

CHAPTER III

OVERHEAD ORGANIZATION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Six Southern states have state boards of elections.⁴ These

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

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

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

⁵ Revised Statutes, 1926, Sec. 7466.

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

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

⁶ Election Laws, Sec. 176.

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

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

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

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

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

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

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

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

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

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

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

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

There are certain valid arguments in favor of appointment

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

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

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

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

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

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

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

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

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

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

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

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

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

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

¹³ Massachusetts, New Hampshire, and Virginia.

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

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

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

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

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

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

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

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

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

¹⁵ City Charter, Art. XI, Chap. 1.

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

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

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

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

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

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

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

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

¹⁷ Election Laws, Sec. 50.

¹⁸ City Election Act, Sec. 20.

¹⁹ Now deceased.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Election Boards and Commissions of Selected Cities¹

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

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

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

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

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

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

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

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

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

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

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

²⁶ Election Laws, Sec. 252.

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

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

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

²⁷ See Chap. X.

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