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An Australian Ballot for California?

On March 7, 1891, something was amiss at the California State Assembly in Sacramento. An important ballot reform bill was due to be voted on, but a number of Republican assemblymen who had pledged their support were absent from the floor and reportedly ill.¹ As his colleagues debated the bill, Democratic assemblyman T. W. H. Shanahan requested a roll call, which found that twenty-three of the eighty members of the Republican-dominated Assembly were absent. Only nine had been granted leave, and the rest were Republicans gone without permission. The missing assemblymen had departed to avoid voting for the bill, which they had pledged to support during election season but apparently did not actually wish to pass. Shanahan moved that the Assembly's sergeant-at-arms should seek the missing assemblymen and return any he found to the legislature. Although this motion failed, the vote on the ballot measure was nevertheless postponed.²

The bill in question was a plan to reform California's elections with an "Australian" ballot. Under this new system, candidates from all qualifying parties would appear on uniform, official ballots, which would be printed by county and municipal governments and which voters would ultimately fill out in secret. This would mark a substantial departure from the existing way in which votes were cast in California, or for that matter in most of the United States. Traditionally, political groups prepared and distributed party-line ballots, called "tickets," for voters to submit at the polls. Because each party ticket was visually distinctive (in most cases, distinguished by a particular color), it was easy for observers to determine how individual citizens had voted as they handed in their ballots. Closely monitoring the ballot boxes, representatives of the party "political machines" frequently paid supporters who voted for the machine ticket and sought to punish those who did not. The system was also rife with opportunities for deception. The parties could hand out tickets that looked like those of another party to mislead illiterate voters, or sneak in extra votes by using tissue-thin tickets (called "pudding ballots") that allowed cooperative voters to cast multiple votes surreptitiously.³ Supporters of the Australian ballot promised it would end these abuses, bring greater secrecy and honesty to California's elections, and loosen the grip of party machines on the state and municipal governments.

By March 9, the missing assemblymen had returned and, bound by their campaign pledges, helped approve the ballot bill. Only three Republican assemblymen voted against it, and just one Republican state senator opposed it when it reached the upper chamber two days later.⁴ The leading Republican opponent in the Assembly, Henry Dibble, had amended the bill to increase the number of supporters necessary for a candidate to appear on the ballot, and the final version allowed party-line voting with

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a single mark, but otherwise the bill was very similar to the one reformers had introduced. The bill now only needed the signature of Henry Markham, the recently elected Republican governor.⁵ If Markham signed the bill into law, California would join a growing roster of U.S. states using the new, secret ballot, and reformers would claim another victory in their battle against political machines.

Party Politics and Political “Machines”

The political organizations (or “machines,” as they were called by their critics) that controlled so much of American governance in the late nineteenth century arose out of the era’s political parties. Contrary to the hopes of many of the Founding Fathers, who saw parties as distasteful and even dangerous, the nation’s political culture had become highly partisan by 1840. In fact, from about that point forward, American politics were dominated at all levels by two major parties – first Democrats and Whigs, and later Democrats and Republicans (see **Exhibit 1**).⁶ The parties developed elaborate structures: local committees closely managed communications with voters and monitored their partisan allegiances, while county, state, and federal-level committees fashioned strategies, allocated party funds, and published partisan periodicals. Party leaders celebrated these structures as vital institutions of American democracy. “Arm a hundred thousand men with the most approved weapons of war, and put them in the field without drill or discipline, and what are they? A mere mob,” argued one Democratic journal. “A political party is the same. Party organization is as necessary to the success of principles as truth is to their usefulness and vitality.”⁷

In legal terms, parties were treated as private, voluntary associations in the nineteenth century. In general, American courts held that although states and the federal government had the authority to protect voting rights and prevent fraud on Election Day, neither had the authority to interfere with internal party affairs.⁸ Parties themselves determined their own membership, ran “primaries” (meaning local caucuses), held conventions, and nominated candidates, however they saw fit. As one political scientist has noted, “It was no more illegal to commit fraud in the party caucus or primary than it would be to do so in the election of officers of a drinking club.”⁹

The Party Ticket

The rise of political parties in America coincided with the use of ticket ballots. Before tickets, and since ancient times, people voted in assemblies and by voice, although in some places they would put balls, stones, or beans in a pot—the original “ballots” (derived from the Italian word “ballotta,” meaning “ball”). The use of written paper ballots first gained popularity in colonial New England in the early 18th century, possibly because literacy rates were relatively high there. Voters typically wrote out their ballots in front of election judges. This method spread to other parts of the country after the revolution, although voice voting persisted in some states for many years; Virginia did not require the use of written ballots until the 1860s. Meanwhile, the practice of casting votes by means of a printed ticket, prepared by a political party, and listing only the candidates of that party, seems to have first been introduced in Connecticut and Rhode Island in the late 18th century. By the mid-19th century, ticket voting was common practice across much of the country.¹⁰

American political parties may have developed large and complex organizational structures at least in part to compete effectively with one another in printing and distributing tickets.¹¹ It was certainly a complicated undertaking. Each party had to print different tickets for each electoral district in each election – this in an era when many state and local elections were annual, and state, local, and national elections often took place on different days. Moreover, some states mandated that voters cast different ballots for each *office*, meaning parties had to print bundles of tickets for every voter in every election.

Once printed, the tickets had to be handed out, often by the thousands, to party supporters, which became the job of a small army of operatives.

Any group that could print and distribute tickets could get votes on election day. As one historian points out, “the system punished party organizations if they were unresponsive to their members by making it easy to bolt the party’s ticket.”¹² But the system also allowed for the easy creation of phony political parties, such as the “piece clubs” of California, which used their tickets to extort money from legitimate office seekers, who were asked to pay to get their names listed. One San Francisco newspaper noted in 1877, “A candidate for a prominent office has received notices of assessments from [a] number of conventions, for amounts of \$500, \$300, \$200, \$375, \$200.” It was sometimes difficult for nominees to distinguish the piece clubs from genuine political groups, though occasionally their eclectic – and even racist – names may have given them away, as was the case with the “Independent Democratic Liberal Republican Anti-Coolie Labor Reform Party” of San Francisco.¹³ A more general problem with the ticket system, however, concerned voter privacy.

Voting in the ticket era took place not in a booth, but at a voting window (literally, a ticket window). The window was usually located in a private building, such as a home or saloon, and overlooked a street or public square. Inside would sit the election judges, usually a bipartisan panel of party operatives. Rival teams of ticket distributors would operate right outside the window. A voter (who, until after the Civil War, was almost always a white man) would approach the window through this boisterous, often drunken, and occasionally violent crowd, collecting the tickets he wanted as he went. Just in front of the window was usually a platform, on which the voter would have to step to reach the window. He would then hand his ticket or tickets to the judges, while calling out his name. The judges would call the voter’s name to a clerk sitting behind them, who would write it down (often phonetically) in a ledger, then would deposit the ticket or tickets in the ballot box, which usually rested at their feet.¹⁴

In this very public setting, the use of tickets allowed party operatives to observe how individuals voted. Although there were many ways to do this—noting, for example, which distributors a voter approached to collect his ticket—the easiest method was simply to look at what ticket the voter was holding. Each party made its tickets readily discernable from one another. Distinguishing features came in many varieties: Massachusetts Republicans, for example, used a ballot with a bright pink border in 1878, and an enterprising Tammany Democrat in New York once even perfumed his ballots to give them a distinct aroma.¹⁵

Many American voters apparently did not mind being watched. Voting had traditionally been public, and many commentators denounced secret voting as cowardly and dishonest.¹⁶ Most voters also had strong partisan affiliations, and thus were often proud to show they were voting for their party. Besides, reformers found that making voting more private under the ticket system was difficult. In the 1850s, Massachusetts experimented with requiring voters to put their tickets in sealed envelopes, but critics denounced the system as unnecessary and cumbersome; after a couple of years, the envelopes were made optional, which rendered them ineffective.¹⁷ Again, by 1881, fifteen states had passed laws trying to make tickets more uniform, and therefore less easily identifiable, mandating that tickets be printed in specific colors of paper and ink and regulating their size. California and Oregon even required that tickets be printed on a particular type of paper, provided by the secretary of state. But party officials usually found ways around these laws. In Ohio, for example, where tickets had to be white, the parties adopted distinctive shades of white – very bright for Republicans and darker for Democrats.¹⁸ Yet reformers did not abandon their efforts to change the ticket system because they increasingly saw it as a bulwark for corrupt political “machines.”

Political Machines and Corruption

By the 1830s, some local and state party organizations had begun to develop elaborate and highly disciplined electoral operations. The most famous of these was the “Albany Regency,” a New York Democratic Party organization led by Martin Van Buren, who would ultimately become President of the United States. By the late 19th century, such partisan organizations (now called “political machines”) were commonplace, especially at the municipal level. Most operated in only a single urban ward or group of wards, although in some cases, and for certain periods of time, a machine might dominate the politics of an entire city.¹⁹ Machines controlled the party nomination process and were adept at mobilizing party voters. Their leaders celebrated them as engines of democracy. A growing chorus of critics, however, charged them with having no agenda other than enriching themselves, and especially their “bosses.”

Machines operated on the “spoils system” (from the expression, “to the victor belong the spoils”), which involved awarding party nominations and government jobs to loyalists.²⁰ For example, after securing his grip on power in the early 1880s, “Blind Boss” Christopher Buckley, a saloon-keeper and leader of the San Francisco Democratic machine (who had lost his eyesight as a result of excessive drinking), made sure that public employees across the city, from hospital supervisors to janitors, were replaced with his friends, family members, and allies.²¹ To win a party nomination or get a government job, a candidate typically had to pay the machine money, sometimes in a bidding process. To keep their positions, appointees were generally required to make campaign contributions, known as “assessments,” to the machine, commonly 2-7% of their salaries.²² When there were not enough patronage jobs to go around, machines would simply make more of them, using their control over government to establish new public boards and commissions.²³ Machines also awarded their supporters lucrative, no-bid government contracts, notably to the printers who published the party newspaper and printed the party’s election tickets. Printers favored by a machine were also frequently authorized to print government documents at prices several times the market rate, with the understanding that part of the resulting profits would be “donated” to the machine. One government printer in Albany, New York, boasted that between 1853 and 1859 his net profits totaled over \$2 million (equivalent to nearly \$58 million today, after adjusting for inflation).²⁴

Public works contracts were commonly distributed in a similar fashion. The Tammany Hall machine, which dominated New York City under the leadership of William “Boss” Tweed, notoriously used construction of the New York County Courthouse as a pretext to dispense contracts to associates, who charged highly inflated prices for the work, with much of the proceeds ending up back in the pockets of Tweed and his friends. Tweed was eventually convicted of embezzlement and later died in prison, but the courthouse cost the city more than \$13 million between 1869 and 1871 (approximately \$240 million today, after adjusting for inflation), and remained unfinished until well after Tweed’s departure.²⁵ More generally, bosses were known to extort bribes from saloons and brothels in return for ensuring that temperance and anti-prostitution laws were not enforced; to require companies to make payments (or grant stock) to the machine and its loyalists in return for a franchise (i.e., the exclusive right to operate a city service, such as a trolley line); and to exploit insider information for personal profit—buying land, for example, that was almost certain to increase in value because it was slotted for use in a city project.²⁶

The control machines exercised over the levers of government also gave them substantial influence over the elections that kept them in power. Ticket distributors and other machine operatives maintained constant surveillance of voters at polling places, and election judges were themselves typically machine politicians. Even when organized as bipartisan panels on election day, these election judges frequently held a go-along, get-along attitude toward corruption that tolerated, in particular,

the widespread practice of handing out cash in return for votes.²⁷ Blind Boss Buckley was notorious for visiting polling places and paying loyal voters himself.²⁸ So long as a panel of election judges remained divided between both major parties, certain kinds of corruption that would give one party a notable advantage over the other remained off limits; but if one party was able to gain control of a panel, then nearly anything became possible.

Some of the tactics machines utilized required extensive organization. For example, a machine might “colonize” large numbers of paid voters, called “floaters,” into a particular district on election day. In the hotly contested presidential election of 1888, the Republican national treasurer instructed local party leaders in Indiana to organize floaters into “blocks of five,” each to be monitored and paid by a party representative. Democrats charged that the Republican presidential candidate, Benjamin Harrison, narrowly won Indiana and with it, the presidency, owing to these tactics, although historians dispute this allegation.²⁹ Machines also hired “repeaters,” who illegally cast multiple votes apiece.³⁰ If these techniques failed to produce the desired results, machine operatives in some instances even falsified returns. One well-documented case that illustrated a whole host of shady activities occurred in the election of 1868, when New York City, then dominated by Boss Tweed, reported many more votes cast than eligible voters, for an apparent turnout rate of 143.8%.³¹

Reformers attacked the machines on a number of fronts. They tried to end the spoils system by instituting civil service reform: appointees would get their positions through merit examinations and could be dismissed only for cause, and assessments would be outlawed. Civil service reform made progress at the federal level, especially after Congress, in the face of public pressure, passed the Pendleton Act in 1883. The new law required federal appointees to take qualifying exams and barred them from paying party assessments. However, because the legislation applied only to certain federal jobs, patronage continued to flourish.³² Reformers also tried to end the use of floaters and repeaters by establishing voter registration systems, but these proved difficult to implement effectively, at least in part because election commissions usually remained under machine control and because a voter’s qualifications had to be determined when he presented his ticket at the window – an often crowded and chaotic scene.³³ Increasingly, therefore, reformers began to see the ticket system itself as the root problem. Not only did it foster election-day disorder, in which corruption thrived, but all the various forms of voter bribery remained possible only when machine operatives could verify the votes they had paid for. The solution, reformers concluded, was to make voting secret, which meant replacing partisan tickets with an entirely new kind of ballot.

The Australian Ballot

Bribery, deception, and intimidation at election time were not uniquely American problems. In fact, the type of ballot reform that would soon prove popular in the United States was first implemented widely in Australia, which at that time was a collection of British colonies. “Before the [secret] ballot was in operation our elections were exceedingly riotous,” one Australian politician recalled. “I have been in the balcony of an hotel during one of the city elections, when the raging mobs down in the street were so violent that I certainly would not have risked my life to have crossed the street.”³⁴ In February and March 1856, three states – Tasmania, South Australia, and Victoria – passed election laws mandating a uniform ballot, printed at government expense and to be filled out by voters in secret.³⁵ In the original Victorian system, voters crossed out the names of candidates they did not support, but similar laws that soon appeared throughout Australia had voters mark squares next to their desired candidates. The laws were widely regarded as successful.³⁶ According to one observer of the 1856 Victorian elections, “Subsequent experience has more than confirmed all the anticipations from this

measure, both as to its nullifying effect upon bribery and intimidation, and, even more, its influence in restraining disorderly excesses and violence during the exciting times of political elections.”³⁷

Britain followed suit, adopting the “Australian ballot” in July 1872. Endorsement of the reform by such a prominent nation helped spark similar changes elsewhere over the next several years, including in Canada, Belgium, Luxembourg, and Italy. The new ballot finally reached the United States in February 1888, when the Kentucky state legislature mandated a secret ballot in the city of Louisville.³⁸ Greatly impressed with the reform, one Louisville local reported later that year, “The election of last Tuesday was the first municipal election I have ever known which was not bought outright. As a matter of fact no attempts at bribery were made.”³⁹

The first U.S. state to fully embrace the Australian ballot was Massachusetts. Members of the “Dutch Treat” club, a group of reformers from within and outside the legislature, led the campaign, providing model legislation from other jurisdictions and eventually drafting the bill signed into law in May 1888.⁴⁰ Under the new statute, the secretary of the Commonwealth was responsible for the printing and delivery of ballots for statewide elections, while city governments printed ballots for local elections and distributed both the state-provided ballots and their own. Candidates could earn a spot on the ballot by winning the nomination of a party that had received at least 3% of the vote in the previous election (in the relevant jurisdiction), or via special conventions expressly organized for such nominations. Candidates could also qualify by submitting a petition with a sufficient number of signatures: 1,000 for statewide elections, and 1% of the relevant electorate (but at least 50) for subdivisions and municipal elections. The ballots listed candidates by office, with space for voters to write in their own nominees, and “the party or political principle which he represent[ed]” was recorded next to each candidate. The voter marked an X to the right of the desired candidate. The law also abolished voting windows, requiring instead private voting booths at all polling places, and mandated that only election officials and voters filling out their ballots were allowed within six feet of the booths or the ballot box. Any attempts by voters to communicate how they were voting, or efforts by others to interfere with voting, were punishable with fines.⁴¹

After the Australian ballot was first used in Massachusetts in the 1889 election, supporters celebrated higher voter turnout and claimed numerous advantages, including greater efficiency and a fairer process.⁴² Richard Henry Dana III, the principal author of the law, boasted, “I have visited precincts where, under the old system, coats were torn off the backs of voters, where ballots of one kind have been snatched from voters’ hands and others put in their places, with threats against using any but the substituted ballots; and under the new system all was orderly and peaceable.”⁴³ Reactions from politicians outside reformist circles were mixed. Republicans in Massachusetts were generally pleased, believing that the worst voter intimidation had occurred in Democrat-controlled areas. Democrats, however, were divided: some welcomed the reform, but others worried that the secret ballot would weaken valuable party networks, depriving voters of a way to repay debts to party bosses or earn cash at election time. Some critics also charged that the new ballot was too complicated for illiterate voters, though the law did allow election officers to assist older voters who could not read and disabled voters who were unable to mark their ballots.⁴⁴

After Massachusetts, the Australian ballot spread rapidly across numerous states. Later in 1889, Indiana, Minnesota, Missouri, Montana, Rhode Island, Wisconsin, and Tennessee (for some regions) passed similar laws. In 1890, Maryland, Mississippi, Vermont, Washington, and the territories of Oklahoma and Wyoming joined the movement.⁴⁵ All of these laws followed the Australian model of a uniform ballot and secret voting, though their details varied. The Indiana ballot, for example, arranged candidates by party and allowed voters to vote party-line with a single mark. Some reformers, including Dana, worried that this would bias voters toward party-line voting and make it easy to

discern how people had voted, since selecting individual candidates required more time in the voting booth.⁴⁶

In New York State, meanwhile, despite having seen some of the earliest campaigning for ballot reform, legislative efforts to introduce the Australian ballot stalled. The state legislature passed bills in 1888 and 1889, but Governor David Hill, a Tammany Hall Democrat, vetoed both. In his 1889 veto message, Hill declared he was “unalterably opposed to any system of elections which will prevent the people from putting candidates in nomination at any time and voting for them by a printed ballot up to the very last moment before closing of the polls on election day. This is an inherent right under our free institutions, which the people will never knowingly surrender.”⁴⁷ Reformers mounted another effort in 1890, this time presenting a petition with over 100,000 signatures to the state legislature. Although Hill continued to oppose the Australian ballot, he now invited the legislature to offer a less radical bill.⁴⁸ The law that resulted included government printing of ballots and secret voting, but required separate ballots for each party. Voters were also permitted to bring completed “paster” tickets, provided by the parties, to attach to special blank ballots in order to facilitate party-line voting.⁴⁹

The Ballot Debate in California

The success of ballot reforms in other states soon inspired activists in California. In the late 1880s, an economic downturn, combined with a widespread perception that power was overly concentrated in the hands of bosses, provoked many Californians – especially in rural areas – to challenge the rule of Democratic and Republican machines (see **Exhibits 3 and 4**). Thousands joined groups such as the anti-plutocratic “Nationalist” clubs and the Farmers’ Alliance, a reformist group founded in 1890 that opposed government subservience to “the narrow and selfish demands of a purse-proud oligarchy.”⁵⁰ The emergence of these groups troubled the California political establishment. Wrote one worried Republican, “I don’t think in my time I have seen so many evidences of disintegration in politics as now.”⁵¹ Recognizing that the parties continued to exercise outsized influence over elections through their control of the ballots, populist and labor activists began targeting this particular element of the machines’ power as part of a wider campaign for political reform.⁵²

The first major advocates for the Australian ballot in California were Franklin K. Lane and James G. Maguire. Lane had once been an organizer of the San Francisco Municipal Reform League, which had tried (and failed) to combat the influence of Blind Boss Buckley. By 1889, Lane led a group called the Young Men’s Democratic League, which allied with the San Francisco Federated Trades Council (an association of labor unions) to lobby for ballot reform, and he organized a mass meeting in San Francisco that January in support of a bill. The next month, Maguire, a Democratic judge from San Francisco with close ties to the labor movement, addressed the state’s joint legislative elections committee. “It is not a matter of Democracy and Republicanism, with the bosses, it is ‘spoils,’” he declared. “Their motive is plunder and power.”⁵³

Apparently influenced by Lane and Maguire (and their followers), the state Assembly in Sacramento passed an Australian ballot bill on March 1, 1889. Yet just three days later the Assembly reconsidered the bill and this time voted against it, with opposition coming from both major parties. Although the reasons for this reversal remain unclear, the defeat further convinced Lane that the Assembly was only after “boodle,” referring to the income they allegedly reaped from bribery and corruption.⁵⁴

Despite this initial setback, the California ballot reform movement gained strength in 1890. A number of San Francisco Democrats, who opposed the Blind Boss’s control of their city, rallied for the Australian ballot at the state party convention that August. By the convention’s end, the state

Democratic platform included a promise that all party nominees would support the Australian ballot. At a rally with 2,000 supporters in San Francisco that October, Thomas V. Cator, a leader of the California Nationalist movement, exclaimed, "We have got a chance to down the bosses with the Australian ballot system: let us take advantage of it."⁵⁵

The Democrats suffered heavy losses in the 1890 state elections, but by winter enough Republicans had voiced support for the Australian ballot that it seemed within reach. On January 7, 1891, four ballot reform bills appeared in the Assembly. The first, drafted by Maguire, called for the state to supply uniform ballot paper with a watermark kept secret until the election. Candidates would earn a spot on the ballot by obtaining the nomination of a party representing at least 3% of the population, or by turning in a petition with the signatures of 3% or 1,000 of the relevant jurisdiction's voters, whichever was lower. Each ballot would be numbered, and the number of each voter's ballot would be recorded and removed before the ballot was turned in. The second bill, proposed by the Democratic State Central Committee, was almost identical but included provisions that would allow party-line voting for presidential electors with a single mark, require matching timeframes for nomination by party and petition, and guarantee workers two hours' paid leave to vote. The third bill, put forward by State Senator G. G. Goucher and Assemblyman F. H. Gould (both Democrats), was also similar but included no provisions for combatting illegal voting and no paid leave. Finally, Republican Henry C. Dibble offered a reform bill without an Australian ballot. Under the system he proposed, parties would print their own tickets, but every voter would receive one of each from election officials. Inside the voting booth, the voter would choose a ticket and modify it as he wished before turning it in. The unused tickets would be destroyed, and the state would cover ticket-printing costs of any party that received at least 10% of the vote.⁵⁶

The state Senate elections committee, meanwhile, offered a bill of its own on February 4, 1891. The committee had drafted it with input from Maguire and aimed to include "all the best features of the Australian law with such additions as the States using that law have found advisable." Not surprisingly, it closely resembled the bill Maguire had prepared for the Assembly.⁵⁷ In presenting the bill, the Senate committee promised that the "bribery and intimidation of voters would be effectually stopped," along with "[t]he blackmailing practices of 'piece clubs' and other political parasites..." The committee asserted that in other states, such as Massachusetts and Indiana, the Australian ballot had been "reported to be very effective ... and to operate harmoniously and satisfactorily."⁵⁸

Delays threatened the success of reform in the lower house. The bills introduced in January were formally read on February 12, after which they were placed in a long queue for a second reading. Assemblyman Gould, worried that the bills would not be taken up before the legislature adjourned, called for their immediate consideration on February 18. This special motion required two-thirds approval, however, and only 44 assemblymen voted in favor, while 30 (all Republicans) opposed it. Numerous newspapers criticized lawmakers who had delayed the vote. The *Sacramento Record-Union* warned that they were "Digging a Republican Grave," because "[n]o party can expect to bow to the will of the bosses in this matter and command the support of the people." Adoption of the measure, the paper added, would "[close] up the lucrative business of the vote hucksters."⁵⁹

Acting more quickly than the Assembly, the Senate passed its bill with nearly unanimous support on February 26. The Assembly soon took up the Senate's substitute bill for consideration. Of its 80 members, 38 were expected to vote for the Senate bill, only three short of a majority. With success hinging on such a small margin, both supporters and opponents waged vigorous campaigns to win over a few more votes. Reform groups lobbied members of the Assembly who had promised to support ballot reform in general, but not yet the Senate bill in particular. Republican Assemblyman Henry Dibble, the leading opponent, threatened legal action against the lobbyist who led this effort. He also

mocked the allegedly impractical size of the Australian ballot by circulating a three-foot-long “sample” ballot. Impassioned speeches on the Assembly floor complemented these efforts. In a March 6 speech, Dibble warned that the bill would “upset and overthrow our political system” and destroy the two major parties, and that “anarchy would follow.” In response, Democratic Assemblyman T. W. H. Shanahan noted the widespread support for the Australian ballot and its potential to reign in the bosses. “[T]he Legislature owe[s] more to the people than to any political organization,” he declared, and “if either or both of the political parties had not the right to sustain them, both ought to go down.”⁶⁰

Dibble made a final effort to stop the bill the next day. Expecting a vote on March 7, he sent a number of San Francisco Republicans who had promised to support ballot reform away from Sacramento for the day. Dibble planned to bring his own ballot reform bill to a vote the next week, with the San Franciscans present to pass it. Before a vote was called on the Senate bill, however, Shanahan requested a roll call and noted the absences. Accusing the Republicans of trying to evade their ballot reform pledge, he insisted that the vote be postponed, and the Assembly agreed. Dibble then tried to bring his own bill up for consideration, but Shanahan – by one vote – succeeded in blocking the motion.⁶¹

When the missing assemblymen returned on March 9, Dibble admitted defeat. Still, he proposed two amendments to the Senate bill, which Shanahan allowed so long as the Senate would be permitted to reject them. The first raised the threshold for nomination by parties or petitions from 3% to 5%; the second created an easy way to vote party-line for presidential electors. This amended bill easily passed the Assembly, 66 to 3, and the Senate approved it two days later.⁶²

The final California bill had much in common with the Massachusetts law of 1888 and was most similar to the Assembly bill originally proposed by the Democratic State Central Committee. On the new government-printed ballots, candidates would be arranged by office, with their parties identified, and voters would mark each choice with an X. Ballots would be numbered for record-keeping purposes, and workers would receive two hours off, with pay, to vote. The bill provided for the same six-foot perimeter around the voters and the same prohibitions against outsider interference and voters announcing their choices as in the Massachusetts bill. County governments would provide ballots for state and county contests, while towns and cities would provide separate ballots for their own elections. All of the ballots – across all jurisdictions – would be printed on uniform, watermarked paper provided by California’s secretary of state. Nominations and party-line presidential voting would operate as the Dibble amendments specified. Beyond those amendments, the only significant deviation from Maguire’s original proposal was that the voter could also make a single mark to vote party-line across the entire ballot.⁶³

The ballot reform bill ultimately arrived at the desk of Governor Henry Markham, a Republican elected the previous fall. In his inaugural address on January 8, 1891, he had refused to commit himself one way or the other on the Australian ballot:

During the last campaign I received many communications, asking for an expression of my views on the Australian ballot system, which I answered by saying that I had no prejudices either for or against the system, and would approve any law that would materially improve the method now in use in this State. Nothing has transpired that has caused me to change my views, but I suggest that you make a thorough examination of the practical workings of the Australian system before determining to adopt it instead of our own. Every honest voter would hail with joy the adoption of this or any other method of conducting elections, whereby the sacredness of the ballot-box would be better preserved.⁶⁴

Now, after two months of debate and politicking in the legislature, the future of the Australian ballot in California was in the governor's hands.

Exhibit 1 Major Political Party Representation in the Executive and Legislative Branches of the Federal Government, to the 50th Congress (1789-1891)

Congress	President (party)	House Party Percentages		Senate Party Percentages	
1st (1789-1791)	Washington (no party)	<i>Pro-Administration</i>	<i>Anti-Administration</i>	<i>Pro-Administration</i>	<i>Anti-Administration</i>
2nd (1791-1793)		57%	43%	69%	31%
3rd (1793-1795)		57%	43%	55%	45%
		49%	51%	53%	47%
4th (1795-1797)	J. Adams (Fed)	<i>Federalists</i>	<i>Democratic-Republicans</i>	<i>Federalists</i>	<i>Democratic-Republicans</i>
5th (1797-1799)		44%	56%	66%	34%
6th (1799-1801)		54%	46%	69%	31%
7th (1801-1803)	Jefferson (Dem-Rep)	57%	43%	69%	31%
8th (1803-1805)		36%	64%	47%	53%
9th (1805-1807)		27%	73%	26%	74%
10th (1807-1809)	Madison (Dem-Rep)	20%	80%	21%	79%
11th (1809-1811)		18%	82%	18%	82%
12th (1811-1813)		35%	65%	21%	79%
13th (1813-1815)	Monroe (Dem-Rep)	25%	75%	17%	83%
14th (1815-1817)		37%	63%	22%	78%
15th (1817-1819)		35%	65%	32%	68%
16th (1819-1821)		21%	79%	29%	71%
17th (1821-1823)		14%	86%	20%	80%
		17%	83%	8%	92%
18th (1823-1825)	J. Q. Adams (Dem-Rep)	<i>Adams-Clay Republicans</i>	<i>Jackson Republicans</i>	<i>Adams-Clay Republicans</i>	<i>Jackson Republicans</i>
19th (1825-1827)		34%	30%	35%	65%
20th (1827-1829)		<i>Adams</i>	<i>Jacksons</i>	<i>Adams</i>	<i>Jacksons</i>
		51%	49%	46%	54%
21st (1829-1831)	Jackson (Dem)	47%	53%	44%	56%
22nd (1831-1833)		<i>Anti-Jacksons</i>	<i>Jacksons</i>	<i>Anti-Jacksons</i>	<i>Jacksons</i>
23rd (1833-1835)		34%	64%	48%	52%
24th (1835-1837)	Van Buren (Dem)	31%	59%	46%	50%
		26%	60%	54%	42%
		31%	59%	46%	50%
25th (1837-1839)		<i>Whigs</i>	<i>Democrats</i>	<i>Whigs</i>	<i>Democrats</i>
		41%	53%	33%	67%

Congress	President (party)	House Party Percentages	Senate Party Percentages
26th (1839-1841)		45%	42%
27th (1841-1843)	W. H. Harrison / Tyler (Whig)	59%	57%
28th (1843-1845)		32%	56%
29th (1845-1847)	Polk (Dem)	35%	39%
30th (1847-1849)		50%	35%
31st (1849-1851)	Taylor / Fillmore (Whig)	47%	40%
32nd (1851-1853)		36%	37%
33rd (1853-1855)	Pierce (Dem)	30%	35%
34th (1855-1857)		Opposition	Opposition
		Democrats	Democrats
		43%	34%
		Republicans	Republicans
35th (1857-1859)	Buchanan (Dem)	38%	30%
36th (1859-1861)		49%	39%
37th (1861-1863)	Lincoln (Rep)	59%	63%
38th (1863-1865)		46%	63%
39th (1865-1867)	Lincoln (Rep) / A. Johnson (Dem)	70%	72%
40th (1867-1869)		77%	86%
41st (1869-1871)	Grant (Rep)	70%	84%
42nd (1873-1875)		56%	76%
43rd (1875-1877)		68%	64%
44th (1877-1879)	Hayes (Rep)	35%	61%
45th (1879-1881)		46%	53%
46th (1881-1883)	Garfield / Arthur (Rep)	45%	55%
47th (1883-1885)		52%	49%
48th (1885-1887)	Cleveland (Dem)	36%	50%
49th (1887-1889)		43%	55%
50th (1889-1891)	B. Harrison (Rep)	47%	51%

Source: Adapted from "Party Divisions of the House of Representatives," online at <http://history.house.gov/Institution/Party-Divisions/>, and "Party Division in the Senate, 1789-Present," online at http://www.senate.gov/pagelayout/history/one_item_and_teasers/partydiv.htm.

Note: Percentages are out of total filled seats. The percentages of the two major parties do not always add to 100% due to third-party members of Congress. "Split" terms in the presidency column indicate the death of the first president during that term.

Exhibit 2 Election Turnout, National Average of Eligible Voters, 1792-1888

Year	Gubernatorial Elections (percent)	U.S. House of Representatives Elections (percent)	Presidential Elections (percent)
1792	22.0	23.5	15.7
1796	27.5	22.5	25.7
1800	43.7	36.9	28.9
1804	47.1	35.4	22.5
1808	64.0	53.1	32.1
1812	62.1	48.2	40.4
1816	50.5	40.8	16.8
1820	43.7	33.8	10.0
1824	48.6	41.8	26.9
1828	53.3	52.8	55.4
1832	60.3	64.9	54.3
1836	56.9	55.8	54.2
1840	76.6	73.2	76.7
1844	71.4	69.3	73.8
1848	61.9	62.1	66.5
1852	61.7	62.0	64.1
1856	70.7	70.8	74.3
1860	77.1	76.6	77.8
1864*	66.0	69.6	73.2
1868*	74.1	73.0	76.6
1872	75.5	73.7	71.9
1876	80.3	81.5	82.9
1880	78.2	79.4	80.6
1884	77.5	77.3	78.6
1888	80.3	79.4	80.4

Source: Adapted from Curtis Gans, Matthew Mulling, *Voter Turnout in the United States, 1788-2009* (Washington, DC: CQ Press, 2011).

* After the election of 1860, 11 southern states declared their independence from the United States, but ultimately lost the Civil War (1861-65). Congress did not readmit congressional delegations from these states until 1868-70. As a result, no congressional or presidential race took place in these states in 1864, and only one governor's race, in North Carolina, took place that year. In 1868, there were no gubernatorial, congressional, or presidential elections held in the three states not yet readmitted to the Union: Virginia, Mississippi, and Texas.

Exhibit 3 Major Political Parties in the California Legislature, to the 1890 Election

Legislature	Assembly Party Percentages			Senate Party Percentages		
1st (1849-1850)	(nonpartisan legislatures)					
	Democrats	Whigs	Other	Democrats	Whigs	Other
2nd (1851)	47%	50%	3%	63%	25%	13%
3rd (1852)	65%	33%	2%	93%	7%	0%
4th (1853)	65%	35%	0%	74%	26%	0%
5th (1854)	85%	15%	0%	76%	24%	0%
6th (1855)	53%	45%	3%	79%	21%	0%
	Democrats	Americans	Other	Democrats	Americans	Other
7th (1856)	29%	70%	1%	48%	48%	3%
	Democrats	Republicans	Other	Democrats	Republicans	Other
8th (1857)	76%	14%	10%	58%	9%	33%
9th (1858)	83%	11%	6%	77%	14%	9%
10th (1859)	90%	10%	0%	86%	11%	3%
11th (1860)	98%	3%	0%	94%	6%	0%
12th (1861)	75%	24%	1%	83%	17%	0%
13th (1862)	51%	49%	0%	58%	43%	0%
	Democrats	Union	Other	Democrats	Union	Other
14th (1863)	21%	79%	0%	23%	78%	0%
15th (1863-1864)	13%	88%	0%	13%	88%	0%
16th (1865-1866)	24%	76%	0%	23%	78%	0%
17th (1867-1868)	65%	35%	0%	48%	53%	0%
	Democrats	Republicans	Other	Democrats	Republicans	Other
18th (1869-1870)	84%	13%	4%	65%	30%	5%
19th (1871-1872)	31%	68%	1%	55%	43%	3%
20th (1873-1874)	34%	24%	43%	35%	45%	20%
21st (1875-1876)	80%	15%	5%	50%	15%	35%
22nd (1877-1878)	69%	30%	1%	68%	25%	8%
23rd (1880)	23%	58%	20%	18%	58%	25%
24th (1881)	41%	53%	6%	18%	58%	25%
25th (1883)	76%	24%	0%	80%	20%	0%
26th (1885)	25%	75%	0%	50%	50%	0%
27th (1887)	49%	51%	0%	65%	35%	0%
28th (1889)	53%	48%	0%	55%	45%	0%
29th (1891)	24%	75%	1%	30%	70%	0%

Source: Adapted from Michael J. Dubin, *Party Affiliations in the State Legislatures* (Jefferson, NC: McFarland & Company, 2007), p. 27; and Don A. Allen, Sr., *Legislative Sourcebook: The California Legislature and Reapportionment (1849-1965)* (Assembly of the State of California, 1965), pp. 271-272.

Note: Percentages are out of total filled seats. Percentages do not always add to 100% due to rounding. The American Party is more commonly known as the Know-Nothing Party. Democrats were divided and identified with various different factions during the 10th through 14th legislatures. The Union Party was a coalition of Republicans and "Douglas" Democrats sympathetic to the North. See Edward Staniford, *The Pattern of California History* (San Francisco: Canfield Press, 1975), p. 166. The 20th and 21st legislatures included many Independents. The major third party in the 23rd and 24th legislatures was the Workingmen's Party.

Exhibit 4 Governors of California, 1849-1891

Term	Governor	Party
1849-1851	Peter Burnett	Democrat
1851-1852	John McDougal	Democrat
1852-1856	John Bigler	Democrat
1856-1858	J. Neely Johnson	American (Know-Nothing)
1858-1860	John Weller	Democrat
1860	Milton Latham	Democrat
1860-1862	John Downey	Democrat
1862-1863	Leland Stanford	Republican
1863-1867	Frederick Low	Unionist
1867-1871	Henry Haight	Democrat
1871-1875	Newton Booth	Republican
1875	Romualdo Pacheco	Republican
1875-1880	William Irwin	Democrat
1880-1883	George Perkins	Republican
1883-1887	George Stoneman	Democrat
1887	Washington Bartlett	Democrat
1887-1891	Robert Waterman	Republican
1891	Henry Markham	Republican

Source: Adapted from the Governor's Gallery, California State Library, online at <http://governors.library.ca.gov>.

Exhibit 5 "The Australian Ballot," Daily Alta California (San Francisco newspaper)
Jan. 28, 1889, p. 4

It is well to make haste slowly in adopting novelties which impeach the honesty of our people and the American theory of laws that have long sufficed for the maintenance of our institutions.

In battle it has been long decided that the most useful weapon is that which is the most simple, and the same may be affirmed of the means by which a free government is carried on. It is with no desire to assail the motives of the gentlemen in the Federated Trades[,] or of others whom we know to be earnest friends of pure elections, that we propose some subjunctive analysis of the Australian Ballot law, as proposed to be enacted as the election law of this State, by a bill now before the Legislature. That law originated in an imperial colony, where capital and paternal government are in partnership. It is made for a people born and reared under the tutelage of the government, accustomed to bow to official authority and tractable, because unaccustomed to the freedom of will and action which are the birthright and habit of our citizens.

The law provides for printing tickets at the public expense, but the printing of tickets is the least of all election expenses... The day's work of the hired ticket peddler costs many times the sum for which the tickets he peddles were printed. His place under the new system will be taken by a ballot clerk, paid as an election officer. These ballot clerks are to be "appointed in the same manner and at the same time as Judges of Election are now appointed," and are to be of opposite political parties. The voter receives his ballot of one of these clerks, who finds his number on the register. The ballot is a sheet on which the names of all the candidates are printed. It is bound in a book, has a number and a stub, and must have the initials of the ballot clerk on it, or it cannot be counted.

The voter receives it, with a pencil marks a cross opposite the names of the candidates for whom he wishes to vote and deposits it with the Judges of Election.

The machinery provided is ponderous and elaborate. It makes the whole act of approaching the polls, obtaining, marking and depositing the ballot, a weighty process, full of technical steps and bristling with penalties.

In considering it we must remember that it does away entirely, with that voluntary appearance at the polls of men interested in the success of the principles of their party, not aspirants for office, who reason with voters and crown their proper persuasion and appeals by offering a ticket to the elector. All this is made a criminal offense. If this new rule be adopted, will not our elections less and less interest the best class of citizens, and finally fall entirely to the control of the officers who choose the ballot clerks and other machinery? A secret ballot is desirable. Does this Australian system protect the ballot as we require it to be protected? The leading section of the law is so peculiar when we apply it to our American notion of things, that we quote it:

No person shall show his ballot after it is marked (prepared for voting) to any person in such a way as to reveal the contents thereof or the name or names of candidates for whom he has marked his ballot; nor shalt any person, *except* a member of the Board of Election receive from any voter a ballot prepared for such voter, *or* examine such ballot, *or* solicit the voter to show the same. No voter shall place any mark upon his ballot by which it may be afterwards identified as the one voted by him.

Now, let us think for a moment of what all this means. The Election Board and Ballot Clerks are representatives of the appointing power. The appointing power represents a political party, and that political party represents the machine for the time being upper most in its control. Will it not, through this law, have in its hands the most powerful and the most dangerous election machinery ever devised? Suspicion is upon our election results because, and only because, the volunteer, the good citizen, no longer stands at the polls, offers arguments and ballots to voters, watches the representatives of the other party, volunteers like himself, and the election officers throughout the taking and the counting of the ballots. Wherever this condition of things has passed away and the volunteers are substituted by ticket peddlers, hired by party committees, there has been a decline in the uprightness of methods in vogue around the polls. Instead of encouraging a return to this volunteer and wholesome vigilance, does not this law take a long step farther from it, by leaving the voter entirely in the hands of election officers, who represent the party in power? True, the law provides that ballot clerks shall be of opposite parties, but we know by experience how easily that can be managed; and then, may not the whole electoral function be in the hands of partisan appointees, all agreeing, removed by the law to the safe distance of one hundred feet from all oversight and inspection, with the voter threatened with jail and fine if he identify his ticket, and everything in the hands of men who have the finest facilities ever furnished for committing crime against the ballot and making testimony against them impossible?

We suggest these things as possible under a system that has been tried only in another country, under another form of Government and upon a people very different from ours. It may be good British machinery, and very useful indeed in the Colonies, but it is strange if a century's experience in our own country has left us so barren of resources that we must go to a colony belonging to a monarchy for legal processes to control the casting of the votes which lie at the beginning, and determine the character of our whole system of government.

Source: "The Australian Ballot," Daily Alta California (San Francisco newspaper), Jan. 28, 1889, p. 4.

Endnotes

¹ San Francisco *Examiner*, 8 March 1891, microfilm.

² Erik Falk Petersen, "The Struggle for the Australian Ballot in California," *California Historical Quarterly*, Vol. 51, No. 3, Fall 1972, p. 238. See also *The Journal of the Assembly during the Twenty-Ninth Session of the Legislature of the State of California* (Sacramento, 1891), p. 681.

³ Eldon Cobb Evans, *A History of the Australian Ballot System in the United States* (Chicago: The University of Chicago Press, 1917), pp. 7 and 13.

⁴ *Journal of the Assembly*, p. 697; *The Journal of the Senate of the State of California during the Twenty-Ninth Session of the Legislature of the State of California* (Sacramento, 1891), p. 703. The assemblymen's and senators' party affiliations can be found in Don A. Allen, Sr., *Legislative Sourcebook: The California Legislature and Reapportionment 1849-1965* (Assembly of the State of California, 1965).

⁵ Petersen, "The Struggle for the Australian Ballot in California," p. 239.

⁶ Adam Winkler, "Voters' Rights and Parties' Wrongs: Early Political Party Regulation in the State Courts, 1886-1915," *Columbia Law Review*, Vol. 100, No. 3, April 2000, p. 874. See also Richard Hofstadter, *The Idea of a Party System: The Rise of Legitimate Opposition in the United States, 1780-1840* (Berkeley: University of California, 1972).

⁷ Joel H. Silbey, *The American Political Nation, 1838-1893* (Stanford: Stanford University Press, 1991), pp. 51-52, *Democratic Review* (April 1856), quotation on p. 48.

⁸ Winkler, "Voters' Rights and Parties' Wrongs," p. 881.

⁹ Winkler, "Voters' Rights and Parties' Wrongs," p. 876. Quotation from V. O. Key, *Politics, Parties, and Pressure Groups*, 4th ed. (New York: Thomas Y. Crowell, 1962), p. 411 (at p. 876 in Winkler).

¹⁰ Malcolm Crook and Tom Crook, "Reforming Voting Practices in a Global Age: The Making and Remaking of the Modern Secret Ballot in Britain, France and the United States, c.1600 to c.1950," *Past and Present* 212 (2011), pp. 203-7.

¹¹ Richard Franklin Bensel, *The American Ballot Box in the Mid-Nineteenth Century* (Cambridge: Cambridge University Press, 2004), pp. 16-17.

¹² Bensel, *American Ballot Box*, p. 15.

¹³ Petersen, "The Struggle for the Australian Ballot in California," p. 228. The article quoted appeared in the San Francisco *Bulletin* of September 29, 1877. "Coolie" was a racial slur used against Chinese.

¹⁴ Bensel, *American Ballot Box*, pp. 9-14, 40-42. When tallying returns, election judges would compare the number of names on the clerk's list to the number of votes cast. "Where there were too few votes, election officials simply assumed that some voters had not voted for that office or offices. ... Where there were too many votes, ... most officials ... [would] put all the tickets back in the box and randomly draw out the requisite number of excess votes. These tickets were then destroyed and the count was appropriately adjusted." Bensel, p. 50n56.

¹⁵ Evans, *History of the Australian Ballot System*, p. 7. "Big Tim" Sullivan's perfumed ballots are mentioned in Morton Keller, *Affairs of State: Public Life in Nineteenth Century America* (Cambridge, MA: Belknap Press, 1977), p. 523.

¹⁶ This was not only the received wisdom, but the view of leading European political philosophers, such as Rousseau, who considered secret balloting evidence of moral decline, and John Stewart Mill, who although he endorsed the secret ballot early in his career, in order to protect working class voters from retribution by their employers, later renounced it, arguing that voters would be less likely to vote for purely self-interested reasons if they had to cast their vote publicly. On Rousseau, see Crook and Crook, "Reforming Voting Practices," p. 211; on Mill, see Bruce L. Kinzer, "J.S. Mill and the Secret Ballot," *Historical Reflections* 1 (Summer 1978), pp. 19-39.

¹⁷ Michael Brunet, "The Secret Ballot Issue in Massachusetts Politics from 1851 to 1853," *The New England Quarterly* 25:3 (1952), pp. 354-362.

¹⁸ Evans, *History of the Australian Ballot System*, pp. 7-9.

¹⁹ M. Craig Brown and Charles M. Halaby, "Machine Politics in America, 1870-1945," *Journal of Interdisciplinary History* 17:3 (1987), pp. 587-612.

²⁰ The term “spoils system” derives from an 1832 speech to the U.S. Senate by William Marcy, a leader of the Albany Regency: “The politicians of the United States are not so fastidious as some gentlemen are, as to disclosing the principles on which they act. They boldly preach what they practice. When they are contending for victory, they avow their intention of enjoying the fruits of it. If they are defeated, they expect to retire from office. If they are successful, they claim, as a matter of right, the advantages of success. They see nothing wrong in the rule, that to the victor belong the spoils of the enemy.” Quoted in Hofstadter, *Idea of a Party System*, p. 250.

²¹ William A. Bullough, *The Blind Boss and His City* (Berkeley: University of California Press, 1979), pp. 129-130; Alexander Callow, Jr., “San Francisco’s Blind Boss,” *Pacific Historical Review* 25:3 (Aug 1956), pp. 263-264.

²² Mark W. Summers, *The Plundering Generation: Corruption and the Crisis of the Union, 1849-1861* (New York: Oxford University Press, 1987), p. 29; Ari Hoogenboom, “The Pendleton Act and the Civil Service,” *American Historical Review* 64:2 (1959), p. 302.

²³ Summers, *Plundering Generation*, p. 26.

²⁴ Summers, *Plundering Generation*, p. 45.

²⁵ Keller, *Affairs of State*, p. 240; “Landmark Tweed Courthouse has a Checkered History,” Lower Manhattan Construction Command Center, 5 March 2004, available at http://www.lowermanhattan.info/news/landmark_tweed_courthouse_has_65546.aspx.

²⁶ Terrence J. MacDonald, “Introduction,” to William Riorden, *Plunkitt of Tammany Hall: A Series of Very Plain Talks on Very Practical Politics* (Boston: Bedford Books, 1994), p. 7.

²⁷ See Summers, *Plundering Generation*, p. 63, for details on prohibitions against bribing voters.

²⁸ Keller, *Affairs of State*, p. 523; Winkler, “Voters’ Rights and Parties’ Wrongs,” p. 883.

²⁹ Evans, *History of the Australian Ballot System*, p. 11; L. E. Fredman, *The Australian Ballot: The Story of an American Reform* (Lansing: Michigan State University Press, 1968), p. 22; James L. Baumgardner, “The Election of 1888: How Corrupt?” *Presidential Studies Quarterly* 14:3 (1984), pp. 416-27.

³⁰ Bensel, *American Ballot Box*, pp. 156-59.

³¹ Walter Dean Burnham, “Those High Nineteenth-Century Turnout Rates: Fact or Fiction?” *Journal of Interdisciplinary History* 16 no. 4 (1986), p. 168. Burnham argues that such fraudulently high rates as reported in the New York City elections of 1868 were rare occurrences.

³² Hoogenboom, “The Pendleton Act and the Civil Service,” p. 303, notes that the number of federal jobs covered by the Pendleton Act grew from 11% in 1883 to 46% in 1900.

³³ Bensel, *American Ballot Box*, pp. 20-21. The first voter registration law was approved in Massachusetts in 1800, and an increasing number of such laws were passed after 1860, usually applied to large cities. Yet the ineffectiveness of these laws can be seen in the election of 1868 in New York City, mentioned in the text, which produced a turnout of 143.8%. This took place despite the fact that a voter registration law was supposedly in operation there. Joseph P. Harris, *The Registration of Voters in the United States* (Washington, DC: Brookings Institution, 1929), pp. 65, 67, 71-74.

³⁴ UK parliamentary testimony of Francis S. Dutton (1869), quoted in Evans, *History of the Australian Ballot System*, p. 17.

³⁵ Crook and Crook, “Reforming Voting Practices,” p. 218.

³⁶ Fredman, *Australian Ballot*, pp. 7-10.

³⁷ William Westgarth, *The Colony of Victoria* (London: Sampson Low, Son, and Marston, 1864), p. 171.

³⁸ Fredman, *Australian Ballot*, pp. 11-17, 31-32; Evans, *History of the Australian Ballot System*, pp. 17-19; John H. Wigmore, *The Australian Ballot System as Embodied in the Legislation of Various Countries* (Boston: Charles C. Soule, 1889), pp. 15-24.

³⁹ *The Nation* (13 December 1888), quoted in Wigmore, *Australian Ballot System*, p. 23.

⁴⁰ Fredman, *Australian Ballot*, pp. 38-40; Evans, *History of the Australian Ballot System*, p. 19; Wigmore, *Australian Ballot System*, pp. 25-26.

⁴¹ The Massachusetts law is reprinted in *Electoral Reform, with the Massachusetts Ballot Reform Act and New York (Saxton) Bill* (New York: Society for Political Education, 1889), pp. 23-35, quotation from Section 5 on p. 25.

⁴² Fredman, *Australian Ballot*, p. 39.

⁴³ *Annals of the American Academy of Political and Social Science*, quoted in Evans, *History of the Australian Ballot System*, p. 23.

⁴⁴ Geoffrey Blodgett, *The Gentle Reformers: Massachusetts Democrats in the Cleveland Era* (Cambridge, MA: Harvard University Press, 1966), pp. 115-116. The provision for older illiterate voters and disabled voters was Section 25 of the law, which appears in *Electoral Reform*, pp 33-34.

⁴⁵ Evans, *History of the Australian Ballot System*, p. 27.

⁴⁶ Fredman, *Australian Ballot*, p. 48.

⁴⁷ Quoted in Evans, *History of the Australian Ballot System*, p. 24.

⁴⁸ Evans, *History of the Australian Ballot System*, pp. 19-20.

⁴⁹ Richard L. McCormick, *From Realignment to Reform: Political Change in New York State, 1893-1910* (Ithaca: Cornell University Press, 1981), pp. 114-115; Fredman, *Australian Ballot*, p. 51-52.

⁵⁰ R. Hal Williams, *The Democratic Party and California Politics, 1880-1896* (Stanford: Stanford University Press, 1973), pp. 134-138, convention platform quoted on p. 138.

⁵¹ Letter from John F. Swift to Stephen M. White (29 April 1890), quoted in Williams, *The Democratic Party and California Politics*, p. 139.

⁵² Petersen, "The Struggle for the Australian Ballot in California," p. 230.

⁵³ Petersen, "The Struggle for the Australian Ballot in California," pp. 230-231, quotation at p. 231.

⁵⁴ Petersen, "The Struggle for the Australian Ballot in California," pp. 230-231, quotation at p. 231.

⁵⁵ Petersen, "The Struggle for the Australian Ballot in California," pp. 232-233, quotation at p. 233.

⁵⁶ Petersen, "The Struggle for the Australian Ballot in California," pp. 234-235; *Examiner*, 11 January 1890.

⁵⁷ Petersen, "The Struggle for the Australian Ballot in California," p. 235, quoting "Proposed Laws," *The Morning Call* (San Francisco), 29 January 1891, p. 8; *The Journal of the Senate of the State of California during the Twenty-Ninth Session of the Legislature of the State of California* (Sacramento, 1891), p. 279.

⁵⁸ *Journal of the Senate*, p. 280.

⁵⁹ Petersen, "The Struggle for the Australian Ballot in California," p. 236; "Digging a Republican Grave," *The Record-Union* (Sacramento), 26 February 1891, p. 2, available at <http://cdnc.ucr.edu/cdnc>.

⁶⁰ Petersen, "The Struggle for the Australian Ballot in California," pp. 236-238. Quotations are from "Among State Legislators: The Ballot Reform Bill the Cause of Several Long Arguments," *Examiner*, (San Francisco), 7 March 1891.

⁶¹ Petersen, "The Struggle for the Australian Ballot in California," pp. 238-239, and *Examiner*, 8 March 1891.

⁶² Petersen, "The Struggle for the Australian Ballot in California," p. 239.

⁶³ *The Statutes of California and Amendments to the Codes Passed at the Twenty-Ninth Session of the Legislature* (Sacramento, 1891), pp. 165-178, available at <http://192.234.213.35/clerkarchive/archive/Statutes/1891/1891.PDF>. See also Petersen, "The Struggle for the Australian Ballot in California," p. 239.

⁶⁴ The speech is available online at <http://governors.library.ca.gov/addresses/18-Markham.html>. Fredman, *Australian Ballot*, p. 66, gives the date of this speech as January 7.