MOORE

Cumulative Voting & Minority Representation in Illinois

Political Science
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CUMULATIVE VOTING AND MINORITY REPRESENTATION IN ILLINOIS

BY

BLAINE FREE MOORE, A.B., 1901

THESIS
SUBMITTED IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE
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THIS IS TO CERTIFY THAT THE THESIS PREPARED UNDER MY SUPERVISION BY

Blaine P. Moore

ENTITLED

Cumulative Voting and Minority Representation

IS APPROVED BY ME AS FULFILLING THIS PART OF THE REQUIREMENTS FOR THE

DEGREE OF

Master of Arts

INSTRUCTOR IN CHARGE:

HEAD OF DEPARTMENT OF

Signature
HISTORY OF REPRESENTATIVE REFORM.

The founders of the American republic were thoroughly imbued with the principle of equal rights of all citizens in matters pertaining to the government, but because of the territorial extent and population of the United States primary assemblages, where all might meet and have direct vote and voice in deciding political issues, were impossible. To overcome this difficulty and still preserve the original idea of equal rights a representative democracy was formed. This, it was assumed, would permit each citizen to have an authorized agent to represent him in the government, but later there was considerable agitation because of the fact that our so-called representative governments were at best but partially representative. Various authors and public men pointed out that frequently popularly elected officials were not even selected by a majority of the electorate but an actual minority and under the prevailing mode of election there must always be a large number of people who have no agent to protect their interests in political affairs. Pages of election statistics were quoted to prove these contentions and various schemes were proposed to remedy the defect, all of which had the common purpose of giving the unrepresented factions a voice in the government. The means to be used, however varied widely. Some of the plans proposed were quite simple and had the fault of their virtue, that of crudeness. Others were more elaborate involving mathematical complexities and assuming a
knowledge and comprehension on the part of the voter which he did not and does not possess. These schemes may, in a general way without going into details, be summed up as the limited vote, the cumulative vote, the "free list" and preferential voting.

While the active agitation for representative reform began about 1865 and spent most of its force in a decade, yet the origin of the idea can be traced back to a much earlier date. As far back as 1814, Norway, in a constitution adopted that year, made some provision for minority representation. In the discussion which preceded the Parliamentary Reform Bill in England in 1832, the question of minority representation was considered. Although the proposed method, a limited vote, had some warm advocates it received no general support and had no recognition in the law as finally passed. In 1842 there was some apprehension in the United States because of the single party delegations which some of the states, where the general ticket plan of election prevailed, were sending to Congress. This body considered the subject and passed an act requiring Congressmen to be elected by the district plan thus insuring both localities and parties better representation.

The year 1844 marks the beginning of a permanent literature on the subject and a systematic, scientific research on the part of social science writers. In that year appeared Thomas Gilpin's work entitled, "On the Representation of Minorities of Electors to Act with the Majority in Elected Assemblies." This book seems to have received but little attention at the time and became known only later when the history of the movement was investigated and apparently had little effect in inciting the great
interest in the subject which appeared a few years later. In 1854 Mr. James Garth Marshall published his "Majorities and Minorities; Their Relative Rights", containing the first printed account of the cumulative voting plan which later became popular both in Europe and America.

One year later, due largely to the efforts of M. Andrae, the Danish government adopted a plan of proportional representation. This was a cumbersome device, rather unique in some of its features, and inapplicable to a populous country with a large electorate.

In 1859, Thomas Hare published his noted volume, "The Election of Representatives, Parliamentary and Municipal", in which appeared his widely advertised system that required endless demonstration to prove that it was applicable to modern electoral conditions. In 1865 John Stuart Mill entered the lists as advocate of proportional representation and with the entrance of this champion popular interest in the scheme, which was to last about a decade, was fairly well started.

The movement for representative reform was not accidental but the logical result of certain conditions and popular theories of the times. During the first half the 19th century the people of the various states busied themselves with liberalizing governments and attempting to distribute properly political power between the legislative, executive and judicial departments. By the middle of the century, in several of the more progressive countries, the liberalization and distribution had been accomplished to some degree of satisfaction. The political reformers were thus free to turn their attention to some plan whereby the large number of
factions, resulting from the wide extension of the voting privilege might receive better representation.

In addition to the general idea of securing a more just distribution of government power among the various political factions there was a particular reason in England for endorsing proportional representation. When the working people were given the electoral franchise in 1867, the proprietary and aristocratic class, which had been governing, feared that since they were now out-numbered at the polls, the government would fall entirely into the hands of the proletariat and the erstwhile ruling class would be excluded unless some sort of proportional representation was secured. A short experience however soon convinced the political leaders that they had nothing to fear from the newly made voters and the former soon lost what promised to be a keen interest in the reform.

The movement in Europe however in some cases passed beyond mere discussion and crystallized into law. In 1867 the limited vote was adopted in English Parliamentary districts which returned three members, the "three cornered" constituencies as they were familiarly called. When England was extending its free school system, in order to placate the friends of private and sectarian schools and secure to them a place on the school boards, the cumulative voting method of election was adopted. Under this law were held the noted school board elections of 1870. The number of places to be filled was comparatively large and most of the voters manipulated their 10 or 15 votes to suit their individual tastes. The inevitable result was confusion, injustice and inequalities, and
the experiment made no friends for cumulative voting. After this trial interest in the movement diminished and no more experiments were tried.

Although one of the pioneer writers on the subject of representative reform was an American, Thomas Gilpin, the people of the United States were occupied with the exciting public issues preceding the Civil War and electoral reforms received no attention. When the vital question of the preservation of the Union had been settled and a bitter parliamentary struggle was waging in Congress the desirability of some change regarding representation was evident. The occasion was, in some respects, remarkably auspicious for the consideration of a measure of this nature since not only was the Congress then sitting representative of but one section of the country but fresh in the minds of the people was a great war hastened, if not brought on, by government councils in which the radicals of both sections controlled to the exclusion of a larger body of conservatives. Supporters of the proposed reforms were not slow to take advantage of the opportunity and to spread the doctrines and writings of Mr. Farré and Mr. Mill.

Certain sections of the South began to take an especially active interest in the movement when the negro was enfranchised for much the same reason a certain class in England had, namely, the fear that the new electors, having a numerical majority in some sections, would totally exclude the white population unless the latter were granted representation in proportion to their numbers. The fears of the Southerners however soon proved to be as groundless as the English had found theirs to be.
In 1867 Mr. Buckalew proposed in the United States Senate that the cumulative vote be applied in the elections in the reconstructed states. Two years later Senator Buckalew offered another bill in regard to cumulative voting in Congressional elections. In 1870 and again in 1871 the subject was warmly debated in Congress, Mr. Marshall of Illinois taking a prominent part in the discussion, but Congress was not inclined to grant any concessions to the Democratic minority.

Although the supporters of representative reform failed in Congress they were more successful in some of the States. In 1867 New York used the limited vote to some extent in electing delegates to a constitutional convention. A clause providing for minority representation and cumulative voting for state legislators was incorporated in the constitution of Illinois in 1870. In 1871 Mr. Buckalew succeeded in having the cumulative vote applied to municipal elections in Pennsylvania, but two years later the statute was repealed. In 1872 West Virginia adopted a constitution one clause of which authorized the state legislature to submit to the people some plan of proportional representation in the Senate after 1876. The legislature however has never exercised the authority conferred upon it by this section. In 1872 the New York legislature, inspired by a desire to break the power of Tammany, formulated a new charter for New York City which provided for the cumulative vote in the election of aldermen but the governor interposed his veto. The legislature of North Carolina applied the cumulative vote to elections in Wilmington but the law was later repealed. In 1874 Pennsylvania adopted a constitution applying

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the limited vote to the election of police magistrates in the City of Philadelphia and also to the election of judges of the supreme court.

During the decade of its popularity proportional representation experiments were not limited to state elections but the idea was popular with organizations and societies of various characters. The Board of Overseers of Harvard was elected on principles of proportional representation in 1870. The advisability of cumulative voting was seriously discussed in the General Convention of the Protestant Episcopal Church in 1871 but after consideration was deemed inexpedient.

By constitutional provisions the cumulative vote has been applied to the election of directors in private corporations in eleven states; some of the constitutions containing these provisions were adopted after the general interest in proportional representation had subsided.

Although popular interest in electoral reforms waned rapidly after about 1875 the movement has never lost quite all of its vitality. In 1884 Ohio, by legislative enactment, provided for the election of police commissioners by the limited vote in certain cities, but the state supreme court held this to be unconstitutional.

Five years later the legislature of Michigan provided for election of members of the lower house of the legislature by cumulative voting but the courts also held this to be contrary to the organic law of the state. In 1891 South Dakota submitted for popular

2.- State v. Constantine, 42 Ohio 437.
3.- Maynard v. Board of Canvassers, 84 Michigan 228.
4.- Dutcher, "Minority Representation", p. 43.
decision, a proposed constitutional amendment modeled on the Illinois plan of providing for minority representation in the legislature but the proposition was lost by a vote of 46,200 to 24,161. About the same time several of the cantons in Switzerland modified their electoral laws so as to provide for proportional representation. In 1899 Belgium adopted a modification of the Swiss plan.

In the past fifteen years there has been no new developments in proportional representation in the United States. The sum total of the application of the theory, in some form or other, is the cumulative voting in electing directors in private corporations and in two states, Pennsylvania and Illinois, judges and members of the legislature are elected by methods intended to secure minority representation. It appears remarkable that a scheme which contains so much inherent justice and supported by such able men did not take greater hold on the people and receive a much wider application. One reason for the failure was that the class which took a temporary interest in the matter both in England and United States, because they feared they would lose control of the government when the newly made voter realized his power at the polls, lost that interest when they discovered they were still able to maintain their supremacy by the use of other and more effective means. Another and probably the vital reason of the slow progress of the movement has been the defects of the system itself as it has been applied. The methods used were in most cases crude and results have not been entirely satisfactory. Another important practical difficulty has been that the political faction passing a law of this nature gives large power to an opposing minority and such self sacrifices are not common in partisan history.

It is still an open question whether some plan can be devised that will be effective and really secure proportional representation and yet not be so complex as to be practically impossible in a country with a large voting population. While the unsatisfactory results of some of the experiments have been undoubtedly largely due to the crude and undeveloped methods used yet no one seems able to devise a scheme which will be both simple and effective. A plan which will secure exact proportional representation and still be practical in a country with universal manhood suffrage is still the dream of the political idealist.

As mentioned in a preceding paragraph but two states, Pennsylvania and Illinois, have constitutional provisions applying to some extent the principles of proportional representation to political elections. These two states deserve further mention because it is here only that the experiment has extended over enough time to really afford it an opportunity to work out legitimate results.

Pennsylvania in its constitution adopted 1873 applied the limited vote principle to the election of its judicial officers. There is a special provision for Philadelphia to the effect that in the election of city magistrates "No voter shall vote for more than two-thirds of the number of persons to be elected when more than one are to be chosen." No unusual provision is made for the election of Common Pleas judges but in regard to judges of the Supreme Court the constitution states that, "Whenever two judges of the Supreme Court are to be chosen for the same times of service each

1. Article 5, Section 16.
voter shall vote for one only and when there are three to be chosen
he shall vote for no more than two; candidates highest in vote shall
be declared elected." While as a whole excellent judges have been
selected under this provision and the judiciary of the state has the
respect of the people yet the limited vote seems to be regarded as
a useless complication which has nothing to justify its existence
and it will in all probability be dropped at the first opportunity.

In Illinois inadequacies of the existing constitution,
especially the legislative provisions, were constantly becoming more
apparent to political leaders, and in 1862 an unsuccessful attempt
was made to remodel the organic law of the State. As soon as the
Civil War was over constitutional reform was again considered, and
the question of calling a convention was left to the people for
decision. Although there was practically no opposition the in-
difference was so great that the proposition carried by a very small
majority. Delegates were duly elected and the convention met
December 13, 1869. The assembly was probably the ablest body that
ever met in the state, a large number of the members having had
extensive experience in public affairs. The first week was consumed
in organizing and in December 20th the Standing Committees were
announced. One of these was designated as the Committee of Electoral
and Representative Reform, Joseph Medill of Chicago being chairman.
It is significant of the importance in which representation reform
was held in the convention that this committee included some of the
best known men in the assembly, and was one of the ablest appointed.
The people at large, however, judging from the small number of peti-
tions sent into the Committee, took but little interest in the sub-
ject. A few petitions proposing various plans of proportional representation were received however, and at least one remonstrance against the adoption of any such innovations was presented.

February 10th the Committee made a report embodied in five sections. The first provided for the ratio of senatorial representation. The second provided that three times the number required for a senatorial ratio should constitute a senatorial district each of which should choose three senators. Similar provisions were made for representatives and representative districts.

Sections three and four were "floater" clauses. These stated that in case any district should have a fraction of population above the ratio so large that being multiplied by the number of regular sessions of the legislature in a decade the result should be equal to one or more ratios that district should elect an extra representative or senator in those years in which the fraction so multiplied would produce a whole ratio.

The fifth section stated that "In all elections of Senators and Representatives each qualified voter shall be entitled to as many votes as there are Senators or Representatives to be elected by the same constituency and may distribute them (or equal fractions thereof), equally or unequally among the candidates or concentrate them upon one at his option; and the candidate highest in votes shall be declared elected."

On May 6th the Committee's recommendations were taken up in the convention and the Chairman of the former then offered a substitute for the previous report. This substitution is much shorter than the original and consists of but three sections. The
first provides that the apportionment for the Senate shall be made every ten years beginning with 1871. The second section states that the house of Representatives shall consist of three times the number of the members of the Senate. And three representatives shall be elected in each senatorial district.

Section three is the cumulative voting portion and is as follows: "In all elections of representatives aforesaid each qualified voter may cast as many votes for one candidate as there are representatives to be elected, or may distribute the same, or equal parts thereof, among the candidates as he may see fit; and the candidate highest in votes shall be declared elected."

The report also recommended that these sections be submitted to the people as a distinct proposition, separate from the main body of the constitution, for their rejection or approval.

It will be seen from the above that cumulative voting was to be restricted to election of members of the lower House of the legislature instead of applying to both as in the original report. Also the "floater" idea was entirely abandoned.

The argument accompanying the report was a summary of the theories of the times regarding minority representation. The first part is devoted to a review of the general theory of the subject pointing out the injustice and inequalities of the usual majority rule and showing how unrepresentative most deliberative bodies really were. Then an argument for the particular system recommended is presented. Obviously, it is asserted, single member districts could give no opportunity for anything but majority rule while two-member districts might easily afford the minority undue
power. The smallest district therefore that would make minority representation possible was a three-member one. It was desirable to have the districts as small as possible consistent with the ends sought so as to make legislators representative of localities and also do as little violence as possible to existing customs.

The arguments which applied especially to local conditions, and the most effective one in the entire report, was that referring to sectional representation. It was related that since 1854, with few exceptions, all the senators and representatives in the north half of Illinois had been of one political party while the legislators from the other half of the state with equally few exceptions had been of the opposing party. In round numbers 100,000 Republicans living south of the state capitol had been practically disenfranchised and almost as many Democrats in the northern half had suffered from the same discrimination. It was pointed out that if alternate districts were Republican or Democratic conditions would not be so bad but such was distinctly not the case. An examination of statistics showed also that in the last legislature a minority had elected a majority in that body.

The freedom and power of the voter was also emphasized. Under the ordinary election method when there is more than one official to be chosen for an office, if a voter objects to any one candidate, and refuses to vote for him, he simply loses a portion of his privilege. Under the cumulative method, or "free ballot" as it was called, he may transfer his entire vote to other candidates and hence loses nothing. The argument concludes with a glowing review of the benefits which will result from the proposed
reform. "The adoption of this great reform would do much towards abating the baneful spirit of partisan animosity and removing the temptations and opportunities which now exist for the corrupt use of money at elections. . . . . . It will also tend powerfully to relieve the voter from the despotism of party caucuses, and at the same time constrain party leaders to exercise more care in selecting candidates for law makers. There is nothing which will more effectually put an end to packing conventions than arming the voter with the three shooter or triple ballot whereby he may fire "plumpers" for the candidate of his choice and against those of his aversion. It will increase the usefulness of the Legislature by improving the membership. It will enable the virtuous citizens to elect the ablest and purest men in their midst and secure to the legislative councils a large measure of popular confidence and respect."

The convention after a short deliberation passed all sections by a large majority but as it was distinctly understood that this was simply referring the question to the people the vote is not significant of the sentiment of the convention. Neither was there any debate on the subject which would indicate the opinions of the members. At a popular election, the people by 99,022 affirmative, and 70,080 negative, votes adopted the scheme. The advocates of the measure rejoiced that Illinois was thus the first to inaugurate this democratic and beneficent reform and was to stand the pioneer in a movement which they thought would strengthen and purify our political system and which would eventually be universally applied; and across the Atlantic the great "London
Times" in its issue of January 13, 1870, in discussing the subject said, "And in Illinois, and what Illinois thinks today the Union will think tomorrow, the discussion is passing from theory to practical approval."
THE EXTENT OF MINORITY REPRESENTATION SECURED
BY THE CUMULATIVE VOTE.

In the preceding chapter the conditions prevailing at the
time of the adoption of cumulative voting in Illinois and the
advantageous results which the supporters of the measure promised,
have been described. The next step is to consider the actual
effects of more than 35 years practical test of the plan and to
ascertain, as far as possible, to what extent the method has justi-
fied the expectations of its advocates.

A question that logically arises immediately is, does the
cumulative voting system always in each district give a minority
party representation? The answer to this question, with a few
rare exceptions which will be noted later, can be given definitely
and decisively in the affirmative. In every senatorial district
in the state, with the few exceptions already mentioned, at least
two parties and occasionally three have been represented in the lower
House of the legislature. The time-honored and usual rule is
for the majority party to have two representatives and the minority
one with occasionally a third party candidate defeating one of
either the two principal party nominees. Although there have been
biennial elections in each of the 51 districts since 1872 under
the present constitution in but three instances have all three re-

1. These instances are: District No. 38 in the 36th General Assem-
bly (1888-1890) when the Democratic party had three representa-
tives. Districts Nos. 5 and 10 in the 40th Assembly (1896-98)
where there were three Republicans in both cases.
other instances the Republicans have had nominally three members but in these cases one or two of the representatives ran on independent tickets as Independent Republicans, and were not regular nominees of the party. This was especially true of the elections in 1874 for the 29th Assembly when in many districts the Democrats nominated no candidates and helped elect the Independents.

As seen from the above figures the cumulative voting has in practically all cases given a minority party representation but this does not necessarily imply that it gives exact proportional representation. The originators of the scheme did not assert that it would afford proportional representation to any degree of exactness and contented themselves with calling the plan minority representation. It is a mistake to suppose that the system is based

<table>
<thead>
<tr>
<th>Year</th>
<th>Assembly</th>
<th>District</th>
<th>Regular</th>
<th>Independent</th>
</tr>
</thead>
<tbody>
<tr>
<td>1874</td>
<td>29th</td>
<td>15</td>
<td>1</td>
<td>2</td>
</tr>
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<td>1874</td>
<td>29th</td>
<td>20</td>
<td>2</td>
<td>1</td>
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<td>23</td>
<td>2</td>
<td>1</td>
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<td>29th</td>
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</tr>
<tr>
<td>1874</td>
<td>29th</td>
<td>46</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>1886</td>
<td>35th</td>
<td>16</td>
<td>2</td>
<td>1</td>
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</table>
primarily on the proportional idea yet so far as the two dominant parties are concerned it has lead to proportional representation approaching mathematical exactness as indicated by the table on the following page. Presidential years only have been used as those years give a much better idea of the real party strength since in the "off" years party lines are frequently ignored because of local issues or fights and also because in those years the interest in the few state officers to be elected is not sufficient to bring out the full vote and the figures are of but little value as an indication of party strength.

It should also be pointed out that absolute conclusions cannot be drawn from the above table for any one year because of the fact that but half of the Senate is renewed at any one election. Hence there are at every session 50% of "holdovers" in the Senate who may or may not represent the present majority party in their respective districts and this might operate to prevent the Senate from being as representative as the House. As a whole the table indicates how nearly each House has come to representing the prevailing political opinion through a series of years. It will be observed that, except in one instance of 1884 when the two parties approached closely to proportional representation in both Houses, the membership in the lower House comes much nearer indicating the relative strength of the two dominant parties than does the Senate. The variation in the House in 1872 is due partially at least to the fact that the voters were not familiar with the scheme and the parties were not organized to meet the new conditions and take advantage of them. The variation in 1904 is due largely to an
# Table I.

**Comparison of Legislative Vote and Representation of the Democratic and Republican Parties.**

<table>
<thead>
<tr>
<th>Year</th>
<th>Republican Presidential Vote</th>
<th>Democratic Presidential Vote</th>
<th>Republican Senators</th>
<th>Democratic Senators</th>
<th>Republican Representatives</th>
<th>Democratic Representatives</th>
<th>Ratio of Democratic to Republican Vote expressed in per cent</th>
<th>Senate Members in Republican Control</th>
<th>Senate Members in Democratic Control</th>
<th>House Members in Republican Control</th>
<th>House Members in Democratic Control</th>
</tr>
</thead>
<tbody>
<tr>
<td>1872</td>
<td>241,944</td>
<td>189,938</td>
<td>34</td>
<td>17</td>
<td>86</td>
<td>67</td>
<td>78</td>
<td>50</td>
<td>86</td>
<td>8</td>
<td>7</td>
</tr>
<tr>
<td>1876</td>
<td>278,232</td>
<td>258,601</td>
<td>21</td>
<td>22</td>
<td>79</td>
<td>67</td>
<td>93</td>
<td>105</td>
<td>85</td>
<td>8</td>
<td>1</td>
</tr>
<tr>
<td>1880</td>
<td>318,037</td>
<td>277,521</td>
<td>32</td>
<td>18</td>
<td>82</td>
<td>71</td>
<td>87</td>
<td>56</td>
<td>86</td>
<td>1</td>
<td>1</td>
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<tr>
<td>1884</td>
<td>337,469</td>
<td>312,351</td>
<td>26</td>
<td>25</td>
<td>77</td>
<td>75</td>
<td>92</td>
<td>96</td>
<td>97</td>
<td>1</td>
<td>1</td>
</tr>
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<td>1888</td>
<td>370,475</td>
<td>348,371</td>
<td>35</td>
<td>15</td>
<td>79</td>
<td>73</td>
<td>94</td>
<td>43</td>
<td>92</td>
<td>1</td>
<td>1</td>
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<td>1892</td>
<td>399,288</td>
<td>426,281</td>
<td>22</td>
<td>29</td>
<td>75</td>
<td>78</td>
<td>106</td>
<td>132</td>
<td>104</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>1896</td>
<td>607,130</td>
<td>464,523</td>
<td>38</td>
<td>12</td>
<td>88</td>
<td>63</td>
<td>76</td>
<td>31</td>
<td>71</td>
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<td>2</td>
</tr>
<tr>
<td>1900</td>
<td>597,985</td>
<td>503,061</td>
<td>32</td>
<td>19</td>
<td>81</td>
<td>72</td>
<td>84</td>
<td>59</td>
<td>89</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>1904</td>
<td>632,645</td>
<td>327,606</td>
<td>42</td>
<td>9</td>
<td>91</td>
<td>57</td>
<td>51</td>
<td>21</td>
<td>62</td>
<td>5</td>
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abnormal Presidential vote and the proportion of members in the House probably more nearly represents actual party strength than does the Presidential vote. In all others years the percentage of votes cast corresponds fairly closely to the percentage of members of the party in the House. The Senate, however, shows a wide variation. In 1888, 1896, and again in 1904, the minority party had less than half the number it was entitled to as compared with the majority party while all the years, 1884 excepted, show a large discrepancy, the majority as is to be expected, always having more members than its just proportion. It should be remembered in this connection that Senators and Representatives are elected from the same districts.

It is mathematically evident that any party which is able to poll more than 1/4 of the votes in a district may, by "plumping," that is, casting all three votes for one man, elect a Representative. The possibility of a comparatively small faction thus being able to elect an official supposedly would operate for the benefit of third parties but as a matter of fact these minor parties have had but few representatives in the House. The total vote which they have cast in the state as a whole has been quite large, yet it seldom happens that any minor party has more votes than the weaker of the two large ones. However with the exceptions of 1872 1892, and 1900, third party men have been in every legislature, there being five in House in 1904-06 and one or two in each of the others as indicated in the above Table I.

Table I shows to what extent the cumulative vote affords proportional representation when only the two dominant parties
are considered. Table II gives the total legislative vote, the vote by parties and the actual and proportional representation of each party in the legislature elected in 1906.

Opponents of the cumulative vote have called attention to the large number of votes cast in the state by the minor parties which elect few or no candidates. In the election of 1906, the Prohibitionist, Socialist and Labor parties had 348,139 votes (not voters) which was about 15% of the total vote yet all these combined elected but three members of the House. In Cook County alone the same year 183,178 votes were cast without securing any representation. These statements simply verify what has already been mentioned that the cumulative voting plan does not claim to be primarily a proportional representation scheme, but a minority party representation device and the tables and figures cited above indicate how far the system gives a minority party representation and to what extent it gives, or fails to give, proportional representation to all parties.

While it is true that minor parties receive no great consideration this may not be really as great a practical defect as it may appear. The principle of government by parties is firmly fixed in American politics and the few third party members are not taken into the councils of either of the dominant parties and except in the unusual cases where they happen to hold the balance of power they are given but little consideration and have but little opportunity to exert any influence. Moreover, with a large number of parties and factions represented a legislative body almost inevitably

1.- Cook County figures from statement prepared by Legislative Voters League, Chicago.
**TABLE II.**

**ILLINOIS LEGISLATURE, 1906.**

<table>
<thead>
<tr>
<th>Party</th>
<th>Vote for representative</th>
<th>per cent of total</th>
<th>Representatives elected</th>
<th>Proportional</th>
</tr>
</thead>
<tbody>
<tr>
<td>Republican</td>
<td>1,154,258</td>
<td>48</td>
<td>89</td>
<td>73</td>
</tr>
<tr>
<td>Democratic</td>
<td>870,347</td>
<td>36</td>
<td>61</td>
<td>55</td>
</tr>
<tr>
<td>Prohibition</td>
<td>161,275</td>
<td>7</td>
<td>3</td>
<td>11</td>
</tr>
<tr>
<td>Socialistic</td>
<td>99,633</td>
<td>4</td>
<td></td>
<td>6</td>
</tr>
<tr>
<td>Independent Labor</td>
<td>87,131</td>
<td>4</td>
<td></td>
<td>6</td>
</tr>
<tr>
<td>Independent and Scattering</td>
<td>22,269</td>
<td>1</td>
<td></td>
<td>2</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>2,394,973</strong></td>
<td><strong>100</strong></td>
<td><strong>153</strong></td>
<td><strong>153</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Party</th>
<th>Vote for Senator</th>
<th>Per cent of total</th>
<th>Senators Elected</th>
<th>Proportional</th>
</tr>
</thead>
<tbody>
<tr>
<td>Republican</td>
<td>237,846</td>
<td>53</td>
<td>44</td>
<td>27</td>
</tr>
<tr>
<td>Democratic</td>
<td>142,567</td>
<td>32</td>
<td>7</td>
<td>16</td>
</tr>
<tr>
<td>Prohibition</td>
<td>11,998</td>
<td>3</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Socialistic</td>
<td>25,965</td>
<td>6</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Independent Labor</td>
<td>26,859</td>
<td>6</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Independent</td>
<td>324</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>445,559</strong></td>
<td><strong>100</strong></td>
<td><strong>51</strong></td>
<td><strong>51</strong></td>
</tr>
</tbody>
</table>
degenerates into a mere debating society and accomplishes nothing. This is well illustrated by the 29th Assembly, when in the Senate there were 24 Republicans, 19 Democrats and 9 Independents, Liberals, etc. In the House the Republicans had 69, the Democrats '42 and 1 Independents and others difficult to classify. The Assembly was the scene of disgraceful rows, personal combats and finally adjourned with but few results to show for its labors. Theoretically it may be very proper and just for each faction to be represented in exact proportion to its voting strength but experience scarcely bears out the practical wisdom of such a theory.

Since at legislative elections each voter is allowed 2 "to multiply himself three times" at the polls the 370,300 votes cast in the state securing but three legislators represent approximately 123,400 voters and the 183,000 ineffective votes in Cook County about 61,000. In this connection it is only necessary to point out that the same year in the state elections 370,333 votes were cast for Superintendent of Public Instruction and 407,039 votes for Treasurer, which elected no official and were entirely lost. In Cook County in the same year, 16 out of the 19 districts elected Senators and 121,239 votes failed to secure representation. Had elections been held in all districts and the ratio of ineffective votes remained the same for the three districts as in the other sixteen there would have been about 144,000 votes lost in the county, as compared with 61,000 lost in representative elections.

1.- Figures taken from Moses: "Illinois; Historical and Statistical" p. 829. Figures do not entirely harmonize with newspaper accounts due probably to the difficulty of classifying some members.

2.- This includes 22,269 scattering votes not included in the Prohibition, Socialistic and Labor vote previously given.
Although the cumulative vote does not secure any exact proportional representation for all parties it has at least the virtue of approaching it much more nearly than does the ordinary majority system and there is far less loss of votes than usually prevails.

It is evident from a consideration of Table I., page 19, that where minority representation prevails, gerrymandering is largely shorn of its viciousness. When some minority party is practically certain of securing at least one member out of three in each district, such gross inequalities and injustice, that frequently prevail as the result of the gerrymander must be greatly reduced. In Massachusetts in 1892 it required 16,560 Democrats to elect one state Senator and only 6,182 Republicans to accomplish the same result. In other words one Republican equaled 2 2/3 Democrats. In 1894 Democratic members of the General Assembly of New York received an average of 217,883 votes and the Republicans 6,341. In Michigan the same year, using the vote for Governor as a basis, the Republicans with 237,215 votes elected 99 members of the legislature while the Democrats with 130,823 votes secured but one. In Ohio in 1894 one Republican vote for legislator was equal to 2 1/4 Democratic votes. In Illinois in 1906 it required 9,089 Republican, and 35,889 Democratic, votes to elect a state senator, while for the House with the cumulative vote in the same year 12,970 Republican and 14,268 Democratic votes elected a representative.

The apportionment of Illinois was made in 1901 when the Republicans had a majority in both Houses and they were probably as keenly alive

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to party interests as any body of legislators and that they succeeded in discriminating against the opposition is shown by the inequalities in the senatorial vote. While the House vote shows some variation and can scarcely be regarded as ideal, nevertheless, it has none of those glaring inequalities which are so frequently found as the result of the inherent injustice of the majority system combined with the consumation of political art in juggling district boundary lines.

The constitution provides that "In all elections of Representatives aforesaid each qualified voter may cast as many votes for one candidate as there are Representatives to be elected or may distribute the same in equal parts thereof, among the candidates as he shall see fit;" Leaving the voter really free, without the restrictions of party discipline, to cast these three votes as he sees fit might easily lead to an enormous loss of votes by "plumping" on one candidate thus giving him far more votes than necessary to elect while a minority by judiciously distributing its votes might elect two candidates and secure excessive power.

It is frequently asserted by the opponents of the cumulative vote that by means of it minorities do secure undue representation. Whether this assertion is correct or not depends very largely upon the view held regarding the rights of minorities. If, as asserted by some violent partisans, the minority has few or no rights that must be respected by the majority and that since the majority party must assume responsibility for policies or legislation this party should have a free hand, then the cumulative vote does give a minority party excessive representation. If, however,
the more sane and just assumption is made that a minority has certain rights which a majority is ethically bound to respect and that the minority is entitled to about the same ratio of representation in governmental councils as it bears to the whole body politic, there is still some question as to whether the minority does not secure more representation than it justly deserves. The possibility of this may be illustrated mathematically by the following hypothetical case. The majority in a district casts 18,000 votes and the minority party 16,000. A and B are majority and C and D are minority candidates. A for some reason attracts more than his share of votes and receives 11,000 leaving but 7,000 for B. The minority candidates run more evenly and each receive 8,000 votes. The result is manifestly that a faction, while casting an actual minority of the total vote, has elected two out of three members. This is a possible undesirable condition but one which actually occurs so seldom that it does not constitute a very formidable objection.

Such inequalities are found occasionally but always in districts where the two parties are of nearly equal voting strength. In some cases the defect has been the result of "plumping" but frequently such miscarriages occur in districts so close that a few votes either way would change the result of the election.

On the following page, Table III, gives the districts in which such mishaps have occurred and the vote in each case.

It will be seen that there have been 24 cases in which the minority clearly had greater representation than it was entitled to have. In four cases (Nos. 3, 15, 22, 23) this was caused by the party managers being too conservative, or estimating incorrect-
### Table III

**Table of Districts in Which a Minority Party Has Elected a Majority of Representatives**

<table>
<thead>
<tr>
<th>Year</th>
<th>Districts</th>
<th>Republican Vote</th>
<th>Democratic Vote</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Total</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>X 6,334 X 6,889</td>
<td>X 6,984 X 6,263</td>
</tr>
<tr>
<td>1872</td>
<td>24</td>
<td>13,233</td>
<td>13,252</td>
</tr>
<tr>
<td>1872</td>
<td>26</td>
<td>11,178</td>
<td>11,691</td>
</tr>
<tr>
<td>1872</td>
<td>45</td>
<td>14,029</td>
<td>13,329</td>
</tr>
<tr>
<td>1874</td>
<td>13</td>
<td>11,303</td>
<td>13,226</td>
</tr>
<tr>
<td>1876</td>
<td>25</td>
<td>11,822</td>
<td>10,403</td>
</tr>
<tr>
<td>1876</td>
<td>14</td>
<td>9,755</td>
<td>11,782</td>
</tr>
<tr>
<td>1878</td>
<td>27</td>
<td>16,708</td>
<td>14,513</td>
</tr>
<tr>
<td>1880</td>
<td>41</td>
<td>9,967</td>
<td>4,433</td>
</tr>
<tr>
<td>1880</td>
<td>24</td>
<td>14,558</td>
<td>14,855</td>
</tr>
<tr>
<td>1882</td>
<td>9</td>
<td>6,668</td>
<td>3,130</td>
</tr>
<tr>
<td>1884</td>
<td>32</td>
<td>17,509</td>
<td>17,519</td>
</tr>
<tr>
<td>1884</td>
<td>15</td>
<td>16,950</td>
<td>14,489</td>
</tr>
<tr>
<td>1892</td>
<td>6</td>
<td>16,950</td>
<td>14,489</td>
</tr>
<tr>
<td>1892</td>
<td>32</td>
<td>51,685</td>
<td>61,637</td>
</tr>
<tr>
<td>1894</td>
<td>9</td>
<td>19,980</td>
<td>18,379</td>
</tr>
<tr>
<td>1894</td>
<td>19</td>
<td>27,549</td>
<td>26,749</td>
</tr>
<tr>
<td>1896</td>
<td>40</td>
<td>20,768</td>
<td>19,492</td>
</tr>
<tr>
<td>1898</td>
<td>6</td>
<td>30,773</td>
<td>30,496</td>
</tr>
<tr>
<td>1900</td>
<td>49</td>
<td>30,034</td>
<td>30,594</td>
</tr>
<tr>
<td>1904</td>
<td>23</td>
<td>27,762</td>
<td>25,087</td>
</tr>
<tr>
<td>1904</td>
<td>17</td>
<td>16,265</td>
<td>14,093</td>
</tr>
<tr>
<td>1906</td>
<td>46</td>
<td>28,235</td>
<td>25,111</td>
</tr>
<tr>
<td>1906</td>
<td>39</td>
<td>19,896</td>
<td>23,490</td>
</tr>
</tbody>
</table>

X indicates the successful candidates in each case.
ly the voting strength, as the dominant party had but one candidate. In six instances (Nos. 1, 8, 9, 11, 14, 20) the vote was so very close and such a small number of votes and a yet smaller number of voters would have turned the scale that a party which thus lost a representative could have but little grounds for a complaint of injustice. In one instance (No. 4) the majority failed to elect its quota because of having three candidates in the field. In the remaining fourteen cases there is evidence of "plumping" to a greater or less extent. This was sometimes caused by the comparatively great personal popularity of one candidate, sometimes because one was backed by an aggressive "machine", but more frequently where two or more counties are joined to make up a district one county has "knifed" a candidate and plumped for the "home" man thus getting local revenge at the expense of the party and fair representation.

Table III covers a period of 18 elections in 51 districts and the minority thus secured a majority of representatives in about 2 1/2% of the total number of elections. Whether due to "plumping" or other causes the proportion of mishaps is small and the system has so seldom been subverted in such a manner as to defeat the will of the majority that there can be no serious accusation against the cumulative vote in this regard.

It has been asserted that because of the peculiar method of electing representatives the party carrying the state elections may fail to secure the majority in the legislature to which it is entitled. The example cited is 1890 when the Democrats for the first time in years secured the small number of state officers
elected that fall. In the Senate the Republicans had 27 and the Democrats 24 members. In the House there were 73 Republicans, 77 Democrats and 3 Farmer's Alliance members, the latter thus holding the balance of power on joint ballot. The above figures show that so far as the House is concerned the Democrats did have a small majority and the failure to secure a majority on joint ballot was due to the non-representative character of the Senate since of the 26 Senators who held over 16 were Republican.

Partisans assert that a great harm may be done the majority by a minority securing undue representation at certain critical times. This is most apparent when a United States Senator is to be elected and the classical example given is the senatorial election of 1877. In the elections of 1876 the Republicans cast for President 278,232 votes and the Democrats 258,601. In the legislature which assembled in 1877 as the result of the fall elections, there were in the Senate 21 Republicans, 22 Democrats and 8 Independents. In the House the Republicans counted 79, the Democrats 67 and 7 Independents, thus again giving a small faction the balance of power on joint ballot. The Independents clung obstinately to their senatorial candidate (Judge Davis) and finally the Democratic vote was transferred to him thus giving the required majority and the Republicans failed to secure an office they claimed was justly theirs. While such an occurrence is unfortunate, it is simply an illustration of the occasional immense power of a small faction holding the balance of power and may and does happen occasionally under any system of election and is not a defect peculiar to the cumulative vote.
Another objection to minority representation is that in case of the death or resignation of a House member the majority party would elect the new member of that district regardless of the politics of the ex-member. In exceptional cases like election of United States Senator, when the vote is close and party lines tightly drawn, this might give a party a majority to which it is not justly entitled and which might be of considerable importance. In many legislatures in Illinois vacancies have been caused by death or resignation yet no great injustice has ever been worked in filling these and the likelihood of such events causing party disaster is so remote as to be scarcely worthy of consideration.

1. What has actually happened has been exactly the reverse of the above. In 1885 at the death of a member of the House, Senator Logan by consummate political skill secured the election of a Republican member from a strongly Democratic district, and was, as a result, elected to succeed himself as United States Senator.
EFFECT ON PARTY ORGANIZATION.

The investigation of the results of cumulative voting is difficult since with the exception of the bare, naked facts to be gotten from official statistics there is little information to be found on the subject. The history of the scheme is contemporaneous history and it is not easy to determine what has been accomplished by a movement still in progress. Many of the facts must be sought from individuals still in active life and in order to supplement statistical information a list of questions was sent to members of the present legislature, state officials, editors of some of the more important newspapers of the state, individuals who are active in civic reforms and a few other prominent citizens. The tabulation of the answers obtained will appear in this and following sections.

In a preceding section appears the following quotation from the report of the Committee on Electoral Reform to the constitutional convention:

"It (minority representation) will also tend powerfully to relieve the voter from the despotism of party caucuses and at the same time constrain party leaders to exercise more care in selecting candidates for law making. There is nothing which will more effectually put an end to the practice of packing conventions than arming the voter with the three shooter or triple ballot power whereby he may fire 'plumpers' for the candidate of his choice and
against those of his aversion." In other words the cumulative vote would deal a death blow to party bossism. In a recent report issued by the Legislative Voters League of Chicago appears the statement: "By it (minority representation) the people of Illinois have lost control of their Legislature," and "Minority Representation has been one of the most vicious acts ever placed upon the statute books." "The candidates nominated and elected under the present system are in most instances merely errand boys and messengers for the party boss." It would be difficult for the assertions to vary more widely. One is the statement made by a civic reformer prophesying the results of one of his favorite projects, the other was made after that scheme had been tried for 35 years. While the first, being but a prophecy, can prove nothing, neither do the latter empiric, dogmatic statements convince.

One of the questions submitted to those who were interviewed on the subject was, "Does the system (cumulative vote) increase or diminish the power of the party machine?" Eighty four definite answers were received to this question. Nine of the number asserted that the power was diminished, 35 maintained that the system had no effect on party organization while 40 asserted, and most of these were very certain as to the correctness of the answer, that the influence of the party machine was greatly increased. It

1. It is rather curious to note that in reports of this same organization appear the following: "The things which have distinguished this Legislature are the high character of a majority of its members...." "We are prepared to state that it is an absolute fact that a large majority of the members of the 44th General Assembly are honest and patriotic citizens" and various kindred statements.
is interesting, if not important, to note that of the nine who thought party power was diminished, seven are members of the present legislature and in general there is considerable variation between the answers of politicians and others who are but observers or critics of political affairs.

One strong evidence of strict party control is the limited number of real candidates which appear on the ticket, especially in the Chicago districts. It is true that there are frequently seven or eight candidates for the three places each election, but usually there are but three nominees of the two dominant parties combined and nomination thus becomes practically equivalent to an election. Other candidates represent various minor parties and are fully aware that ordinarily they have no chance of election. The usual rule is for the majority party to nominate two, the principal minority party one, and this custom is practically universal so far as the former party is concerned. Prior to 1896 three candidates, of one party did appear occasionally but these were found only in districts where the majority party was unusually strong and had some hopes of electing three members or what was more usual the three candidates were the result of county fights where two or more counties are combined in one district. In such cases it sometimes happened that the larger county demanded and secured both regular nominees and the smaller county for the sake of revenge would adopt the suicidal policy of putting a candidate of its own in the field. So far as we are aware no majority party has ever nominated three candidates in order to give its constituents a greater choice at the polls.
The number of candidates to be nominated, ordinarily no more than can be elected, is determined by the party leaders and the nominations have been made in caucuses and conventions which are the creations of the party and where the party cliques and professional politician usually has complete control. Under such conditions and considering the shrewdness with which party leaders have always taken advantage of every opportunity to build up a compact organization, can there be any doubt but that the "machine" will have a firm grip on legislative elections?

In Cook County which has 19 districts and consequently 57 Representatives to elect there have been but from 59 to 61 candidates presented by the combined Republican and Democratic parties. The rule of having but three candidates presented by the two political parties is almost universally adhered to in this County though in at least one district both in 1904 and 1906 the majority party was strong enough to elect all three Representatives but presented but two candidates. This failure of a party to grasp an office evidently within its reach is strongly indicative of a "gentlemen's agreement" between the leaders of the two parties regarding the division of spoils.

In the districts outside of Cook County the appearance of four candidates of the two great parties is not so unusual but the custom of having four or more nominees is by no means universal. In these 32 districts in 1906, in 10 the two dominant parties nominated four candidates for the three positions. In 1904 in the same districts four candidates appear in but eight of

1.- Seventh District.
them; in 1902 in but seven. In 1900, under the apportionment of 1893 in which there were 36 districts outside of Cook County, 20 districts had four or more candidates of the two main parties in the field; in 1898, 26 districts and in 1896, 20 districts; in 1894, 29 districts.

It appears from the above figures that the elections of the minority party in certain districts have some choice of candidates when they go to the polls. It will also be seen that there is no uniform rule governing the minority in regard to nominating two candidates but there is a very evident and material decrease in the number of four-candidate districts in the three elections since 1900. Whether this is merely accidental or whether it is a permanent tendency can not be definitely determined at present. Whenever there are two candidates on the same ticket and but one can be elected there is obviously an excellent prospect for an intra-party fight. The country districts are tiring of taking chances of wrecking the party by internal strife with no prospect of gaining any greater representation than if the party leaders took the matter in hand and nominated no more than could probably be elected. Because of these conditions the tendency apparent since 1900 to reduce the number of candidates will probably continue.

A study of election statistics reveals little or nothing regarding party discipline. In some districts where there are four candidates and naturally each nominee of the minority party will induce as much "plumping" for himself as possible the equality of the vote would seem to indicate a slavish obedience to the party exhortation not to "plump" but to vote 1 1/2 votes for each candi-
date. In other cases "plumping" does appear but it is impossible
due to tell whether this is to a voters' rebellion against party
domination or whether it is an indication of the power of the party
bosses as it might be the result of the latter using their influence
to elect a weak candidate.

Such a scheme as minority representation and cumulative
voting must automatically increase party control. Several thousand
voters coming to the polls each with three votes to distribute as
he sees fit without a certain amount of party supervision can lead
to nothing but confusion, injustice, and misrepresentation. Some
popular candidate might receive a large share of the votes while
two others, a majority of those to be elected in this case, might
be selected by a few thousand votes each. There would inevitably
be such a loss of votes and unfair representation that the people
would demand, or at least acquiesce in, party managers' dictation
in order to prevent such useless and indiscriminate voting.

The undesirable conditions described above are not a mere
supposition of what might happen but specific instances can be
cited of the disaster attending cumulative voting elections without
party organization among the mass of the people. The best illustra-
tions are the notorious English School board elections in 1870
already mentioned, when in some of the districts as many as 15 mem-
bers were to be elected and each elector as in Illinois had as many
votes as there were places to be filled. In Manchester there were
15 members to be elected. "Manchester is famous for two things--
first the fervor of its Protestantism; second, the number, organiza-
tion and strength of its working classes. But at this election two
Roman Catholics were brought in at the head of the poll, one of them receiving nearly 20,000 more votes than any Protestant candidate and no working class candidate, of whom there were seven, being elected at all. ¹ In Marylebone, a district of London, the favorite candidate received 47,858 votes and the next in the list had only 13,494. In Finsbury another district of London the highest number received by one candidate was 27,858 and the next highest but 10,766. In Birmingham the 15 successful candidates were voted for by about 18,800 voters while 10,100 lost their votes on unsuccessful candidates—a much greater percentage of non-representation than usually prevails in the single vote method. If specific instances are necessary to prove what appears an almost axiomatic truth—the futility of attempting an election with the cumulative vote without party organization and leaders able to control that organization, the English school board elections furnish plenty of instructive examples.

While there can be no doubt but that a scheme of cumulative voting because of inherent peculiarities will create a demand for a strong party organization this does not necessarily condemn the system nor does it necessarily imply that the members of the various legislatures of the state have been "machine" men in the opprobrious sense in which that term has come to be used. However, legislative conditions in the state have not been altogether satisfactory, to put in mildly, and the records of some of the legislatures have not been ideal. Granting for the sake of argument that all the many accusations made against the legislature in the past

¹ Quoted in Dutcher, "Minority Representation." p. 72
² Figures taken from Dutcher, pp. 69-74
few years are true, it would appear that the cumulative voting system has been more sinned against than sinning. Admitting all the charges there is no evidence anywhere nor any analogy from which conclusions can be drawn which would warrant any belief other than that the "machine" would be just as corrupt and have just as complete control as it now has if the cumulative vote had never been used. An investigation of the legislatures of New York, Pennsylvania, Ohio, Kansas, Oregon, in fact almost any state selected at random will show that other states suffer from exactly the same political "boss" evils of which Illinois complains. The sins of the latter state's legislature seem to be those of omission rather than commission. There have been vexatious delays in securing legislation made necessary by the rapid advance of the state but there have been few or no charges of positive corruption such as are not infrequent in other states.

The same organization which calls the cumulative voting system the "most vicious piece of legislation ever placed on the statute books" also says: "These two measures illustrate how the organizations of the Senate and House work hand in hand. They divide the responsibility—one kills one bill and the other another." In other words the Senate is as bad as the House and yet the Senate has never been tainted with the cumulative vote. Also in this state there was no cumulative voting prior to 1872, and surely the records of some of these earlier legislatures are nothing to boast of. So greatly did the early law making bodies abuse their power that one of the principal reasons for calling the constitution 1. Legislative voters League." Preliminary Report on the 45th General Assembly." 1908.
al convention in 1848 and again in 1864 was to limit legislative discretion. It is not necessary here to describe the "internal improvement" policy, the oppressive state debt, attempts at repudiation, the passage of questionable private bills and the long, dreary list of legislative short comings but it is doubtful if the later legislatures can equal the unenviable records of many of their early predecessors.

As might be expected the worst complaint comes from Chicago and it is here that the cumulative vote has been worst abused. This is only one of numerous examples of the inability of municipalities to successfully govern themselves. Under present conditions any system, no matter how ideal, would probably go amiss in Chicago though on the whole it has been better governed than most of the large cities. If there are at present in Chicago but 59-61 real candidates to fill 57 positions, under the one-member distinct and single vote the city would probably be so gerrymandered with ward lines for district boundaries, that there would be no more real candidates than at present. The agitation in Chicago against the cumulative vote is only another indication of the tendency of the cities to persistently blame their misgovernment on the system of constitution in vogue and demand a change there rather than place it on the electorate where it belongs. In other words, an attempt to dodge the real issues by trying to reform the constitution instead of public sentiment.

The above is written with no intention of either defending or condemning the state legislatures but rather to clear the cumulative voting system of certain charges which it is not altogether guilty. It would be useless to deny that the cumulative
vote requires strict party discipline and that in this system the political "boss" found ready made a means of exercising his control but all evidence tends to show that if such means had not been furnished he would have found methods of his own to accomplish the same purpose. It is, of course, a very negative sort of a re-

commendation to say that a system is no worse than others but so far as the evils of excessive party control is concerned that is the most that can be said for the cumulative vote as actually applied in this state. But it should be borne in mind that these evils are not all due to cumulative voting per se but rather to abuses of the system and here is really the heart of the whole question. As the scheme has worked out in practice legislative nominations have become practically equivalent to election and the evil is of course that these nominations are largely controlled by a limited number of party leaders. If it can be freed of its abuses and allowed to work out its legitimate results, minority representation in Illinois has much to recommend it. But if these abuses can not be prevented it is difficult to see how the party's grip on legislative selections can be loosened. The possible remedies for these practical evils will be considered in a later section.
PRACTICAL DIFFICULTIES OF THE CUMULATIVE VOTE
AND ITS EFFECT ON THE PERSONNEL
OF THE LEGISLATURE.

When the advocates of electoral reform were busy formulating schemes of minority representation they had no difficulties in devising theories that would afford such representation with mathematical exactness. The real difficulty lay in making these methods simple enough that the ordinary voter and returning boards could vote and tabulate results intelligently and accurately. The Committee on Electoral Reform in the constitutional convention also struggled with this problem and abandoned their first device as too complicated. The plan finally recommended was the simplest the committee could devise but even then it was feared there would be trouble in voting and counting votes. As a matter of fact, as happens whenever any new system of voting is put into operation, there was some difficulty at the polls but this grew less as the voters became more familiar with the plan. Later when the Australian ballot was introduced there were more difficulties for a time. To obtain further information on this subject the following question was included in the list sent out over the state: "Are there any practical difficulties in the operation of the system such as difficulties in voting, counting votes, etc?" Of the 93 answers received to this question, 60 asserted that there were no difficulties at all, or if any, they were so slight as to be of no real importance. 33 answered that the difficulties were serious
enough to constitute a real objection. In the great majority of
cases these latter were opposed to the entire plan and were inclined
to attack every phase of it whether there was really justification
for such attack or not. Whatever difficulty there may have been
was due largely to the statutes on the subject as the laws were
vague and indefinite but this defect was remedied by an act of 1905.
Having half votes to count and record may require a little more
time to arrive at results than under the ordinary system of voting
but beyond this inconvenience the practical difficulties are so
slight that they can not be considered as any real objection.

With the idea of ascertaining public sentiment on the
question and to ascertain if minority representation in its some-
what crude and limited form was regarded sufficiently successful
that the people of the state would approve of a wider application
of the same principle a question was included in the previously
mentioned list asking what advantage, if any, would be gained by
increasing the size of the districts and electing more than three
men from each. Evidently the larger the districts and the more
officials elected from each the more opportunity small factions
would have of being represented and the more nearly the scheme
would approach proportional representation. Of 88 who replied
directly to this question 3 favored the idea of larger districts
and 85 disapproved, but it is evident that the answers are of but
little value so far as an expression of opinion regarding propor-
tional representation is concerned. Apparently none of those
replying considered the wide extension of the principles of pro-
portional representation which such a change would cause and opposed

1.- Revised Statutes, 1906: Ch. 46. Section 54.
any such increase in the size of the districts on grounds of general inexpediency. The answers are, however, very significant in indicating how completely the idea of proportional representation has sunk into desuetude and how completely it has been eliminated from the list of live political questions.

In investigating minority representation in Illinois an attempt was made to ascertain what effect, if any, the scheme had on the personnel of the legislature. This is obviously a rather delicate subject and an exceedingly difficult one to investigate. The people of the state are familiar with the various legislators, past and present, and have, in a general way, a knowledge of their ability but the quality of men who might have been in the legislature under some other form of election is an entirely unknown and indeterminate factor. In the list of questions sent out the following was included: "Are the candidates nominated and elected under the present system of better character or of more ability than would probably be secured under the ordinary one-member district?" Of the 84 who replied to this question directly, 6 answered unequivocally in the affirmative, 21 asserted exactly the opposite and most of these were quite positive in their answers. 33 made the cautious answer that at least the members usually secured were no better than would be elected by other methods while 24 were of the opinion that the method of election had no effect on character or ability of members.

Since the question propounded can not be answered definitely and at best is largely one of opinion ideas of the citizens of the state on the subject may be interesting. The conclu-
sions of those interviewed are based on observation and experience and the standing in the community of those quoted are in all cases such as to entitle their opinion to consideration.

A member of the present legislature says: "I would say in general they are probably more representative men."

Another member of the General Assembly: "The worst candidate stands the best chance of election as appreciating the fact that he is weak the "plumping" is often times overdone to even up the vote."

An editor answers the question succinctly and positively: "Most assuredly not."

A well known lawyer from Chicago asserts: "I believe that the one member district plan would be infinitely preferable in its results both as to character and ability of the representatives secured. This because it would require an actual fight before the people for election."

Another editor remarks: "Undoubtedly no. In proportion as responsibility is divided men of less character are chosen for public service."

A prominent official: "No. I believe the present system secures poorer results in both character and ability than a flat one vote process. I think the cumulative three vote plan enables an inferior candidate to be elected in many instances."

A Chicago citizen says: "I think the reverse is true as the men selected are willing to hold their offices as the henchmen of the political leaders and are apt to be less independent than the men who would be selected in the ordinary one-member district."
A Congressman expresses himself as follows: "I do not think the present system can have any relation to the character and ability of the candidates. Neither better nor worse candidates are selected on account of it."

Another writer says: "Do not think the method of election would have anything to do with it. The office not the man attracts the candidate."

Members of the present legislature: "It would probably be the same fellows." "The source and character of the constituency govern these things."

Another citizen is eloquent by what he omits: "This is very hard to answer. We elect our aldermen each election one from a ward and ............."

Others say: "I do not think the system affects the matter of ability. Illinois members compare quite favorably with members from other states." "This is a doubtful question and perhaps the time will never come under any circumstances or system that may be adopted when the best men will represent the people in the legislature of any state." "No difference as to character or ability. Only gives a more diversified representation."

As quoted in a preceding section the Electoral Committee contended that: "It (cumulative voting) will increase the usefulness of the legislature by improving the membership. It will enable virtuous citizens to elect the ablest and purest men in their midst and secure to the legislative councils a large measure of popular confidence and respect." How far this contention has been justified in popular opinion is indicated by the tabulation given above— but 6 out of 84 maintaining that any improvement in the personnel of the legislature has occurred.
It should be noted in this connection that many of those who maintain that the personnel of the General Assembly has deteriorated because of the cumulative vote ascribe the blame to the pernicious system of nominating rather than to the method itself. The individuals expressing opinions are not altogether fair in their comparisons between the cumulative vote and the ordinary method. They are fully aware of the defects of the method used and compare a system and its practical evils with an ideal conception of the one vote method forgetting that the latter has equally bad, if not the same, evils when put into operation. Also it is the fashion to decry and ridicule all legislative bodies from municipal councils up the Congress of the United States. Creative legislation is a difficult task and when mistakes are made there are plenty to exercise the right to become a self-constituted critic and denounce both statutes and their authors and an allowance must be made for this prevailing custom.

There are two features, aside from the increased power of the party machine, which may aid in the election of inferior candidates. It was expected that the voter's privilege of "plumping" would tend to defeat undesirable men but in fact this has at times worked out in exactly the opposite way. Practice here illustrates how easily a reform may be utilized advantageously by the very people against whom the measure was aimed and the "triple-armed voter--the terror of party despotism" seems to have been reduced to a very harmless terror indeed. As already mentioned the party ring may exert all its influence to elect its candidate while an honest nominee may unwittingly aid his own defeat by asking his
party to divide the vote equally between himself and his ticket- 
mate. While such cases may happen their frequency has undoubtedly 
been exaggerated. Election statistics show but comparatively few 
instances where a candidate has been defeated by "plumping." Even 
assuming, what facts will not warrant, that all nominees who fail of 
election are the very ones that should have been elected few men 
on this account 
have been kept out of the legislature who for the good of the com-
munity should have been there

Another circumstance which may affect the personnel of 
the legislature is incidental rather than essential to minority 
representation. In this state, if three legislators are to be 
elected from a district, the number of these latter must be some-
what limited and this necessitates the union of two or more counties. 
This combination leads to jealousies between the counties each 
fearing that it will not get its share of the spoils. When fights 
of this sort start the personality and qualifications of the can-
didates are lost sight of and the only question considered by the 
voter is whether or not the nominee is a "home" man. While these 
county feuds exist and are sometimes of long standing it is doubt-
ful if they produce much effect on the personnel of the legislature. 
Some desirable candidates have probably been defeated because of 
county jealousies but it is probably true that just as many unde-
sirable nominees have failed of election for the same reason and 
the account is about balanced.

Many of those expressing their opinion on the subject 
assert that the method of election has nothing to do with the 
character and ability of the legislators and this seems the reasona-
ble and logical view. The voters and character of the voters will
be the same regardless of the method of election and generally speaking elected officials are representative of those from whom they receive their credentials. This, of course, assumes that the people really do select their legislators but with the present system of nominating party organization wields an immense influence and leaves but little choice to the electorate at large.

While the cumulative vote requires strict party discipline the abuse of that discipline is not essential but it is evident that when the innovation was introduced into Illinois it was not properly safe-guarded. The people of the state have watched the subversion of their election system and while little has been done to abolish it by a constitutional amendment several schemes have been proposed to free it of its attendant practical evils. One reform which has been suggested and championed by at least one rather prominent civic organization is to compel each party to nominate a full ticket of three candidates. The object is, of course, to present a considerable number of men from which the voter may select those he considers best qualified but the attempt to inaugurate this change without specific statutory authority failed. This method would obviously result in the abolition of minority representation and would be a plain violation of the spirit if not the letter of the constitution if such a law or custom was followed in good faith. For illustration we will assume a district in which the Republican party has a majority. This party would nominate a full ticket and the Democratic and other minority parties must do likewise. Since party disaffection is the unusual and revolutionary rather than the usual condition the result would be ordinari
ly that each voter would deposit one vote for each candidate of his
and
party, all three Republican nominees would be elected and minority
representation practically abolished. Such practice would give the
independent voters a chance to exercise their discretion but the
lot of the latter is not a pleasant one and it is only when the
occasional wave of civic virtue sweeps over the country that they
become numerous enough to endanger party success. The usual re-
results of each party having a ticket of three candidates would be
that the majority party would elect all three representatives at
the expense of the minority.

If three men were nominated in good faith by each party
thus putting a larger number of candidates in the field of which
only three could be elected, the result would be a hard, bitter
fight not between parties but between nominees on the same ticket.
It would be easier for a Republican, for example, to secure one
or one and one half votes from his colleague than it would to
cross party lines and secure the same from his Democratic opponent.
Parties would be torn to tatters, cliques and rings would grow
up around certain individuals and campaigns would be waged not
on political issues but personalities. Such a change would in no
way affect the real evil in the case and would only make a bad
affair worse.

In the above it is assumed that in nominating three
candidates each party acts in good faith. Every conclusion,
however, that can be drawn from past history or present conditions
indicates that such practice would not be conscientiously carried
out by any party nor is it probable that any legislation could
accomplish the desired result. Taking the example previously given if the Democrats only had enough votes to elect one man if they "plumped" on him they undoubtedly would "plump." Three names might appear on the ticket but it would be made known that two of them were there to meet technical requirements and that there was but one real candidate. A rebellious voter might not vote for that one but if he did not he would be practically sure that he was throwing away his vote.

The basic evil has been the method of nomination. So long as nominations are made in caucuses or conventions and the number of candidates rigorously restricted to the number that could be elected, so long will the cumulative vote be abused and make the effective tool of the party ring. A reform proposed to remedy this defect is a direct primary law which, it is hoped, will deal a death blow to machine domination. The strength of party organization is well illustrated by the history of this movement. Practically all of those interviewed on the subject, including a considerable number of members of the present legislature, were in favor of such a statute and none expressed themselves as opposed yet there was a long hard fight before an act of this nature was passed. By persistent efforts the friends of the measure succeeded in having several so-called primary laws passed. These were unsatisfactory, compromise measures, some of which failed to stand the tests of the courts and there were few regrets when they were repealed or nullified.

The agitation was continued and aided by a constantly increasing popular demand a much better law has recently
been secured. The part applying to legislative elections provides for a senatorial committee consisting of one member from each county in districts of more than three counties; otherwise three members, all to be chosen by popular election. Any citizen legally qualified to fill the office may become a candidate for representative at the primary and have his name printed on the official ballot by filing a petition signed by 1/2 of 1% of the primary electors of his party in the district. Because of the easy fulfillment of the require- ments there should be no dearth of candidates. Political managers however did not entirely release their grip on legislative elections as the principal duty of this senatorial committee for each party is to determine how many candidates shall be nominated. In other words, there will probably be no more real nominees for the legislative positions than there are at present.

An attempt was made to amend the present law so as to allow the voters to decide for themselves whether each party should nominate one, two or three candidates for representative. The amendment was not incorporated in the bill and a loud complaint was made against "machine" domination. Whatever may have been the purpose in delegating to this committee the authority to determine the number of candidates, the power thus given is really not as important as it might appear. The cumulative voting system as has been pointed out requires a definite means of controlling the number of candidates and this committee is probably as well qualified as any that could be devised to determine this matter. If left to the people possibly at the first election the voters, rejoicing in their new found freedom and reacting from the prevailing party control, might decide to increase the number of candidates.
The confusion and inequalities resulting would be such that the electorate would soon decide to do exactly what in all likelihood the present committee will do, namely, nominate no more candidates than can probably be elected. It may make fine political capital for a party to pose as a civic reformer and a friend of the people by leaving the whole matter to popular election but so far as results are concerned they will be essentially the same in either case.

If the people are allowed to select their candidates by direct ballot at the primaries it is difficult to see any particular advantage in having a large number of nominees in the field. If a candidate receives, or fails to receive, a plurality at the primaries the probabilities are that he would receive the same proportion of votes at the final election and results would only be changed by trades, deals and other political manipulations. In other words a direct primary vote should be as accurate an index of popular sentiment as a regular election and a candidate thus selected should be as representative of the people as one who secures a certificate of election as a result of the final vote. This of course would make the real fight for office at the primary rather than the final as the nominee would be sure of his place in most cases. This method of selection would have the advantage of compelling an aspirant for office to go through but one, instead of two, more or less expensive and disagreeable campaigns. If the candidate is required to fight for his place both at the primary and at the election it will involve such an expenditure of time and labor that many desirable men will refuse to become candidates for
the office of representative which pays but little in cash and sometimes less in honor. The position would then be left to professional politicians who by some art are able to make the office pay for the expense incurred in securing it.

Another advantage in having the real contest at the primaries is the fact that they are usually held some time prior to the final elections. (In Illinois under the recent act, after the first year, primaries will be held in April). This removes the local elections from the turmoil and excitement of the general campaign in the fall and will be especially advantageous in presidential years as the electorate will be more likely to select a representative because of his personal fitness or his views on local issues than because of his views on tariff or imperialism. If the real contest for office is thus transferred to the primaries and the final election is to ratify what has already been decided the only advantages of the cumulative vote, since this practice does not prevail at the primaries according to the recent law, is the fact that it secures representation for a minority party in each district and prevents the tyranny resulting from overwhelming majorities.
SUMMARY AND CONCLUSION.

In the preceding discussion it has been shown that the cumulative vote in practically all cases secures minority representation in every senatorial district in the state. Considering only the two main parties representation is obtained very nearly proportional to the vote cast by each. Parties other than the Republican and Democratic seldom have more votes in any district than the weaker of these two main ones and hence elect but few officials. There is, however, a much less loss of votes and smaller percentage of non-representation than prevails under the ordinary majority system.

The evils of gerrymandering are greatly reduced as is indicated by the fact that the vote required to elect a representative is about the same for either of the two principal parties while for senators, elected by the majority system from the same districts, it requires nearly four times as many Democratic votes to secure one official as it does Republican to accomplish the same result.

The minority party does occasionally obtain undue representation as in some instances a minority has elected two out of three representatives. Such results, however, occur only in a few cases, since only in about \(2 \frac{1}{2}\%\) of the total elections has a minority elected a majority of legislators from individual districts. These mishaps may be due to bad management, the majority party failing to nominate the candidates which it might elect; they may be caused by the
personal popularity of a candidate; by county feuds where two or more are joined in one district; or by the party organization fighting valiantly for a candidate whom it fears may be defeated.

In every case where a party has had a plurality in the state it has had a plurality in the lower House of the legislature and the will of the people, as indicated by party vote, has never been defeated because of an occasional instance of the minority securing excessive representation in certain districts.

Any system like the cumulative vote has inherent qualities which demand strict party discipline. Political leaders of the state have not been slow to take advantage of this and the method has been much abused especially in Chicago. The most noticeable and pernicious evil is the rigorous limitation of the number of candidates presented by the two principal parties at each election. Although party control is required by the cumulative vote it is doubtful if political bossism in the legislature up to the present has been worse in Illinois than in other states. There is this difference however. In other states the voters have some opportunities, if they desire to take advantage of them, to relieve themselves of this dictation. In Illinois, with the system of election unguarded as it has been until very recent times, the electorate has small opportunity to overthrow the "machine" even if it is so inclined.

The practical difficulties of voting under the cumulative system as used in this state are so slight as to constitute no real objection.

The effect of the cumulative vote method of election on the personnel of the legislature is difficult to ascertain definite.
ly, since the character of legislators who might have been elected to office under some other plan of selection is entirely indeterminate. The logical conclusion though is that the cumulative vote has had little effect on the personnel of the Assembly. The method of voting can have no influence on the electorate which determines who the representatives shall be. Also, in comparison with other states Illinois' legislators seem to be a fair average thus again indicating the small effects which electoral methods have on the character of officials.

Judging from the opinion of representative citizens whose standing in the community is such that their ideas may be taken as a criterion, public sentiment is either indifferent or opposed to minority representation. The scheme has a few warm friends but many of those expressing opinions thought it had produced but little effect in any direction, while others were squarely opposed, opposition usually being based on the subversion of the system by party organization. All agreed that one of the principal objects of the introduction of the method, the allaying of sectional strife, has been accomplished, but this is now an issue of the past and cannot be advanced as a justification for the present existence of minority representation.

The strongest recommendation for the cumulative vote is the fact that at all times it seems representative for a minor party thus insuring a strong minority in the lower House of the General Assembly. The inherent justice of the first mentioned fact will appeal strongly to civic reformers and is worthy of consideration when discussing the merits of minority representation. While
the latter makes impossible the tyranny of an overwhelming majority which is too often inclined to override the minority in mere wanton display of power. An ever-present minority also serves to check the tendency to corruption which almost invariably follows when one party has for a considerable time a large majority in the councils of the government. This applies with especial force to Illinois where without few exceptions one party has had control of the state for many years.

The serious objection to the cumulative vote is the opportunity it affords for "machine" control and party bossism. If, as is hoped, the new primary law will break the power of the party organization and give the people as complete a control of their legislature as may prevail under the usual majority system then the merits of the cumulative vote greatly outweigh the defects and furnish ample justification for its existence. But if the primary fails in its express object in this particular, the cumulative vote method, while its defects are no worse than are found in the ordinary majority system, has so little practical, positive merit to recommend it, that it can only be regarded as a complication which does not at present justify its existence.