

THE STANDARD

5079

EXTRA. No. 32.

PUBLISHED WEEKLY, AT THE OFFICE OF THE STANDARD, 42 UNIVERSITY PLACE.

[Entered at the Post Office in New York as second class matter.]

Price 2 Cts. NEW YORK, JANUARY 23, 1892. \$1.00 a Year

Price of this number in quantities, 20 copies 10 Cts.; 100 copies 40 Cts.; 1,000 copies \$3.00

PARTY NOMINATIONS BY POPULAR VOTE.

By D. C. McMillan.

While the new system of elections adopted in many of the States has resulted in substantial benefits, assuring greater secrecy to the action of the voter, and protecting him from debasing influences, the method adopted in New York, and I believe elsewhere, has failed in so far as it aimed to establish the real independence of the voter, by releasing him from the thralldom of party machinery. It was against this machinery that the impulse of the independent movement of a few years ago was directed; its inspiration was received from the deep seated indignation roused to overthrow party machines, operating within caucus agencies, whose structure was calculated to deprive the people of any voice in the selection of public servants. Nothing could



have been more foreign to the aims of the authors of the new system than to increase the power of these agencies, and yet the recent legislation has given legal sanction to the machinery of the leading political parties and defined the method of independent action, surrounding the processes by which that sentiment receives expression with restrictions suited rather to repress its influence than to aid its development. As a consequence, the relative vote of parties and the power of their machinery remains unimpaired. This outcome illustrates the difficulty of securing the freedom of the voter in the performance of two distinct acts of nomination and election of candidates at a single election.

Under the operation of the law in New York, the question whether a body of Republicans or Democrats making a nomination outside of primaries and conventions, called under the "regular"

and ordinary methods of the party, were entitled to have them certified as Republican or Democratic nominations, has frequently come up before the courts, and the decisions have been uniform, so far as I have heard, that the persons making such nominations must do so by petition under the rules for the presentation of independent candidates. If the decisions had been otherwise, the independence of the voter would have been fully insured, but it is probable that so many candidates would then be presented for the popular suffrage, each standing upon an equal plane and having an equal claim upon the attention of the respective political parties, that the votes distributed between them would be scattered, and the result would be a choice of one of them by a vote so small as to deprive it of the semblance of an expression of the popular will.

As the writer has always contended in urging the primary reform measures, introduced and urged upon the Legislature of New York some years since by the Hon. Erastus Brooks, the party sense is so strong as to demand some agencies by which the votes of all professing a common principle may unite and give the most effective expression to the prevailing impulse. Thus party machinery has grown up, and its control by a few, or frequently by one man has vested the practical choice of parties in the selection of candidates in the hands of political bosses, rendering impossible or nugatory any effective co-operation in the choice of candidates on the part of the membership of the parties. The calls for their assemblies, the designation of places of meeting, the credentials of voters, and the counting of the votes, are all matters decided by persons often obedient to the will of the bosses, and finally the choice is not for candidates, but for delegates secretly pledged to do the will of the party leader—every step in the process affording opportunity for nullifying the will of the members of the organization.

There is but one way in which the unprejudiced and independent voice of the voter, acting as a member of his party, can be expressed, and that is by a method of elections which will assure him that in acting as his conscience dictates in making a selection from among the candidates of his party he will in no way endanger the principle for which his party contends. When he has the means of making a selection of a candidate without doing by the act something which contributes to the election of his political adversary—then the political independence of the voter will be secured. And this can be accomplished only by a method of elections which will permit the voter either to do both the act of nomination and election upon the ballot which he casts, or by separating the two acts and having an election for the choice of candidates and a second ballot for their final election.

The latter method was embodied in the bills of Mr. Brooks, which were drawn by the writer and have been fully discussed in a work by the latter given to the public in 1877. A plan by which the two distinct acts of nomination and election can be performed by the

voter at one election is presented below. It obviates practically all the objections which were urged in opposition to the Brooks bills, and unless there are constitutional objections of grave import to its adoption, no reason would seem to exist why it should not be enacted into law. The plan is presented for criticism or correction. The language in which it is couched may be improved, but it is sufficiently clear for the purpose designed in its publication :

An act to provide for the nomination and election of candidates for office at general and special elections. (Enacting clause.)

Section 1. Hereafter at any general or special election for State or other officers, upon each ballot may appear as a caption thereto the name of the political party of which the voter is a member, and upon said ballot may be printed a direction to the inspectors of election in the words following, to wit: "This ballot shall be counted in the first instance for the person named thereon for each office, but if such person fails to receive the highest number of votes for said office upon ballots having a like caption, then said ballot shall be counted for the person having the highest number of votes upon said ballots."

Sec. 2. As many different candidates may be nominated for the same office, by or on behalf of the same political party, as there may be committees, conventions or primary meetings claiming to represent said party, or any portion of the members thereof, making and certifying nominations; and the name of said political party shall be printed as a caption upon the different ballots containing the names of the candidates so nominated; but the name of no candidate shall be printed upon more than one kind of ballot.

Sec. 3. It shall be the duty of the Inspectors of Election to ascertain first the number of votes given for every candidate for each office upon the ballots having the same caption, and all votes directed to be counted as provided in Section 1 of this act for the candidate having the highest number of votes thereon shall be counted for said candidate, and the result declared after said votes are so counted.

It is not unusual for ballots to contain words in addition to the names of the candidates. It occasionally happens that the voter expresses his views in words upon his ballot, and the ballot is duly canvassed. In voting for constitutional amendments, for appropriations, or in taking the sense of the people upon any question of local policy, the ballots contain words expressing the desire of the voter; and hence there is nothing novel, and it seems to me, nothing illegal, in permitting a directory clause to the inspectors to be placed upon ballots and providing for having them counted as the voter desires.

In actual operation, the canvass of an election district might show the results indicated below: A, D, and G are Democratic candidates for Governor; J, M, and P are Republican candidates for the same office. The other letters named represent the respective candidates for Secretary of State and Comptroller. Each ballot is presumed to contain the direction referred to. The canvass shows in the first instance the following result:

Upon ballots having the caption "Democratic":

For Governor.....	A, 500	D, 300	G, 100
For Secretary of State.....	B, 450	E, 325	H, 100
For Comptroller.....	C, 510	F, 250	I, 25

Upon ballots having the caption "Republican":

For Governor.....	J, 325	M, 450	P, 200	S, 100
For Secretary of State...	K, 350	N, 425	Q, 150	T, 150
For Comptroller.....	L, 430	O, 350	R, 140	U, 125

Of course, there could be ballots having the caption of "Prohibition," "Independent," or other party names, but those given will be sufficient for illustration.

In the canvass by the inspectors it is found, therefore, that A has the highest number of votes for Governor, B for Secretary of State, and C for Comptroller, upon Democratic ballots, while M, N and L have the highest number of Republican votes for those offices respectively; and these candidates, by virtue of the direction of the voters, become entitled to the remainder of the votes cast for the other candidates of their respective parties. A final canvass is therefore made, and shows the following result:

	Democratic.	Republican.
For Governor.....	A, 900	M, 1,075
For Secretary of State.....	B, 875	N, 1,075
For Comptroller.....	C, 785	L, 1,045

If this represented a final canvass as of a State, M, N, and L would be declared elected. Whatever objection might be made to this plan, it is certain that every voter would go to the polls perfectly assured that in the exercise of his free choice in the selection of his party candidate his vote in no event would tend to contribute to the election of his political adversary, and where now he is constrained either to smother his resentment toward candidates he believes unworthy, or vote for principles he abhors, he would be permitted an affirmative choice for the candidate of his desire, whose qualifications or views commended him to the attention of voters.

Mr. Duncan C. McMillan was born at Rondout, N. Y., March 3, 1848. Upon reaching maturity he was employed as reporter upon the New York World while that journal was controlled by Manton Marble. About 1870 he acted as general editor of the Newburgh, N. Y., Telegraph, and Middletown, N. Y., Mercury. In 1872 and 1873 he purchased the Kingston, N. Y., Press, a Republican newspaper, and converting it into an independent Democratic journal, succeeded in transforming Ulster County, which had given 560 R. publican majority at the previous Presidential election, into a Democratic county, the majority for Tilden being 2,423. For his work Mr. McMillan received the personal thanks of Governor Tilden in a letter commending the service and ability of his paper. For several years thereafter Mr. McMillan was employed as stenographer in the Attorney-General's office at Albany.

In the early years of his life his attention had been attracted to the manner in which the machinery of primaries and conventions was manipulated to stifle the expression of the party and public will, and the result of his observations was the publication of a work on "The Elective Franchise in the United States," a little volume which attracted wide attention. At about this time he formed the acquaintance of the late John Kelly, and a strong personal and political attachment existed between them during the latter's life. The editorial columns of the Evening Express and the New York Star, successively owned by Mr. Kelly, were placed at the disposal of Mr. McMillan, who employed them in advocating his views of primary reform.

In 1882 Mr. McMillan was a strong advocate of Mr. Cleveland's nomination for Governor, and was closely identified with the independent influences, contributing to his success as a candidate for Governor and President. At present he is one of the editorial writers upon the Journal of Finance and is managing the sale of the U. S. Postal Guide in this State. Outside of his profession, he has never held public office and is domestic in his habits, seldom attending public gatherings. He is a resident of Piermont, N. Y.