

CHAPTER II

A MODEL ELECTION ADMINISTRATION SYSTEM

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

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

¹ The members of the Committee were:

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

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

STATE CONTROL OF ELECTIONS

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

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

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

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

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

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

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

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

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

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

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

ELECTION OFFICERS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

BALLOTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PRECINCTS AND POLLING PLACES

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

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

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

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

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

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

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

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

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

ADVERTISING ELECTIONS AND POLLING PLACES

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

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

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

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

THE CONDUCT OF ELECTIONS

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

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

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

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

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

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

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

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

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

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

In the election laws of the various states many useless steps

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

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

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

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

VOTER'S CERTIFICATE

General Election November 6, 1930

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

Name

Address

Ballot Number

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

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

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

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

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

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

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

THE COUNT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

count has been conducted in an accurate and satisfactory manner.

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

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

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

VOTING MACHINES^a

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

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

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

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

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

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

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

New York	Iowa	Michigan
Connecticut	Washington	Wisconsin
Indiana	California	Pennsylvania

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

LARGE CITIES USING VOTING MACHINES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Most claims of the savings which voting machines will

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

The arguments commonly raised against voting machines are these:

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

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

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

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

ABSENT VOTING

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

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

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

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

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

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

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

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

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

Specification 36.—Counting the ballots of absent voters.

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

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

THE CANVASS

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

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

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

RECOUNTS

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

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

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

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

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

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

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

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

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

PENAL PROVISIONS

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

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

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

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

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

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

THE TIME AND FREQUENCY OF ELECTIONS

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

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

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

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

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

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

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

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

1931—City election.

1932—Presidential, congressional, and state legislature election.

1933—County election.

1934—State and congressional election.

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

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

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

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

NOMINATIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

THE SHORT BALLOT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(m) To publish an annual report containing the results

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The precinct election officers shall be appointed by the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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