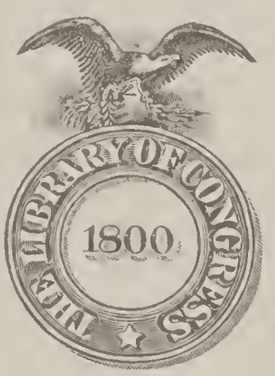

PRIMARY ELECTIONS IN IOWA

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PRIMARY ELECTIONS IN IOWA

BY
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EDITOR'S INTRODUCTION

American democracy seems inclined to reject any intermediary between itself and the government. In Iowa the caucus system of the early Territorial days soon gave way to the delegate convention system of nominating candidates for elective offices. And now, in our own time, the convention system promises to be all but completely supplanted by the more direct system of the regulated party primary.

Moreover, it is not altogether certain that the present party primary will long endure as the nominating system of democracy. Indeed, a non-partisan primary has already been provided for the commission governed cities of the State. Will this method of nominating candidates be ultimately extended until all party primaries are fused into a single State-wide non-partisan preliminary election?

It is evident that in the regulation of primary elections three points at least are pressing for immediate attention: (1) the enactment of a measure (similar to the bill passed by the Thirty-fourth General Assembly, but vetoed by the Governor) embodying the principle of the Oregon plan in the selection of United States Senators; (2) the enactment of legislation providing for an adequate presidential

preference primary; and (3) the enactment of comprehensive corrupt practices legislation which will be applicable to primary elections.

To fully understand the place of the primary in our system of government and to intelligently direct its course of development requires a knowledge of its history as well as of its purpose.

Benj. F. Shambaugh

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AUTHOR'S PREFACE

To make popular government really democratic is one of the great political problems of the present age. It matters little that strict election laws are on the statute books if the foundation upon which popular government rests, the primary, is not adequately regulated. Whatever promotes the participation of the masses in political affairs awakens and keeps alive their interest in government, and should on that account be encouraged. The direct primary has been found to meet a real political need: indeed, the demand for comprehensive primary laws is as great to-day as the demand for the Australian ballot was twenty-five years ago.

In the following pages it has been the writer's purpose to give a brief historical analysis of American political methods in the nominations of candidates for elective offices and to discuss briefly the problems of nomination by direct popular vote in the State of Iowa.

FRANK E. HORACK

THE STATE UNIVERSITY OF IOWA
IOWA CITY

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I

EARLY PARTY MACHINERY IN THE UNITED STATES

The existence of well organized political parties contesting for supremacy at every National, State, and local election is a political phenomenon so common that its absence rather than its presence would occasion comment. Yet the framers of our National Constitution feared the organization of political parties and sought to devise a scheme of government which would overcome "the superior force of an interested and overbearing majority". In his farewell address Washington denounced "the spirit of party" as the worst enemy of popular government; but he lived to see his advice unheeded and his own administration assailed to promote the growth of the party spirit which he had decried. Now, in our own time, the spirit of party is again assailed and significant movements have been started to minimize its influence.

The history of nominating methods in American politics may be divided into three periods, namely, the period of the congressional and legislative caucus, the period of the nominating convention, and the period of the direct primary. As the method of each period served a real need in its time, so the problem of the present is to adjust political institutions to new conditions.

Democracy has never been entirely satisfied with the representative government bequeathed by the Fathers.

From the very beginning of the Republic there was a demand for a larger participation in the affairs of government by the masses. The first struggle was for the extension of the suffrage. Having obtained that much, the people demanded the right to choose their own candidates for office and to determine their own public policies. Moreover, the rapid change from rural to urban life in the United States within the last century has greatly increased the demand for the popular control of political machinery.

Soon after the Revolution democracy, conscious of its own power, refused to accept the guidance of self-appointed leaders; and so the parlor caucuses of "leading citizens" gave way to the more popular legislative and congressional caucus as a means of nominating elective officers. There were many reasons why the legislative and congressional caucus was preferred as a means of giving expression to party opinion. A trip to the State or National capital was no small undertaking before the days of the railroad, when roads were scarcely laid out and streams unbridged. Moreover, the representatives of the people at the State and National capitals were presumed to know the wishes of their constituents. And so very naturally the State representatives assumed the responsibility of selecting candidates for all elective State officers, while the representatives in Congress placed in nomination the candidates for the Presidency and Vice Presidency. While this method was from the first subject to severe criticism as an unauthorized assumption of power, it proved to be a real means of giving effect to party opinion, and was therefore tolerated until democracy found a more direct method of expressing the public will.

As time went on the growth of the railroad, the telegraph, and the post office brought the people of the United States closer and closer together. The public press rapidly assumed the rôle of a party organ, voicing, moulding, and directing public opinion. Under such conditions it is little wonder that the old institutions of party machinery gave way, and that the people began to suspect that the personal interest of the participants in the legislative and congressional caucus was altogether too great. In his day Andrew Jackson made it his special mission to deal the death blow to "King Caucus". He and his followers asserted that the framers of the Constitution were very careful to provide that Congress should not elect the President; but now a party majority of Congressmen were doing that very thing — and even in *secret* caucus. Thus the congressional and legislative caucus was under grave suspicion: it was thought to be tainted with graft and a desire for patronage. Jackson would never have been the caucus nominee, although he was the people's choice. But the people lacked a convenient and effective method of giving expression to their choice.

In the period of transition to the convention system, following the discrediting of the congressional and legislative caucus, nominations were made by State legislatures, by mass meetings, by newspaper announcements, and by a general concurrence of party meetings and agencies.

In 1830 the Anti-Masonic party assembled in convention in Philadelphia. It adopted resolutions arranging for a second convention to be held in the following year, and recommended that each State be allowed a number of delegates equal to the number of electoral

votes to which it was entitled in the Electoral College or the number of its Representatives and Senators in Congress. But the manner of choosing these delegates was not specified. Following these recommendations the first delegate convention was held in September, 1831. No platform was adopted, but a near approach to it was made by the appointment of a committee to issue an address to the people. In the year following, however, the first party platform was written. By 1840 the convention system had become firmly established as a method of nominating public officers and had taken upon itself the function of giving expression to party issues.

The convention system held undisputed sway in American politics until after the close of the Civil War. The point of emphasis, however, is that during all this time it was neither recognized nor regulated by law. Political parties were free to carry on the nominating process as custom, tradition, or party rules might dictate. Perhaps it was unfortunate for the new nominating system that it was born at the time that Jackson established his famous principle of rotation in office as a necessary safeguard of free government. The number of voters had been increased, the number of elective officers had been increased, and nearly every office became the spoils of party victory.

The nominating convention showed evidences of weakness from the beginning. As early as 1844 Calhoun denounced it as a hundred times more objectionable than the congressional caucus — although he had contributed largely to the overthrow of the old system. Unscrupulous party managers quickly saw the opportunities which it afforded for enrichment; and so within both of the great parties there was a struggle to control the party

machinery. Corruption and abuses multiplied until the protests of a restless people demanded some public regulation and control of the nominating machinery.

The specific abuses of the convention system which called for regulation by law may be briefly summarized. (1) In the all-absorbing struggle to control the convention it soon became evident that there was no guaranty that participation in a party caucus or primary would be confined to members of the party immediately concerned. In the rural communities there was little difficulty on this account; but in the large cities and urban centers party primaries were invaded and controlled by men of any or of no political persuasion. Sometimes this control was secured in a quiet and orderly manner, and sometimes it was accompanied by violence and disorder of the worst kind. (2) Party tests were established which excluded many bona fide voters. (3) While bribery at an election was punishable, bribery in a primary or caucus was no legal offense. Moreover, there was no pretense of concealment of corrupt practices, for there was no penalty at law. (4) In voting there was no appeal from the ruling of the chairman. (5) Ballot boxes were stuffed, the counts falsified, or any one of many ingenious devices might be employed to insure the desired result. (6) In some cases primaries properly conducted were held upon wholly insufficient or inadequate notice in order that only the few interested would be found in attendance; or if properly called, caucuses were frequently held in objectionable or inaccessible places or in rooms wholly inadequate for the number of voters eligible to participate.

The attempts of the parties to eliminate the worst evils of the convention system by regulation within the

party were not as a rule effective. Accordingly, the voters generally appealed to the legislatures for relief. The progress of this new reform movement may therefore be traced through legislative acts.

II

THE DEVELOPMENT OF THE DIRECT PRIMARY

In the year 1866 in California an act was passed "to protect the elections of voluntary associations and to punish frauds therein." This statute was a purely optional measure, applying only to such political associations or parties as might invoke its protection and subject themselves to its provisions. It provided for a public call of the caucus, for sworn supervision of elections, and for the prevention of illegal voting. All expense incurred in the primary was to be borne by the party. In the same year New York passed a law covering bribery and the intimidation of voters or delegates. Although neither of these laws contemplated anything like a complete public control over party primaries, they nevertheless constitute an important step in the development of political parties. In 1871 Ohio and Pennsylvania passed laws very similar to those just noted. The adoption of the direct primary in Crawford County, Pennsylvania, during the sixties was much in advance of most of the movements for direct nominations.

Down to 1880 primary legislation made but little progress. But the period from 1880 to 1890 was one of agitation for better regulation of elections, which tended to stimulate interest in the methods of nomination as well. As early as 1880 direct nomination was urged as the best remedy for the evils of the party system; but most of the legislation passed during this period only

aimed to prohibit the most obvious kinds of fraud in the primaries. There was a tendency to enumerate in greater detail the procedure to be followed in the primary as well as in the election; but since the laws were mostly optional the primary was still almost wholly under party control. A few mandatory acts were passed, but these were generally of a local or special nature.

The general adoption of the Australian ballot about 1890 was a distinct legal recognition of political parties. The State now prescribed the method of conducting elections; and the State was to print the ballots and determine what names were to appear upon it. Party officers were to certify to the proper legal officers the nominations, which were then to be printed as the officially recognized party candidates. The public having thus become accustomed to the idea of legislative control, it was an easy step to require that all nominations should be made only in accordance with such rules and regulations as might be prescribed by law. Primary reform now advanced rapidly, one of the important phases of legislation in this period being the development of a definite test of party allegiance and the official registration of party voters. By 1899 two-thirds of the States had enacted primary laws of one kind or another; but no State had yet passed a mandatory act, placing the primary on the same basis as the election.

The period from 1899 to the present time has been one of unprecedented activity in primary reform legislation. Moreover, the most striking features of this legislation have been (1) the tendency to apply as nearly as possible the laws governing regular elections to the conduct of primaries, (2) the tendency to substitute nomination by direct vote for the indirect convention system, and (3)

the tendency to require the preparation and distribution of the primary ballots by public authorities rather than by private individuals or organizations.

Every State in the Union has now legislated against the abuses arising under the voluntary party system of nomination; and most of the States have primary laws that are State-wide in their operation, mandatory in character, and fairly complete in their provisions. Party machinery in the South is, however, still largely under party control; while the most advanced position with regard to the regulation of primaries has been taken by the States of the Mississippi Valley and of the Pacific Coast. Popular nominations had been experimented with in Crawford County, Pennsylvania, back in the sixties; but the widespread interest in this method of nomination within the last decade has undoubtedly been aroused chiefly by startling disclosures of the betrayal of public trust by party leaders. The regulated primary election, offering that wider participation in government desired by the people, could no longer be resisted by the old party leaders. Half-way and compromise measures were only temporary expedients, which were sure to be followed up in succeeding legislative assemblies with a renewed demand for a compulsory, State-wide act.

There are several nominating systems which combine the primary and the petition methods. In some States, in order to place a name upon the primary election ballot, a number of party voters resident within the district must file a petition with the proper officers of county or State. This may be a fixed number, or as is more often the case, a certain percentage of the party voters within the district is required. But in no State does the number of petitioners exceed ten per cent of the party vote — in

fact, it is usually very much less. In other States a fee is required of the candidate in return for the privilege of having his name placed upon the ballot. This fee may be either a lump sum or a percentage of the salary of the office. Again, in some jurisdictions only an application signed by the candidate is required.

The alphabetical order has been the most common arrangement of the names which appear on the ballot. This method, having been severely criticised as giving an advantage to the first name on the list, the present tendency is toward a system of rotation by which each name is presumed to appear at the head of the list an equal number of times. In a few States names are placed on the ballot in the order in which their declaration of candidacy has been filed, a method which too often results in an undignified rush to be first.

There is considerable variation in recent legislation relative to the vote required for nomination. Simple pluralities are not popular, though convenient: they are adopted in most northern States, though often resulting in nominations by small minorities. Majority rule has been a popular watchword in America; and yet where there are several candidates of nearly equal strength majorities are difficult to obtain and it becomes necessary to accept plurality nominations, or hold a second primary, or entrust the choice to a convention, or adopt a system of second choices. In a number of States a percentage less than a majority has been required — usually from thirty to forty per cent of the vote. If a leading candidate fails to receive such a percentage the choice falls to a convention. A system of preferential second-choice voting has been adopted in five States, whereby the voter may designate a first and a second choice. Either

the second choice votes are added to the first choice votes or by a process of elimination the second choice votes are added to the first choice votes to obtain majority nominations.

As the primary becomes more and more like a regular election the question of party membership increases in importance if the party is to assume responsibility for its own nominations and for the declaration of party principles. Who are to be considered Democrats and who are to be considered Republicans? The States now generally define by law the tests of party affiliation. Only in the Southern States are the tests of party organizations accepted.

The Legislative Reference Department of the Wisconsin Library Commission issued, in December, 1908, a bulletin on the test of party affiliation in primary elections in the several States, in which the following tests of party affiliation, to which the voter must subscribe before being permitted to participate in the primary, are listed: (1) past allegiance, (2) present affiliation, (3) future intention, (4) past action and present intention, (5) past action and future intention, (6) present affiliation and future intention, and (7) past, present, and future affiliation. The voter's declaration may be made at the primary and no record kept of it, or his declaration may be made a matter of permanent record. To-day the open primary, where all party tickets are on the same ballot with no test of party affiliation required, is gaining in popularity.

Political parties early took upon themselves the function of declaring the party's principles in convention assembled. But the substitution of the direct vote for the delegate convention has called forth some

new methods of giving expression to party principles. In the South, where the population (excluding the colored people) is more homogeneous than in the North and where the race problem is an important factor, there is really but one effective political party. There the optional State-wide primary is the rule; and during the primary campaign each candidate makes a statement of his position on public matters. In Wisconsin, under the statute law, the candidates for State and legislative offices, together with the hold-over members of the party in the legislature, draw up a platform of party principles. Thus, in Wisconsin the platform becomes a candidates' platform. In a number of other jurisdictions the State central committee and the candidates for State office formulate the platform. In those States which require a choice by a convention, unless a minimum percentage of the vote is obtained, the delegates to this convention, chosen by the primary itself, draw up the platform. Oregon and Texas have provided for a popular expression on public policies. The Texas law states that "any political party shall never place in the platform or resolution of the party they represent any demand for specific legislation on any subject unless the demand for such specific legislation shall have been submitted to a direct vote of the people, and shall have been endorsed by a majority vote of all the votes cast in the primary election of such party."

III

HISTORY OF PRIMARY REGULATION IN IOWA

The first effort toward securing State regulation of primary elections in Iowa was made in 1896, when three different bills were rejected by the Twenty-sixth General Assembly. In 1898 renewed efforts resulted in the adoption of a local optional primary law; and by 1902 this local primary had been adopted in thirty-six of the ninety-nine counties of the State by at least one of the parties.

The movement within the General Assembly for a compulsory State-wide primary election law was begun in January, 1902, when State Senator J. J. Crossley introduced a measure known as the "Crossley Bill". This bill was never even reported to the Senate from the committee to which it had been promptly referred; while the House measure, which was identical with that of the Senate, was lost after the addition of many amendments and a long and heated debate. Senator Crossley persistently introduced his State-wide primary election bill at each succeeding session of the General Assembly until it was finally passed and approved on April 4, 1907. The chief features of the Iowa primary law, as originally adopted in 1907, may be summarized as follows:—

1. The law is compulsory and State-wide for all State offices except judicial offices.

2. It provides for a popular choice of presidential electors and an advisory vote on United States Senators.

3. All parties participate in the primary on the same day, at the same place, and use the same ballot box.

4. The judges and clerks of the primary election are chosen in the same manner as for general elections and with the same compensation.

5. The Australian ballot is employed, each party having a separate ballot, with the names of candidates arranged alphabetically under each office.

6. Party affiliation is determined by the elector's oral choice of ballot, which choice is made a matter of record. But party affiliation can easily be changed by filing a declaration of change with the county auditor ten days prior to the primary election, or by taking an oath when offering to vote that one has in good faith changed his party affiliation.

7. Candidates for nomination must file nomination papers from thirty to forty days prior to the primary election, depending upon the office sought. These nomination papers must contain the signatures of a certain per cent of the candidate's party vote, depending upon the office sought.

Nomination papers of candidates for United States Senator, Elector at Large, and State officers must have the signatures of one per cent of their party vote in each of at least ten counties and in the aggregate not less than one-half of one per cent of the total vote of his party in the State as shown by the last general election.

Candidates for offices chosen from districts composed of more than one county must have the signatures of two per cent of their party vote in at least one-half of the counties and in the aggregate not less than one per cent of his party vote in the district.

Offices filled by the voters of the county must have the signatures of two per cent of their party vote in the county.

8. A candidate to receive the nomination of his party must receive at least thirty-five per cent of all the votes cast by his party for such office. Tie votes are determined by the board of canvassers or judges of election by lot; and vacancies are filled by the party committee for county, district, or State.

9. Delegates to county conventions as well as members of the county central committee are chosen at the primary election. The county convention, composed of the delegates chosen in the various voting precincts, is empowered to make nominations of candidates for the party for any office to be filled by the voters of a county where no candidate for such office has been nominated at the preceding primary election. The county convention selects delegates to State and district conventions. Moreover, any of these conventions may adopt resolutions or platforms.

10. The nomination of candidates by petition is still permitted under certain conditions. It was in this way that the names of Progressive candidates were placed upon the official ballot in 1912.

11. Penalties are imposed for misconduct on the part of officials or for certain corrupt practices.

Such are in brief the provisions of the Iowa primary election law as originally adopted in 1907. Primary legislation was one of the local issues upon which the "Standpat" and "Progressive" wings of the Republican party in Iowa were divided. The Progressives heralded the passage of the law as one of the greatest political reforms ever accomplished in Iowa; while the Standpatters declared that it was passed only to serve the ambitions of leading Progressives. They urged many objections to the law, declaring that it would never

work well in practice. The first application of the law in 1908 was made the occasion for one of the bitterest political contests in the history of the Republican party in Iowa.

The first result of the Iowa primary was the apparent choice of candidates in alphabetical order. It was claimed that Allison won over Cummins in the senatorial primary in 1908 because of his alphabetical advantage. The sudden death of Senator Allison necessitated a special primary on the senatorship, and in this primary Cummins won easily over Lacey. The candidates for Governor and Lieutenant Governor likewise appear to have been selected alphabetically. The Standpat Carroll won over the Progressive Garst for Governor; while the Progressive Clarke won over the Standpat Murphy for Lieutenant Governor.

The vote cast at the first primary election varied from forty to sixty per cent of the party vote in different localities. Many saw in this light vote the failure of the system. The public announcement and record of party affiliation undoubtedly kept many away from the primary polls. Those who opposed the passage of the law, though for the most part successful at the polls, saw all of their objections verified in its first trial and still condemned it. In like manner those who were responsible for the enactment of the primary law, though defeated at the polls, still praised the system and saw no good reason for abandoning it.

These two opposing views are clearly reflected in the press comments on the first primary election held under the law. The *Register and Leader,* a leading Progressive organ, in an editorial of June 5, 1908, entitled *Stand by the Primary,* observed:

Not only has the popular will been expressed but it has been expressed quietly, without disorder, coercion or bribery, there has been a freedom from drunkenness and fraud. As for expense, which will be most talked about by those who would abandon the new system, we undertake to say that more money has been spent in a single campaign in the 7th congressional district than has been spent this year in the entire state. . . . It should be remembered that the Australian ballot was not wholly satisfactory on first trial. But no one would propose to go back to the days of the unlegalized ballot.

The *Sioux City Tribune,* another organ of the Progressive Republicans, said:

The *Tribune* had a large force of trained men on the streets of Sioux City all day and most of the night, and there was little criticism of the primary. On the contrary man after man was heard to praise the law as he came from the booth where he had, unmolested, been able to declare his judgment on men and issues.

The number of votes cast and the universal good order and good feeling throughout the day are unassailable testimony to the wholesomeness and popularity of the law. In this city there would not have been 400 men at caucuses, whereas more than 4000 of the very best citizens were at the primary.

The *Burlington Hawkeye,* an organ of the Standpat Republicans, remarked:

The light vote was a surprise all around . . . . After all the publicity given the primary law itself, the energetic campaign by public speakers and the press, and one of the biggest political uproars Iowa ever had, one that by its strenuousness attracted National attention, the people failed to come out and vote . . . . in the numbers predicted. . . . Is it worth the extra expense to the tax payers?

The *Dubuque Times,* Standpat Republican, declared:

The primary election law is a failure, because it imposes two general elections and two campaigns upon the press and the people, because it unnecessarily imposes enormous expense upon the tax payers of the State and upon the candidates or their friends.

The *Cedar Rapids Republican,* an organ of the Stand-pat Republicans, commented as follows:

Without waiting for the results so far as candidates are concerned . . . . it is safe to say that enough has transpired to demonstrate that it is utterly vicious, and worse even than it was said to be by those who opposed it at the time it was passed. Every objection urged against this law has been shown to be well founded.

Other comments on the operation of the law declare that the primary nomination method is a good deal of a farce; that it is as large and unwieldy as Richard's corn husker; that it was the contest and not the primary that drew; that the law ought to be benched; that it is a great victory for clean politics; that it is the correct system, and by its enactment Iowa has taken a mighty step forward in popular government; and that it will go down in history as a grand fizzle.

The *News,* published at Winterset, the home of Senator Crossley, the father of the Iowa primary law, says:

Senator Crossley leaves next week for Alaska. Here's hoping that he takes his primary bill with him and dumps it into the Arctic.

The Iowa primary election law was amended in seventeen different sections at the first session of the General Assembly following its adoption. Most of these amendments, however, do not materially change the character of the law, but relate chiefly to procedure, or are designed

to make the law more explicit. Briefly stated the amendments passed in 1909 are as follows:—

1. The statement that the vote on United States Senator is advisory was repealed (Section 1).

2. Primary expenses are to be borne in the same manner as general election expenses; and judges and clerks of elections are to receive twenty-five cents per hour (Section 5).

3. The time of opening and closing the polls in precincts where registration is not required was changed (Section 6).

4. Candidates for party committeemen are not required to file nomination papers (Section 10).

5. The Secretary of State is to arrange names of candidates for State offices as they shall appear on the ballot in the several counties (Section 13).

6. The County Auditor is to arrange names of candidates for district and county offices as they shall appear on the official ballot.

7. A slight change is made in the form in which candidates for party committeeman appear on the primary ballot (Section 14).

8. Provisions relating to the form and distribution of sample ballots were enacted (Section 15).

9. Candidates are given the right to demand a recounting of ballots under certain conditions (Section 18).

10. The Board of Supervisors are to make a list of the candidates who failed to receive thirty-five per cent of their party vote, and give a copy of the same to the chairman of each party's central committee (Section 19).

11. The Board of Supervisors are required to publish the results of the primary election (Section 21).

12. The Executive Council is to make a list of the

candidates for State offices who failed to receive thirty-five per cent of their party vote, and give a copy of the same to the chairman of each party's State Central Committee (Section 22).

13. Provisions for the proper certification of nominations made by conventions or party committees were added (Section 23).

14. The manner of filling vacancies for the office of United States Senator, occurring after the primary but before the general election, was provided at a special session of the General Assembly after the death of Senator Allison (Section 24).

15. New provisions relating to date of the county convention and to notification of delegates and their term of office, and limitations on powers of the county convention were made (Section 25).

16. Provisions relative to district conventions were made similar to those for the county (Section 26).

17. Provisions relative to the State convention were made similar to those for county and district conventions (Section 27).

The two most important of the seventeen amendments enumerated are, first, the provision for the rotation of the names of candidates on the primary ballot, to avoid the advantage which Adams and Brown had over Young and Zeller under the alphabetical arrangement, and (2) the provision for the filling of vacancies occurring after the conventions have been held but prior to the election.

It was the provision relating to the rotation of names on the ballot which most interested the candidates for office at the second trial of the law in June, 1910. Again, at this second primary election there were many surprises and some disappointments. The returns show that

in most cases where a candidate's name headed the list in the county or voting precinct he usually polled the most votes. In many instances the majority of voters are said to have voted for the first name on the list.

The General Assembly added but two amendments to the primary law in 1911. One of these, changing the date of holding the primary from the first Tuesday after the first Monday in June to the first Monday in June, called forth considerable ridicule from the press of the State. The other amendment repealed Section 19, which relates to the canvass of the primary vote by the Board of Supervisors, but reënacted most of the original section and added to it provisions declaring under what conditions persons whose names were not on the official primary ballot may be considered as the nominees of the party on whose tickets their names had been written.

IV

CRITICISMS OF THE IOWA PRIMARY

Thus far the Iowa primary has been subjected to no little criticism — especially from the press of the State. As already pointed out, those who opposed the passage of the law seem to see their objections verified in the workings of its provisions; while the friends of the measure are only confirmed in their faith in the system. It is, however, a significant fact that there is no real demand for the repeal of the law, although suggestions for its modification are frequently advanced. The criticisms which followed the several trials of the law are of a popular rather than a scientific character. Indeed, there has been little academic discussion of the merits of the primary system in Iowa since its adoption in 1907.

THE LIGHT VOTE

The most general criticism of the Iowa primary has been provoked by the light vote, the contention being that the failure of the system to bring out a full vote was in itself discrediting. But this criticism overlooks the fact that the participation of from fifty to sixty per cent of the voters in the primary was vastly more than the total of the many small caucus groups which previously assembled to select delegates to county conventions.

Estimating the Republican strength in Iowa by the vote cast for Taft electors in 1908 (namely, 275,209), the number of primary ballots cast for all three Republican

candidates for Governor at the primary in 1908 was 93,346 less than the vote cast for presidential electors. At the primary in 1910, with only two Republican candidates for the office of Governor (both of whom were well known, having been candidates for that office in the first primary), the Republican party polled nearly 5000 votes less than in 1908 when there were three candidates in the field. In 1912, with three candidates in the field, the Republican party polled 181,219 votes, or only 644 more votes than were polled for the office of Governor by the same party in 1908.

At the primary in 1908 the Democratic party had but one candidate for the office of Governor, and he polled 50,065 votes; while at the general election in November he received 197,015 votes — which was about 4000 votes less than were cast for Bryan electors. At the primary in 1910 the Democrats had three candidates for the office of Governor, and the total Democratic vote (46,982) cast for all of them was over 3000 less than the single candidate received in 1908. In 1912 two candidates on the Democratic ticket polled 57,370 votes for the office of Governor, but at the general election of 1912 the Democratic candidate's total vote was nearly 180,000. Thus it seems that the number of contestants does not necessarily influence the size of the vote cast at the primary.

The spirited contest within the Republican party in 1912 brought out 247,573 votes for senatorial candidates, a larger proportion of the voters than at the two preceding primary elections; and so no charge that the vote was light was made after the 1912 primary.

County and district contests seem to bring out more votes than are cast in the uncontested districts and counties. At the primary in 1910 there were contests

TABLE COMPARING THE TOTAL VOTE CAST AT THE GENERAL ELECTION BY ALL PARTIES WITH THE TOTAL VOTE CAST FOR THE SAME OFFICES AT THE PRIMARY

Elections	Total Vote Cast for Governor	Lieutenant Governor	Secretary of State	State Auditor	State Treasurer	Attorney General	Superintendent of Public Instruction
General Election of 1906	432,538	393,367	392,171	392,044	391,428	390,890	390,593
First Primary Election June 1908	234,554	224,610	213,267	218,292	212,523	209,387	210,757
General Election of 1908	454,124	448,951	448,247	447,447	447,508	446,793	446,845
Second Primary Election June 1910	224,432	203,864	199,885	198,042	196,753	196,848	195,499
General Election of 1910	412,770	371,041	369,211	369,150	368,604	370,577	366,314
Third Primary Election June 1912	241,630	222,041	222,020	218,889	214,230	208,144	204,553
General Election of 1912							

among the Republicans in five of the eleven congressional districts, and it appears that more than half of the Republican vote of the entire State was cast in these five districts. It is asserted that a lively contest in Dubuque County for all elective offices on the Democratic ticket brought out 4178 Democratic votes at the primary. This was a larger vote than the Democratic party polled in the remainder of the third district where their normal strength is about 17,000 votes. Dubuque, however, is the only strongly Democratic county in the district and usually polls about 6500 Democratic votes. Moreover, in 1908 Taft electors received 4708 votes in Dubuque Coun-

ty; but as the Republican situation was hopeless there were no contests in the county, and only 966 Republican votes were cast at the primary in 1910. Thus the Republicans polled but one-fifth of their vote at the primary.

Local contests sometimes seem to overshadow State or district contests at the primary election. Thus in 1910 the office of sheriff in Dubuque County received a third more votes than were cast for the office of Governor in the same county.

To explain the light vote at the 1910 primary seems to have been the task of the press of the State from the country weekly to the city daily. But the explanations offered are often colored with party bias or preëxisting prejudice. An examination of the returns shows that the cities cast a fair proportion of their normal vote. The great slump came in the rural districts, where scant notice was paid to the primary by the farmers who were much more concerned, during the first week in June, in plowing their corn than in endorsing or condemning the Taft administration.

Another explanation for the light vote at the primary is that the voters themselves are indifferent. The party workers are as active as under the old system, but the people seem to care little which way things go. Even the *Register and Leader,* the Progressive organ which stoutly defended the Iowa primary against its earlier critics, referred to the results of the second primary editorially as follows:

> Many explanations can be given for the light vote, and are being given. But behind them all there is an evident disappointment that the Republicans of the State did not turn out and express their preferences. With politics a biennial affair it would seem that any important issue should bring the people to

the polls. Certainly there was enough involved in the present campaign to justify a rousing primary. But the people have not responded. If in the future they prove equally indifferent a serious question will be raised as to the feasibility of direct popular appeal. Iowa will not abandon the direct primary but there will be much less dogmatic insistence on it than there has been.

THE UNREPRESENTATIVE CHARACTER OF THE PRIMARY

It is further charged that the primary in Iowa is unrepresentative because the mass of the voters do not appear at the polls and because the test of party affiliation is not rigid enough to keep minority parties from determining the nominations of the majority party. It is asserted that the members of the minor parties, having made practically all of their nominations at a pre-primary caucus, may under the Iowa law freely and aggressively participate in the primary election of the majority party if their consciences will permit them to do so.

Again, in the selection of township officers complaint is made that two or three votes have often nominated important township officers. A man with two or three boys of voting age may get a nomination and at the same time be a *persona non grata* in the community which he represents. This objection is partly removed by an amendment, passed in 1911, which provides that no candidate for an office of a subdivision of a county shall be declared nominated who receives less than five per centum of the votes cast in such subdivision for Governor on the party ticket with which he affiliates, nor less than five votes.

Furthermore, in the choosing of delegates to the

county conventions the primary is declared to be unrepresentative. A few men, it is said, make up a list of delegates in advance for each voting precinct, print the names on gummed paper, and send them out to the voters who vote the ticket straight, not knowing what the proposed delegates stand for. To be sure, it is answered that any other two or three men can put up opposing delegate tickets, and if none are put up no one ought to complain.

UNINTELLIGENT VOTING

Another serious charge advanced against the primary method of choosing candidates is that most of those who vote do not cast their ballots intelligently. Iowa boasts of a very small per cent of illiteracy in proportion to the total population; yet the public press of Iowa rings with the assertion that the majority of voters at the second Iowa primary did not vote intelligently. Some attribute this apparent unintelligent voting to a lack of knowledge of the candidates on the part of the voters. The primary election returns seem to justify the statement that "in counties where a contestant's name appeared first on the ballot he invariably carried that county. If Carroll headed the list the Carroll voters voted almost in all cases for the head of the list for every other office, imagining they were Carroll men or vice versa." "Which is our side?" is said to have been the anxious inquiry of many a voter who had failed to acquaint himself with the candidates for nomination.

In the last two primary campaigns the issue between the two factions of the Republican party was clearly drawn on the endorsement of the administration of President Taft. The endorsement of the President meant the

condemnation of the Insurgent Senators who had opposed the administration policy, declared the Progressives. The Standpatters succeeded in nominating their candidate for Governor in 1910, and they undoubtedly determined the nominations in 1912. In 1910 the result was a personal victory for the Republican candidate, but an empty honor as far as the Standpatters were concerned; for the State convention held in accordance with the provisions of the primary law was Progressive by a large majority, and the Insurgent Senators made the chief speeches and wrote the platform.

Some people attribute these inconsistent results to unintelligent voting; but the *Des Moines Capital* has offered another explanation. It declares that in the primary of 1910 candidates for offices for which there were no contests received continuing smaller votes, according to their position on the ticket. For instance, the candidate for Lieutenant Governor received more votes in most counties than did the candidate for Secretary of State whose name followed on the ballot. The next office down the list as printed on the ballot was that of State Auditor, and he received less votes generally than did the Secretary of State. The State Treasurer followed the State Auditor, and his vote was less than that which the State Auditor received. Thus, the facts seem to indicate that the voters in many instances, having voted for candidates where there was a contest, quit marking before they reached the end of the ballot.

THE LONG BALLOT

While the facts (see table on page 34 above) seem to substantiate in a measure the contention of the *Des Moines Capital,* the results are, in the opinion of the

writer, not so much due to a lack of intelligence or indifference as to the inordinate length of the ballot. Students of government have become thoroughly convinced that the ballot should be materially shortened in order that the voter may be able to thoroughly acquaint himself with the qualifications of the more important and policy-determining officers. It is the complaint of even the most intelligent voters that they are bewildered by long lists of names on the party ballot. Candidacy for the minor offices is to-day scarcely more than a lottery.

Immediately after the primary election of 1910 the *Dubuque Telegraph-Herald* declared that the Short Ballot must be adopted to make the direct primary a success. And on the day following the primary of 1912 the *Register and Leader* editorially demanded that the primary law be supplemented by the Short Ballot, saying in part:

> It is likely that in the end the only way to make it possible for the right sort of men to present themselves for the minor offices will be to take the minor offices off the ballot entirely.
>
> Why should the people elect a supreme court reporter? Nobody can give an intelligent reason. At the general election he is taken as part of the party ticket and voted for in the general faith that the party nominee must be a proper man. In the old convention he was nominated as part of the general frame-up of the convention. But at the primary before which he must make his own individual campaign, and where he must be voted for on the individual information of the voter, he cannot even at great expense attract general attention, and the polling booth becomes a mere lottery. . . .
>
> On the ballot yesterday in Des Moines there were the names of twenty-three candidates for the office of constable. Not one voter in ten knew anything of the qualifications of any one of the twenty-three men. There is no reason why constables should be nominated and elected. But why not go farther? There is no reason why there should be such an officer as constable.

The legislature will be called upon at the coming session to make radical changes in the primary election law. It will be a good time to go to the root of the matter and put our state and county business on a business basis. We must have a shorter ballot in order to act intelligently at the primaries. A shorter ballot will work for business efficiency in every branch of the government.

It is safe to say that, if the Short Ballot is adopted in connection with the primary law, many of the present criticisms of the primary will disappear.

THE PRIMARY A MENACE TO PARTY

It has been frequently urged that the primary tends to destroy the integrity of parties. This same argument was raised against the adoption of the Australian ballot, and later against the proposition to take the party circle off the Australian ballot in Iowa. That these changes have promoted greater independence in voting can not be denied; but that they have given a more wholesome tone to elections is equally evident. No one would now seriously advocate returning to the old system of the unregulated ballot. In fact, there is a growing demand for the adoption of the original Australian ballot with its office grouping instead of the party column. It must be admitted that all of these changes tend to minimize the party influence. The so-called open primary has been especially assailed because it permits the voter without any test of party affiliation to vote for the candidates of either party so long as he does not vote both tickets at the same time. It is objected, further, that without some test of affiliation party responsibility ceases.

Iowa has adopted the non-partisan primary for cities operating under the Des Moines plan. Perhaps the fu-

ture will see an extension of this system to all primary elections. Indeed, Professor Jesse Macy has gone so far as to say that it may seriously be questioned whether the continuance of what is now known as party government is desirable. Professor C. E. Merriam is also of the opinion that "the system of party enrollment or registration seems to lay undue stress on the rigidity of party organization, although this may be to some extent offset by liberal provision for supplementary enrollment or change of party registration".

Perhaps the solution lies in the adoption of the second choice plan as an addition to the present system. This would seem to make the Iowa primary law more satisfactory — more especially since the present thirty-five per cent rule frequently breaks down when there are several equally strong candidates.

THE COST OF THE PRIMARY

The cost of candidacy under the Iowa primary law has been very generally criticised. The *Dubuque Telegraph-Herald,* a Democratic paper, has demanded a stringent statutory regulation of expenditures by candidates, asserting that as much as $2,000 had been spent in a single county by a contestant. A poor man, it is declared, can not afford to go into a primary contest with a man of means. The *Washington Democrat* laments that it cost $1,500 to determine which of two candidates should be nominated for sheriff, and that places on the Board of Supervisors involved expenditures of money far in excess of the salary attached. "The man with the largest purse", says the *Waterloo Times-Tribune,* "is most likely to get up the most enthusiasm and get most of the votes at the polls." "Judge Prouty", says the

Story City Herald, "spent $5,000 in his primary campaign for the congressional nomination." The *Charles City Intelligencer* remarks that "the recent primary campaign cost Lafe Young, candidate for Senator, nearly $10,000."

The expense of the primary to the State is also criticised. The *Des Moines Daily Capital* asserts that the primary election costs ninety-six cents per ballot in Scott County. One dollar per ballot is frequently asserted to be the cost of the primary to the taxpayers of Iowa. "The present primary law", says the *Anita Tribune,* "is an expensive luxury which could be easily denied the people as a whole, and would be a saving of not less than a quarter million of dollars to the tax-payers of the State during each biennial period."

A Congressman from Iowa informed the writer that he had found it necessary to run a twenty dollar political advertisement in each of the seventy newspapers in his district. It is generally conceded then that primary campaigns as now conducted are more expensive to the candidate than a contest for delegates under the old system. The public, however, can not obtain too much information relative to candidates and issues; and as long as the expenditures for such purpose are not so great as to bar the man of small means the expenditures are probably justified. There is at present no provision in the laws of Iowa limiting the amount which a candidate may expend in a primary campaign. The enactment of a thoroughgoing corrupt practices act, applicable to primary and final elections alike would no doubt materially lessen the cost of candidacy. Perhaps the system in force in Wisconsin and Oregon, wherein the State issues a publicity pamphlet giving a certain amount of space to the claims of candidates, is the ultimate solution of the problem.

THE PERSISTENCE OF THE CAUCUS

That the primary has not always brought out as many candidates as might be expected is due no doubt in part to the pre-primary caucuses which are generally held in secret. In these "parlor" or "office" caucuses the party leaders determine who are to be the party's representatives on the primary ballot. Thus contests within the party are frequently eliminated from the primary. In the primary campaign of 1912 there were but three contests out of ten State offices to be filled on the Democratic ticket. At the same time it should be observed that the persistence of the caucus is not conclusive evidence of the failure of the primary, since these caucus slates are easily broken and the authority of the bosses overthrown by simply complying with the provisions of the primary law.

THE TIME OF HOLDING THE PRIMARY

The date of holding the primary (the first Monday in June) has been criticised as one of the most unfortunate features of the Iowa law. In the first place, it is contended that the date is too long before the election, entailing the needless expense of a long campaign; and in the second place, it comes at a time of the year when it is most difficult for the farmers to leave their work. Public interest demands that campaigns be brief. Accordingly, provisions which would fix the date of the primary about six or eight weeks before the general election would seem to be adequate for all purposes of public discussion.

SOME GENERAL OBSERVATIONS

The Iowa primary law has perhaps been criticised too much from the standpoint of "political" results: whereas it should be judged rather from the viewpoint of the

opportunity which it presents. The old convention method was open to as much criticism and more abuse than the primary. The new system has not as a matter of fact destroyed the party, although it has overthrown some of the old party practices. The primary law is not perfect: it will require considerable revision and amendment before it will be entirely satisfactory. Moreover, it must be remembered that the enactment of the primary law was bitterly opposed, so that many of its provisions represent compromises.

Since there seems to be no turning back from the principle of direct primary nomination, where it has once been established, it would appear to be the task of future General Assemblies in this State to expand and strengthen the primary election law in the light both of local experience and of the advanced legislation of other States. A number of States have already adopted the presidential preference primary, and have successfully tested it in the campaign of 1912. The enactment of such a law in Iowa will no doubt be seriously considered by the Thirty-fifth General Assembly. Again, it will be remembered that the Oregon plan of electing United States Senators was passed by the Thirty-fourth General Assembly, but was defeated by the Governor's veto on constitutional grounds. Since, however, the constitutionality of a similar measure, based upon the Oregon plan and enacted by Minnesota in 1911, has not been questioned, efforts will doubtless be renewed to secure the adoption of this principle at the regular session of the Thirty-fifth General Assembly in 1913.

The writer has attempted to summarize in the concluding chapter of this paper the general consensus of expert opinion as to the existing standards of pri-

mary legislation — standards which should be considered from the viewpoint of political science and of popular government, regardless of the effects of their adoption upon the fortunes of a particular individual or upon the immediate success or failure of a particular party.

V

STANDARDS OF PRIMARY REGULATION

The history of primary elections in Iowa, and in other jurisdictions as well, when interrogated from the viewpoint of political science, suggests certain well defined standards of regulation. These may be summarized briefly in terms of the following propositions:—

First. The methods of nominating candidates for elective offices should be defined and regulated by law. In a democracy the function of nominating candidates for office is so vital that it may not safely be left to the customary orderings of voluntary, extra-legal organizations.

Second. The regulated primary should be State-wide and applicable to all elective offices, including those of the judiciary. Limited primaries are but temporary expedients. Moreover, there is a growing conviction that the primary would produce as good, if not better, results in the selection of candidates for judicial offices as are obtained through the convention system. It may be added that the presidential preference primary falls within the principles of primary regulation, and that, pending the adoption of the proposed constitutional amendment providing for their election by the people, the Oregon plan of selecting United States Senators at the State primary might well be adopted.

Third. There is a tendency in primary regulation to depart from the strictly closed or partisan primary, re-

quiring a severe test of party allegiance, in favor of an open primary. Moreover, the open primary tends to the non-partisan primary, which in Iowa has already been made a feature of commission governed cities.

Fourth. The adoption of the "short ballot" would be a recognition of a principle which is demanded both by sound political science and by universal political experience. Indeed, the adoption of a "short ballot" for primary and general elections is regarded as one of the most effective means of carrying out the spirit of modern democracy.

Fifth. The primary ballot should be prepared and authenticated by public officials; and the names of candidates should be rotated on the ballots according to a system — thus avoiding the fortuitous advantages of the fixed alphabetical arrangement.

Sixth. The primary election should be equipped with the same election machinery as may be provided for the general elections. That is to say, primary elections should be held in the same manner as are general elections.

Seventh. Simple pluralities, or some percentage less than a majority, should be regarded as sufficient in primary elections. Theoretically there is much to be said in favor of a system of second choices; but such a system would seem to require a campaign of education to acquaint the voter with its intelligent operation.

Eighth. Primary elections should be held not more than six or eight weeks before the final election. Long campaigns entail needless expense.

Ninth. The purity of primary elections should be protected by a comprehensive corrupt practices act. Indeed, legislation defining corrupt and illegal practices

and limiting the costs of candidacy are as necessary in the case of the primary as in the final election. (See Peterson's history of *Corrupt Practices Legislation in Iowa* in the *Iowa Applied History Series.*)

Tenth. Difficulties growing out of combining the convention system with the primary system for platform purposes suggest that a candidates' convention be substituted for the delegate convention — especially since it will devolve upon the successful candidates to carry out their own declaration of principles.

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BY

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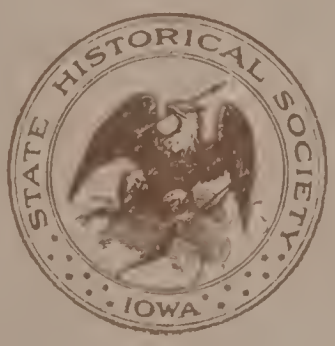

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