>2</sup> All expenses of printing and distributing ballots shall be paid from the county treasury, as other county expenses.<sup>3</sup>

The references show the slow and gradual evolution that has taken place since the early days of our state. Only little change was affected during the first three-quarters century. The electors either prepared their ballots at home or went to the polls where interested persons stood ready to furnish them and give assistance in marking. There were no provisions or arrangements whereby the voter was given a uniform official ballot furnished only by the state and which was to be marked in secret. The political boss soon took advantage of this state of affairs. These largely controlled the nominations to suit themselves and as the ballots were distributed by different parties, it was difficult for any candidate not nominated by the regular parties, to get his name before the voters. Employers, if they had not already handed their employees prepared ballots, could watch them and discern which ticket was voted by

1. Statutes of 1884, Sec. 2948.

2. General Code 1891, Section 5017

3. " " " " 5052.



noticing which one was dropped into the ballot box. The conditions finally became so corrupt that the movement could not long be delayed which proposed to make it the duty of the state to print, distribute the ballots, and provide for secret voting.

It was in the latter part of the eighties that the agitation for the above reform was under way in this and surrounding states. England had introduced the Australian system in 1872 and the public favored this method, with some slight modifications to conditions as they existed in this country. The force back of this demand was so strong that practically every state in the Union adapted this method in the years of 1889-96. The act authorizing it in this state was passed in 1891 and in common with the provisions in other states, provided for an official ballot furnished by the state which was to contain all names of candidates for office; equally important was the provision relating to secret voting, which made it possible for every voter to mark his ballot free from espionage and intimidation of all kinds.

The effect of this reform upon conditions surprised even those who had opposed its adoption, as revealed in an editorial appearing in the Cincinnati Commercial Gazette the day following the election.

"Our citizens can be congratulated on the general conduct of the momentous affairs of the day, offering so happy a

contrast to the methods of a few years ago, when howling mobs surrounded many of the polling places, fighting within themselves, pulling and pushing voters about, and shamefully maltreating some; when even police officers took a hand in unlawful and unruly proceedings and clubbed and dragged unoffending citizens to the station houses in order to prevent them from voting. A reaction to better times has come. The political bummer and thug has been relegated to the background, where he is made to behave himself, while good citizenship, always the power when it chooses to assert itself, has come to the front".<sup>1</sup>

The method for nominating candidates for places upon the ballot underwent practically the same change as did the ballot itself. At one time the convention or caucus was the means employed to nominate candidates for office. They eventually degenerated into contests of bribery, wire-pulling, and graft; because they had ceased to be representative and democratic, the primary was evolved to place the power again in the hands of the voter. The first enactment provided for a primary which was optional<sup>2</sup> with the various parties. By an enactment passed in 1886, the expense which had hitherto been borne by the party conducting the primary, were made a state charge. With subsequent legislation,<sup>3</sup> this primary was

1. Quoted in Form 12, Page 590.

2. Acts of 1871, Page 27.

3. Laws of 1908, Page 215.

made mandatory and statewide, with all provisions of the regular election laws applying to it. This was a great advance and preserved the purity of the nomination as the ballot protects the voter at the regular election.

The foregoing, in short, marks the progress and achievements of the ballot in our state. As the character of the electorate changed, the election machinery was made to conform to the new conditions. The growth of the urban element was instrumental in helping this along. It contributed to the elimination of the property qualifications for suffrage; it increased greatly the number of electors, thereby making it necessary to provide for some adequate registration and system of nominating candidates. In the meanwhile, the fruits of victory at the polls became greater and greater so that party spoils became increasingly attractive with resultant attempts to use illegal means to win the victory. The result of this was an official, uniform, and secret ballot, provided by the states. The nominations being made by primary, the voters had ample opportunities to express their will without outside influences or intimidation. Their government was exactly what they made it - no better and no worse.

THE NEED OF A NEW CODE.

- II -

For several years there has been considerable agitation by individuals and organizations for a complete revamping of the Election Law of the State. That this is needed is quite evident. The present laws upon the statute book were built piece meal, sections being added here and there as the needs were felt along some particular line. The fundamental features of the law, as they exist at the present time, were passed in the early part of 1891, being in force at the election held that fall.

During the years since that time, the following amendments and new features have been incorporated and added to the law:

- I - 1896. Candidates name to appear only once upon ticket.
- II - 1904. Above provision repealed.
- III - 1906. Separate ballot for members of boards of education and assessors of real property provided for.
- IV - 1908. Primary law made mandatory - advisory vote for United States Senators.
- V - 1911. Presidential preferential primary.
- VI - 1912. The Initiative and Referendum.
- VII - 1914. The direct election of Senators.
- VIII - 1917. Rotation of names within group at primary.

IX - 1917. Separate ballot for national and state tickets.

In attaching sections like these it is not always possible to make the new part blend and be in perfect harmony with the rest. It is very much like building an addition to an old house - it is possible but the structure will not be as serviceable as a new, modern, and up-to-date building. Similarly with our election law. Quite frequently these parts were added without considering in any great detail what effect it would have upon other sections. There are thus a number of defects that should be remedied.

There is more or less duplication of work which is the result of conflicting statutes. Section 4839 G/C. provides that "The clerk of each board of education shall publish a notice of all school elections ten days before holding such election". Section 4998 G.C. provides that "When nominations of candidates for member of board of education have been made, the board of deputy supervisors shall publish on two days prior to such election a list of names of such candidates". It is self-evident that one notice would do the work as well as two. Another example of duplication of work is when the mayor issues a proclamation announcing municipal elections<sup>1</sup> and several days later another proclamation concerning the sale of liquor.<sup>2</sup> In even numbered years, the sheriff issues the proclamation announcing the elections<sup>3</sup> followed shortly after by another from the mayors of towns and cities concerning

1. Section 4837, G.C. 2. Section 4841, G.C.  
3. Section 4827, G.C.



the sale of liquor.<sup>2</sup> It seems that this is an unnecessary duplication of work and effort which could be handled by one officer. No doubt, if the whole statutes should be gone over carefully other similar examples would be found, which a new code would eliminate.

In the second place, there is considerable confusion over the interpretation of various statutes. In practically every election some point arises which must be referred to the Attorney General or Secretary of State for decision. Several examples of this may be given. Section 4821 G.C. says that, "All proper and necessary expenses of election board shall be paid without enumerating what these are. Section 4841 G.C. provides for issue of proclamation before every election. The question arose whether the primary was an election which was so construed by the Attorney General. Examples of this are so numerous that one can not begin to enumerate them. A new code would eliminate these points of confusion and by inserting and stating exactly what is meant, the disputes over the interpretation of various statutes would cease.

In the third place, there are a number of inherent defects and obsolete provisions which should be remedied. Section 4859-4 G.C. says that, "The expenses of all elections shall be paid by the County Commissioners, as other county expenses are paid" except that the primary elections<sup>4</sup> and elections on odd numbered years<sup>5</sup> shall be assessed against the municipi-

2. Section 4841 G.C. 4. Section 4991 G.C.

5. Section 5053 G.C.

pality where they are held. The county thus pays the expenses of any and all special elections that may be held within any subdivision of said county. This is an injustice against the other divisions of the county who thus help pay the expenses incurred by others without deriving any benefit therefrom. Of another nature are the provisions for polling the absent vote. These are inadequate and not all adopted to the conditions now existing. This part must needs be radically changed so that the absent vote at present or any other time may be polled with the least amount of difficulty and friction.

So much for the defects of the statutes. There are, however, other considerations that must be taken into account. Conditions within the state have changed entirely since the foundations of the present law were placed upon the statute book. We have made the transition from an agricultural to an industrial and manufacturing state. Fifty-five per cent of the people live in the cities. As a result of this fact, the social and economic conditions of the people are very much different than they were a quarter of a century ago. Our constitution has been revised and there has been incorporated within it the Initiative and Referendum, which have already been used to bring proposals before the people for their acceptance or rejection.

This recent addition to the constitution has caused the legislature to hold a less important place in the people's mind. There are two ways in which this shows itself. First, there are some proposals that are no longer discussed by the

legislature but are always referred to the people. The liquor question is an example of this. Before the voters had the right to decide this proposal, it was always brought up in the legislature in one form or another. The I and R has removed this and others like it from the sphere of legislative control. Second, some bills are passed by the legislature with the certain knowledge that a referendum will be made upon the proposal. The legislature thus passes the bill to avoid the responsibility which would attach if the measure were defeated. It was claimed that the recent Reynolds Bill, granting women the right to vote succeeded only in passing because the legislators knew that it would be brought before the voters. They thus side-step their duty and pass inferior legislation knowing that the voters have a potential right to prevent this from going into effect.

In addition to the initiative and referendum the adoption of the 17th amendment to the United States Constitution took another power out of the hands of the legislature and placed it directly with the people. The Senators are now elected by popular vote. At present there is also the attempt of certain interests to have the voters pass upon the question of ratifying proposed amendments to the Federal Constitution. Whether it will succeed or not remains to be seen but it goes to show that the legislature is gradually losing its power.

Along with the decrease in the "sphere of influence" of the legislature has come a corresponding increase in the responsibility of the administration officials. The added

powers that are being given the executive shows this. In 1903, the veto was again conferred upon the governor. A number of elective officials have been made appointive. Old commissions have been consolidated making for centralization and responsibility of those in charge. These new and added powers have made the executive not only relatively, but also absolutely, a more potential and stronger ruler. It is but natural, therefore, that the governor should, more and more, be looked up to and held responsible for the whole state administration.

The new code should remedy existing defects. Of course, such laws can not remain static, but must be changed from time to time as the conditions warrant even as at the present time there should be a change in order to focus attention upon those parts of the ballot which concern the future weal and welfare of the people. It is only by making the voter see these things and cause him to think and consider over the topics that concern the states welfare that "Ohio will be kept safe for democracy".

REGISTRATION OF VOTERS.

- III -

The registration of electors is the foundation stone for an honest and pure election. It is here that the forces of corruption and fraud plan their first campaign and start the work which culminates only when the vote has been polled. It is here, too, that the forces of righteousness and good government must initiate proceedings to prevent any one from registering and voting except those who have an actual and bona fide right to do so.

This difficulty is found only in the cities. Here, in the highly congested places of population, we find men who have no fixed abode; they are at home wherever they remove their hats. Very frequently they are unscrupulous and willing to do the bidding of others, provided they can thereby secure a day's wages without honest toil. This is a fruitful field for corrupt work by bosses and ward heelers. In connivance with mean and contemptible men, who are willing to perjure themselves if necessary, a legal residence is established for this floating population and their registration thus secured. After doing this, they move to another precinct, where the process is repeated. When election day comes round, they are legal residents of several precincts and cast a vote in each.<sup>1</sup> This will run up the vote for the boss, making the problem of



good government an uphill fight.

It seems that thirty days in the county and twenty days in the precinct is too short a period for a person to acquire a legal residence. If this were increased, it would give much needed time after registration during which more investigation should be made, should doubt arise as to the eligibility of any voter. It would be necessary for the boss to have the pseudo voter on hand for a longer time in order to register. The answers of these could then be more fully investigated as to residence, work, etc. As it is at present, if doubt arises, there is barely time to look into the matter before election day is at hand, with the result that the questionable person must be allowed to vote. The mere fact that little or no investigation is made is an incentive to have as many as possible register illegally. The knowledge that there is sufficient time to look into and investigate each registration, if desired, would deter and prevent such illegal registration. Doubling the time that is required at present for a legal residence would not be too long. Exceptions could be made in favor of those persons who have been bona fide voters at the previous election and who have their card or certificate of registration from their former board of elections to certify such to be the case.

The election law at present is such that all cities over 100,000 population have an annual registration of voters;<sup>1</sup>

1. Section 4871, G.C.

those of over 11,800 people have quadrennial registration.<sup>1</sup> Four days each year are taken for this work, the first being five weeks, the next four weeks, and the last two days, three weeks before election day.<sup>2</sup> The same process is repeated year after year by the voters; they go to the regular voting booth where two registrars are stationed, answer several perfunctory questions and sign their names. For the permanent resident, this is an unnecessary and uncalled-for duty to be performed every year. However, he must do it if he wishes to have the right to vote in the fall.

A permanent registration list should be kept and having registered once, this should be sufficient until a person fails to vote at a regular election, when the registration would automatically cease. This would not be a difficult nor impractical thing to do. The information and signature of each registrant would be placed upon a small card, this to be permanently kept for the identification of that person. This would eliminate the present poll book and obviate the necessity of annual registration. If a voter failed to appear at a regular election his card would be destroyed. Should a voter move to another precinct, he could simply go to the board of elections and ask them to transfer his card into the new precinct and making the proper change of address upon the card.

It would thus be possible to materially reduce the number of days required for registration. One writer estimates

1. Section 4872, G.C.  
2. Section 4894, G.C.

that from thirty to forty per cent of voters move between elections.<sup>1</sup> As regards this matter, two typical business and resident precincts in Columbus were investigated. The registration lists of 1912, 1914, and 1916 were taken and compared with each other as to new and old names in the precinct. In the business precincts it was found that sixty-six per cent of names were new after an interval of two years. The residence precincts showed nearly the reverse. Only thirty-six per cent of names were new after the same interval. If these figures would hold true of all precincts, one day for residence and two days for business precincts would prove amply sufficient to list all new voters who may have moved or become of age.

In this connection we must mention the feasibility of making a registration for the primary election suffice for the general election in the fall. The board of deputy supervisors is required to provide for the registration of new voters for the primary election. This suffices only for the primary. Should the person fail to register again on one of the regular registration days, he will not be allowed to vote at the general election. It is perfectly obvious that this is ridiculous. The laws should be changed so that one registration will permit a person to vote at both primary and general election.

1. Finch, E.R., Independent 68, Page 1023.

The officers in charge of the primary should also be required to register voters upon that day for the election the ensuing fall. The vote cast at the primary is always light and the added work could be done without interfering with the regular work of the officers. Should any voter appear who is not entitled to vote at the primary because of failure to register, he can at once be put upon the lists for the general election in the fall. Without added expense, those two days could be utilized for registration purposes making for great convenience of the voters and decrease of expenses.

The law provides that after registration has been completed, the names in each precinct shall be arranged in alphabetical order and this list printed.<sup>1</sup> Provisions are made so that it is brought before the public, in order that interested parties may investigate any name that may be found thereon. This list, prepared as it is, does not lend itself readily to the purpose for which it is intended. The names should be arranged in the order of the street address given by each person registering. In that way, those who look over the list can see at once how many have registered from the various addresses. Should there be any improper registration it will be brought to light quicker because it will then be possible for each person to tell at a glance how many have registered from his neighbors' house. Because of the fact that it will be easier to detect

1. Section 4917, G.C.

improper registration, the list will be looked into much more carefully than is the present form with names arranged alphabetically. This change would not entail any extra trouble or expense but would do much to prevent illegal voting.

The provisions for the registration of voters are antiquated and obsolete. They should be changed so that the voters will be put to as little trouble as is consistent with an honest vote. A great improvement would be made by having a permanent registration list and making arrangements for the registration of voters upon primary election day.



NOMINATION OF CANDIDATES.

- IV -

The primary and nomination laws of Ohio are based upon that part of the Constitution which reads, "All nominations for elective state, district, county, and municipal offices shall be made at direct primary elections or by petition as provided by law, but direct primary shall not be held for the nomination of township officers or for the officers of municipalities of less than two thousand population, unless petitioned for by a majority of the electors of such township or municipality".<sup>1</sup>

The chief features of the Ohio primary election laws, as they exist at the present time, are as follows:

- I. The law is compulsory and state-wide for all state and county positions.
- II. All parties participate in the primary, having the same election officials and under the laws governing the general elections.
- III. Each party has a separate ballot. The names within each office group are rotated.
- IV. Party affiliation is determined by way voter casts his ballot at previous election.
- V. Candidates must file petitions sixty days before primary; the petitions must be signed by certain per

1. Article V - Section 7.

cent of qualified voters.

VI. Plurality of votes nominates.

VII. Provides for popular and preferential choice of delegates to the national convention.

These provisions have been passed from time to time putting the old convention method of nominating candidates into the discard. The caucus and mass meeting had ceased to function properly; there was too much opportunity that these instruments could be used by unscrupulous politicians and the party machine for the benefit of some particular faction or person. Too often had the will and wish of the rank and file of the party been thwarted, creating the demand for a truly representative and democratic method of nominating candidates for public positions.

The result of this demand is the present primary law. This has proven to be a great improvement over the old delegate and convention method. Although it is not perfect, it gives the mass of voters, if they avail themselves of the opportunity, a place wherein they may exercise their influence and make known their wishes. In order to attain this they must participate in the primary election and cast their ballots for those whom they wish to represent their party at the coming election. This raises the question whether each voter should be required to pass a test for party affiliation in order to participate at the primary.

We shall first discuss what is called the "open primary". The voter goes to the polls, secures the ballots of the various parties and marks one of these ballots without disclosing to the officials which party ticket was voted. It is possible where this plan is used for Democrats to assist in the nomination of weak Republicans or vice versa. This has brought out the claim that each party is able to settle their own family affairs. This plan, however, has the advantage that the secrecy of the ballot is maintained; neither is it possible to intimidate or use undue influence over the voters. The test of allegiance to any party assists the dishonest voter in that it is possible for him to switch from one party to another which the honest voter will not do.

The "closed primary" is the practice followed in most states. By this method, the voter must pass the test of party allegiance as prescribed by the law of his state. In Ohio "affiliation shall be determined by the vote of the elector making application to vote, at the last general election held in even numbered years".<sup>1</sup> There are some obvious disadvantages with this method. The constitution or statutory provisions of the state provide that all elections shall be secret, still, in order to participate in the nomination the voter must reveal either the ticket which was voted at the last election

1. Section 4980, G.C.

or the one that he expects to vote at the coming election. Rather than do this, many voters will not venture to attend the primaries, which makes the nomination an unrepresentative and undemocratic affair. The difficulty arises also with the independent voter - the man who may have voted for several candidates of two or more parties. Should he have a part in the nomination of candidates, and if so, which party ticket should be given him? There is the possibility also that voters may be intimidated to vote a certain party ticket as dictated by outside influences. The only commendable feature is that, if the party test be rigid enough, the unscrupulous persons will be prevented from participating in the affairs of another party. This will have a tendency to strengthen the position and influence of the different parties.

A third method is the "non-partisan" primary. All candidates for the same office are grouped together, regardless of their party affiliation. The electors vote for that person whom they wish to have as candidate, the two having the highest number of votes being put upon the ballot for the fall election. This method appeals especially to the independent voter. It will enable him to help nominate the best man for office, regardless of party or politics. The electors will consider more carefully the qualifications of each candidate. The partisan test ceases to play a part. This plan has been tried in municipal elections in order to prevent national

politics from influencing local issues. It is desirable for those positions and meets with approval wherever it has been tested.

Finally, there is present considerable movement which favors nomination by petition only; this would obviate the necessity of having the direct primary. In order to have a man appear upon the ballot, it would be necessary only to secure the requisite number of signatures of duly qualified electors. Those who favor this method hold that the direct primary is ill-suited for nominating candidates for the municipalities where it is very desirable that all politics be eliminated in the choice of the nominees. This plan would make it impossible to have party choices. Nevertheless, it would be possible to name an informal party convention and place the nominees upon the ballot by the petition process. These, however, would not have any advantage except what the party endorsement stood for. Candidates for members of boards of education are at present being nominated by the above process. This method has helped to remove these offices from the pale of political influence.

In view of these various methods of nominations, it is desirable that our state should have the plan best suited to our particular circumstances. In politics, Ohio is as doubtful as any state in the Union. The records of the elections in the past ten years show this clearly. Within this decade, we have elected a Democratic Governor and at

the same time given the Republican Electors for president a handsome majority. The Senators representing the state at Washington are of opposite political faith although both were elected by a popular vote. A Republican Governor succeeded a Democrat only to be again superceded by one from the opposite party. This peculiar situation is due, to a great part, to the independent vote within the state who has not affiliated with any party. Another contributing factor has been the fact that party lines have been strictly drawn, the voters knowing exactly what the various candidates stood for. These factors, it seems, would make it desirable that the "open primary" plan be adopted. This would prevent the independent voter and honest citizen from being disfranchised at the primary; voters could not be intimidated and the secrecy of the ballot would be amintained. The contention that members of one party would vote the ticket of the other holds true only when the nominations of one party are not sought after. Because the state is doubtful, there is always a contest at the primary to secure the coveted nominations. This would prevent, and prevent effectually, any voting of the opposition ticket in order to have candidates for that party. The contest for the various nominations within their own party is always close enough to prevent this from being done. Moreover, a weak candidate would not have a chance to secure the nomination because practically the entire opposition party would be

required to vote that ticket in order to overcome the lead of the strong candidate. Meanwhile, the nominations within their own party would go by default, which never happens where there is a contest for the nominations.

It is, however, not expedient to have nominations for all offices made by the open primary method. Political considerations should play no part in nominating men for a goodly number of positions. Names should be put upon the ballot for positions of purely local character by the non-partisan or petition process. This would help remove the harmful influence of politics from local affairs. Ohio should adopt one of these methods for a number of offices where the partisan test is now applied. Townships with less than 2000 population place names of those nominated upon the ballot by petition; there is no good reason why this could not be extended to larger units. The nominees for offices in municipalities and counties could be nominated very profitably in this manner. We are concerned with the qualifications and abilities of these men and not with their parties. In order to secure the best men and highest degree of efficiency, we should extend the method of nominating candidates by non-partisan or petition process to include municipal and county officers.

Where nominations are made by petition only, the question of the number of signatures that should be required is of considerable importance. If the number required is relatively large, there is apt to be some fraud or undue

influences used in order to get these signatures. On the other hand, if the number is small, it will cheapen the election. It would be possible to circulate petitions and nominate a man for no other purpose than to distract votes from another candidate. What is wanted is a golden mean between these two extremes, making it neither too easy nor too difficult to have names put upon the ballot. Closely associated with the foregoing, are the "prepared lists" of signatures which have been secured in advance and which are made to answer any purpose by adding thereto the proper title. Ohio has had some trouble with this in the recent referendum that was taken upon the question of woman suffrage. It was claimed, although not upheld by the courts, that many of these signatures were not bona fide; some had been copied, others secured without knowledge of their purpose. Some of these troubles could be eliminated if legal petition paper with date and purpose stamped thereon were furnished only by the Secretary of State or proper election officials. There is a tendency, also, on the part of some candidates to secure, for the sake of making an impression upon the rest of the electors, many more than the required number of signatures. Wisconsin prohibits this, allowing no more to be filed than the required per cent.<sup>1</sup> This makes it easier to check the names upon the petitions, each elector being allowed to sign only one petition. More care will be taken in getting signers

1. Election Laws of Wisconsin, Page 31 - 1912.



in order to make sure that all are bona fide. Unless this is done, the petition may not have the required per cent of legal signatures and may be rejected.

The question of expenses that must necessarily be incurred by the candidates in their attempt to secure a party nomination, is of no mean importance. The cost of the primary election is paid, of course, from the public treasury. The expenses connected with the campaign itself must be borne by the candidate. There is a danger that the man without considerable means cannot enter the primary lists or if he does enter, he may make promises and incur obligations which would interfere with his usefulness as a public official. The corrupt practices act sets a maximum amount that may be expended. This limit is always reached by those of means or who have some one pushing their candidacy. On the other hand, the chances are that the man for whom the "office is calling" is spending little or nothing. He receives little or no publicity, his qualifications remain unknown and the result is that the other man gets the nomination. In order to insure full and equal publicity for every candidate, it is necessary that the state should do its share. A method similar to the present way of distributing arguments for and against initiative and referendum proposals could be utilized. Each candidate would be given a certain space for a statement wherein he could formulate his policy and record for the perusal of the public. This would then be distributed to each voter at public expense.

The educational value alone would warrant the comparatively small amount that would be involved. Should the state perform this service, the fee now charged for filing petitions might be increased in order to prevent any from becoming candidates except those who are really sincere in their attempt. In one state this fee is returned if the candidate polls a certain per cent of the votes cast.

The short ballot, if adopted, would nowhere exert a greater influence than at the primary. It is here that the arguments for this proposal hold true with double and triple force. The number of offices to be filled is unduly large and because there are always a number of candidates for each nomination, the voter will be confused by a labyrinth of names, proposals and policies. It will be impossible to arrive at a conclusion which epitomizes the best judgement of the elector.

Compared with previous conditions, the direct primary constitutes a direct and distinct advance. There are a number of improvements that could be made which will come only when the proper interest and effort is shown by the public. The largest group of interested and active citizens will determine public policies and will select the persons to formulate and administer them.<sup>1</sup> It is desirable, therefore, that the interest of the electors be aroused to the possibilities that lie before them.

1. Merriam, C.E. - Primary Elections, Page 176.

CASTING THE VOTE.

- V -

Upon election day, many problems and questions of minor importance arise for decision. These may or may not be covered by the code. In any event the personality and sound judgement of the officials must assert itself. They must constantly bear in mind the principles of justice and equity in their decision of such questions.

The problem of assisting a blind or infirm voter is one that does not occur infrequently. Section 5078 G.C. says that such voter may receive the assistance of the two judges of election of opposite political parties. In a number of other states, such voter may designate such election officials or other electors whose assistance he desires. The choice is put up to the infirm elector. Where this is permitted, members of his own family can be chosen to give the desired help. This change, though of trivial importance, would be welcomed by those who are not able to mark their own ballots. In order to permit this assistance, several states have had what is known as the "Vest-Pocket" system by which the voter is allowed to take the ballot home with him. This lends itself to fraud quite readily; the same result would be attained should the infirm voter be allowed to choose the party whom he wishes to assist him at the polls.

Of more importance are the questions arising when a

voter is challenged. The code gives a number of questions which shall be asked of the one whose right to vote is disputed. These invariably take the form of 'yes' and 'no' questions. It is a psychological principle in pedagogy that this is not an effective method to be used in asking questions in our schools; teachers are told again and again not to put questions which can be answered by either of these two simple words. It stands to reason that the same holds true of grown-ups. Instead of asking, "Have you resided in the state for one year immediately preceding this election"?<sup>1</sup> the question should be, "How long have you resided in the state"? This method should be followed in all questions, and the information thus secured compared with the information upon the registration card. Should there be any discrepancy between the two, it would be prima facie evidence that the person is not entitled to cast a vote. This would place the repeaters at a disadvantage; it would enable the officials to detect these offenders and mete out such punishment as they deserve.

The use of voting machines to poll the vote is one that has risen time and again. These instruments are used in a number of states and cities and are giving full satisfaction. The voters cannot make the mistakes that are made where ballots are used; if a candidate within an office group has been voted for the machine automatically locks itself. With the ballot, however, there is nothing which hinders the voter in voting

for two or more candidates in which case the vote for that office is lost. There is no danger of fraud in voting, the ballot is secret and the correct count can be arrived at in a very short time after the closing of the polls.<sup>2</sup> The same writer estimates that the decreased cost of holding elections would, within a few years, pay for the machines.

The Ohio Legislature, in 1898, enacted a law authorizing the purchase of voting machines with the result that a number were purchased. The question arose whether this was constitutional; the article in doubt reads, "All elections shall be by ballot".<sup>3</sup> The case finally reached the courts which held that voting by machine was not a vote by ballot, hence void.<sup>4</sup> In view of this decision it will be necessary to amend the fundamental law of the state before the benefits and advantages of the voting machine can be utilized.

2. Keifer, Frank - Forum 28, Page 194.

3. Article V, Section II

4. State vs Board 80 O.S. 471.

## COUNTING THE VOTE.

The most difficult and trying work of the officials comes only after the ballots have been cast and the polls closed. This is due, in great measure, to the form of the ballot which is such that the work cannot be systematized. Each ballot must be treated as a unit in the count to be carefully gone over and each mark duly recorded. The office group ballot, on the other hand, can be readily systematized and the work of the officials made much easier. The frame system whereby the ballots are placed in squares and marks counted vertically and horizontally, is used in the states that have the office group type of ballots. If the two totals compare, the count is correct. The count is arrived at easily and quickly and is absolutely correct. In other states, the voting machine automatically registers the totals for each candidate.

The election returns, as a rule, are tardy and slow in being verified. There are several contributing factors for this. Besides the reasons mentioned above, the number of tickets makes the process of counting a long drawn-out affair. It seems that some of these ballots could be consolidated. The law provides that each bond issue be submitted to the people; each one of these questions is submitted upon a separate ballot so that the voter receives as many ballots as there are bond issue questions before the voters.

At a recent election in one city, there were six of these ballots handed to each voter. There is no reason why those proposals which deal with bond issues could not be put upon a blanket ballot. The same thing is true of initiative and referendum measures. Could not a blanket ballot contain all such proposals as are submitted to the people? Likewise, a number of ballots upon the municipal ticket could be united. As the office group ballot without party designation is used for these offices, there is no good reason why the judicial officers, assessors and remaining officials should each be elected upon a separate ballot. The board of education ballot must remain separate, the women being allowed to vote for these candidates. It goes without gainsaying that the work of the officials would be decreased, should blanket ballots be adopted for identical purposes. This would tend, also, to make for less confusion on the part of the voter.

The 'Double board system' used in Oregon, has a number of advantages over the single board. In that state there are two complete sets of election officials; one of these has charge of the polls during the day while the vote is being cast; the other takes charge directly after the closing of the polls and counts the ballots. This relieves the first board after they have put in a twelve hour day and with the new men upon the job, a quicker count will be assured. The new set of officials, not being tired and worn out, will take more care in their work - hence there will be fewer mistakes. Any corruption or wrong-doing

on the part of the first board will be brought to light with a new force of officials upon the job. No mistakes made during the day can be covered up in the count. As for the cost of this method, the slight increase would be justified in view of the advantages derived; the officials at present are virtually paid a two days' salary which could be reduced materially if the double board system were introduced.

#### COMPULSORY VOTING.

In every state there are always a certain few who fail to vote. In the great majority of cases, it is simply the neglect of thoughtless and careless citizens in the performance of their duty toward the state. It has been claimed and advocated that we should have a compulsory law which should force such people to do their duty both to themselves and their fellow citizens.

Several European countries have enacted laws making voting a legal duty. The methods followed in the various countries are practically alike. If an elector does not cast his vote upon election day, he is notified of the fact and a fine assessed, which can, however, be excused for sufficient cause. Should an elector fail to vote at a subsequent election, the fine is increased with each offense, until finally the voter's name is stricken from the list and he will be debarred from holding any office.



The compulsory law has been very successful in Belgium; less marked have been the results in Spain and Austria which lend view to the claim that a full vote would have been cast in Belgium even if there were no compulsory law upon the statute books. The success is attributed, not to the law itself, but to the natural and inherent interest of the voters.

As yet no state in the Union has enacted a compulsory voting law. All have followed the principle of the axiom "that you can lead a horse to the trough but you can not make him drink". It would be possible to force the voters to go to the polls but it would not be possible to force them to think and vote intelligently; we do not need more voters as much as we do need intelligent and discriminate thinking by those who do cast their votes. Even if we should force the voters to go to the polls, there is nothing that would prevent them from casting a blank ballot.

Other objections that are not met in European countries would arise in ours. Elections in the United States are much more frequent and relatively unimportant as compared with those abroad. The frequency of these elections would be an unsurmountable difficulty in the successful operation of a compulsory law. Abroad, the elections are held upon Sundays, which gives the voter an opportunity to attend the election without interfering with his employment. In most states this has been partially met by making the election day a half-holiday.

In view of these difficulties, it seems that the time is most ripe for a compulsory voting law. There are other

measures that the state can take in order to eliminate the stay-at-home vote. If we had a shorter ballot and fewer elections, the interest of the voters would be stimulated. Proportional representation and preferential voting would bring out many votes that are not cast because the election may be a foregone conclusion. It is along these lines that the state should proceed to get all voters to exercise their birth-right.

#### THE ABSENT VOTE.

The question of the absent vote is one with which a former generation has struggled and which was solved satisfactorily for their day. The problem arose during the Civil War, when many of the voters of the states were encamped upon southern battlefields. Under the then existing legislation, these were disfranchised. The legislature was petitioned to pass a law remedying this defect, which was accomplished only after experiencing great difficulty in reaching an agreement between the two houses. The bill provided that a poll should be taken wherever the states' soldiers should happen to be located and the results of the election sent to the respective counties, there to be added to the results of the home election before the final result was certified. The constitutionality of the law was questioned and taken before the courts being in the end upheld by the Supreme Court of the state. Almost forty thousand soldiers votes were cast in 1864. This was over eight percent of the total vote polled in the state and showed plainly how the soldiers stood upon the issues that confronted

their country at the time. They fought their enemy at the front with the sword; the one behind the lines with the ballot.

After the war, little need was felt for this law, all the soldiers and sailors being disbanded and at their homes. It went into desultude and was finally repealed. Little need was felt for a law taking care of the absent elector, as practically all could arrange their work so as to be able to attend the polls. With the ever increasing complexity of our commercial and economic conditions, it was no longer possible for every elector to be at their home "on the first Tuesday after the first Monday in November". The increasing numbers of commercial travelers, college students, railroad employees and business men caused many electors to be absent from their homes upon election day and prevented these from performing their duties as citizens. As was generally the case, these men with wide business experience, training, and sound judgement were deprived of their vote. Those who were among the class best qualified to vote, were disfranchised.

The agitation for a law to remedy this defect became so universal that in 1916 an enactment<sup>1</sup> providing therefor was passed and duly became effective. This provides for a 'postal vote' by which the necessary ballots are secured previous to the election, marked and properly attested and returned to the home county. These ballots, in the sealed envelope, are there given the officials from the precinct in which the elector is

1. General Code, Section 5078.

a voter and sometime on election day his name is called, entered upon the poll books, envelope opened and ballots dropped into the box as though the voter were actually present.

There are several ways in which the above could be improved upon. There is, of necessity, considerable trouble and bother in procuring a ballot by mail, which would be eliminated if the elector could vote wherever he might be located upon election day. Kansas, for instance, permits voters away from home to go to the polls anywhere within the state and upon making affidavit that he has a bona fide right to vote, is given a ballot which is marked in the regular way, placed in an envelope and returned to the voter's home county, where it is counted before the canvass of the vote is made public. Minnesota has a similar provision, with the exception that the voter must have a card of identification from his home board of elections. This method is much simpler than voting by mail and will appeal with greater force to the average man. The elector, of course, will be enabled to vote only for those positions and propositions that are statewide if he avail himself of this method of voting. There is very little possibility of fraud and is easy and simple to carry out.

More expedient than either of the foregoing would be a method whereby a voter, who knows that he is to be away from his home on election day, could appear before the election board and cast his ballot prior to the general election. His ballot would be delivered to the precinct officers who would

deposit it in the ballot box in the regular way. This 'early vote' as it is called, has obvious advantages over the other two methods and should be utilized by our state.

Neither of the three foregoing methods takes care of the voter who may have had the misfortune to break his leg or contract an illness which confines him to his home. Attendance at the polls has heretofore been required; the voter who can not be present or appear before a notary public to attest to the affidavit required with the mail ballot, is disfranchised. Some scheme should be devised to take care of the sick and infirm, whereby they could cast their ballots in their homes. In cities, it might be feasible to send two of the officials to the home of the sick person, have the ballots marked in their presence and returned by them. The ballots could also be sent by messenger or by mail. However, in any scheme of this sort, fraud and undue influence could easily be practiced, which must be zealously guarded against.

The agitation at present concerns itself with the soldiers' vote. When a large number of men are absent from the state as in time of war, the polling of their vote is an enormous problem. The peace time methods are not adequate to perform this duty. At present there are over one hundred-thousand of Ohio's sons in the service of their country and by the time of the next election, this will be greatly augmented. In the days of constant shifting and transferring of men, it is obvious that the mails will not reach them. A less cumbersome method must be adopted.

The states that make provision for the soldier vote, follow, in substance, the methods followed almost universally by the states during the Civil War. The Secretary of State furnishes the commanding officer with the nominations of the various counties and the necessary supplies for holding an election, which is conducted with men in uniform as election officials. The vote is counted and transmitted to the Secretary of State who in turn certifies the result to the different counties. This method has its disadvantages. Where men from many different states and counties are in one command, it stands self-evident that it may be possible to arrange only for state and national tickets and propositions statewide in character. This would lessen the work very much and still permit the soldiers to vote upon the most important issues. Again, it may be expedient though more expensive than any of the other methods to have a representative from each county board go to the cantonment and poll the soldiers' vote, as was done at the last election. This, without doubt, was extra-legal but its necessity was so obvious and the need so great that no objection was raised. It is thus seen that no one method can be prescribed which will be adequate in all circumstances and cases. The law should make provision for these different conditions, leaving it to the discretion of the Secretary of State which method or methods shall be used.

At present the need of an efficient method of polling

the soldiers' vote overshadows all others. This does not mean that the improving of the methods of polling the absent civilians vote should be neglected; rather, it means just the opposite. War with its attendant circumstances is an abnormal state of affairs and the needs and circumstances pertaining to it will pass away with the return of peace. The state should, therefore, make such provisions as will take care of the soldiers' vote and at the same time perfect and improve those methods whose usefulness and utility will continue to be felt through years to come.

FORM OF BALLOT.

- VI -

Ohio soon adopted a modification of the true Australian system after its introduction into this country during the late eighties. The law authorizing the system was passed in the spring of 1891 and was in vogue at the gubernatorial election that fall. This was a radical change from the former methods of voting in that the state now furnished a uniform ballot for all voters. Formerly the ballots had been furnished by the various parties and interested individuals, so that it was an easy matter to see how an individual voted merely by noticing which ballot he deposited in the ballot box. This led to fraud and intimidation of voters, finally resulting in the passage of a law which made for secrecy and uniform ballot, furnished by the state.

The party column ballot was adopted. By this method all the candidates of the same party were put under the appropriate office in separate columns requiring a mark for each candidate voted for. After the first election, the party emblem and circle system was added making it possible to vote a straight ticket by marking cross in the party circle. A mixed ticket could be voted by one of two ways; by going over the whole ballot and checking each candidate desired or by making a cross in a party circle and then checking such candidates of other parties as were desired. This method is still in vogue



today. In the twenty-seven states that have the party column system, we find considerable diversity in the form of ballots. There are several states that have the party column but without the party circle, thus making it impossible to vote a straight ticket with a single mark. This is an improvement over the party emblem and circle method but still retains considerable of the objectionable features of the party column system. There is considerable difference in the details of marking in the various states; ballots that would be valid in one, would, according to the rules of another, be illegal but these differences are of minor detail.

A number of serious objections to the party column ballot have gained force during the last decade. This particular system was developed because of political considerations and is consequently the politicians' ballot.<sup>1</sup> Before the state had any definite ballot system the professional politicians and party clique had things very much their own way. They printed and distributed the ballots, so were able to dictate what names should be placed before the voters. It was then up to the electorate to either write in the name of the desired person or secure posters and stick them upon the ballot. This was done only in exceptional cases. During all this time the agitation for a secret and official ballot, containing all the names of persons who were candidates for office, continued

1. Whitlock, Brand - Conference of Good City Government - 1907  
Page 201.

unabated. It was evident that the sphere of influence of the politicians and strict party men would materially decrease, unless they could force some form of ballot upon the state which would make voting for the average citizen difficult and cumbersome. The result of this is the party column ballot, which decidedly favors the party and the strict party man.

In the first place, the party column system makes for a large, cumbersome and unwieldy ballot. With the advent of minor political parties an additional column must be added for each new party that may have candidates in the field. Frequently these minor parties fuse with some other party, at least upon a number of candidates. This means that the name of that candidate will appear as many times upon the ballot as he had been nominated by a political organization; at a recent election in New York City, there were twenty columns upon the ballot, the names of the winning candidates appearing in seven columns.<sup>1</sup> This same thing could happen in this state, the law being repealed in 1906 which forbade the printing of the same name in more than one column. The ballot is thus practically the same as it was in 1891 with the exception that a number of minor parties have secured a place upon it, increasing its size and making it cumbersome to handle.

Voting this form of ballot is a difficult task for the average man. True, there are elaborate "Instructions to Voters"

1. Cleveland, F.A. - Organized Democracy, Page 265.

tacked up on the booth or printed upon the ballot but these are prima facie evidence that the marking is an intricate duty. This reflects either upon the intelligence of the voter or upon the system. It certainly should not be necessary to forewarn and precaution the persons who decide upon questions of policy - if they must be so warned about marking their ballot, they are not the proper persons to have the right of suffrage. It follows then, that the system is at fault, which because it is intricate, is the cause of many voters marking their ballots in an improper or illegal manner. Because a name is found in several columns some voters may check before each instance that it is found; or in switching from column to column, he may become confused and vote twice for candidates for the same office. In either case his vote for that office is invalidated. Too frequently some offices are entirely overlooked. That the Ohio voter is guilty of this is shown by the different totals cast for the various candidates at the last election.

Office	Total Vote	No. not voting	% of total
Governor	1,174,057		
President	1,165,086	8,791	.76
U. S. Senator	1,160,091	13,966	1.18
Lieutenant Governor	1,156,455	17,620	1.49
Secretary of State	1,153,355	20,636	1.76

Certainly this large percentage was caused, not because the voter did not wish to cast his ballot for all offices but rather because of mistakes and failure to mark, due to the complicity of the system. In one instance given above, those

who failed to mark their ballot held the balance of power and could have swung the election the opposite way. Such instances should not occur in a democracy; each citizen should do his complete duty at the polls and without question they will do this if the state does not prescribe a system which puts a premium upon superior intelligence.

Neither is the party column ballot conducive to a quick, systematic and orderly count. Each ballot, unless it is voted outright, must be handled as a unit in counting. Even if there is a cross in a party circle the officials must go over the ballot completely and ascertain whether the voter did not thus indicate the fact that he favored a majority of the candidates of that party, but not wishing to mark each separately indicated his choice of those outside his party with a cross in the proper square. This necessitates very careful work on the part of the officials and if a mistake should be made, it will be very hard to detect. No scheme has been devised, neither is it possible to devise one, by which there is a double count of a group of ballots by simply going over them horizontally and vertically and comparing the two totals. Until a system is adopted which admits of a double count at one operation, the returns will be late, mistakes easily made and hard to correct if found.

The party column ballot does not promote discriminating and intelligent voting. The partisan and party man is put upon an entirely different basis than is the independent voter.

The former can cast his vote with one simple mark while the latter must check each candidate that he wishes to vote for. This alone discourages the voter who is not inclined toward partisanship. It may take him several minutes to go through the complete ballot and mark it as he desires. The boss and ward heeler need only observe the time required by the various voters in marking their ballots to discover who votes a straight or split ticket. If voters are intimidated, it will be easy to observe whether they are obeying their orders or not. The advice always given by the party men is "Vote the Ticket Straight". We are to follow blindly the dictates of a party thus helping to elect the weak as well as the good candidates. It frequently happens that a strong man is put at the head of the ticket with lame ducks and very inferior men for the other positions hoping that the latter will be pulled through by the strength and personality of the leader. In order to do this, they try to play upon the fears of the voters telling them that a mark under the 'eagle' or 'rooster' is the only safe way to prevent one from invalidating part of his vote through mistakes in marking. More often they succeed than not. That the average voter in Ohio does not split his vote to any extent is seen by comparing the percentages cast for the various offices at the last election.

Office	% of Democratic Vote	% of Republican Vote
President	51.8	44.2
Governor	48.4	47.8
Senator	49.2	46.1
Secretary of State	48.9	47.1

The totals vary about three per cent which would indicate the amount of independent voting that is done. Other states that have the same kind of ballot, making it easy to vote a straight ticket show similar results.<sup>1</sup>

The party column ballot has outlined its usefulness in Ohio. The state should attempt to make its ballot small and compact for the benefit of both voter and election official who must count the tickets. It could be so simple that a minimum of reasoning power could fathom it without trouble. Equality of effort and number of marks should be required of all voters. These things are not attributes of the existing ballot in Ohio but should be made so.

The office group ballot has these desirable qualities. All the candidates for the same office are placed within the office square. Sixteen states have ballots patterned after this type. In some the parties name is printed after that of the candidate while in others there is no designation of party. Names are generally in alphabetical order although they may be in regular party order. The position of names is decided also by lot or according to vote cast by party at the previous election; other states rotate names within the group so that each one comes first, second, etc. an equal number of times. The original office group plan does not provide for a party emblem or circle, by which a straight vote can be cast, with one mark. Several states have adopted this feature and conse-

1. Allen, P.L. - Political Science Quarterly, No. 21, page 42.

quently have some of the bad qualities of the party column ballot. New York only a year ago adopted a ballot which combines the party emblem feature with the office group plan, the emblem being placed before each name in the office group. There is no provision for voting a straight ballot and is a decided improvement over their former ballot. It will bear careful watching as to its future workings. The type that is desirable for Ohio is that prevalent in most states by which a mark is required for each and every candidate voted for.

The office group system makes for a small, compact and well-ordered ballot. No name will appear more than once upon the ballot even though that person be nominated by half a dozen political parties. This will keep the size of the ballot within bounds; the voter need not fear that he will be frightened by the large proportions of party column ballots.

It is an easy matter to vote under this system. All the instructions that a voter needs is "Mark cross in square opposite candidate desired" and "Vote for one candidate" at the top of each office square. All the candidates for any one office are directly in front of one voter and he need not go from column to column to find the desired candidate. This will eliminate all mistakes of double marking which are so prevalent in the party column ballot. Neither will a person fail to mark his ballot for all offices unless it is deliberate.

Counting the vote with the office square type of ballot can be made very systematic and orderly. Each can be made the part of a larger unit making for less and quicker work on the part of the officials. The ballots can be arranged in squares of any number and the total for each candidate in that square arrived at by counting the marks horizontally across the page. This result can be quickly checked by merely counting the marks vertically upon the page and if the two totals are equal, the count is correct. This double count makes it impossible to arrive at the wrong total. All chance for corruption or "accidental mistake in counting" is removed; challengers and the public can see at a glance whether the officials are making an honest count or not.

The best result of the adoption of the before mentioned system of voting will be in that it encourages independent and discriminating voting. The partisan who wishes to vote for all the candidates of one party, must make exactly as many marks as does the person who votes intelligently. The "Vote the Ticket Straight" slogan will not appeal to anyone except the extremist and even he must use ordinary discretion to vote for all candidates of one party. The strong men on the party ticket can not be expected to pull the weak candidate through - rather, more attention will be given by the party so that worthy candidates are nominated for all offices. The fear of making a mistake in marking their ballots can not be used to get voters to follow blindly the dictates of a party.



That the most independent voting is done in the states that have the office group plan is an established fact.<sup>1</sup> Several examples of this may be given from the 1916 election:

	State	Office	Dem. % of Vote.	Rep. % of Vote.	Difference of two.	
Office	California	President	46.6	46.2		
		Senator	29.5	61.	15.9	14.8
Square	Kansas	President	49.6	44.1		
		Governor	35.2	64.8	14.4	20.7
Party	Washington	President	48.2	43.8		
		Senator	37.1	55.3	11.1	11.5
Column	S. Dakota	President	46.	49.		
		Governor	39.	59.	6.	10.

The differences invariably favors the office group type of states and the conclusion naturally is that the system of voting is one of the contributing causes for this.

In view of these desirable qualities of the office group type of ballot, it seems only logical that Ohio should speedily change its existing statutes in its favor, preferably without party emblem or party designation. In no wise should provision be made for a party circle to enable voter to cast a straight party ballot. The voter in Ohio would not be inconvenienced by this change to office group without party designation because members of boards of education<sup>2</sup> and judicial<sup>3</sup> and municipal officers are at present elected without party designation or party emblem. This change would merely carry to a conclusion what has already been partially installed.

1. Allen, P.L. - Political Science Quarterly, No. 21, Page 44.  
2. Section 5032, G.C.  
3. Section 5054-2, G.C.

A word needs be said about the desirability of eliminating the names of the different nominees for elector of President from the ballot. The Constitution says, "Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the state may be entitled in Congress".<sup>1</sup> This would, it seems, clearly permit the legislature to direct that each party should certify to the Secretary of State the names of those persons that it has nominated for elector and instead of putting these names upon the ballot, simply provide under the names of the candidates of that party for President and Vice President, a space for voting for "Democratic Electors" or "Republican Electors", etc. The Secretary of State would then credit each elector of the respective parties with the total vote cast for their group of electors. This would eliminate the paradox of permitting a man to vote for electors of different parties. This happens at every election, there being a difference of over 10,000 between the highest and lowest Democratic electors at the last election. The difference between high and low electors on the Republican ticket was over 5000. This entails a vast amount of work upon the election officials and also confuses the voters. All this is unnecessary and should be done away with.

1. U. S. Constitution, Article II, Section I, Part 2.

Closely associated with the form of the ballot is the feasibility of having separate elections for the offices of the various political units. Up until 1908, Ohio had partial separation of national and state elections, the governor being elected every odd year, while the rest of the state administrative officials were elected on even years. The law was then changed and the governor was also elected on even years. This brought national, state and county elections before the voters at the same time. This is not desirable. There are times when the voter is supposed to exercise his judgement as to policies and upon other times the only function which he ought to perform is to dictate between the various candidates.<sup>1</sup> He can not do this if all these officers are elected upon the same day. To a greater or lesser extent, one will be interwoven with the other; if not actually, then it is made so by the party leaders. The tickets of minor importance are more or less bobtails to the one of major importance, although the underlying principles which should govern the voter are entirely different.

It is quite generally conceded that in national elections the question of policy is of paramount importance; in fact, it is upon this issue that the decision turns. This is true to a much lesser degree, of the governor and the state administrative officials. Most of the work done by these officials is mere routine and questions of issue and policies do not enter.

1. White, Thomas R. - Conference of Good City Gov't, 1907, Page 211.

When we come to county and municipal affairs - purely administrative offices - there is absolutely no excuse for injecting politics into the election of these men. The only things we should be concerned about is their capability, their honesty, their integrity and their efficiency. These qualities are primary, all others secondary. It is therefore highly impracticable to hold elections in which questions of policy on the one hand, and questions of honesty and ability on the other, are voted upon at the same time; to prevent undue influence of one upon the other, they should be separated.

There are several ways in which this could be done.

Elections could be held before or after the national election or the odd years could be utilized. The latter is more preferable because the elections would then be spread equally over the years and the interest of the voters between retained.

The ideal system would be to lengthen the term of state and county officers to four years, having elections in the following order - national, state, congressional and municipal. This would entirely place each into its own sphere of influence.

If it is impossible to accomplish this, the next best thing should be done and county officers chosen on odd years. It is only logical that this should be done. Township and municipal officers are chosen in odd years and as the county duties are also purely administrative, they should be elected at the same time.

If the elections should continue to be held as at present

the advisability of maintaining the practice of having separate ballots for the various units is raised. At present the voter receives, on even years, a party column ballot of the national ticket, another of the state and county ticket and a third non-partisan judicial ballot. The mere fact that there is a separate ballot for each unit will not tend to separate the influence of one unit upon the other, if the voting is done at the same time unless the ballots should be different in form. On odd years the voter receives a non-partisan ballot for township or municipal offices, another for members of board of education, a third for judicial offices and a fourth for assessor. This seems an unnecessary duplication of ballots. There is no reason why they should not all be put upon one non-partisan ballot, with the exception of members of boards of education for which office women can vote. If this were done it would mean much less work for the election officials.

In this connection it is necessary to discuss the effect woman suffrage will have upon the ballot, should it become, as it without doubt will in time, a part of woman's rights. The earlier states to grant them this right had the same kind of ballots for both sexes. Illinois, however, follows the novel experiment of giving the women a different colored ballot than is provided the men. They are thus able to divide the vote of the two sexes. This makes it possible for statistics to be compiled, showing how either sex voted upon any

proposition. This will have a tendency to create more interest among the voters and may make it easier to poll a full vote. Should any partial suffrage be granted the women of Ohio, as was contemplated under the Reynolds Act, which, however, was defeated by Referendum, it would be necessary to furnish a ballot for each sex or divide the ballot into parts according to suffrage granted to the women and then give each voter the ballot or ballots to which he or she may be entitled. If this question is viewed from the point of those who count the votes, both men and women will be given a ballot containing all names for such offices as each may be entitled to vote for. It would be thus similar to the Illinois ballot in that the vote of the sexes could be differentiated. If complete suffrage were granted there would be no need of providing dissimilar ballots unless for the purpose of discovering how the sexes voted upon the various questions.

Inasmuch as the form of the ballot exerts a powerful influence over the voter, it should be such that all candidates and parties are affected equally and impartially. With this in mind, Ohio should adopt the 'office group' ballot without party circle, emblem or designation. A further step must needs be taken so that national and local elections are separated completely. The names of electors for President could be safely left off the ballot. It is only when these things are done that one candidate or party will not be benefited while another is the loser, because of the form of arrangement of the ballot.

EXPENSE OF ELECTIONS.

- VII -

The amount of money spent for the various activities of the national, state and municipal governments is constantly being increased. This is due to the added things being performed for us by the different governmental agencies. We expect these to be improved and it is but natural that we should pay more for these advantages. The expense of conducting elections has also increased. One would expect that these costs would increase in direct ratio to the added number of voters. This, however, is by no means the case, as the following will clearly show:

<sup>1</sup> Year	Amount Spent	Voters	Cost per voter.
1900	\$350,706.65	1,040,073	33.7 cts.
1912	751,017.64	1,037,094	72.2 "
1914	847,952.38	1,129,223	75.1 "

In explaining this table, it is necessary to add that in 1900 there were no primary elections held which accounts, in part, for the small cost of that year as compared with later years. The primary, alone, was not instrumental in more than doubling the cost within a dozen years because in the rural districts and small towns and villages, no primary elections are held. Neither is the greater number of voters responsible as is shown by the fact that in 1912 the total vote cast was actually less than that of 1900. It is thus necessary to look for less obvious reasons for the cause of the great increase within the little more than a decade.

1. These are the only years when expenses were compiled by state.

Let us, first of all, look at the election precincts, tabulated below, and see whether they contain a cue.

Year	No. in state	Average vote to precinct.
1900	3181	327
1904	4123	244
1908	4526	248
1912	5331	195
1914	5517	203
1916	5756	203

The table shows that the number of precincts has been increased from year to year; in the same time the average vote in each precinct has been decreased by more than one-third. The following figures give a summary of the conditions as they exist at the present time:

Number of precincts with less than 25 voters	= 4	- Average	18.
" " " " 26 - 50	" = 53	- "	42.
" " " " 51 - 75	" = 156	- "	64.
" " " " 76 - 100	" = 235	- "	87.
" " " " less than 100	" = 448	- "	73.
" " voters in 448 smallest precincts	= 32732	- "	73.
" " " " 77 largest	= 32833	- "	413.

In comparing the figures for the years 1916 and 1908, we find that during that time the average size of precincts and number with over 300 voters were materially decreased while just the opposite is true of number of precincts with less than 100 voters and absolute number of precincts. This holds true in all counties save one. Both years show a wide discrepancy in the average of the various counties. In 1916, Paulding with 148 and Ross with 263 were the two extremes in the size of precincts. We also find considerable difference in cities.



Cleveland and Cincinnati show 233 and 226 respectively while Toledo and Columbus show only 181 and 188. There is no reason why there should be so great diversity in the size of the precincts of the state. In over half we find 220 voters or more and if it is possible for the officials in charge of these precincts to do their work efficiently, then the remaining half, counting an average vote of 150 are doing much less work and still receive a similar emolument. Think of the six officials counting a total vote of 714 in a Summit County precinct and those counting a total of 591 in a Cuyahoga County precinct. The latter is without question too large but the 448 precincts with less than 100 voters are just as surely too small. It would be possible without impairing the efficiency or working a hardship upon any of the officials, to consolidate and rearrange the small precincts, in this way eliminating at least a thousand. This would raise the average vote per precinct to what it was in 1908, when six more officers were elected by the people to state and county positions. With these removed from the ballot, making less work for the officials, they should take care of a larger rather than a smaller precinct. In spite of this fact, precincts have not increased in size.

The main reasons for the great differences in the averages of the various counties and the large number of very small precincts within the counties is found in Section 4822 and 4942, General Code, which reads - "Each deputy state supervisor shall

receive for his services the sum of three dollars for each election precinct in his respective county and the clerk shall receive four dollars for each precinct in his respective county' - Except that where registration is required the deputy supervisors shall receive as additional compensation for his services, five dollars for each precinct in the city and the clerk shall receive six dollars additional for each such precinct". The election boards of the various counties are thus dependant upon the number of precincts within their counties for their salaries and it is but natural that we should find the precincts growing more and more numerous. If they wish to increase their remuneration up to the maximum allowed by law they need only create more precincts. Since 1900, the number of precincts has grown by 65% while the population has increased only 15% during the same time.

If this nefarious method of paying the members of the election boards did nothing more than augment the salaries of these men, there would still be just cause of complaint. However, it does vastly more than that. For every additional precinct thus created, there will be six officials to be paid upon primary and election days; another set of ballots and supplies to be furnished and a polling place to be provided. The additional expense that is incurred because of each added precinct, can best be shown in tabulated form:

No registration counties

4 Deputy State Supervisors at \$3	= 12.00	Additional for Primary.	
1 Clerk " 4	4.00	8.00	
6 Officials upon Election day at 4	24.00	3.00	
Total	\$40.00	24.00	
		\$35.00	\$75.00

Registration cities under 300,000.

4 Deputy State Supervisors		8.00	
1 Clerk		3.00	
6 Officials upon Election day at \$8	48.00	48.00	
2 Registrars for 3 days " 8	48.00	16.00	
Total	96.00	75.00	\$171.00

Registration cities over 300,000.

4 Deputy State Supervisors		8.00	
1 Clerk		3.00	
6 Officials upon Election day at \$10	60.00	60.00	
2 Registrars for 3 days " 10	60.00	20.00	
Total	120.00	91.00	\$211.00

The cost of each added precinct varies from \$75.00 to \$211.00 depending upon the location of the precinct. In 1914, the average cost per precinct in the state was \$147.31. If the number of precincts were reduced by a thousand, as should be done, a saving of over \$147,000 would be effected, without detriment to anyone except those who would otherwise be upon the payroll. This would increase the average vote on each precinct to 250 which is not at all unwieldy or cumbersome.

In order to secure this reform, several radical changes are needed in the election laws. In the first place, the various counties will have to be classified according to votes cast or population and a stated stipend fixed for each, making the remuneration of the board of deputy supervisors independent of the number of precincts within their counties.

This would eliminate the opportunity to increase their salaries. Next, if the board of elections should fail to consolidate these small precincts or further divide existing precincts making the number of voters below a certain required minimum, a penalty should be attached and power given to some board of officers to compel such inequalities within the counties to be eliminated. Third, there is absolutely no reason why an election official in a rural county should receive only four dollars for his work while the official in Cincinnati or Cleveland receive ten dollars. Their duties and work are not dissimilar and such favoritism is a parody upon justice, which should in no wise be permitted to exist.

By reducing the number of precincts within the state the greatest saving will be affected. Nevertheless, there are a number of other instances where expenses can safely be reduced. The primary election is an example of this. All the machinery of the regular election is used with attendant expenses, in spite of the fact that a very light vote is always cast at these elections. The vote given below is of the 1916 primary, which is a typical example.

Rep. Candidates for	Vote at Primary	at Regular Election	% of Total.
Governor	282,478	561,602	50.
U.S. Senator	271,954	535,391	50.
Lieutenant Governor	239,373	540,766	44.2
Demo. Candidates			
Governor	188,343	568,218	33.
U.S. Senators	(No opposition)	571,844	
Lieutenant Governor	143,209	571,095	25.

The primary does not involve half of the work of the regular election and four officials could do the work easier than can six at the regular election. In the statewide primary held every second year, it would reduce the number of officials by over 11000 and the expense by at least \$50000. The vote cast in the presidential preference primary and the primary held in registration cities in even numbered years is even less than the above. There have been a number of instances where it has cost more than a dollar apiece for all votes that were cast within a city at certain such elections. This unnecessary expense should be eliminated by making provision for fewer officials to conduct the primary election.

The overhead expenses for members of the deputy board of state supervisors could be cut in half by reducing the number of members from four to two. These positions are 'plums' in the purest sense of the word and whenever a vacancy occurs, there is always a mad scramble of political favorites to secure their party's recommendation for the position. This is so, not only because of the salary attached, but also because the election board has more or less patronage to dispense. Most important are the various clerkships which are at the disposal of the board. These positions are filled upon purely political considerations, without competitive examinations of any kind. More help, too, is secured than is necessary, the election board being sole judge as to the number of clerks to be employed. They may employ temporary help at any time and it is within their province to keep this help upon the payroll as long as they see

fit. All other county offices must secure the sanction of the County Commissioners for their regular clerk hire. The board of elections should be made to do likewise. It would be advisable to have the clerkships filled by competitive examinations, this being possible because we have a Civil Service Commission which could conduct the necessary examinations.

The securing of a proper polling place has caused more or less trouble and expense for the various election boards so that today, especially in the cities, portable booths are used, which are set in place for the registration period and removed after the general election. The average cost of construction of these booths in Columbus is \$225.00 with an additional expense of \$25.00 per annum for repairs, storage and moving to and fro of booth.<sup>1</sup> The election board has overlooked the fact that the school houses and public buildings are available for polling places. The school house would not be occupied by the school children when the primary election is held and it would be a comparatively easy matter to arrange some hall room or basement for the regular election. The school children, at the most, would be around for only a short time of the day and would in no wise interfere with the work of the officials. On the contrary, it would give the children a vivid lesson in the duties and responsibilities of citizenship. They could see, much better than can be explained to them, that all have an equal voice in our government and that it is truly "A government of the people, by the people and for the people". The parents, too, will have

<sup>1</sup>. City of Columbus Survey, Page 209.

a lesson in store for them. Perhaps for the first time they can see for themselves what the public schools are doing and more especially how their own children are progressing.

Certainly these mutual advantages outweigh any objections that may be presented. Wisconsin has tried the experiment and is more than satisfied with the results obtained. If the schoolhouses are made polling places, they will be the hope of democracy in a double sense of the word, not only instilling the children with the proper ideals of citizenship and patriotism but also being the medium through which the voice of the people is made known. To have an election booth standing within the shadow of a schoolhouse or other public building should become as rare as it is frequent at the present time.

When schoolhouses or public buildings are not available, it would, in many instances be more expedient to rent a room or store, rather than move the portable booths over the entire city and have them standing upon the street corners where they are both an obstruction to traffic and an eyesore to the public. Instances where this has been done has affected an average saving of \$10.00 per precinct over the costs connected with maintaining and moving booths from place to place.<sup>1</sup> This method could be adopted in the outlying districts of cities, where rents are low. It is impossible to estimate how much would be saved by utilizing schoolhouses and public buildings and renting rooms, but it stands to reason that the saving would be considerable.

1. Survey of Columbus, Page 210.

The registration of voters entails more expense upon the citizens than is ordinarily supposed. There are 1565 precincts in the state where annual registration is required, of which 517 are in counties where registrars receive \$10 per day for their services. Inasmuch as there are four days for registration and two clerks to each precinct, the total amount paid annually for salaries alone is \$83,280. In addition to this there are 815 precincts where quadrennial registration is required which means an additional amount every fourth year of \$32,600. If the system of registration were radically changed and some form of permanent registration adopted as given under "Registration of Voters", the greater part of these amounts paid out for salaries would be saved.

In some of the before mentioned instances, the statutes must be changed before the saving may be affected, in others this would not be necessary. The election board can not reduce the salaries of the election officials but there are numerous other ways in which they are the sole judges of expenditures and upon them alone depends the responsibility of an efficient or lavish use of the peoples' money. "All proper and necessary expenses of the board of deputy supervisors shall be paid from the county treasury as other county expenses and the county commissioners shall make the necessary levy to provide therefore".<sup>1</sup> The statute does not specify who decides what are 'proper and necessary expenses' so the word of the board of deputy super-

1. Section 4821, G.C.



visors is final. This is not as it should be. There should be a check upon the board's expenditures. A budget should be required, completely itemized in all details.

A budget, properly prepared, is of great value to the public. It is educative in that the functions of each department must be explained. It checks extravagance because increases must be justified. Comparisons can be made between budgets of former years and budgets of other countries to find out whether undue sums are paid for similar services and supplies. The public has an active interest in how their money is spent and this interest will grow, if the various items are kept within the original allowance.

It goes without contravention that the budget furnished by the election board should be more than a voluntary service, which is sometimes done at present, for the mere convenience of the proper officials. The estimate of expenditures should be in detail, asking for stated sums to be applied for particular services or supplies. The County Budget Commission should have the power to cut down these estimates if they are extravagant and allow such sum as is deemed necessary. This would prove an effective check against undue expenditure for services, supplies and primary over which the election board at present has exclusive and absolute control.

As an alternative to county control, state control patterned after that of Oregon, might be admirable. Here the Secretary of State is more than in passive charge of elections.

He purchases all supplies, furnishes the ballots and other things needed. This has the advantage of large scale purchasing of supplies, with resultant reduction of prices. County officials, too, frequently indulge in local politics and log-rolling which would be eliminated with state control. It has the obvious disadvantage of the distribution of these supplies to the various counties, which would involve very much work and considerable expense so that stringent county control would probably answer the purpose better.

The expense of conducting the elections can thus be reduced in a number of ways and no bill that may be proposed and passed, would be satisfactory, we believe, unless it made provisions, among other things, for a considerable decrease in the number of precincts. This would decrease, correspondingly, the number of officials and the payroll. Other officials could likewise be eliminated without effecting the efficiency of the election machinery. A light vote is always cast at the primary election, so that fewer public servants could easily perform the work. No need exists of having four members upon the board of elections, each drawing a salary depending upon the number of precincts in the county. The membership should be reduced and their salary made dependent upon population or number of voters and not upon the number of precincts that they may establish. The expenditures of this board should be subject to strict budget control. No discrimination should be made with officials in rural and urban districts; with similar duties, they should

have similar compensation. Lastly, wherever possible, public buildings should be used for polling places rather than portable booths.

THE SHORT BALLOT.

- VIII -

The experience of Ohio as regards the short ballot seems to bear out the contention that men are unreasonable mortals - we want continually that which we do not have and when it is placed within our grasp, we change our minds and desire the things we had before. Under the constitution of 1803 the voters certainly had the benefits of a short ballot. Of the state offices, only the Governor and members of the General Assembly were elected by the people. The Secretary of State, Treasurer, Auditor, and judicial officers were appointed on joint ballot of the legislature.<sup>1</sup> This was not an ideal arrangement because it was too easy for politics and agreements to be made between the two houses concerning the appointment of men for these offices. This put the legislature in a bad light and led to the agitation that all offices be elective. This, however, could not be carried out as long as the provision for their appointment was embodied in the fundamental law of the state.

The case with the township and county officers was different. All township and town officers and the sheriff and coroner for the county were to be elected by the qualified voters and the other offices as might be directed by law.<sup>2</sup> With the creation of new offices the question arose whether they should be filled by election or appointment with the result that both types were adopted. Public opinion, however, was back of the demand for

1. First Constitution of Ohio - Art. VI, Section 2 - Art. III, Sc.8.  
2. First Constitution of Ohio - Art. VI, Section 1 and 3.

the election of these officers by the people with the result that there was a gradual change away from the appointment method. County treasurers, who had been appointed by the associate judges of the county, were made elective in 1827. The same was done in 1831 with county recorders. Prosecuting attorneys, first appointed by the supreme court, were made elective in 1833. The success of the voters in having these positions made elective did not appease them; rather, it fanned the flames for doing away with all appointive officials.

The question was brought up before the constitutional convention which met in 1851. Those who favored the election of all officials won a complete victory. The positions hitherto filled on joint ballot of the legislature were now to be elective. In addition, the new office of Lieutenant Governor was created. The voters had thus secured for themselves the right to elect all state, county and local officers, as well as judicial officials. This power has been added to from time to time as new offices are created so that if the number of offices which are filled by direct vote of the people be a creation for a "government of the people by the people and for the people", we certainly have it.

Ours was not the only state where this process was carried out. Other states show a similar evolution, differing in some particulars but on the whole very much alike. Neither is there any great difference in the number of elective positions in the various states although some have made strenuous efforts

to obtain a shorter ballot. In Ohio there are over thirty state and county positions to which incumbents are elected by the voters; in some of these positions, however, the term is for longer than two years so that the total number filled at any one election held on the even years is approximately twenty. In the township and municipal elections held on odd years, there are a dozen or more positions to be filled - important, unimportant, and otherwise.

At least two-thirds of these offices should not be given the attention that is accorded them. The Secretary of State and the Treasurer perform duties that are almost purely clerical. The former "shall keep a fair register of the official acts and proceedings of the Governor". The treasurer merely pays out the money upon warrant from the auditor and keeps a record of same. These offices have little or none of discretionary power and do not share in shaping the policies of the state administration.<sup>1</sup> These men are supposed to assist the Governor in the execution of the laws but it is entirely possible that they be of different political parties or factions in which case they would naturally be at odds. Instead of assisting, they would retard each other in order to gain some benefit for their party. It is especially important that the Governor and the Attorney General should be in complete harmony and sympathy with each other because the latter is legal adviser of the former.

1. Beard, C.A. - American Government and Politics, Page 484.

It is necessary that the Governor have the utmost faith and dependability in his adviser so that he may formulate his policies and direct the officers of the state aright.

Very similar conditions exist in the county. The clerk of courts, recorder, surveyor, and coroner are relatively unimportant offices. No power of initiative attaches to any of them. They are simply cogs in a machine performing duties as prescribed by law and from which they cannot deviate. Because a candidate may have a good grip, a pleasant word or a winning smile does not indicate that he is the best man that could be secured for that office. These qualities, however, are the drawing cards and upon which the decision frequently turns. It has been claimed that the candidate that can best flatter the women folks and the children secures the coveted position. These tactics, of course, only hide the less evident features of a mans' fitness for office.

The large number of positions to be filled prevents proper consideration of the various candidates on the part of the voters. There are always several parties in the field making for a large number of candidates. This causes confusion and doubt on the part of the voters. Issues are intermingled and become of trivial or no importance. The personal element then enters, especially in county and local politics. This can not help but be detrimental to the public service. Men of opposite political ideas and conflicting opinions of issues can and do respect each other but where the personal factor enters,

it cuts deep and leaves a wound which is not readily healed. Reducing the number of offices to be filled would tend to make the question of issues become of paramount importance.

That there is 'much blind voting' because of lack of interest and knowledge of the various candidates, can be discovered very readily. It is only necessary to ask your fellow citizens several days after any election as to who was elected for any particular position. Approximately three times out of four, they will not know even though they passed upon the qualifications of the candidates in voting for one of them. In a New York district, representative voters were asked directly after the election for the names of present and incoming office holders. Although the positions were quite prominent, from sixty-five to eighty-five per cent answered that they did not know. Without question, the same percentage would hold true in our state.

This multiplicity of offices which confuses the voter suits no one better than the politician. He is then able to play candidate against candidate neither of which is satisfactory to him and permit a third person to slip in, who would otherwise be a poor third. This is first attempted at the primary where the nominations are made for the offices. Should the result be unsatisfactory here, the politician will still have the regular election to fall back upon. The voters who do not think and consider upon the qualifications of the candidates really have no part in their choice. Their votes, by



the law of chance, fall equally upon the various candidates. The small per cent of voters that do consider and think how they vote thus have the balance of power and can swing the election to the candidate that they prefer. This small percentage generally consists of those who are directly interested and who have an axe to grind.

Only too often have the politicians been able to secure control in this way. During the last several decades, however, one can discern that a change is very gradually taking place in the minds of the public. The people are beginning to see that the election of all officials is not a panacea for all the defects that may exist in our government; that, if anything, it was the opposite. Different organizations have endeavored to educate the voter along this line and their work is not without its fruits. The demand for greater power and responsibility of certain offices, is increasing. Although the proposal for a short ballot was defeated at the polls in 1912 much hope remains that it will eventually become a part of the fundamental law of the state. In the meanwhile, there is a possibility that some of the minor officials can be eliminated by statutory provisions.

The start along this line was made in 1912. The State School Commissioner, a position which had been elective since its creation in 1837, was, by constitutional provision, made appointive. The position of Dairy and Food Commissioner was abolished and the work consolidated with one of the existing commissions.

The Board of County Infirmary Directors was likewise abolished and other officers made responsible for this work. The Supreme Court was given the power to appoint their own clerk instead of having him elected by the people. A good start has been made but there is still much to be done before the reform is complete.

This movement shows that better work is to be expected of the officials. Instead of playing politics in order to get another term, they must attend strictly to business and give a good account of themselves if they wish to secure re-appointment. Neither can they neglect their work and go off on a jaunt because their removal can be affected at any time by the Governor, should he so desire. This is impossible with those who are elected, their term extending over a certain definite time.

It would thus be possible to attach all responsibility for inefficient enforcement of the laws upon the official who has the appointing power. The Governor would not be forced to take some of the blame for 'misfeasance, malfeasance or non-feasance' of duties of inferior officers over whom he has no power. This does not happen rarely under our present system of government. The different officials elected by the people are supreme within their own department and may or may not cooperate with the Governor in the administration of the laws as desired by the chief executive. A state cabinet, patterned after the federal type, is much more preferable than is the present system of divided responsibility.

With this plan, all the state administrative officials, with the exception of the lieutenant-governor and the auditor, would be appointed by the Governor, by and with the advice of the Senate. The auditor, holding his commission from the people, would serve as an efficient check upon the Governor in the disbursements of the states funds. The success of the federal plan has shown that the fear of giving one man too much power has been purely imaginary.

The county and township should have a similar concentration of power and ipso facto of responsibility. A board of county commissioners should have the power to appoint the remaining officials and hold them strictly accountable for their work.

If there were fewer elective positions, we would have cleaner and more respectable political campaigns. Mud slinging would not be so freely indulged in by the candidates. They would have their hands full in explaining their position upon the issues before the voters and could not afford to make personal remarks. The matter of principle would hold sway and we would consequently secure a class of men who would stand more for the things that the people desire than at present. A candidate up for re-election could do no four-flushing; his record would be clearly revealed and the voters would decide upon that basis. Neither would the strength of one man upon the ticket pull a number of weaker candidates to victory. Each one would be required to stand upon his own feet.

The short ballot is not merely a theory but has already been tried by some of the cities in the state and everywhere its merits the approval of the people. Ashtabula was one of the first cities in the state to adopt it; a council of seven members is elected and upon these devolves the responsibility of conducting the affairs of the city. Dayton elects five men who have entire charge of the city's activities. Cleveland and Columbus have also made considerable progress but not as much as the cities mentioned above. A mayor, seven councilmen, auditor and city solicitor are elected who carry out the city's program. These practical demonstrations in our own state and with home conditions shows beyond a doubt that the short ballot has come to stay. Not only will it be permanent but will include many of the positions that are now elective. We are beginning to see that it is "better to centralize power in the hands of a few known and responsible office holders than to leave it in the hands of unauthorized party committees. The people can usually call the former to account, but the latter, never".<sup>1</sup>

1. Macy, Jesse in Cyclopedia of American Government, Page 104.

PREFERENTIAL VOTING.

- IX -

During the last half century a number of new devices and schemes have been incorporated into law by various governments and states. The purpose of these is to secure greater direct control and power for the elector, in whom the ultimate authority and sovereignty resides. Because a pure democracy is not feasible in the modern state, these schemes if properly applied, will secure for the voters a maximum amount of influence and weight in all affairs which appertain to their government. The Initiative and Referendum are two of these which have already become a part of the law of our state. These are comparatively modern devices and when they were placed before the public, strenuous opposition met them. They have, however, proven to be all that was claimed for them and no one even suggests that they should be repealed.

Another proposed reform which is being advocated in our state concerns itself with the method of voting. Instead of voting for one candidate alone, the elector indicates his second and third choice among those who are candidates for a position. This is the preferential vote. It will enable us to elect our executives by a majority vote where at present we frequently find a plurality. No longer would candidates who are the choice of a minority of voters, secure offices. The will of the majority, as revealed by their different choices, is ascertained and carried into effect.

Different methods have been devised by means of which the preference of the voters can be expressed. A brief description of the various methods in vogue in different municipalities of our countries, follows:

Among the plans least difficult to understand and carry out is the Ware system. The voter expresses his preference by putting the figure 1 after his first choice, 2 after the second, and so on. The first choice votes only are considered at the initial count. If no candidate has a majority of these the one with the least number is excluded and his votes distributed among the other candidates as the preferences indicate. This process is repeated until one candidate will have a majority of votes. This method is used in the primary elections of Wisconsin and Minnesota with the exception that two choices only are allowed and that the first and second choice columns are used instead of numerals.

A second method is the one adopted by Grand Junction, Colorado, under the leadership of J. W. Bucklin. This differs from the first only in the method of counting the votes. The preference is indicated either by numerals or choice columns. However, instead of dropping the lowest candidate in case no one has a majority of first choice votes, the second choice and if necessary the third, are added to the first until some candidate has a majority. Cleveland and Columbus employ this method

in the election of the municipal officers.

A third system has still another method of counting the votes. More weight is given a first choice vote than a second while the latter receives more weight than the third. The candidates with the highest totals, which indicates a lower preference are out of the race. The objection to this system is that it is difficult to administer; a mistake is very easily made in arriving at the totals for each candidate.

The first two are the only methods that have been introduced into our country. Either of them is decidedly superior to the present method of electing by plurality. In a number of European countries, they have second elections if no candidate receives a majority of votes at the first election. This would not be satisfactory in our country. The frequency of the elections and intense partisan spirit would prevent the second election from being successful. We should, however, make a freer use of one of the methods of preferential voting which have been found well adapted to our system.

The preferential vote would prove especially valuable in the primary election. As a rule there are a number of candidates for each nomination, making it well-nigh impossible for any one person to get a majority of the votes cast. This device would enable the voters to express their preferences among the candidates so that the one finally nominated would be the strongest vote getter in the party. Nothing as yet

has been done to inaugurate this scheme as a part of our primary laws.

Substantial progress has been made in adopting the preferential vote for the regular election. Under the new form of charters granted them, several cities have adopted the Bucklin system of voting. This method has been used already for several elections. The voter finds that it is not difficult to cast his ballot; its simplicity becomes more and more evident after having been used several times. The system should be extended to include our state and county officers. At the last three general elections in Ohio, not one of the winning candidates received a majority of the votes cast. They were ushered into office by a minority of the voters of the state. The same thing is true in many of our county elections. These facts, better than any other things, show the needs of permitting the voters to express their preference of the various candidates proposed. The preferential vote, having been tried in a number of our cities and found satisfactory, gives conclusive proof that it is not a mere theory; that it will, in fact, help make our government more representative and democratic.

The preferential ballot, if adopted, will stimulate interest in our elections, both primary and general. The voters would realize that even if their first choice could not be elected, their second choice preference will have its proper



share of influence in deciding the contest. Those elected too will be aware that they have a majority of votes back of them and will be freer to carry out their policies.

PROPORTIONAL REPRESENTATION.

- X -

Hand in hand and corollary to preferential voting is the device known as proportional representation. This system has as its objective point the improvement of all departments of the government through the purification of its most important branch - the legislature.<sup>1</sup> Representation is to be given to all parties and groups according to their strength. As at present constituted, representative assemblies do not truly represent the people. Minorities are ignored; large numbers of citizens have no representation unless it be representation to have for one's mouthpiece a person diametrically opposed to the elector.<sup>2</sup> This, it is claimed, is the source of the evils that exist in our government. The gerrymander, corrupt and inefficient legislators, the machine and bribery are protected and fostered by the present scheme of representation. By giving to each party or group of people such proportionate share of the representations as its voting strength entitles it, proportional representation would help remove these defects and shortcomings from our government.

Proportional representation has been adopted by a number of European countries. Belgium, Sweden and Finland have it; the scheme is followed by some of the states of Germany and cantons of Switzerland; Tasmania and New Zealand have likewise

1. Mayer, E.C. - Nominating Systems, page 464.

2. Williams, J.F. - Political Science Quarterly 29, page 111.

incorporated the scheme. It was adapted first in these countries because of the great number of parties and factions which are always struggling to secure control or the balance of power in the legislative bodies. In our country, the scheme has been discussed with considerable interest during the last few decades. We have, however, not made similar progress in its adoption. No state in the Union, elects its representatives in this way. The constitution of Oregon grants the legislature power to use proportional representation, should it so decide but nothing has been done to date. In other states and in Congress, proposals have been made and bills introduced but no action taken upon them. It remained for several cities to start this reform in our country. These cities are Ashtabula, Ohio, Kalamazoo, Michigan and Boulder, Colorado. Ashtabula, Ohio has had the system since 1915, when, with the adoption of the HomeRule amendment to the constitution of the state, cities were given the privilege to devise such form of government as was desired by them. Several elections have been held and the scheme has proven satisfactorily to the city; the voter is not bewildered or confused and each faction and party is given its due representation.

Illinois has, since 1870, a provision in her laws whereby the minority secures representation. The state is divided into districts, each division electing three representatives. The elector has three votes which he can distribute among the candidates in any way he desires. The votes may be 'plumped'

for one candidate or decided between two or three candidates. Because the voter is allowed to cast three votes for one candidate the method is called cumulative voting. This system secures representation for those parties that cast one-third or more of the vote; those that have less than one-third do not secure representation. Although not ideal, this method is an improvement over the present system which is so frequently used by political parties to gerrymander district boundary lines for their own special benefit.

There are several different schemes by which proportional representation is secured. We shall first describe the method used at Ashtabula, Ohio.

All candidates for office are nominated and placed upon the ballot by the petition process. The voter indicates his first choice, second choice, etc. among the various candidates. Before counting the votes, the number that a candidate must have in order to be elected is ascertained by dividing the number of ballots cast by the number of candidates plus one, the quotient being the vote required for election. Should any candidate have this number of first choice votes, he is forthwith declared elected. If he has more than the required number, this excess is taken by lot and distributed among the other candidates according to the second choice indicated on the ballot. Should not enough candidates have the required quota, the one with the lowest number of votes is dropped and the ballots which had been cast for him are distributed among

the candidates of the voters second choice. This process is repeated until a sufficient number have the required quotas. The difficulties of this method are that all ballots must be brought together at one central point in order to complete the count. Where there are many voters this would be well nigh impossible.

Much simpler is the List system, used in a number of European countries. The nominations are made by the parties, who can put on as many names as they desire. The voter then checks a name in any one of the lists that is upon the ballot. This is a vote both for the party and the candidate. After the balloting has ceased, the names on the lists are rearranged in the order of votes cast for each one. The total number of votes cast for each list is then ascertained and the number of representatives allotted according to the numerical strength of the party. This number of representatives is then chosen from those who are highest upon each list. The advantage of this system is its simplicity - it is as simple as our ordinary election and would work just as readily.

Combinations of the two foregoing methods are also proposed. All names to be put upon the ballot in a single column, the elector voting for the required number of candidates. If he should vote for candidates from different parties, he will assist in giving them a high rating upon that party list, which had previously been fixed with the election officials. The relative number of candidates to be chosen from the party lists is determined by the party circle votes by means of which

the elector expresses his party affiliations. This method combines the best features of the two former methods, being simple and permitting non-partisan and independent voting.

That Ohio should adopt one of these methods, preferably the last, is quite evident after one notes the relative strength of the parties in this state and the number of representatives that each party succeeds in electing to the legislature. The figures for the years 1914 and 1916 are given, the basis being the vote cast for the party's candidate for governor.

	% of Vote	1914 Number Elected		Number entitled by proper. rep.	
		Rep.	Sen.	Rep.	Sen.
Republican	46.3	72	20	57	15
Democrat	43.8	50	13	54	14
Socialist	4.5			5	2
Progressive	5.4	1		7	2
Prohibition					

	% of Vote	1916 Number Elected		Number entitled by proper. rep.	
		Rep.	Sen.	Rep.	Sen.
Republican	47.8	56	11	61	17
Democrat	48.8	72	25	62	18
Socialist	3.1			4	1
Progressive					
Prohibition	.6			1	

Similar figures are given for members to the National Congress, with the exception that the vote cast for president is used as the basis for 1916.

1914

	% of Vote	Number of Rep.	Number entitled.
Republican	46.3	13	10
Democrat	43.8	9	10
Socialist	4.5		1
Progressive	5.4		1

1916

	% of Vote	Number of Rep.	Number entitled.
Republican	44.2	9	10
Democrat	51.8	13	11
Socialist	3.2		1
Progressive			

These tables show clearly the defect of electing officers by majority or plurality vote, thereby making it possible for a party, even though it may not have a majority of the votes, to secure the election of the greater part of its candidates for the legislature or Congress. The minor parties, though relatively strong secure no representation at all. This is not government "of the people, by the people and for the people". Of the party, by the party, and for the party would be nearer the truth.

There are no strong objections that can be brought against proportional representation. It is used in European countries where its beneficent results are universally recognized. The cities of our country that have tried it likewise praise it - its strongest endorsement is the fact that wherever it has been tried it remains a part of the laws. It dethrones the gerrymander

machine and party cliques giving us a government in which all parties and factions are represented according to their strength. Under its influence, party government gives way to representative government.



CONCLUSIONS.

- XI -

This study was undertaken with the hope that some of the defects of our election law might be pointed out and suggestions given for their improvement. There is no doubt but that the election code needs a complete revamping in order to make it conform to our present day conditions. This would co-ordinate properly the different functions and divisions of the state government under their present status brought about by the growing power of the governor, the frequent use of the Initiative and Referendum and the consequent decline of the power of the legislature. The changed industrial and economic conditions must also be considered. Attention must be focused upon those offices, propositions and conditions which concern fundamentals and which are intrinsically important.

A permanent method of registration should be adopted and provisions made for registering voters upon primary election day. This would give the electors a minimum amount of trouble and decrease the expenses. The registration list of voters in each precinct is at present printed alphabetically; printing it by street addresses of the voters would make its usefulness much greater and prevent any and all repeating.

The manner of nominating candidates to be placed upon the official ballot has undergone many changes in the past. At present, the test of party affiliation is necessary in order

to vote at the primary: it seems that the time is ripe to change this and adopt the 'open' primary method. Closely associated and equally important is the question of expenses that are incurred by the candidates in their campaign for election. Could not a system be adopted whereby the candidates would have a certain specified space in an official bulletin to be furnished the voters just as the initiative and referendum proposals are now explained to the public. If no other campaigning were permitted the man of wealth would not have the advantage that he has at present.

The party column ballot has always been the form of the ballot used in this state. It has been attacked and condemned not only in Ohio but in other states as well and the modern view is that it should be abolished. The party bosses favor the circle and emblem because it makes for a large party vote. It places the intelligent and discriminating voter at a disadvantage and wherever found, less independent voting is done than under the office group ballot. This has been recognized because some offices are no longer filled with the regular party column ballot. Instead of being put upon a separate ballot, all of the non-partisan positions could well be put upon a blanket ballot, which would mean considerable less work for the officials. The office group ballot places parties, candidates and voters at neither advantage nor disadvantage and should be adopted.

It is commonly conceded that our ballot is too long and unweildly. With the twenty and more officers elected at every

state and national elections and only a slightly less number at municipal elections, it is impossible for even the most scrupulous electors to know the merits of all the candidates. The average voter is acquainted with the records of only a few of these with the result that he blindly votes a party ticket or fails to vote for some officers. In either case, responsibility has been evaded. As Prof. Macy well says - "We should make the ballot so short and so important that the average citizen must know whom he elects and then hold those chosen responsible by good appointments to fill all the other state offices".<sup>1</sup>

The subject, however, that interests many of us most is that which touches the purse - the expenses. These, the last time they were compiled, averaged seventy-five cents for every vote cast. They could be reduced very materially as follows: introducing budget control; decreasing the number of precincts and thus make for fewer officials; as the vote at the primary is always light - approximately half of the regular election - could not half of the regular officials do the work? Other savings could be affected by using public buildings for polling places and changing method of fixing salaries of the board of deputy supervisors. These changes could be made without decreasing the efficiency of the election machinery - in fact, in some cases it would be increased by having fewer officials and hence more responsibility resting upon each one.

Considerable variety exists with the work of the officials upon election day. When voters are challenged a number of

1. Macy, Jesse - Cyclopedia of American Government page 104.

perfunctory questions are asked - these should be changed so that the person desiring to vote cannot answer them with a simple yes and no. The counting of the votes is slow - not the fault of the officials, necessarily, but of the party column ballot and the many different ballots, some of which might be consolidated. The double board system whereby there are two boards, one for conducting the polls while the ballots are being cast and the other for counting the marked tickets, has desirable qualities to recommend it.

The question of compulsory voting is frequently discussed and the conclusion, in general, is that force will not succeed in making a person take the proper interest in the questions of the day so that an intelligent and discriminating vote may be cast. The frequency of the elections and the absence of holiday provisions for the day also work against it. More important are the problems connected with those persons who desire to vote but whose business or vocation keeps them away from their homes on election day. This has been practically met by making provisions for voting by mail, under certain prescribed conditions. This could be improved upon by providing for an 'absent' vote and 'early' vote. None of the foregoing methods will solve the problem of polling the soldiers' vote. This could be done best, perhaps, by furnishing each commander in charge of troops with the necessary nominations and supplies, the election to be conducted under the officer's supervisions and the results transmitted to the various home units.

Along with other factors, our system of party government and party responsibility, has forced a number of questions to the forefront. What relation and part should the minority party and the minor parties have, in the government of their state? To prevent them from having their due amount of power and representation, is undemocratic; to give this to them, must mean a radical change in our system of voting. In order to secure equity and justice for all, preferential voting and proportional representation are being proposed. The former will secure the election of that candidate who is the favorite of the majority of the people while the latter would secure for each faction or party, representation in the legislative halls according to its strength. Because of the fact that these two methods of election are in vogue in some of our cities and are satisfactory, serious consideration should be given them with a view of making them statewide.

Of these reforms, the majority could be secured by statutory enactment. The Short Ballot, Preferential Voting, and Proportional Representation, however, would require a constitutional amendment. The Initiative opens an easy way whereby these can be placed before the voters.

Summing up, it seems feasible that we should make the following changes: We should

- Provide for a permanent and easier registration of voters
- Adopt the office group ballot and change to the open primary for nominating candidates.

The expenses could and should be reduced by (a) adopting an effective budget system, (b) decreasing the number of precincts in state and, (c) eliminating many officials. The method of polling the vote of those away from their home could be greatly improved.

The Short Ballot, Preferential Voting, and Proportional Representation are desirable proposals.

These reforms and improvements should be incorporated into our laws. Eternal vigilance is the price of Liberty - it is also the price of good government, which, in a democracy, commences with the election laws through which we propose to secure all others.

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