PAPERS AND ADDRESSES ON PRIMARY REFORM READ AT THE ANNUAL MEETING OF THE MICHIGAN POLITICAL SCIENCE ASSOCIATION

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MICHIGAN POLITICAL SCIENCE ASSOCIATION

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ON

PRIMARY REFORM

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MICHIGAN POLITICAL SCIENCE
ASSOCIATION

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PRIMARY REFORM.

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DIRECT PRIMARIES IN KENT COUNTY.

BY ROGER W. BUTTERFIELD, PRESIDENT OF THE MICHIGAN POLITICAL SCIENCE ASSOCIATION.

The enactment of the primary law which we are to discuss was in many respects a new departure in the legislation of Michigan. Former experience furnished little by which those who acted under it could be guided. Under such circumstances, it would not be reasonable to expect that it would at the start work with entire smoothness. Such a law as this is only a piece of political machinery. The test to be applied to new machinery is not, does it accomplish all that we could imagine a machine of that kind could do; not even is it a perfect machine. One thing is always to be taken for granted, that is, it will run more smoothly as time goes on, and those in charge of it become acquainted with its management and understand its use. We have stopped believing that there are any perfect machines, and the test which would apply to the new device is, is it a better machine than the one whose place it took? Is the principle upon which it acts right? Are its defects matters of detail which can be remedied as an acquaintance with the machine increases? If it has defects which are inherent in the construction of the machine and cannot be remedied, are they more than compensated for by the greater merits of its actual accomplishment?

The question, then, which we shall try to answer is not, is this new law a perfect law, but is it a step forward in legislation on a subject where legislation is needed. Are the defects in it matters of detail and convenience, some of which will correct themselves in the familiarity

arising from the mere using, and others of which can be remedied by proper amendments, and those which cannot be amended compensated for by new and important results, or is it so radically defective that it is better to bear the evil of the old method longer and wait until some better device has been created? If the law is a step forward, how long is that step and in what direction? What does our brief experience indicate in this regard?

To answer these questions, it is necessary to consider three things:

First. Very briefly to advert to the conditions of affairs at the time of the enactment of the law, in order that we may judge how far the evil which existed has been remedied.

Second. As the law is buried in the local acts of the State where general attention is not called to it, to consider its provisions.

Third. To examine the practical operation of the law in the two municipal and one general elections which have occurred since its passage.

As to the condition of things at the time the law was passed: Up to 1887 I find no attempt in the statutes of this State to interfere in the matter of primary elections. In that year a statute was passed[1] by which penalties were enacted for falsely impersonating and voting under the name of any other person, or intentionally voting without the right to do so at the primary, or fraudulently and wrongfully destroying ballots cast, or intentionally or wrongfully depositing ballots in ballot boxes, or taking ballots therefrom, or the committing of any fraud or wrong tending to defeat or affect the results of the election.

This law provided also that the presiding officers and directors should be sworn, for the rejection of the vote

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[1]Miller's Compiled Laws, Vol. 3, paragraph 11457.

when challenged and for swearing the vote in. It made intentional swearing falsely under such circumstances perjury. It further provided for the punishment of the officers of the caucus who shall receive the vote of an individual who shall have been challenged, without the oath provided therein, or when the person whose vote is received is known to them not to be entitled by the regulations of the association holding the primary election, to vote. It made the acceptance of money or any valuable thing in consideration for his vote by any person elected as a delegate a misdemeanor. It provided that no primary election should be held in a saloon, barroom or any place adjacent to a place where intoxicating liquors are sold, and it further required that a five days' notice should be given by publication, where there is a newspaper, or posting where there is not, of the time and place where the caucus was to be held.

While this law furnished a means of punishment for the coarser offences, it furnished no other punishment for safeguarding primary election. It provided no rules for its conduct and its effect upon the primaries of the state was very small.

In 1895 an act was passed applying to cities of over 15000 inhabitants which, up to the passage of the law of 1903, governed the primaries in Grand Rapids.[2] This provided that primaries of a party shall be held in the several wards of the city at the same time, but the primaries of the different parties were to be held on different days. In any city from 50,000 to 150,000 the principal committee of any party organization could determine whether the primary should be held by the voting precincts of the several wards of the city, or whether there should be one primary for the whole ward, the same party

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[2]Compiled Laws, Vol. 1, Section 3514.

committee determining the time and place of holding the party caucus.

Upon the city or ward committee was also laid the duty of giving notice of the election, the same notice being required as under the law of 1887. If the chairman of the political committee desired the use of voting booths, discretion was given to the Common Council of the cities included in the act, to permit their use.

The board of inspectors was to consist of a chairman who was to be a member of the ward committee and two qualified voters chosen from the residents of the city ward who belonged to the party holding such primary. It was provided that each party desiring to hold primary elections shall, at their first primary election after the act takes effect, elect a ward committee and two inspectors of primaries for each ward or voting precinct, whose term of office shall be for two years. Only qualified voters identified with the party and residents of the ward or precinct for 10 days shall be entitled to vote.

Penalties are provided for soliciting votes from the candidate or from any other person, or receiving directly or indirectly any money, promise of place or position or consideration of any kind for a vote or support or attendance, and for voting at more than one primary, for hiring carriages or other conveyances for conveying voters other than those physically unable to walk, for treating or furnishing any entertainment to any voter.

It enacted that the central committee might establish rules for party registration. It left in force all the provisions of the Act of 1887.

It will be noted that there is no provision in this law by which the citizen who desires to vote can know who is proposed as a candidate for nomination, and no opportunity was given for intelligent inquiry or discussion.

It treated the primary not as an institution in which

every citizen who is a member of a party had a right, but as a mere bit of the machinery of party politics to be entirely in control of the political organization of the party. By its enactment the primary was made the very creature of the organization. It was not only that the officers of the organization were the officers of the caucus, that its place and time of meeting were to be determined by the organizer, as were also the important questions as to how the vote should be taken, but it was entirely dependent on organization outside of itself for any efficiency whatever.

Under this law, it was not only possible for the party organization to make the ticket, but it was certain that some organization must make it. Something must take the place of intelligent public opinion where no opportunity was given by the law for forming such an opinion. If the regular party organization did not direct the making the ticket, some irregular organization, some temporary cabal, some aggregation formed, no one knew how, but generally for some ulterior and unworthy purpose, would control it.

It is undoubtedly true that there has been complaint as to the interference of the party machine in the caucuses of this State in the making of the ticket, and it is also true that there are undoubtedly just grounds for such complaint, but really it was better that the ticket be made by an organization having some degree of responsibility, some tradition, some clearly defined purpose, even though that might not be the highest, than to leave it to some merely incidental organization which had neither any past, nor any future, which lived only for the occasion and was organized generally for the accomplishment of some one particular design, and frequently the securing of some apparently unimportant position, or the accomplishment of some purpose which could not for a moment have suceeded had the purpose been known.