

**DEFEATING THE
VOTERS AT THE
POLLS PP. 67-94**

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CHAPTER I

THE VOTE AND THE BALLOT

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What Is a Vote?—A vote is the expression of opinion. It is of value only when there is an honest, efficient means for recording it. The chief problem of a democracy is the creation and maintenance of such means, so that for each citizen there shall be one vote; and not less than one vote, because the citizen has been defrauded of his rights or is too indifferent to exercise them; nor more than one vote, because he has abused the most sacred gift of a free government and participated in trickery and corruption.

Historical Development of Voting. — In early tribal and primitive governments the ballot was regarded as the natural concomitant of membership in the state. It was a birthright, a symbol of dignity and distinction. On the day appointed for elections those with the right to vote went as a matter of course to the great open spaces set apart for the polls. There they signified their choice of candidates by raising their

hands or by calling out as they walked single file by the counters. Although there was not at that time so much indifference and neglect on the part of those entitled to vote as today, there were other forms of election evils, such as the great feasts to influence the masses of citizens, and private arrangements between political leaders by which the results were largely determined.

With the growth of democratic ideals, the ballot came to be regarded as an inalienable right, such as life, liberty, and the pursuit of happiness. On these grounds extensions of the suffrage have been granted in the United States. In their first constitutions, only two of the original states, North Carolina and Pennsylvania, conceded to all taxpayers the right to vote. Kentucky, coming into the union in 1791, and Vermont, in 1792, gave universal manhood suffrage, but it took the first thirty years of the next century to make that practice general. Many states at first barred Jews and Catholics, Baptists and those of other denominations. Atheists were prohibited from holding office. Religious professions were a necessary precedent to voting. For instance in Delaware, the voter was required to proclaim his belief in the Trinity and the divine inspiration of the Bible. Not only have these discriminations been abolished, but Indians, negroes, naturalized

foreign-born and women have been given the franchise.

Some Old Penalties for Crime against the Ballot.—That electoral abuses existed in the early days of the republic is evident from the penalties which the state constitutions imposed for such frauds. For bribery there were fines from ten to fifty pounds, or twice the amount of the bribe. Virginia and North Carolina nullified the election in which bribery was proved to have been used. New Jersey and Rhode Island punished the offenders by disfranchisement and taking away the right to hold office and to give evidence in a court of justice. Rhode Island required officers to swear that they abhorred bribery, and also nullified an election if it was proved that any vote had been cast illegally. Fraud, repeating and falsification of returns were all provided for by penalties, Rhode Island being most severe with a provision for a fine of five pounds, forty stripes on the naked back or imprisonment in the jail or stocks. South Carolina and Georgia refused bail to such prisoners.

Today voting has come to be generally looked upon not as a privilege of birth or property, or even a right so much as a duty or service to the state. It is apparent that some voters are wiser, better educated, more fit to formulate opinions

than others. And yet the purposes of government are not served by barring out these, rather, on the contrary, by aiding them in order to bring about an intelligent, loyal, honest electorate, which is the foundation of a democracy.

Election Day Ceremonies.—Early political history points out many ceremonies incident to election day. Feasts were a frequent feature and some of the American colonies even provided for election day dinners out of the public funds. Prayers and election morning sermons were usual, these being supplanted later in American history by patriotic addresses. Many persons to-day urge a return to the custom of patriotic mass meetings and orations as a means of emphasizing the civic importance of the day.

The Development of the Ballot.—The open ballot gave great opportunity for corruption, whether it was the Roman citizens herded into the sheep enclosures on the Campus Martius, calling out their choice of candidates, or the English lords gathered on great grassy fields to raise their hands, or the Pilgrim fathers dropping black and white beans into jars, or the southern plantation owners telling their votes to the sheriffs who called at their gates, or the Kentuckians arraying themselves in long lines to show their allegiance.

Yet with all of its apparent evils there was

much opposition to giving up the open vote. In 1889 John Randolph of Virginia said, "I scarcely believe that we have such a fool in all Virginia as even to mention the vote by ballot, and I do not hesitate to say that the adoption of the ballot would make any nation a nation of scoundrels, if it did not find them so." Although most of the other states had adopted the ballot by 1800, Arkansas was forty-six years later in giving up the *viva voce* vote. Missouri and Virginia kept it until the sixties and Kentucky until 1890.

The introduction of the ballot did not establish the secrecy of elections, as was soon discovered. In its early days the voter who entered the election place was first enrolled. He then marked his ballot, and his choice was announced by the judges, whereupon the candidates or their representatives who were present rose and thanked him, and the spectators on that side applauded.

It was easy for any observer to note how a man voted, since the political parties prepared their own ballots and printed them with vivid colors and flaming emblems so that they could be distinguished by illiterate voters. By this same token those who bribed voters could accompany them to the ballot box and make certain that they voted as they had been paid to do. Various other abuses crept in. Political leaders who wanted for