DIRECT ELECTIONS AND LAW-MAKING BY POPULAR VOTE

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THE INITIATIVE
THE REFERENDUM—THE RECALL
COMMISSION GOVERNMENT FOR CITIES
PREFERENTIAL VOTING

BY

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PREFACE

THE purpose of this little book is to give to citizens definite information, in concise form, with regard to the various electoral devices now before the country and already established in a number of States, designed to secure direct legislation by popular vote in place of the methods of deliberative representative government.

To this end are traced the inception and development of the Initiative and the Referendum — the Early American types, the Swiss types, and the Modern American type evolved from the Swiss; of the Recall; and of the "Commission" form of municipal government; and exhibits given of these devices in practical operation. A chapter is also devoted to the evolution of systems of Preferential Voting, which have been introduced or proposed in varying forms, in "commission" government schemes.

The book does not undertake to present an exhaustive statement of all the facts bearing upon the subject, or minute details of the variants of these devices and methods of their application, embodied in state constitutional amendments, statutes, or municipal charters. For such complete data the citizen is referred to the various authoritative and scholarly publications embraced in the

Bibliography printed at the end of the book, from which, together with first-hand documents and correspondence, its material has been drawn, the authorities being named in footnotes. The intent is simply to bring the essential points to the attention of citizens, that they may have a full comprehension of the nature and tendencies of the system which they are asked to substitute for the system established by the founders of the Republic.

Incompleteness must of necessity characterize such a work as this covering a movement in progress and changing in aspects, here and there, as it bounds on. The data are brought up to the spring of 1912, when measures for the introduction of the devices in whole or in part are pending in various States. Accordingly a supplementary edition may later be brought out revising the present issue, and bringing the text to date.

E. M. B.
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Boston, Massachusetts,
May, 1912.

CONTENTS

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I

THE INITIATIVE AND THE REFERENDUM

THE Initiative and the Referendum are institutions of ancient lineage. The modern Referendum in a primitive form dates back to the sixteenth century.[1] Both institutions under these names are of Swiss origin. Unnamed they were employed in moderation at the beginnings of America. The modern types are products of the nineteenth century. Those in service in the United States are Swiss importations, Americanized.

The Initiative has been effectively described as a condition precedent to the Referendum; the Referendum, as a condition precedent to the taking effect of law.[2] Broadly defined, the Initiative is the right of the people directly to initiate legislation; the Referendum, the right to pass upon measures of the legislative bodies, to ratify or reject them, before they can become law. As now developed, the

[1] John Martin Vincent, "State and Federal Government in Switzerland," p. 122.

[2] Ellis Paxson Oberholtzer, "The Referendum in America," p. 369.

Initiative is a scheme whereby a designated percentage of the voters may initiate a law and secure its adoption upon approval by popular vote; the Referendum, a scheme whereby a designated percentage of voters may require the submission of any act of a legislative body to the electorate for approval or rejection,[1] or by which the legislative body itself may refer a measure of its enactment to the popular vote for ratification. To-day the one is closely associated with the other. In Switzerland and America both travel together.

EARLY AMERICAN TYPES

The early and the modern American types are but slightly related, and radically differ in nature.

The Initiative in its earliest American form is seen in the New England town meeting.[2] It is first found in the right given the "townesmen" and the "freemen" in the Plymouth and Massachusetts Bay colonies (in Plymouth as early as 1640) to instruct their Representatives in the General Courts as to the business they would have done.[3] By this method, it should be observed, the delegates were to be instructed after consultation and discussion by the freemen in their town-meeting. It appears in "The Body of Liberties"

[1] Charles A. Beard and Birl E. Shultz, "Documents on the State-Wide Initiative, Referendum, and Recall," Introductory Note, p. 20.

[2] Oberholtzer, p. 369.

[3] Edward M. Hartwell, secretary of Statistics Department, City of Boston, "Referenda in Massachusetts and Boston," p. 2.

enacted by the Massachusetts Bay Court in 1641, in the provision conditioning the powers of selectmen of towns on "instructions given them in writing" by the freemen.[1] During the pre-Revolutionary period, especially between 1765 and 1775, the principles of the Initiative were repeatedly exercised by the towns in their adoption in town meeting of written "Instructions" to their Representatives.[2]

The Referendum is first found in this enactment by the Plymouth Colony in 1636, when adopting its first code of laws: "That the laws and ordinances of the Colony and for the Government of the same be made only by the freemen of the Corporation and no other."[3] The first Referendum in the Massachusetts Bay Colony was also with respect to the fundamental laws. It appears in an order of the General Court, November 5, 1639, for the submission to the several towns of models of a form of government and laws, "that the elders of the churches and freemen may consider of them against the next General Court."[4] A previous order, March 12, 1637, requesting the freemen to "assemble together in their several towns, and collect the heads of such necessary and fundamental laws as may be suitable to the times and places where God in his providence hath cast us," such "heads" to be delivered in writing

[1] Hartwell, p. 2. Sec. 74 of "The Body of Liberties."
[2] Hartwell, p. 4.
[3] Plymouth Colony Records, vol. 11, p. 11.
[4] Massachusetts Bay Colony Records, vol. 1, p. 27.

to the governor before a specified date, resembles both an Initiative and a Referendum. But as Dr. Edward M. Hartwell, the Boston statistician, points out, this was an "embryonic or inchoate" Referendum, from which the direct one in the order of November, 1639, developed. Finally, in 1641, the Court voted that "the bodye of laws formerly sent forth among the Freemen . . . stand in force."[1]

Various instances of Referenda in subsequent acts in the early colonial period Dr. Hartwell cites from the records. Sometimes questions were referred to the ministers and the freemen. An order of May 29, 1644, thus shrewdly decreed: "That it shall be lawful for the deputies of this Court to advise with their elders and freemen, and take into serious consideration whether God do not expect that all the inhabitants of the plantation allow to the magistrates, and all others that are called to country service, a proportionable allowance, and that they send in their determinations and conclusions to the next General Court." The determinations of the referees upon this issue of the divine intent as to pay of public servants unfortunately can only be conjectured, for Dr. Hartwell finds no record of them.[1] Questions of difference between the magistrates and the deputies, as to their respective privileges and powers, were also not infrequently referred to both clergy and freemen for their opinion. So also votes of

[1] Hartwell, p. 2.

the towns were called for assenting or dissenting to propositions regarding these powers; the composition of the General Court; representation therein, and kindred issues.

The device of the colonial period is characterized as the incipient Referendum.[1] The definitive Referendum came in with the Revolution. The first of this class was the submission of the question of independency. In Massachusetts, on May 9, 1776, the "House of Representatives of the State of Massachusetts Bay," recommended each town sending a member or members to the next General Assembly "fully to possess him or them with their Sentiments relative to a Declaration of Independence of the United States of Great Britain to be made by Congress, and to instruct them what Conduct they would have them observe with regard to the next General Assembly's instructing the Delegates of the Colony on this Subject." The second followed with the submission of the question of a constitution for this new State. In Massachusetts a House resolve of September 17, 1776, submitted this question to the "Male Inhabitants of each Town being free and Twenty-One Years of Age or upwards": Whether they would consent "that the present House of Representatives and the Council, in one Body with the House and by equal Vote, shall agree on and enact such a Constitution and Form of Government as they shall judge will be most conducive to the

[1] Hartwell, p. 2.

Safety, Peace, and Happiness of this State in all after and successive Generations," and would "direct that the same be made public for the Inspection and Perusal of the Inhabitants before the Ratification thereof by the Assembly?" This project fell and in a small vote. Apparently less than forty per cent of the towns made any returns at all on the Referendum. Of ninety-eight from which returns are extant, seventy-two gave their consent, twenty-six withheld it. Boston was with the latter, unanimously against this proposal of an Assembly-made frame of government.[1]

Then followed a series of constitutional Referenda. On May 5, 1777, the House renewed the proposition of 1776, but with the added condition that the instrument when drafted, instead of being ratified by the Assembly, should be referred to the people for ratification. It was specified in the resolve that copies should be printed and delivered to the towns, and if two-thirds of the voters present and voting in the town-meetings especially called for its consideration should approve, it would thereupon become the valid constitution of the Commonwealth.[2] Boston's town meeting voted against it unanimously as before; and four days later this action was followed at another meeting, with the unanimous adoption of instructions to the Boston representatives "on no Terms to con-

[1] Hartwell, p. 6.

[2] Journal of the Convention which framed the Massachusetts Constitution of 1780.

sent" to the formation of a constitution by the General Court. It was the Boston contention that the matter should "properly come before the people at large to delegate a Select Number for that purpose and that alone." A sufficient number of the towns, however, evidently voted favorably on this Referendum, for, on June 17, the House and Council resolved to proceed to formulate a plan. Their scheme was finally adopted and submitted to the voters. This was the Constitution of 1778, so called. It was rejected by an emphatic majority, — five to one, according to contemporary accounts, in a small total vote, one hundred and twenty towns not voting at all. The Boston town meeting, unalterably opposed to the making of a frame of government by the Assembly, rejected it unanimously on this ground; and, further, because it lacked a Bill of Rights. Other towns voted against it for the same reasons.

The next move was for a Referendum on the question of the convention proposition. A resolve of the House, February 20, 1779, with a preamble declaring that "from the representations made to this Court," they were unable to determine "what are the sentiments of the major part of the good people of this State" upon the subject, proposed these two questions to the voters: (1) "Whether they choose at this time to have a New Constitution or Form of Government?" (2) "Whether they

1 "Life and Works of John Adams," vol. 4, p. 214. Hartwell, p. 6.

will impower their Representatives for the next year to vote for the calling of a State Convention for the sole purpose of forming a new Constitution?" Both questions met popular approval and accordingly the convention of delegates chosen by the towns was called. The outcome of this convention, which assembled on September 1, 1779, in Cambridge, was the Constitution of 1780, framed by John Adams.[1] The draft was duly submitted to the several towns to be voted upon at special town meetings, the printed copies being sent throughout the State by "three expresses" at public expense; and, as in the previous case, the approval of two-thirds of all present and voting at the meetings was necessary for its establishment. On June 15 the convention announced its acceptance by the people and dissolved.[2] From such returns of the vote as are extant, Dr. Hartwell figures that at least thirteen thousand were cast on acceptance of article one of the Bill of Rights, of which twelve thousand were yeas.[3]

Thus was first established the system of the framing of a State constitution by a delegate convention and its ratification by the people.

The State of New Hampshire followed the Massachusetts course with respect to her second constitution. Her first instrument — the first constitution adopted in any of the American States after

[1] "Life and Works of John Adams," vol. 4, pp. 215–216; vol. 6, p. 463.

[2] Journal of the Convention, p. 168. [3] Hartwell, p. 6.

the separation from England[1] — was framed and promulgated by a "Congress" that met at Exeter, December 2, 1775, and was not submitted to the people. It was a temporary affair. The second was drafted by a delegate convention, chosen for the special purpose in 1778, and was submitted to the towns with the offer of the "opportunity to propose such amendments as might be thought would render it more acceptable to the inhabitants." The opportunity was seized with zeal, and so numerous were the amendments proposed that the convention had practically to do the work all over again. At length the various interests were conciliated, and in 1783 the new form was submitted with more satisfactory results, the people accepting it by a sufficient vote.

Of all the thirteen original States framing constitutions during the Revolutionary period only these two New England States, with their town-meeting systems, referred their completed frame to popular vote. By them alone this Referendum was at that time fully established as a part of the American constitutional practice. The Referendum on the preliminary question, however, as to the calling of a constitutional convention to draft an instrument, — was first instituted by Pennsylvania, which in 1777, and again in 1778, sought the sense of the freemen on the proposal.[2] In 1792 New Hampshire successfully repeated the constitution

[1] Oberholtzer, p. 105.
[2] Same, pp. 106, 107, 110, 111, 129.

Referendum, with the submission of her then revised form, which, with amendments, is her constitution to-day.[1] In 1795 Massachusetts submitted the question of revision in accordance with a decree in the Constitution of 1780, for "collecting the sentiments of the qualified voters of the State in 1795 on the necessity or expediency of revising the constitution in order to amendments." The vote was close, and against revision.[2]

Connecticut, where the town meeting was also an established institution, was the first State to follow the Massachusetts-New Hampshire example, with the submission of her first constitution, framed in 1818, upon the abandonment of her old charter. Maine came next, submitting hers in 1820, when separated from Massachusetts and made an independent State. Rhode Island submitted a frame in 1824, but this was rejected by the voters. Outside of New England, New York led the other States in the employment of this Referendum, with her amended constitution in 1821. Virginia followed in 1829; Georgia, North Carolina, and Michigan in the thirties. From that time on most of the old States adopting new constitutions so submitted them, while nearly all the new States came into the Union with constitutions which had received the direct approval of the majority of their voting citizens.[3]

Thus the constitution Referendum became a

[1] Oberholtzer, pp. 111, 112. [2] Hartwell, p. 7.
[3] Oberholtzer, pp. 106–107.

firmly established institution the country over. It remained for certain Southern States at the end of the nineteenth century (1890–1898), with the adoption of new constitutions without the popular vote, — three at least including clauses practically disfranchising a large part of the negro voters, — to stray away from the beaten path.[1]

The amendment Referendum — on Constitutional amendments proposed by Legislatures — was a Connecticut invention, introduced in her Constitution of 1818; and the mode which she then prescribed — the passage of the proposition through two successive Legislatures followed by vote of the people — soon came into general application throughout the States. Massachusetts and New York were the first to take it on, both adopting it with slight modifications, in 1821.[2]

From service with respect to state constitutions and constitutional amendments the Referendum of this early type was gradually extended to employment by Legislatures on statutory legislation. Statutes relative to the location of capitals in new States were among the earliest to engage it. Texas was the first to settle such a question by the Referendum. The constitution with which it entered the Union in 1845, made provision for an election in 1850 of a capital site from among the several places presented as eligible. That place among

[1] Mississippi, 1890; Kentucky, 1891; South Carolina and Delaware, 1895; Louisiana, 1898. See Oberholtzer, pp. 120–127.

[2] Oberholtzer, pp. 149–150.

those voted for which should receive a majority of the votes cast in such election should be the seat of government.[1] Oregon followed with a similar Referendum in 1857; Kansas, in 1859; Colorado, South Dakota, Montana, Washington, in recent years. On statutes changing a capital site also this Referendum was brought early into play. In some of the newer States it became a custom to employ it in legislative acts for sites for State universities, eleemosynary, correctional, and like public institutions.[2] Early, too, its field was enlarged to include statutes respecting state debts; taxation and finance; the regulation or prohibition of traffic in intoxicating liquors, and other "vexatious" subjects upon which the people widely differ.[3] In local districts, from time to time, its service expanded to embrace a variety of subjects — to determine local territorial and boundary questions; the choice of sites for county capitals; the legal form and character of the government.[4]

The Initiative was of slower expansion. From written Instructions by town meetings to the representatives in the Legislatures as to the business the people would have done, this type of Initiative extended to the proposal of laws by petition to the legislative bodies. In the New England towns and other local communities organized according to the representative principle, it was utilized in the advancement of numerous varieties of local policies.[5]

[1] Oberholtzer, p. 176. [2] Same, p. 179. [3] Same, p. 286.
[4] Same, pp. 182, 227-240. [5] Same, p. 369.

Yet with all the expansion of their field of employment the underlying principle of both these early American types was that from which they developed — the American town-meeting principle. They were exercised in orderly procedure, harmonizing with the representative system; and after consultation.

THE SWISS TYPE

In the Swiss political system the Initiative is the "Imperative Petition" of the people for specific legislation; the Referendum is of two kinds — the "Obligatory," employed in those cantons whose constitutions require the ratification at the polls of all laws passed by the representative Legislature before they can go into effect; the "Optional," exercised in those cantons where the legislative laws stand unless demand is made, in prescribed form and within a specified time, for a law's submission to popular vote for approval or rejection. There is, also, the Federal Referendum, with respect to laws of the Federal Assembly, all of which, "not of an urgent nature," are subject to submission to the popular vote upon request of a specified member of voters within a specified time from their passage.

Under each institution the procedure is deliberate and carefully guarded at every step.

First, as to the "Imperative Petition." The course is as follows: The proposers of the law desired prepare either a full draft of a bill, or the

points of the legislation sought, in a petition, with a statement of their reasons for its enactment; and file the document with the head man, or other designated official, of the town. The matter is then brought before the public for endorsement. This may be given either by actual signatures to the petition or by verbal assent. The latter is indicated either in votes of town meetings of the commune, or by personal request of the officer in charge of the paper that the voter be recorded for the proposition. A stated number of affirmative votes in a town meeting has the same effect as the actual signatures of the voters so voting. All those desiring personally to sign the petition must do so at the office of the official where it is filed, and each must prove his right to vote as in any election. No officer is permitted to take fee for witnessing a signature. When the requisite number of signatures and assents — a specified proportion of the whole body of voters — is obtained, the petition goes to the Legislature of the canton. This body must take up the matter within a specified time; prepare a complete draft of a bill in accordance with the request; and duly submit it for popular vote. With this draft the Legislature may prepare and submit another draft embodying its own views, thus presenting an alternative proposition, that the voters may take their choice. In either case a report is given expressing the Legislature's views as to the desirability or propriety of the proposed measure, which also goes with the submitted

draft or drafts. A majority vote in approval establishes the measure as law.[1]

Thus it is seen, as Professor John Martin Vincent remarks in his informing presentation of the Swiss State and Federal System, from which the above summary is drawn, the "Imperative Petition" approaches very closely to an act of legislation. The signatures are taken after official inspection of the qualifications of the signers. Attention to the preliminary request is obligatory, and the final popular vote leaves no discretion to the Legislature; it must simply carry the will of the people into effect." [2] Revisions of the constitutions, or amendments, are instituted through the same instrumentality where the Initiative obtains. The Federal Initiative is employed only to make changes in the constitution.

The Optional Referendum originated in the German-speaking canton of St. Gall, in 1830, when a constitution was in process of revision, and was adopted, as Professor Vincent notes, as a compromise between two opposing parties, the one striving for pure democracy, the other for representative government.[3] All measures adopted by the representative body were to be submitted to popular vote upon the expression of such desire by a certain proportion of the voters, and within a specified time. This "Optional Referendum," at

[1] John Martin Vincent, "State and Federal Government in Switzerland," pp. 123–125.

[2] Same, p. 125.

[3] Same, p. 122.

first went by the name of "The Veto." The system had gradually made its way into several of the cantons before the adoption of the Federal Constitution of 1848. As it progressed it varied in detail in different cantons. The limit of the time during which the petition must be signed was usually fixed at thirty days; and within the same period after receiving the petition the executive council of the State must appoint a day for the vote. The number of votes to veto also differed. In some cases it was to be a majority of those voting; in others, a majority of all the citizens. Upon a veto the measure goes back to the Legislature, and that body, after satisfying itself as to the correctness of the returns, passes a resolution declaring the act to be void.[1] The Obligatory Referendum was a later development of the system.

The Federal Referendum was established in the amended constitution of the Confederation in 1874. Its features are thus summarized: All laws of the Federal Assembly, except those of an urgent nature, are to be published immediately after passage and copies sent to the government of each canton, there to be submitted for inspection for ninety days. The petition demanding a popular vote upon any of the measures must be filed within that time. This is addressed to the Federal Council, and must be signed by the petitioners with their own hands, the signing of any name but the voter's own being a criminal act.

[1] Vincent, p. 123.

Each petitioner must prove his right to vote before the officers having the petition in charge, and the proper authority must attest the qualifications of all petitioners in each precinct. All officers are forbidden to take any fee for witnessing signatures. Upon finding by careful scrutiny that the petition is supported by the requisite number — 30,000 citizens — the Federal Council orders a general vote, naming a date not less than four weeks after the announcement, the same day for the whole Confederation; and provides for publication of the measure in the several cantons. A majority of all the votes cast sustains the measure and the Federal Council orders it placed on the statute book. Otherwise, it is killed. In case no petition for submission appears, the laws stand after the expiration of the ninety days' probation. The legislatures of eight cantons may petition for this Referendum with the same procedure.[1]

It should be noted that Switzerland geographically, politically, and industrially differs widely from the United States. It is a small country, and with a fairly stable population, composed in large part of agricultural or rural freeholders. The Confederation covers altogether less than 16,000 square miles[2] of territory, the habitable part of which is about as large as the States of Massachusetts, Connecticut, and Rhode Island

[1] Vincent, pp. 46–47.

[2] 15,976 square miles, December, 1910, Statesman's Year Book, 1911.

combined, and contains less than four million people.[1] Three nationalities have existed side by side for centuries — German, French, and Italian; and these are recognized by the provision in the Federal Constitution that laws shall be printed in all three languages, and that in the distribution of certain offices regard shall be paid to the language of the people for whose benefit the official serves.[2] There is no great influx of immigrants of various nationalities who soon become voters, as in the United States; and naturalization in Switzerland is not easily acquired.[3] The Confederation comprises twenty-two states which differ widely in area and population, in the latter varying from 539,000 to 12,000. Of the twenty-two states three are divided into "half-cantons," so that altogether, and including the Federal Government, there are twenty-six governments within the confines of the territory. The chief executive power of the Confederation is vested in a committee of seven chosen by the Federal Assembly, and called the Federal Council. The chairman of this body is also chosen by the Federal Assembly and is known as the President of the Confederacy.[4] He can exercise no veto power. The Federal judiciary is elected by the Federal Assembly. The Federal Assembly is composed of two houses, while the Legislatures

[1] 3,741,971, December, 1910, Statesman's Year Book, 1911.

[2] Vincent, p. 31.

[3] Letter of Lauritz S. Swenson, U. S. Minister to Switzerland, in Congressional Record, August 19, 1911.

[4] Vincent, pp. 31, 52.

of the cantons are one-chamber bodies. The germ of the Swiss devices is in the *Landesgemeinde* of ancient origin, the assembly of the people, at stated periods, in the open air, at which all male citizens of full age present exercise the law-making powers and elect their administrators by show of hands or by a ballot.[1] The *Landesgemeinde* still exists in a few of the smallest cantons situated in the mountainous interior of the country.

The devices arose from the lack of a native representative system, and developed through the imperfections of the Swiss representative government.[2]

THE MODERN AMERICAN SYSTEM

The Initiative and the Referendum of the Swiss pattern made their first appearances as planks in American political platforms during the last decade of the nineteenth century.

The Referendum alone was first ventured. Earliest agitated by socialistic groups, it was taken into the platform of the "Farmers' Alliance" in the West. Thence it passed to the "Peoples' Party"; and thence to the Democratic Party. Advocates of radical social reform based upon the principle of law-making by popular vote, antagonistic to the representative system, pressed it with zeal, in the fond belief that only that sys-

[1] Vincent, pp. 106, 110–114.

[2] A. Lawrence Lowell, "Government and Parties in Continental Europe," vol. 2, chap. 12.

tem "stood between them and the realization of their ideals."[1] Rising in the West, it took its bounding way eastward. Partisan and non-partisan leagues for its advancement sprang into virile existence in various parts of the country.[2]

Then, as it advanced, the Swiss Initiative was joined to it, and during the first decade of the twentieth century these twin institutions of foreign importation with American trimmings became country-wide fads. Within this period the self-called "Progressive" wing of the Republican Party took them into its warm embrace.

The youthful State of South Dakota was the first to adopt them, establishing them in these provisions of its amended constitution approved by popular vote in 1898: "The people expressly reserve to themselves the right to propose measures, which measures the Legislature shall enact, and submit to a vote of the electors of the State." Also reserved to the people was the right "to require that any law which the Legislature may have enacted shall be submitted to a vote of the electors of the State before going into effect, except such laws as may be necessary for the immediate preservation of the public peace, health, or safety, support of the State Government and its existing public institutions."

How closely the method prescribed for the employment of the twin institutions was fashioned

[1] Oberholtzer, Preface, pp. vi, vii.
[2] Same, Preface to Revised Edition, p. ix.

after the Swiss procedure appears in the following summary of the law's provisions. Not more than five per cent of the qualified voters are required to invoke either the Initiative or the Referendum. The petitions are to be signed by the electors and filed in the office of the secretary of state. The petition for the Referendum on a legislative enactment must be filed within ninety days after the adjournment of the session of the Legislature at which it was passed. The submission is made only at general elections. A majority of the votes of electors voting is necessary for approval. The veto power of the governor is not to be exercised as to measures referred to the people. The enacting clause of all laws approved by vote of the electors is to read, "Enacted by the people of South Dakota."

The Initiative and Referendum were also made applicable in the South Dakota law to municipalities.

Utah followed South Dakota in 1900 with the establishment of the twin institutions in her state constitution. The amendment, proposed by the Legislature and adopted by the people, empowered a certain "fractional part" of the legal voters of the State (the proportion to be named in the statute law) to employ the Initiative in proposing legislation and causing it finally to be referred to the people for approval or rejection; and a similar "fractional part" to invoke the Referendum on measures passed by the Legislature, with the

notable exception of such as should receive a two-thirds' vote of the members of each house. Also, the Initiative and Referendum were authorized on similar terms in "legal subdivisions" — municipal districts — of the State.[1]

Next, in 1902, Oregon adopted the system, and with a wider application than any yet made. It was her distinction, also, first to put it in service. It was embodied in a constitutional amendment which passed buoyantly through two Legislatures, and was ratified by the people by an overwhelming majority. The scheme had been introduced and engineered through its several stages by an organization of citizens of various political attachments assuming the name of the "People's Power League"; and this body was foremost in setting the machinery for its operation.

Here, as in the South Dakota scheme, the people, by their amended constitution, expressly reserve to themselves the right to propose measures which the Legislature must enact and submit to the popular vote; and the right to call for the Referendum on all laws enacted by the representative body except such as are of an urgent nature. Then they go further than the pioneer State, with the reservation of the right to initiate constitutional amendments. Either a law or an amendment may be proposed by petition of at least eight per cent of the number of electors voting for justice of the supreme court at the last preceding election. As in South

[1] Oberholtzer, p. 396. Art. VI, Constitution of Utah.

Dakota also, five per cent of the electors may compel the Referendum on legislative acts except those deemed to be of immediate urgency, provided the request be filed with the secretary of state within ninety days after adjournment of the Legislature; while an added feature is authorization to the legislative body, on its own motion, to make the going into effect of any measure it may pass dependable upon its approval by the popular vote. Again, as in South Dakota, the veto power of the governor is withheld from measures submitted to the voters. Submission of enactments may be made at special as well as at regular elections, and a majority of the votes cast is sufficient for approval. By further amendment to the constitution in 1906, provision was made for invoking the Referendum on any item, or part, of a legislative law, as well as in reference to the law as a whole. At the same time the system was extended to local districts. Fifteen per cent of the electors of a district or city were empowered to initiate ordinances, and ten per cent to invoke the Referendum on measures passed by the local representative body.[1]

The procedure with both Initiative and Referendum was defined with much precision by the Oregon Legislature. With respect to state matters, the petitions for either must be attached to full and accurate copies of the measures upon which the popular vote is sought. The sheets of a

[1] Oberholtzer, pp. 397–398. Article IV, Constitution of Oregon, amended, 1902; and amendment of 1906.

petition for signatures are to be of specified uniform size; are to contain each no more than twenty names; and each is to have on its back an affidavit of the person who circulated it to the effect that the signatures are genuine and the addresses of the signers correctly given. The secretary of state, upon receiving the petition, is to transmit a copy to the attorney-general, who is to provide within ten days a "ballot title" for the measure in question, expressing, "in not exceeding one hundred words," its purpose. Should this title be questioned as partial, or likely to "create prejudice either for or against the measure," appeal may be taken to the circuit court which shall determine the matter. Furthermore, provision is made for the printing and circulation of "Arguments" in "Publicity Pamphlets," for or against a measure upon which the people's vote is asked. An Argument may be prepared by any individual, committee, or organization. It must be filed with the secretary of state within the period specified, together with a sum of money sufficient to meet the cost of printing and paper stock. The secretary is to cause such Arguments to be bound together with the text of the measure and the ballot-titles, and a copy to be sent by mail, postage paid, to each voter in the State. Measures submitted by the Legislature are to be designated by this heading: "Referred to the People by the Legislative Assembly"; those submitted in response to petition: "Referendum Ordered by

Petition of the People"; those initiated by the people: "Proposed by Initiative Petition." With respect to the Initiative and Referendum on local matters in districts or cities, the procedure is practically the same.[1]

The first trial of the new departure was made at the Oregon State election of 1904, June 6, when the people voted on two measures, both proposed by Initiative petition. One was a direct primary bill, in which was included a provision for the choice of United States Senators by the people; the other, a county local option liquor bill. Both were approved, the direct primary bill by a large majority in a vote seventy-three per cent of the vote cast for candidates.[2]

The next demonstration was in 1906. Eleven measures were now put before the voters, ten of them brought forward by Initiative petition. Five of these were proposed constitutional amendments: (1) giving votes to women; (2) giving larger powers to the people in the adoption and alteration of the constitution; (3) guaranteeing to the people in towns and cities "exclusive power to enact and amend their charters"; (4) providing for the election or appointment of a state printer whose work should be regulated by law; (5) providing for the Referendum on items and parts of bills as well as on entire measures, and for its

[1] Oberholtzer, pp. 398–400, Oregon Session Laws, 1903 and 1907.

[2] Oberholtzer, pp. 400, 408.

employment in local communities as well as in the State at large. Of the remaining five propositions initiated, two were levelled at "foreign corporations," one of these levying a tax on gross earnings of sleeping-car, refrigerator-car, and oil-car companies operating in the State, the other placing a gross earning tax on express, telegraph, and telephone companies. The third prohibited the granting by railway and other public service companies of passes, franks, or other free rights, under penalties. The fourth, proposed by anti-prohibitionists, made changes in the local option law. The fifth proposed the purchase by the State of a certain toll-road. The one measure submitted by Referendum petition was an appropriation bill for the maintenance of certain state institutions.

All of the proposed constitutional amendments were approved except that for woman suffrage. The two statutes for taxing foreign corporations were approved by a vote of ten to one. The anti-free-pass measure was also ratified by a large majority. The appropriation for state institutions was favored. The local option and the toll-road purchase bills were rejected.[1]

At the next election, 1908, nineteen measures were submitted. Ten were proposed constitutional amendments. One of these provided for the introduction of the Recall into the State's political system. Another, for proportional representation. Another, for woman suffrage again. Others made

[1] Oberholtzer, pp. 402-403, 408.

provision for the increase of the pay of members of the Legislature; for changing the date of the general election from June to November; for reorganizing the courts and increasing the number of judges; permitting the location of state institutions at places other than the state capital; giving cities control of liquor-selling, pool-rooms, theatres, and other places subject to the provisions of the local option act; guaranteeing every man indictment by grand jury. The nine bills comprised: a corrupt practices act, limiting expenditures of money in political campaigns; measures respecting the popular election of United States Senators; for free railroad passes to public officials; giving sheriffs the control of county prisoners; creating a new county; making appropriations for new armories; increasing the annual appropriation to the state university; and regulating fisheries, — two rival bills, one proposed by the "fish-wheel men," the other by the "gill-net men."

Of the constitutional amendments proposed, five were approved: those for the Recall, for proportional representation, changing the date of the general election, respecting the location of state institutions, and guaranteeing grand jury indictments. The others were rejected, that increasing the legislators' pay by the largest majority. Of the bills, that respecting popular election of United States Senators was approved by the largest majority. The corrupt practices act also received a fair approving vote. The free-pass-for-public-officials pro-

position was thrown out by an emphatic "no" vote. So also was the new armories appropriation bill. The latter was vigorously opposed by the "Grange," on the ground that it would be an aid to the militia which should not be given, because the troops were used in "the settlement of disputes between large corporations and their employees," and "without these large corporations the troops would not be needed."[1] The measure increasing the state university's annual appropriation met the stout opposition of the "Patrons of Husbandry," who protested that the institution was not in need of funds, since it had "recently employed a man to coach its football team, paying him $1500 for a little more than two months' 'instruction,' and boasted in the Portland papers that it was the largest salary ever paid in the Northwest to a football coach." In the husbandmen's judgment the "American common school," rather than the university, was "the head of our educational system."[2] The bill, however, passed the ordeal by a slim margin. The rival fishing bills were both approved. The vote on the proposed amendments ranged from sixty-nine to seventy-seven per cent of the total vote for candidates; the vote on bills, from seventy-two to seventy-eight per cent.

The next election, that of 1910, has been termed the "banner election" in Oregon under the new system. The electors found themselves confronted

[1] Oberholtzer, p. 404. Extract from the Publicity Pamphlet.
[2] Same, p. 404, from the Publicity Pamphlet.

by a bewildering list of thirty-two propositions for their snap decision at the polls. The Publicity Pamphlet of measures and arguments which each duly received made a book of 208 pages. In the mob of measures were several of large import, and some revolutionary. The proposed constitutional amendments included these provisions: abolishing the poll-tax; making the sessions of the Legislature annual, the terms of members of both houses six years, the presiding officers of each house outsiders — not members of the Assembly — invited in for the service, and subjecting the entire membership to Recall upon petition of the people or vote of "no confidence"; establishing separate election districts for members of the General Assembly; authorizing the establishment of railroad districts and state purchase and construction of railroads; giving cities and towns special rights under the local option law; prohibiting the liquor traffic in the State; again giving votes to women; establishing a verdict of three-fourths of a jury in civil cases, — the latter advocated by its sponsors "to make impossible 'that kind of injustice' wherein 'the corporation or the rich man wins because of the longest purse.'" [1] The bills embraced these measures: creating a "Board of People's Inspectors of Government," to examine the books of public officials and to publish a bi-monthly statement as to its findings; extending the provisions of the direct primary law to allow the voters to

[1] Oberholtzer, p. 405, from the Publicity Pamphlet.

express their choice for President and Vice-President of the United States, presidential electors, and delegates to the national party conventions; calling a convention to revise the state constitution; fixing the liability of employers of persons engaged in hazardous occupations; providing for the maintenance of several normal schools; establishing several new counties; changing the boundaries of certain old counties; increasing a district judge's salary.

Of these thirty-two propositions twenty-three fell short of approval. The dead included several of the more revolutionary schemes. The anti-poll-tax amendment squeezed through with the slight majority of about two thousand in a vote of, in round numbers, 86,300, seventy-two per cent of the total vote cast for candidates. The scheme for expression of the people's choice for President, presidential electors, and so forth, survived with a slenderer majority — less than eighteen hundred in a vote seventy-one per cent of that for candidates. The topsy-turvy project for refashioning the Legislature fell with a majority of 7335 "no" votes against it. By a far heavier majority of "no" votes — 22,500 in a total of 82,500 — fell the "People's Inspectors" scheme. The railroad purchase and construction amendment, the woman suffrage, and the state-wide prohibition amendments, were also killed with heavy "no" votes. So, too, unfortunately, the proposal for a convention to revise the now much patched state constitution fell by a large majority. The provision for

a three-fourths jury verdict in civil cases passed by a small margin. Among the nine survivors of the mass, the bill to fix the liability of employers received the largest "yes" majority. The largest "no" majority was suffered by the judge's salary increase bill.[1]

These results of the 1910 election have been variously interpreted according to the point of view of the observers. Some partisans of the new departure have found in them only cause for gratulation. The people, these say, displayed quick intelligence, wise discretion. Professor Oberholtzer, in his study of the "Referendum in America," finds in them indications of a checking of the current of folly: the appearance of a disposition to "reprove the People's Power League and other inventors of patent schemes of government."[2] Other independent observers find conclusive evidence of confusion in the average voter's mind at the appalling task set him, and a disposition to get through it somehow with the least trouble: to vote upon the easiest and perhaps the most novel problems, or to vote on none of them. To these observers the average percentage of the votes on measures much below the votes for candidates is most significant.

Professor Oberholtzer thus effectively summarizes the four Oregon elections. Of the sixty-four questions submitted, twenty-six were constitutional

[1] Oberholtzer, pp. 405–408, 410–411.
[2] Same, p. 405.

amendments, thirty-eight simple legislative proposals. Forty-eight bills and constitutional amendments were initiated by the people; ten were submitted by the Legislature; six were acts of the Legislature submitted in response to popular petition. Thirty-one measures were approved, twenty-five of which were submitted by the Initiative, three by the Referendum, three by the Legislature. The sixty-four were supported or opposed by seventy-one different organizations of citizens. The total cost of the Publicity Pamphlets for the four elections was $47,610.61. The seventy-one organizations of citizens were under additional expense of $125,000.[1]

South Dakota's first experience with the new system of her inauguration was not had until 1908. Four measures were then set up for the popular vote at the State election. One was brought forward by the Initiative petition; the other three were enactments of the Legislature upon which the required number of voters had demanded the Referendum. The first was a request to the Legislature to submit a local option liquor law. The legislative acts comprised a Sunday law: prohibiting, under penalty, any theatrical or kindred performances in the State on Sundays; a divorce law: requiring the plaintiff to have been an actual resident in the State for a year, and for three months in the county, before the action can be instituted; and a "quail law": making it unlawful to kill quail in

[1] Oberholtzer, p. 412.

the State before October 1, 1912. The result of the voting was the approval of the three bills from the Legislature, and the rejection of the Initiative measure.[1] At the next election, 1910, six laws and six constitutional amendments were submitted. One of the laws was proposed by the Initiative; the other measures came from the Legislature. The Initiative proposal was again a local option liquor law. The enactments of the Legislature included a state militia law, and these acts: compelling railroad companies to place headlights on their locomotive engines of specified candle-powers; authorizing the governor to remove all officers not liable to impeachment, and all elective officers, except members of the Legislature, for misconduct or other specified causes; dividing the State into congressional districts; requiring embalmers to be licensed by the State Board of Health after training and demonstrations of efficiency, and to place their names and registered numbers on "boxes containing corpses offered for shipment within the State." The constitutional amendments embraced an article extending the suffrage to women. The outcome of this voting was the rejection of all the proposed laws by decisive majorities; and also all of the constitutional amendments, save one, — with reference to renting the public lands. The votes on the measures ranged from seventy-one to ninety-two per cent of the total vote for governor.[2]

[1] Oberholtzer, pp. 393–394. [2] Same, pp. 395–396.

Before the first Oregon trial the twin institutions had crossed the continent, and had attracted the attention of conservative Massachusetts. They were especially alluring to restless reformers zealous for change's sake, and their adoption was eagerly pressed upon the General Court. Accordingly the Legislature of 1903 ventured the employment of the Initiative in a tentative way. A scheme was endorsed authorizing fifty thousand qualified voters, together with fifteen members of the Senate and a majority of the House, to initiate constitutional amendments. This measure, proposed as a constitutional amendment, and so requiring endorsement by two successive Legislatures, passed the General Court of that year, but failed in the next. So it fell.

At the same time Missouri was speculating with both institutions. The General Assembly of 1903 proposed a constitutional amendment providing for the Referendum upon any act or part of an act passed by the Legislature, by demand of ten per cent of the legal voters; and for the Initiative, with respect to laws when brought by fifteen per cent of the voters, and, with respect to constitutional amendments, by twenty per cent. The scheme went to the people in the election of 1904 and was defeated. Three years later, in 1907, the Legislature revived the question in a new form, and this the people ratified at the next election — 1908. The approved system provided for the Initiative with respect to both laws and

amendments when brought by eight per cent of the voters in each of at least two-thirds of the congressional districts; and for the Referendum on laws enacted by the Legislature, — except those of immediate urgency and appropriation bills for the current expenses of the State, the maintenance of public institutions, and the support of the public schools, — if demanded within ninety days, and by five per cent of the voters drawn from two-thirds of the congressional districts. The Legislature may also on its own motion refer any of its enactments to the people.[1]

Missouri's first experience with the system was in the election of 1910. Two constitutional amendments on Initiative petition, and nine originating with the Legislature, were then submitted. The Initiative propositions were for state-wide prohibition of the liquor trade, and for a state tax for the benefit of the University of Missouri. The proposals from the Legislature included a local tax question, and the authorization of a bond issue for the erection and equipment of a new state capitol. All were rejected. By far the largest vote was on the prohibition amendment. That on the university proposition fell behind the liquor vote more than a hundred thousand votes.[2]

In 1904 Nevada came into line. A constitutional amendment embodying the system in modified form had passed two successive Legislatures — 1901 and 1903 — and the people ratified it in

[1] Oberholtzer, pp. 413, 422. [2] Same, pp. 422–423.

the election of 1904. It provided for the Referendum on any law or resolution of the Legislature upon call of ten per cent of the voters. In later years further amendments installing the Initiative in state matters, the Referendum on items and parts of acts, and the local Initiative and Referendum, passed two successive Legislatures and were submitted to the people. The first application of the Referendum in this State was made in 1908, and was with reference to an act establishing a Nevada state police passed by the Legislature in January of that year. This legislation was the outcome of labor troubles in Goldfields. The Referendum was handled by the Labor Party. The vote was approving but close — 9954 "yes," 9078 "no." [1]

Montana next embraced the system, adopting it in 1906. Here, however, the Initiative was withheld from certain specified classes of laws — those relating to appropriations of money, for the submission of constitutional amendments, and local or special measures with reference to a variety of enumerated subjects. The Referendum was likewise withheld from appropriation bills, from the laws on the enumerated subjects, and from acts of immediate urgency. The Initiative was to be brought by eight per cent of the number of voters voting at the next preceding election, provided this percentage were obtained in each of at least two-fifths of all the counties; the Referendum on

[1] Oberholtzer, pp. 413–414.

legislative act, by five per cent under like conditions. As in the South Dakota and Oregon schemes the governor's veto was withheld from submitted measures. The Oregon plan of the Publicity Pamphlet was adopted. In 1907, by statute legislation, the Initiative and Referendum were extended to the towns and cities of Montana.[1]

Next came Oklahoma exuberantly adopting all sorts of fads and fancies in its colossal constitution with its entrance into statehood in 1907. The Oregon model was adopted with variations in detail. The Initiative petition for laws was to be made by eight per cent of the legal electors voting at the last election, and the petition for constitutional amendments by fifteen per cent; while five per cent might invoke the Referendum on legislative laws, and the Legislature might submit any law on its own motion. Amendments, whether originated by the Initiative or by the Legislature, must have for approval not a majority of the electors voting thereon, but a majority of all the electors voting in the election: that is, for candidates. Submissions were to be made at either general or special elections, the power to call special referenda elections being vested with the governor. A measure rejected by the people was not again to be proposed by the Initiative till after three years except upon petition of twenty-five per cent of the voters. Both Initiative and Referendum were also at this time granted to counties, dis-

[1] Oberholtzer, pp. 414-415.

tricts, and municipal corporations as to all local legislation: in counties and districts sixteen per cent of the voters to employ the former and ten per cent the latter, and in municipalities twenty-five per cent to employ either. The regulations provided by the Legislature for operating the system conform for the most part to those of Oregon. A notable exception is with respect to the Publicity Pamphlets. These are to be printed at the sole expense of the State, and the arguments pro and con are limited to two thousand words each.

Oklahoma's first trial of the system was in the election of 1908. The questions before the people comprised one proposed law, three constitutional amendments, and a unique suggestion. The law was proposed by the Initiative, the amendments by the Legislature. The Initiative measure authorized the sale of the school lands of the State to homesteaders. The amendments established state liquor sales agencies, adopted the Torrens System of land-title registration, and enabled the people by majority vote to choose a city to serve as the state capital. All failed to receive the requisite proportion of votes for approval. The Torrens land system amendment and that as to the state capital each received a majority of yeses, but fell short of the majority of votes cast for candidates. The unique suggestion fared better. This was a proposal from the Legislature, submitted "merely for advisory purposes," for the establishment of a model capital city — a "New Jeru-

salem," located in the geographical centre of the Commonwealth, "to be owned and controlled by and the lots therein sold for the benefit of the State," the site to be selected "with reference to the topography of the country, drainage, health, picturesque grandeur, and supply of pure water," and steam railroads to be prohibited from entering it and so "marring its beauty." The suggestion took the popular fancy and it received a generous "yes" vote.

In 1910 Initiative and Referendum matters were submitted at three elections — two special ones, in June and August, and the general election in November. At the June election two questions were up: (1) a proposal to change a provision in the constitution prohibiting railroad, transportation, or transmission companies organized under the state laws, from consolidating with other like companies organized under the laws of other States or of the United States: (2) a proposal to locate the state capital. The first was rejected by a large majority; the second was approved in a small vote. But for some irregularity in the business the supreme court declared this election void. The August election was upon a single question: a constitutional amendment initiated by the Legislature comprising the "grandfather clause," of certain Southern State constitutions, which, with its establishment of an educational test for the exercise of the franchise, and exemption therefrom of "descendants of those

whose lineal ancestors were entitled to vote on or before January 1, 1866," — the ignorant whites, — disqualifies the ignorant negroes.[1] The ballot was so contrived as to mislead the inattentive or simple voter. The words "For the Amendment" were printed at the bottom of the ballot, and the only way to vote "no" was to scratch out those words with a lead pencil. The rubber stamp "X" is used in Oklahoma to mark the cross. This would not serve in such case, and in some counties the election officers neglected to furnish pencils. Accordingly the amendment went through by an easy majority of those voting.[2] The question of its constitutionality went to the United States Supreme Court. At the November election four constitutional amendments were submitted — two by the Initiative and two by the Legislature; an act by the Referendum; and again the "New Jerusalem" proposition. The amendments provided for a distribution of taxes levied upon corporations among the public schools; for the repeal of the anti-consolidation provision and the substitution in its place of a provision to facilitate consolidations; for woman suffrage; and for local option on the liquor question. The Referendum was on a general election law of the Legislature which provided for the printing of the candidates' names on the ballots in a column without party designa-

[1] Oberholtzer, pp. 418, 497, 499.

[2] Professor L. J. Abbott, State University of Oklahoma, in *Twentieth Century Magazine*, November, 1911.

tions. Of the six propositions the tax distribution and the consolidation amendments alone were approved; and upon these only a little above fifty per cent of the electors voted.[1] The "New Jerusalem" scheme was abandoned, for a hot fight was now on between Guthrie and Oklahoma City for the "permanent capital." The fifth referenda election was in April, 1911.

In 1907 the twin institutions, again travelling eastward, found lodgment in Maine. That year a constitutional amendment establishing them passed the State Legislature, and the next year was ratified by the people. The Initiative was instituted for the proposal of laws, but not for constitutional amendments, which were specifically exempted, upon petition of twelve thousand voters; the Referendum on legislative acts, by petition of ten thousand. It was provided that all acts of the Legislature, except those pertaining solely to its business, making appropriations therefor, or for the payment of salaries fixed by law, and measures of immediate urgency, shall be held for ninety days after the Legislature's adjournment, subject to the Referendum, which must be called for within that time. A measure proposed by the Initiative if passed by the Legislature without change is to stand enacted, without submission. But if such measure be not adopted it is then to be submitted, either alone, or together with one of the Legislature's drafting as an alternate choice. The Legis-

[1] Oberholtzer, pp. 415–419.

lature may on its own motion enact measures conditioned upon their ratification by a Referendum vote. In all cases a majority of those voting only is necessary for approval. The use of both Initiative and Referendum was at the same time also extended to cities, with the requirement that the local ordinance establishing them be first approved by a majority vote of the citizens.[1]

Maine's first experience with the system was had in the state election of 1909, when the Referendum was called on three legislative acts: one relative to the liquor question, perennial in Maine, the others purely local measures. The local acts — one providing for the division of an old town and the establishment of a new one, the other for the reconstruction of a bridge connecting parts of Portland — concerned the voters of the State but slightly. All three were rejected. The liquor act — making the state standard of the percentage of alcohol in intoxicating liquors uniform with the United States revenue standard — received the largest vote. But the total of this vote was only a little more than half of that cast for governor in the same election.[2]

In 1908 Michigan adopted a new constitution in which was embodied the system in a modified form. The Legislature may refer any bill, except appropriation bills, which it has passed and the

[1] Oberholtzer, p. 421. Beard and Shultz, "Documents on the Initiative, Referendum, and Recall," p. 162. Maine Law, 1907.

[2] Oberholtzer, pp. 420–422.

governor has approved, to the people, and no bill so referred is to become law unless approved by a majority of the electors voting upon it. The Initiative may be employed for a constitutional amendment by twenty per cent of the number of electors voting for secretary of state at the last preceding election. If the Legislature in joint convention of both houses opposes the measure it shall be referred to the people, and with it the Legislature may submit an alternative one of its own drafting.[1]

In 1910 Arkansas[2] and Colorado[3] adopted the system, each following, in the main, the Oregon pattern. In each provision was made for the employment of the twin institutions in counties, cities, and towns as in the State.

In 1911 California[4] established the twins in her State constitution by popular vote in the election of October 10, along with the Recall, Woman Suffrage, and nineteen other things. In Washington, Nebraska, Idaho, and Wyoming constitutional amendments admitting them have passed the preliminary steps and go to the people in the election of November, 1912. In North Dakota a similar amendment stands for endorsement by the Legislature of 1913. Arizona entered into statehood with them embodied in her constitution in 1912.[5]

[1] Oberholtzer, p. 423. Beard and Shultz, p. 178. Michigan Constitution, art. XVII.

[2] Beard and Shultz, p. 180.

[3] Same, p. 181.

[4] Same, pp. 184–185.

[5] Oberholtzer, pp. 424–425.

SUMMARY

Thus, it is seen, within the short period of a decade and a half — from 1897 to 1912 — these twin institutions of foreign importation, superseding the native product in harmony with representative government which they would replace, had been engrafted upon the systems of thirteen States with respect to state affairs, while four more had taken the preliminaries for their adoption. The swiftness with which they have captivated seasoned old Commonwealths, as well as raw new ones, is not the least remarkable feature of this socialistic revolution.

It is, however, in their application to municipalities that their most rapid progress has been made. Nebraska, South Dakota, Iowa, and California were the first to introduce them into local districts. In Nebraska and South Dakota they were distinctly the Swiss type ; in Iowa and California, a modification of it, or a development in line with American traditions.[1] Utah was an early follower with the Swiss type. Then came Oregon in 1906, and after her, in quick succession, Oklahoma, Maine, Arkansas, Montana, Colorado, Ohio, Wisconsin. Of these thirteen States five — Nebraska, California, Montana, Ohio, and Wisconsin — arranged for the application of the twin rights in general laws without constitutional guarantee.[2] The percentage of voters designated as

[1] Oberholtzer, pp. 309–310.

[2] Same, p. 431.

necessary to employ them varied, ranging from five to thirty-five for the Initiative, and from five to twenty-five for the Referendum, this percentage being in some cases, a percentage of the number voting, but in most, of the total number of voters. At the same time it came to be a custom in some States to grant charters to cities, and to pass special laws, with provisions for the adoption of the twin institutions in local affairs: as in Michigan, North Carolina, Texas, Florida, Massachusetts, Connecticut.[1] Also the twins made progress in the so-called "home-rule charters" — charters framed by local conventions or boards of freeholders, and adopted by the people of the municipality, or, as in some cases, approved by the State Legislature.[2] This class of charter was earliest in vogue in Missouri, California, and Washington, but it was shortly brought into service in Colorado, Oregon, Michigan, and Wisconsin.

Meanwhile the new invention of the commission form of city government had been brought forth and was fascinating political systems tinkers and various sorts of reformers seeking a panacea for municipal ills. Making its first appearances in 1901 and 1903, in Texas, as the "Galveston Plan," and reappearing in 1907, in Iowa, refashioned and "improved," as the "Des Moines Plan," this novel device was soon advancing through the country at high speed, threatening to supplant all others. In all, following the lead of Dallas, Texas, the Initi-

[1] Oberholtzer, pp. 431–433. [2] Same, p. 439.

ative and the Referendum were made essential features.

Of their efficacy in the municipality as in the State their sponsors find convincing evidence in the results of elections in the communities adopting them; while in these same results independent and open-minded observers find as conclusive evidence of their evil workings and dangerous tendencies. Again Oregon is pointed to as the foremost demonstrator of the system in the city as in the State. Take, for example, the city of Portland. In the ability of the voters of this superbly energetic town to wrestle intelligently with twenty-one charter amendments and local ordinances, brought before them by the Initiative, the Referendum, or the city council, at one election, thirty-five at another, and twenty-four at another, the system's sponsors see proof beyond question of its splendidly practical worth. But did the voters vote intelligently? Doubtless some, perhaps many, of them, the independent observers admit: but many did not and could not, while not a few voted blindly or not at all.

It was the declaration of the Portland *Oregonian* in 1908, upon the spectacular performances of that year in Oregon, that the Initiative and the Referendum "encourage every group of hobbyists, every lot of people burning with whimsical notions to propose initiative measures or to interpose objections through referendum appeal." They have the effect of "keeping people who would defend

the stability and orderly progress of society always on their guard, always under arms for their defence." They make the danger ever present that the "crudest measures may pass into law through the inattention of voters, or that proper legislative measures may be turned down." In fact, "the situation is the crank's paradise."

Said Frederick W. Holman, member of the Portland bar, speaking at Chicago in 1911: "We find . . . that measures in overwhelming numbers, and many of them loosely drawn, are being put upon the ballot; that the percentage of those who do not participate in direct legislation is increasing; that lack of intelligent grasp of many measures is clearly indicated; that legislation is being enacted by minorities to the prejudice of the best interests of the majority; and that the constitution itself is being freely changed with reckless disregard of its purpose and character."

In the South Dakota state election of 1910 the ballot was seven feet long, one foot being devoted to the candidates and six feet to Initiative and Referendum propositions.[1]

Enthusiastic Oregonians endorsing the system have declared that it has completely abolished government by party bosses and political machines. Independent observers see only the substitution by its operators of new machines and bosses for the old. "Instead of the old 'machine' they have established their own — the Grange, the Federation

[1] James Boyle, "The Initiative and the Referendum," p. 106.

of Labor, the People's Power League. For the old bosses they have brought themselves forward as bosses."[1]

Others, political students, theorists, economists, practical men, remark:

"A government must have organs; it cannot act inorganically by masses. It must have a law-making body; it can no more make law through its voters than it can make law through its newspapers." — *Woodrow Wilson.*[2]

"The conception [the Initiative] is bold, but it is not likely to be of any great use to mankind; if, indeed, it does not prove to be merely a happy hunting-ground for extremists and fanatics." — *A. Lawrence Lowell.*[3]

"Whatever may be the future of the Initiative and the Referendum in the American States it will always be necessary to take account of several basic facts of which great bodies of the people seem often to be unmindful. These are of various sorts, but they may all be resolved into one primary fact which has to do with the manifest inequality of men. All are clearly not endowed with the political genius to an equal degree. All are not equally intelligent, moral, or capable. The whole social and economic order testifies to this inequality . . ." — *Ellis P. Oberholtzer.*[4]

[1] Oberholtzer, p. 502.

[2] In "Constitutional Government in the United States," p. 191.

[3] In "Governments and Parties in Continental Europe," vol. 2, p. 292.

[4] In "The Referendum in America," p. 500.

Observes another student of the science of government: "We are not all suitable to be members of the Legislature. But many are. Those are the men that we should elect; and they should be brought together and consult for the good of the whole community. Out of the thought of such citizens, and the discussions that arise, the best laws are brought forth."

"We are so engrossed in our private business that many of us give no attention to public questions, or we too frequently bestow upon the latter such superficial study that our action becomes the dangerous thing that is based upon little knowledge. This condition of indifference, even under our present system, produces nothing but an evil effect upon the character of laws; and this evil effect would be greatly intensified under the Initiative and Referendum. Legislation may be expected to represent in the long run the fair average of the information and the study of the body that enacts it, whether that body be composed of four hundred legislators or one hundred millions of people." — *Samuel W. McCall.*[1]

And this question is raised: Many laws dangerous to government have been passed on an impulsive vote. Is not the danger of such legislation far greater when it depends upon the whims or impulse of the average voter at the polls?

[1] In "Representative as against Direct Government," *Atlantic Monthly*, October, 1911.

II

THE RECALL

THE Recall is also of ancient origin.[1] A modern type is found early in operation in Switzerland applied to local legislatures, and this Swiss device was imported into America by the same class of social agitators that brought in the Initiative and the Referendum to be expanded under the invigorating atmosphere of the exuberant West. In Switzerland it could be evoked by a specified

[1] Aristides: "He wrote, it is said, his own name on the sherd, at the request of an ignorant countryman, who knew him not, but took it ill that any citizen should be called Just beyond his neighbours." — Smith's "Greek and Roman Biography," vol. 1, p. 294 (1870 ed.).

"First the magistrates numbered all the sherds in gross, . . . then laying every name by itself they pronounced him whose name was written by the larger number banished." — Clough's Plutarch's Lives, vol. 2, p. 287.

The Recall of legislation in the Rhode Island Colony: In January, 1639, the "simple form of government," instituted by the civil compact for the incorporation of their "Body Politick" signed the year before, was "slightly modified . . . when a plan was drafted which provided for three elders to assist the Judge, and they were to report their acts every quarter to the assembled freemen with this curious arrangement for veto: 'if by the Body [of freemen] or any of them, the Lord shall be pleased to dispense light to the contrary of what by the Judge and Elders hath been determined formerly, that then and there it shall be repealed as the act of the Body.'" — Rufus M. Jones. "The Quakers in the American Colonies," p. 22. Rhode Island Colony Records, vol. 1, p. 63.

number of voters, — ranging from one thousand in the smaller to eight thousand in the larger cantons, — and thereupon the question whether the Legislature should be recalled was to go to the popular vote. In case of a "yes" vote the functions of the Legislature were at once to cease and a new one to be elected.[1]

Like the Swiss Initiative and Referendum, the injection of this device into the American system, and its utilization to get rid of any unsatisfactory or unpopular officials before the end of their terms of office, was earliest agitated by socialistic and kindred groups; and it made its début in Farthest West.

FIRST INSTITUTED IN A CITY CHARTER

It was first hospitably received by legislators in California, and embodied in a "home-rule" city charter. The city was Los Angeles, and the charter was adopted by the people of that municipality in December, 1902.

Here the device was to be brought into play for the Recall of the "holder of any elective office," at any time after his election, by a majority vote of those voting on the question. The Recall petition must contain a "general statement of the grounds upon which the removal is sought," and must bear the signatures, with place of residence, street and number, of electors "equal in number to at least twenty-five per centum of the

[1] Vincent, p. 118.

entire vote for all candidates for the office, the incumbent of which is sought to be removed, cast at the last preceding general municipal election." The signatures might be appended to a number of papers; but one signer of each paper must make oath before a competent officer that the statements therein made are correct and the signatures genuine. The papers must be filed with the city clerk, who must within ten days of their filing examine them and certify whether or not the petition is signed by the requisite number of qualified voters. Should it appear that the number is insufficient, the petition may be amended within ten days from the date of the clerk's certificate to this effect. If still it is found insufficient, the process may be repeated. When complete, the petition goes at once from the city clerk, duly certified, to the city council, and that body must order an election for a date not less than thirty days nor more than forty days from the date of the clerk's certificate. The official sought to be removed may be a candidate, and "unless he requests otherwise in writing" his name is to be placed on the official ballot without nomination. The candidate receiving the highest number of votes is to be declared elected. If the incumbent receives the highest number he is to continue in office. Otherwise he is deemed removed upon the successful candidate's qualification. Should the successful candidate fail to qualify within ten days after receiving notification of election, the office is to be deemed vacant.[1]

[1] Charter of Los Angeles, Oberholtzer, pp. 457–458.

The first trial of the device was made in September, 1904. The official at which it was aimed was a member of the common council. He was charged with various offences — alleged alliance with the "liquor interests," "corruption attending the location or enlargement of a slaughter-house in a residential district," connection with the awarding of a contract for city printing to the *Times*, a non-union newspaper. The latter was the real, or the most effective, complaint, and the typographical union was the chief circulator of the Recall petition. "The whole city was brought into the campaign, although but one ward voted on the question." The offending councilman was cast out with the election of the candidate of the opposition by a vote of 2338 to 1584.[1]

Again Los Angeles was the first of all cities to use the Recall to oust a mayor. This was in 1909. Sensational exposures of "social vice" had been making in the local newspapers, and the mayor was charged with failing to enforce the laws. He was declared to have been elected by the "wide-open element and the political rings," and to be their representative. He was particularly denounced for the appointment of the chief of police, asserted to be in collusion with him, to the headship of a board of public works "which, during the next few years, would superintend the expenditure of some thirty millions of dollars."

[1] Oberholtzer, p. 465, quoting from the New York *Independent*, vol. 58, p. 69.

At length he was arraigned by the grand jury together with several delinquent police officers. Then the Recall was pressed by sundry citizens with ardor. Petition papers were "put into the hands of men and women, committees, associations, and clubs," and within a fortnight the requisite number of signatures had been obtained. The opponents and also the Socialists nominated candidates, and a hot campaign ensued. A fortnight before the election day the obnoxious head of the board of public works resigned, and two days later the mayor left his office and the city. His place was temporarily filled by the city council. At the election, March 26, the opponents' candidate carried the day by a large majority over his Socialist competitor.[1]

This campaign and its outcome were hailed by the sponsors of the new device as a perfect demonstration of its righteousness. Unbiased observers contended that the same results could have been brought about in the regular course without revolutionizing the established system, were the same zeal exercised in rousing public opinion. The sponsors retorted that the ways of the old system were too slow; that the short cut which the Recall afforded was the better. The first experience, in which the device was used by a faction as a bludgeon for partisan ends, the sponsors dismissed as of no significance. The un-

[1] Oberholtzer, pp. 465–466, quoting the New York *Independent*, vol. 66, p. 861, and the *Outlook*, vol. 91, p. 571.

biased observers saw in that demonstration the swing of a weapon which might readily be used to the grievous hurt of the community.

From Los Angeles the device passed into the home-rule charters of various California cities: San Diego, San Bernardino, Pasadena, Fresno, Santa Monica, Alameda, Santa Cruz, Long Beach, Riverside, Santa Barbara, Palo Alto, Berkeley, Richmond, Modesto, Oakland, Vallejo, Monterey, San Luis Obispo, Sacramento. The percentage of names required on the petition ranged from twenty to fifty per cent of the number of voters. In most cases the Recall was not to be invoked till after a designated period in the official's term — three or six months after installation. In Alameda and Santa Cruz appointive as well as elective officers were made subject to the Recall by this provision: "The term of each office, elective or appointive, shall be limited to the good behavior of the holder thereof."[1]

THE STATE-WIDE RECALL

Meanwhile Oregon had taken on the device for state-wide application — the first State so to apply it — establishing it in her constitution, the amendment being proposed by Initiative petition, and one of the mixture of nineteen measures submitted to the people in the election of 1908.

Every elective officer without exception, in-

[1] Oberholtzer, p. 458. Also, "Digest of Short Ballot Charters."

cluding the judges of the courts, was made subject to Recall either by the legal voters of the State or by the electoral district from which he is elected. Twenty-five per cent, "but not more," of the total number voting in the official's district at the preceding election for justice of the supreme court, are required for the petition demanding his Recall by the people. The petition is to set forth the reasons for the demand. Should the officer aimed at resign, his resignation shall be accepted to take effect the day it is offered, and the vacancy shall be filled as may be provided by law. Should he not resign within five days after the Recall petition is filed, a special election is to be ordered to be held within twenty days, in his electoral district, to determine whether the people will recall him. On the sample ballot are to be printed, in not more than two hundred words in each case, the reasons for demanding his Recall as set forth in the petition, and his own justification of his course in office. He is to continue to perform the duties of his office until the result of the special election is officially declared. Other candidates for the office may be nominated to be voted for at this election; and the candidate who receives the highest number of votes is to be deemed elected for the remainder of the term, whether it be the officer himself or another. A Recall petition is not to be circulated against any officer until he has actually held his office six months, "save and except that it may be filed against a senator or

representative in the legislative Assembly at any time after five days from the beginning of the first session after his election." After one Recall petition and special election no further petition is to be filed against the same officer during the remainder of his term, "unless such further petitioners shall pay first into the public treasury, which has paid such special election expenses, the whole amount of its expenses for the preceding special election." [1]

CALIFORNIA COMPARED

California followed Oregon with a similar "State-Wide Recall" amendment to her constitution; the Legislature adopting the instrument at the session of 1911, and the people ratifying it by a large majority at the special election in the following October. As in Oregon, all elective state officers and the judiciary are made subject to the Recall, and its use is extended to cover elective officers of counties, cities, and towns. But the California scheme is more elaborate than the Oregon, and in some respects more radical, while it differs from that markedly in detail.

The petition for the Recall of an "elective public officer" must have the signatures of electors entitled to vote for a successor "equal in number to at least twelve per cent of the entire

[1] Text in Charles A. Beard and Birl E. Shultz. "Documents on the State-Wide Initiative, Referendum and Recall," pp. 242–243.

vote cast at the last preceding election for all candidates for the office." If he be a "state officer who is elected in any political subdivision of the State" the petition must be signed by twenty per cent. If he be an officer "elected in the State at large," the petition must be circulated in not less than five counties of the State and be signed in each by "electors equal in number to not less than one per cent of the entire vote cast in each of said counties at said election as above estimated." The petition is to contain a general statement of the ground on which the removal is sought, "which statement is intended solely for the information of the electors, and the sufficiency of which shall not be open to review." Any Recall petition may be presented in sections, but each section must contain "a full and accurate copy of the title and text of the petition." Each signer must add to his signature his place of residence, with street and number, if such exist. His election precinct must also appear after his name. Any qualified elector of the State is competent to solicit such signatures within the county, or city and county, in which he is an elector. Each section of the petition must bear the name of the county, or city and county, in which it is circulated, and only qualified voters therein are competent to sign it. To each section must be attached the affidavit of the person soliciting the signatures, "stating his qualifications, and that all the signatures to the attached section were made in his presence, and

that to the best of his knowledge and belief each signature to the section is the genuine signature of the person whose name it purports to be." These affidavits are to be verified free of charge by any officer entitled to administer an oath. Each section is to be filed with the clerk or the registrar of voters of the county, or city and county, in which it was circulated: but all must be filed at the same time. Within twenty days after the date of filing the clerk or registrar must finally determine, from the records of registration, what number of qualified electors have signed the petition; attach to it his certificate showing the result of this examination; submit the petition, "except as to the signatures appended thereto," to the secretary of state, and file a copy of his certificate in the secretary's office. Within forty days from this transmission a supplemental petition, "identical with the original as to the body but containing supplemental names," may be filed with the clerk, or registrar, and this must be examined and transmitted in the same manner as the original one. When the secretary of state has received a petition duly certified to have been signed by the requisite number of qualified voters, he must "forthwith" transmit to the clerk or registrar of every county, or city and county, in the State, a certificate showing such fact; and at the same time submit the petition, together with a certificate of its sufficiency, to the governor. Thereupon it is the governor's duty to order and fix a date for

holding the Recall election, which must be not less than sixty days nor more than eighty days from the date of the secretary's certificate.

As in the Oregon scheme, on the official ballot at such election must be printed, in not more than two hundred words, the reasons set forth in the petition for demanding the official's Recall, and in not more than three hundred words (a hundred more than Oregon allows), if desired by him, the officer's justification of his course in office. If the officer resigns at any time subsequent to the filing of the Recall petition, the Recall election is to be held notwithstanding such resignation, and the vacancy filled as provided by law: the person appointed to hold the office only till the successful candidate at the Recall election qualifies. Candidates are to be nominated by petition, the nominating petition to be signed by one per cent of the total vote at the last preceding election for all the candidates for the office, and to be filed with the secretary of state not less than twenty-five days before the election. The officer sought to be removed is not listed as a candidate. The Recall ballot first puts the question, "Shall (name of the officer) be Recalled from the office of (title of office)?" followed by the words "Yes" or "No" on separate lines, with a blank space at the right of each in which the voter is to indicate his vote for or against, by stamping a cross; and beneath the question appears the list of candidates nominated to succeed him should he be recalled. No vote

cast is to be counted for any candidate unless the voter also voted on the Recall question. A majority "no" vote retains the incumbent in his office; a majority "yes" vote removes him upon the qualification of his successor. The candidate receiving the highest number of votes is declared elected for the remainder of the term. In case the successful candidate fails to qualify within ten days after receiving the certificate of election the office is deemed vacant, and is to be filled "according to law." If the governor is sought to be removed, the duties imposed upon him in the Recall procedure are to be performed by the lieutenant-governor; if the secretary of state is petitioned against, the duties imposed upon him, as prescribed, fall to the state controller. An official proceeded against and successfully passing the Recall ordeal is to be repaid from the state treasury "any amount legally expended by him as expenses of such election," the Legislature to provide appropriation for this purpose; and no proceedings for another Recall election in his case is to be initiated within six months. No Recall petition is to be circulated or filed against any officer till he has actually held his office for at least six months, "save and except it may be filed against any member of the State Legislature at any time after five days from the convening and organizing of the Legislature after his election."[1]

The procedure for exercise of the Recall by the

[1] Text in Beard and Shultz, "Documents," etc., pp. 264–270.

electors of counties and cities with reference to the local elective officers was provided for by general law of the Legislature of 1911. For a Recall petition in a county the signatures of twenty per cent of the voters are required; in a municipal corporation, not acting under freeholders', or home-rule, charters, twenty-five per cent.

THE ARIZONA SCHEME

It was left for Arizona, however, in her constitution with which she sought statehood in 1911, to adopt the device in the most radical of all forms.

Every public officer in the State "holding an elective office, either by election or appointment,"[1] thus including county and state judges, was made subject to Recall by the qualified electors of the electoral district from which candidates are elected to such office, six months after the officer's election; unless he be a member of the Legislature, when the limit was fixed at five days from the beginning of the first session after his election. Twenty-five per cent of the electors voting for all candidates for the office at the last preceding general election may invoke the Recall; and the electoral district may include the whole State. As in the Oregon scheme, the Recall petition must contain a general statement in not more than two hundred words of the grounds of the demand; and this statement

[1] Appointment to fill a vacancy in an elective office for an unexpired term.

must be printed on the Recall ballot, together with the officer's justification of his course in office in the same limit of space. Also as in the Oregon scheme, the Recall election is not to be called if the officer proceeded against should resign within five days after the filing of the petition: such resignation is to be accepted and the vacancy thus created is to be filled "as may be provided by law." If he does not resign within the prescribed time and so meets the ordeal, his name is to be placed on the Recall ballot as a candidate unless he otherwise requests, in writing. Other candidates are to be nominated in the ordinary way as the law provides. The candidate receiving the highest number of votes is to be declared elected for the remainder of the term, and the incumbent, unless he be that candidate, is deemed removed from the office upon qualification of his successor. If the successful candidate does not qualify the office is vacant and is to be filled as provided by law. The Oregon requirement as to a second Recall petition against the same officer during the remainder of his term — that none shall be filed unless the petitioners first pay into the public treasury a sum equal to all the expenses of the preceding Recall election — is carried. [1]

PRESIDENT TAFT'S VETO

It was the judicial Recall feature particularly which drew President Taft's trenchant veto of the congressional resolution admitting Arizona with

[1] Text in Beard and Shultz, "Documents," etc., pp. 244-245.

this constitution, on the condition that the Recall section be submitted to the people for approval or rejection:

"This provision of the Arizona Constitution, in its application to county and state judges, seems to me so pernicious in its effect, so destructive of independence in the judiciary, so likely to subject the rights of the individual to the possible tyranny of a popular majority, and therefore to be so injurious to the cause of free government, that I must disapprove a constitution containing it."

With this premise the document proceeds.

"A government is for the benefit of all the people. We believe that this benefit is best accomplished by popular government, because in the long run each class of individuals is apt to secure better provision for themselves through their own voice in government than through the altruistic interest of others, however intelligent or philanthropic. The wisdom of ages has taught that no government can exist except in accordance with laws and unless the people under it obey the laws voluntarily or are made to obey them. In a popular government the laws are made by the people — not by all the people — but by those supposed and declared to be competent for the purpose, as males over twenty-one years of age, and not by all of these — but by a majority of them only.

"Now, as the government is for all the people, and is not solely for a majority of them, the majority in exercising control either directly or

through its agents is bound to exercise the power for the benefit of the minority as well as the majority. But all have recognized that the majority of a people, unrestrained by law, when aroused and without the sobering effect of deliberation and discussion, may do injustice to the minority or to the individual when the selfish interest of the majority prompts. Hence arises the necessity for a constitution by which the will of the majority shall be permitted to guide the course of the government only under controlling checks that experience has shown to be necessary to secure for the minority its share of the benefit to the whole people that a popular government is established to bestow.

"A popular government is not a government of a majority, by a majority, for a majority of the people. It is government of the whole people, by a majority of the whole people under such rules and checks as will secure a wise, just, and beneficent government for all the people.

. . . . . .

"No honest, clear-headed man, however great a lover of popular government, can deny that the unbridled expression of the majority of a community converted hastily into law or action would sometimes make a government tyrannical and cruel. Constitutions are checks upon the hasty action of the majority. They are the self-imposed restraints of a whole people upon a majority of them to secure sober action and a respect for the

rights of the minority, and of the individual in his relation to other individuals, and in his relation to the whole people in their character as a State or government. The constitution distributes the functions of government into three branches — the legislative, to make the laws; the executive, to execute them; and the judicial, to decide in cases arising before it the rights of the individual as between him and others and as between him and the government. . . . The executive and legislative branches are representative of the majority of the people which elected them in guiding the course of the government within the limits of the constitution. They must act for the whole people, of course; but they may properly follow, and usually ought to follow, the views of the majority which elected them in respect to the governmental policy best adapted to secure the welfare of the whole people. But the judicial branch of the government is not representative of a majority of the people in any such sense, even if the mode of selecting judges is by popular election.

"In a proper sense, judges are servants of the people; that is, they are doing work which must be done for the government, and in the interest of all the people, but it is not work in the doing of which they are to follow the will of the majority, except as that is embodied in statutes lawfully enacted according to constitutional limitations. They are not popular representatives. On the contrary, to fill their office properly they must be independent.

They must decide every question which comes before them according to law and justice. If this question is between individuals, they will follow the statutes, or the unwritten law if no statute applies, and they take the unwritten law growing out of tradition and custom from previous judicial decisions. If a statute or ordinance affecting a cause before them is not lawfully enacted, because it violates the constitution adopted by the people, then they must ignore the statute and decide the question as if the statute had never been passed. This power is a judicial power, imposed by the people on the judges by the written constitution.

. . . . . .

"By the Recall in the Arizona Constitution it is proposed to give to the majority power to remove, arbitrarily and without delay, any judge who may have the courage to render an unpopular decision. . . . Could there be a system more ingeniously devised to subject judges to momentary gusts of popular passion than this?

"We cannot be blind to the fact that often an intelligent and respectable electorate may be so roused upon an issue that it will visit with condemnation the decision of a just judge, though exactly in accord with the law governing the case, merely because it affects unfavorably their contest. Controversies over elections, labor troubles, racial or religious issues, issues as to the construction or constitutionality of liquor laws, criminal trials of popular or unpopular defendants, the removal of

county seats, suits by individuals to maintain their constitutional rights in obstruction of some popular improvement — these and many other cases could be cited in which a majority of a district electorate would be tempted by hasty anger to recall a conscientious judge if the opportunity were open all the time. No period of delay is interposed for the abatement of popular feeling. The Recall is devised to encourage quick action and to lead the people to strike while the iron is hot. The judge is treated as the instrument and servant of a majority of the people and subject to their momentary will. . . . On the instant of an unpopular ruling, while the spirit of protest has not had time to cool, and even while an appeal may be pending from his ruling in which he may be sustained, he is to be haled before the electorate as a tribunal, with no judicial hearing, evidence, or defence, and thrown out of office and disgraced for life because he has failed, in a single decision, it may be, to satisfy the popular demand.

"Think of the opportunity such a system would give to unscrupulous political bosses in control as they have been in control not only of conventions but elections! Think of the enormous power for evil given to the sensational, muckraking portion of the press in rousing prejudice against a just judge by false charges and insinuations the effect of which in the short period of an election by Recall it would be impossible for him to meet and offset!

. . . . . .

"The motive it would offer to unscrupulous combinations to seek to control politics in order to control the judges is clear. Those would profit by the Recall who have the best opportunity of arousing the majority of the people to action on a sudden impulse. Are they likely to be the wisest or the best people in a community? Do they not include those who have money enough to employ the firebrands and slanderers in a community and the stirrers-up of social hate? Would not self-respecting men well hesitate to accept judicial office with such a sword of Damocles hanging over them? What kind of judgments might those on the unpopular side expect from courts whose judges must make their decisions under such legalized terrorism? The character of the judges would deteriorate to that of trimmers and timeservers, and independent judicial action would be a thing of the past. As the possibilities of such a system pass in review is it too much to characterize it as one which will destroy the judiciary, its standing, and its influence?

. . . . . .

"It is said the Recall will be rarely used. If so, it will be rarely needed. Then why adopt a system so full of danger? But it is a mistake to suppose that such a powerful lever for influencing judicial decisions and such an opportunity for vengeance because of adverse ones, will be allowed to remain unused." [1]

[1] Text in Congressional Record, August 15, 1911.

Upon the reception of this veto Congress immediately made the condition precedent to admission the ratification by the people of an amendment to the Recall article with the insertion of the words "except members of the judiciary"; and this being done, Arizona duly entered upon statehood, in February, 1912.

Promptly, however, with the inauguration of the new state government the governor proposed and the Legislature approved a constitutional amendment restoring the rejected provision, and this goes to the people for ratification at the next general election.

IN OTHER STATES

In 1911 Nevada and Idaho took the preliminary steps toward the adoption of the device, and constitutional amendments embodying it go to the voters in each State for ratification or rejection in the election of November, 1912. North Dakota will vote upon a similar amendment in the election of 1914, provided the measure enacted by the Legislature of 1911 passes that of 1913. In Wisconsin a proposed amendment has passed one Legislature. The Nevada and North Dakota amendments are generally copies of the Oregon scheme.[1] The Idaho[2] and Wisconsin[3] amendments except judicial officers.

[1] Beard and Shultz, "Documents," etc., Nevada, p. 272; North Dakota, pp. 210, 221, 227.

[2] Same, p. 271.

[3] Oberholtzer, p. 461.

MOVES AGAINST JUDGES

Oregon, true to her leadership in the establishment of the "State-Wide Recall," was the first to try the device against judges. The offender in the first case was a county judge. He was judge of Lane County, and was proceeded against, in 1911, together with two county commissioners and the county assessor, "the signatures of the farmers being obtained while they were celebrating the Fourth of July." The grounds for removal as given in the petition were the same for judge and commissioners. Each was pronounced in general to be incompetent to perform the duties of his office, while the particular offence alleged against each was failure to act in the matter of road construction according to the "expressed wishes" of a majority of the taxpayers. Each had "wilfully ignored the expressed choice" of this majority, "in the several road districts as to the appointment of supervisors"; had as "wilfully, and knowingly," named "unsuitable persons to fill these offices in many instances"; and had "utterly ignored" this majority's demand that road construction should be put on a "permanent scientific basis" through the issue of bonds and the elimination of this item from the assessments, and so reducing the tax levy.[1]

In the other case, also in 1911, the target was a circuit judge — Judge Coke. He had presided at a murder trial in Douglas County at

[1] Oberholtzer, pp. 468–469.

which the prisoner was acquitted, to the dissatisfaction of some of the citizens. Accordingly they started and circulated the petition for his Recall upon these grounds: that he had demonstrated his "gross incompetency and unfairness" by giving to the jury, "at the instance and request of the defendant's attorneys, unfair and erroneous instructions as to the law, intended to bias the jury in favor of the defendant and secure an acquittal," while at the same time refusing to give the jurors "fair and legal instructions which were asked by the prosecution," which course had "brought about the defeat of the ends of justice."[1]

PROGRESS OF THE RECALL IN CITIES

Washington (State) provided for the Recall in cities by special laws, and in 1911 the device was brought to bear upon the mayors of its two principal municipalities — Seattle and Tacoma. In Seattle the campaign was even more spectacular than the pioneer one of Los Angeles two years before; while that in Tacoma was not slow.

In Seattle, as provided in the charter, the Recall may be invoked against any elective officer, at any time, by twenty-five per cent of the voters. The election must be called for a date not less than forty nor more than fifty days from the filing of the petition. The name of the officer petitioned against appears on the ballot, unless he refuses to stand, and other candidates are nominated in the

[1] Oberholtzer, pp. 469–470.

usual way. A plurality vote elects. In the first Recall case the offending mayor was Hiram C. Gill — a breezy politician, long swinging a strong hand in local affairs, sometime a councilman and latterly the strenuous president of the council, outspoken in his views and aggressive in advocating them, and frankly friendly to the theory of the "open town" but under restrictions. He had been elected by a small majority in an indifferent campaign, except by his partisans, and largely on an issue of police regulations. Upon his election Mayor Gill had selected a chief of police who had held the office under a previous administration, and not with renown.[1] Scandals resulted, and delegations of citizens repeatedly demanded the chief's removal. But the mayor stood by him stoutly. Finally, the Recall was invoked against the mayor seven months after his inauguration. The petition was circulated for signatures throughout the city by volunteer canvassers. The mayor was not charged with participation in the scandals, or with personal corruption ; his offence lay in his sustaining corrupt officials. Nearly three months were spent in the collection of signatures before the required ten thousand were obtained. The opposition nominated their candidate, and the mayor stood for "vindication." A month's campaign, hot and extremely personal, followed. The opposition candidate was elected by a fair majority, and Mayor Gill made way for Mayor Dilling. In this

[1] Burton J. Hendrick in *McClure's Magazine*, March, 1911.

election women voted for the first time in Washington, — the franchise having been given them with the adoption of the state constitution in the regular election of 1910, — and apparently their vote carried the Recall. With the instalment of Mayor Dilling the discredited chief of police at once resigned, and latterly he was indicted on charges of "grafting" and "blackmailing," was convicted, and sentenced to the penitentiary.[1]

Such is the story of the Recall of Mayor Gill of Seattle. But there is a sequel to it. When Mayor Dilling had been six months in office the Recall machinery was set in motion against him, instigated, in part at least, by partisans of the dethroned Gill. Although the charges against Dilling were indefinite, signatures to the petition are said to have been obtained with ease. Then business men of the city entered a formal protest against the procedure, on the ground that such constant agitation of politics interrupted the prosperous course of business, and checked the city's growth. So Dilling was retained. Six months later came the regular nomination primaries for city officers and, lo! the dethroned Gill was found heading the poll as candidate for mayor with twelve thousand more votes than his nearest competitor. In the election that followed, however, he was defeated by a slender majority for his opponent of under seven thousand. The votes of the newly enfranchised women are supposed to have defeated him.

[1] Hendrick, pp. 658–663.

The Recall of Tacoma's mayor — in April, 1911 — was in large part on the "saloon" issue, and was engineered by a Welfare League organized for the occasion. The movement originated, however, with the local Labor Council, which charged the mayor with having favored both non-union and non-resident labor in the construction of public buildings, and placed upon the city council the responsibility for an industrial depression prevailing at that time.[1] The mayor and his four fellow commissioners, constituting the city council, were all petitioned against on the general charge of "gross incompetency" and "alliance with the saloons." In this campaign women took an active part as well as in the voting. Two elections were necessary to remove Mayor Fawcett. At the first there were three candidates and none had a majority. At the second the mayor had but one competitor, and this candidate was elected by a majority of less than a thousand. Two elections were also necessary in the case of the four commissioners. Finally, two were recalled, while the other two held their places by majorities, in round numbers, of six thousand and twenty-four hundred respectively.[2]

The same season — the spring of 1911 — the Recall was directed against a mayor of a South Dakota city — the little city of Huron. Here, as in Tacoma, the removal of the mayor was sought together with his fellow members of the city coun-

[1] H. S. Gilbertson, "The Practice of the Recall," in "Digest of Short Ballot Charters," p. 21802. [2] Oberholtzer, p. 467.

cil. The issue turned on a question of taxes. The new council — the city's first commission government — had provided for a sinking-fund to meet outstanding bonded indebtedness, which meant increased taxation. The petition received the requisite number of signatures, but at the spring election the Recall failed.[1]

Earlier, several Oregon cities, following close upon the example in California, had worked the device against their mayors. In 1909 the mayor of Junction City, charged with "not enforcing the laws," was ousted by it. The mayor of Ashland was proceeded against, but he triumphantly weathered the storm and retained his office. In Portland, in 1911, it was successfully brought against a member of the city council on the alleged ground of "devotion to private interests."[2]

In a Texan city — Dallas — it was employed in 1910 for turning out all of the school board because they had dismissed two teachers apparently without sufficient cause. In 1912 it was first put in operation in an Eastern State, in the city of Gardiner, Maine. Here the requisite percentage of voters petitioned for the removal of two of the three commissioners (the first under a commission form of government — comprising a mayor and two aldermen) only two months after they had taken their seats, because of alleged unfit appointments of subordinate officials. At the March elec-

[1] Gilbertson, in "Digest," etc., p. 21807.
[2] Oberholtzer, pp. 467–468.

tion, however, the two successfully ran the gauntlet with fair majorities.

SUMMARY

The "State-Wide Recall" is now (spring of 1912) established in constitutional amendments in the States of Oregon, California, and Arizona; and is embodied in amendments pending in Idaho, Nevada, and North Dakota. In Oregon, California, Arizona (subject to ratification at the next election), and North Dakota it is made applicable to judges. In Idaho judicial officers are expressly exempted. It was proposed in Ohio, to include the judiciary, for adoption by the state constitutional convention of 1912, but was rejected (April 22) by that body.

The establishment of the device in municipalities, effected with great rapidity, is country-wide. In California, South Dakota, Wyoming, Kansas, Louisiana, South Carolina, Iowa, Minnesota, Wisconsin, Illinois, and New Jersey, it was earliest extended to municipal corporations by general laws. In Washington, Colorado, and Oklahoma, as well as in California, its use is authorized in "home-rule" cities incorporated by special laws. In six Pacific States, four Rocky Mountain States, five Southwestern, six Northwestern, seven Middle Western, ten Southern, four Middle, and six New England States it is joined hand in hand with the twin Initiative and Referendum in most of the charters of cities taking on the commission form of government.

III

COMMISSION GOVERNMENT FOR CITIES

THE commission form of government for municipalities was a Southern invention and designed at first to meet an emergency. It originated in Galveston, Texas, when the upbuilding of that crippled city of some 30,000 inhabitants was to be taken in hand after the awful havoc wrought by the great storm and tidal wave of 1900. The problem that confronted the remaining citizens was a financial one. Extensive and costly public works must be undertaken and at once. But the city was heavily in debt; its credit was gone, and it could not borrow a dollar.[1] Its finances had long been badly mismanaged. The authorities had been accustomed to provide for annual deficits by bonding the city; and in this way alone nearly three millions of debt had been accumulated within two decades.[2] In other respects the city had suffered from incompetent and distrusted governments.

Under these conditions the leading citizens met to consider the best course to pursue for the city's regeneration. A peculiarity of Galveston was the

[1] Charles W. Eliot, "Better Municipal Government," in "Digest of Short Ballot Charters," p. 21101.

[2] William B. Munro, "The Galveston Plan of City Government," in Woodruff, "City Government by Commission," p. 47.

holding of its real estate by a few. A large part of the property is said to have been owned by less than a score of persons. Yet, says the same informant, there were no "startlingly" wealthy men in Galveston, therefore it was necessary that the whole community should contribute to the new work, and that it be done cheaply as well as properly, else it would ruin the people. The solution of the problem was the putting of the city in the hands of a kind of public receivers who should carry it through the crisis.[1] Thereupon the Commission Government scheme developed.

The framing of this initial commission charter was the work of three Galveston lawyers. Says Dr. Charles W. Eliot, "One of them told me how little guidance they had. They procured from Boston the amended charter [of 1885] which was then about fifteen years old; they got some information about the evil condition of things in New York; they learned how the school committee of St. Louis had been reorganized successfully, being greatly reduced in number, made independent of the city council as regards its resources, and composed of twelve citizens elected at large — three at a time — to serve four years. This was about all the guidance they had."[2] They framed their charter based on the principle of a small number of officers — commissioners — in place of the old

[1] Albert Bushnell Hart, "Observations on Texas Cities," in "City Government by Commission," p. 229.

[2] Dr. Eliot, "Better Municipal Government."

order of mayor, aldermen, and councilmen, and heads of various departments; and it was authorized by the Legislature in 1901.

This first "Galveston Plan," however, was not the "straight" commission form of government. It provided for five commissioners, three appointed by the governor of the State and two elected by the citizens of Galveston. And it did not long stand. The question of its constitutionality was raised, and the Texas Supreme Court sustained the point with the decision that certain functions which the commissioners had been authorized to assume could not be exercised except by elective officers.[1] Thereupon an amendatory act, making all five of the commissioners elective, was sought and obtained from the Legislature in March, 1903. The original five, however, retained their offices, duly elected by the voters of the city at the polls.

THE GALVESTON MODEL

The features of this second charter of 1903, as the scheme upon which commission systems later adopted were based, may profitably be recalled in detail.

The mayor and four commissioners collectively constitute the "Board of Commissioners of the City of Galveston," and all the municipal powers are centred in them. The five must each be "not less than twenty-five years of age, citizens of the

[1] Professor Munro, pp. 47–48.

United States, and for five years immediately preceding their election residents of the city." Before entering upon the duties of his office each must give bond in the sum of $5000, with sureties, for the faithful discharge of his duty, and must take an oath, in addition to the customary one, that he is "not under direct or indirect obligation to appoint or elect any person to any office, position, or employment under said government." The term of each is two years. The mayor receives an annual salary of $2000, the other four commissioners each $1200. The mayor is required to devote "at least six hours a day" to the duties of his office and the affairs of the city. He has the title of "Mayor-President," and is the executive officer, charged with seeing that all the laws are enforced. He is president of the board, and has the right to vote as a member on all questions which may arise, but he has no right of veto. The commissioners by majority vote of all the members appoint all officers and subordinates in all departments of the city. Also by majority vote of all, the commissioners designate from among their number one to be known as "Police and Fire Commissioner," one as "Commissioner of Streets and Public Property," one, "Water-Works and Sewerage Commissioner," and one, "Commissioner of Finance and Revenue." Thus a single member is directly responsible for the administration of each department. Regular meetings of the board are to be held at least once a week, while special

meetings may be called by the president, or by any two members, at any time, but to consider only such matters as shall be mentioned in the call; and all legislative sessions, whether regular or called, are to be open to the public. All municipal ordinances are passed by a majority vote. The budget is drawn up and passed, and all contracts are awarded by the board as a whole. Special provisions are made and conditions imposed as to franchises; and none is to be granted for a longer period than fifty years. The board is to require a report to be published quarterly in the official newspaper of the city, showing "a full, clear, and complete statement of all taxes and other revenues collected and expended during the preceding quarter, indicating the respective sources from which the moneys are derived, and also indicating the disposition made thereof." In case of vacancy from any cause in the office of mayor or of any commissioner, such vacancy is to be filled by the board by appointment provided the next regular election is not more than ninety days off, and the person so appointed must "possess all the qualifications" required by the charter for the particular office; but should such election be more than ninety days off the vacancy is to be filled by a special election.[1]

Other Texas cities took keen interest in the Galveston Plan, attracted by its newness, and

[1] Chap. 37, Laws of Texas, 1903. Text, essential parts, in "Digest of Short Ballot Charters," pp. 51001–51015.

shortly commission government became quite a Texan fashion. Houston, the third largest city in the State (population 78,800, Census of 1910) led off with an "Improved Plan," which was amicably formulated by a committee of the old city government in joint session with a citizens' committee, and passed the Legislature in 1905.

HOUSTON'S "IMPROVED PLAN"

This scheme differs from the Galveston Plan in several particulars. The governing body is designated the city council, instead of board of commissioners, and comprises a mayor and four aldermen. The five are to be elected at large. Eligibility includes, besides the requirements named in the Galveston Plan (except as to limit of age), ownership of real estate in the city for at least two years prior to election. The mayor is the chief executive and administrative officer, and is given larger powers than in the Galveston Plan. He is to appoint, subject to confirmation by the council, the heads of departments created by ordinance; and he may remove all officers (except the controller) and employees in the city's service, "for cause, whenever in his judgment the public interests demand or will be better subserved thereby." The counsel is given the same power of removal "for cause." In case of such removal, however, by either mayor or council, if the officer or employee requests it, a written

statement of the reason for the act must be filed in the public archives of the city. The mayor is provided with the veto power, which he may exercise against ordinances, resolutions, or motions of the council, and also against acts of the school board by which any pecuniary liability is incurred. Acts of the council vetoed may be passed over the veto by a majority vote: and the mayor is not to be deprived of his right to vote as a member of the council by reason of his veto. An act of the school board may be passed over a veto by an affirmative vote of at least five members. The mayor may be removed from office by a majority vote of all the aldermen, "in case of misconduct, inability, or wilful neglect in the performance of his duties"; but he has the right to be heard in his defence, and to have process issued to compel the attendance and testimony of witnesses. The hearing is to be public, and a full statement of the reasons for removal, together with the findings of facts as made by the council, is to be filed in the public archives. Any aldermen may also be removed by majority vote of the council, "for inattention to the affairs of the city, misconduct, or any grounds sufficient in the judgment of the council for removal." The salary of the mayor is fixed at $4000 per annum, the salaries of the aldermen, at $2400. The mayor and aldermen must devote their whole time to the service of the city. The term of office is two years. The city controller is the chief fiscal officer of the

city and is elected by the council. He is to be prepared to report at any time on the state of the city's finances. He can be removed only by impeachment proceedings of the council. As in the Galveston Plan, definite provisions are made with respect to franchises. The council is empowered by ordinance to fix and regulate the rates of public utilities. No grant of any franchise is to be made for a longer period than thirty years, unless the question is submitted to the qualified voters of the city, the expense of such election to be borne by the applicant for the franchise. If a majority of the votes cast should be in favor of making the grant, it is to be made, but not for more than fifty years. The council may also upon its own motion submit all applications or ordinances requesting the granting of franchises or special privileges, to the voters for approval or disapproval, the election at the expense of the applicant or applicants. A Referendum of any proposed franchise granting special privileges must be called, within a specified time after the proposal or passage of the ordinance, if requested by petition signed by five hundred qualified voters of the city. The ordinance is to be published in full in the call for the election, and if a majority of the votes cast approve, the grant is made; otherwise it fails. Political parties are recognized in the primary elections.[1]

[1] Chap. 17, Texas Special Laws, of 1905. Essential parts in "Digest of Short Ballot Charters," p. 51101.

EXPANDING THE SYSTEM

In 1906 and 1907 four cities — Fort Worth (population, Census of 1910, 73,302), Beaumont (20,640), Denison (15,682), and Dallas (92,104) — took on the new system with charters differing in details, but containing the same main principles; while one, San Antonio, the largest city in the State (96,614) rejected it, when offered, by the popular vote.

The Fort Worth charter first took on the Referendum for general service, and also the Recall. Both were to operate upon petition of twenty per cent of the total of qualified voters. Another peculiarity of this charter was in the establishment of a board of commissions, four in number, not including the mayor. The mayor designates the departments to the direction and control of which each commission is assigned, and he presides at the meetings of the board. The assessor, collector of taxes, and city attorney are all elective officers.[1] Beaumont's charter installed a commission — or city council as termed — of seven. It comprises a mayor and two commissioners from each ward, but elected at large.[2] Denison was content with a council of three members including the mayor: the mayor with the veto power, to make the appointments, and empowered to remove at any time; and the three subject to Recall upon a twenty per cent petition.[3]

[1] "Digest of Short Ballot Charters," p. 36009.
[2] Same, p. 36011. [3] Same, p. 36013.

THE DALLAS VARIETY

Dallas appeared with the establishment of five commissioners including the mayor, and all of the three devices installed. Provision is made in this charter for party and independent nominations. Independent candidates secure place upon the ballot by filing a petition, in each case signed by one hundred voters. Candidates for the mayoralty and for the commissionerships are voted for separately. The latter are designated "Commissioner No. 1," "Commissioner No. 2," and so on, and the candidates, names against one or another in accordance with the written request which each candidate files with the nominating petition. The mayor receives a salary of $4000, the other commissioners, $3000; and all must give their whole time to the city's service. The mayor is ex-officio president of the board. He has the veto power and may vote, as a member, upon the question of sustaining his veto. Appointments are nominated by him, subject to confirmation by the board. The members of the commission, however, designate the departments which each is to manage and be responsible for. The Initiative is to be exercised by fifteen per cent of the number of voters if the matter is for a special election, or five per cent if for the general election. The Referendum, to be invoked by fifteen per cent for either a special or a general election; the Recall, by a thirty-five per cent petition. A petition of five hundred votes calls for the submission of any proposed franchise to the popular vote. All franchises are

limited to twenty years. An innovation in this charter is provision for the letting of the office of city treasurer "to the highest and best bidder in the discretion of the board of commissioners."[1] The bidders are banks, and the contract goes to the bank which offers the largest interest on city deposits, the treasurer being the city depository.[2] Another novel feature is the establishment of the several banks in the city as a nominating board, to name the candidate for city auditor, which is done by majority vote.

SPREADING TO OTHER STATES

By 1907 also the scheme had spread to other States. That year it was adopted by the small city of Lewiston, in Idaho, and was enacted in laws by the Legislatures of North Dakota, Kansas, and Iowa. The Lewiston charter embraced the Recall, twenty-five per cent of the voters being authorized to petition for an election to remove "any elective officer."[3] The North Dakota statute permitted cities of not less than 2000 inhabitants to adopt the new form by popular vote, the question of adoption to be submitted on petition of ten per cent of the electorate. The Kansas statute extended the privilege to cities of the first class.[5] The Iowa law was applicable to cities of 25,000 population or over

[1] "Digest of Short Ballot Chapters," p. 36007.
[2] Woodruff, "City Government by Commission," p. 115, note.
[3] Oberholtzer, p. 467 (Idaho Session Laws), 1907.
[4] "Digest of Short Ballot Charters," p. 35401.
[5] Same, p. 34501.

(later, however,— in 1909,— amended to embrace smaller cities), the question to be submitted upon petition of twenty-five per cent of the votes cast at the preceding municipal election.

This statute, and an amending act of March 30, 1909,[1] embodied the so-called Des Moines Plan which promotors of the system generally endorsed, and recommended to the country, as the "best and most improved model." The city of Des Moines (population, Census of 1910, 86,368) adopted it in 1908.

THE DES MOINES PLAN

The Des Moines Plan establishes a government, under the title of council, comprising a mayor and four councilmen for cities having a population of 25,000 and upward, and three, including the mayor, for smaller cities; and adopts the Initiative, the Referendum, and the Recall, the Referendum compulsory on all grants of franchises. The council and its members are vested with all executive, legislative, and judicial powers and duties which under the old order fell to the mayor, city council, and various city officers, boards, commissioners, and trustees. In the distribution of administrative work the mayor is given the superintendence of public affairs, while the other departments, each assigned to a councilman, are: accounts and finance, public safety, streets and public improvements, parks and

[1] Chap. 48, Iowa Laws of 1907; chap. 64, chap. 65, Laws of 1909.

public property: the designation being by the council by majority vote. The mayor is president of the council. He is to supervise all departments and report to the council for action all matters requiring attention in any of them; but he has no veto power. The councilman assigned to the department of accounts and finance is vice-president of the council; and in case of vacancy in the office of mayor he is to perform the duties of that office.

The council appoints, by majority vote, the city clerk, assessor, treasurer, auditor, civil engineer, city physician, marshal, chief of fire department, market-master, street commissioner, library trustees, and such other officers and assistants as are provided for by ordinance (in cities of 25,000 population or over); and has power of removal for cause. The council is further empowered, from time to time, to create and discontinue officers and employments, other than prescribed, according to its judgment of the needs of the city. A board of city civil service commissions is provided for, to be appointed by the council, and the civil service provisions apply to all appointive officials and employees, except the general officials acting under the immediate supervision of the councilmen in charge of departments, election officials, and the mayor's secretary and assistant solicitor.

Every motion, resolution, or ordinance made or proposed in the council must be in writing and be read before the vote is taken thereon; and the vote must be by yeas and nays. Every ordinance

or resolution appropriating money; or ordering any street improvement or sewer; or making or authorizing the making of any contract; or granting any franchise or right to occupy or use the streets, highways, bridges, or public places in the city for any purpose, must remain on file with the city clerk for public inspection at least one week before its final adoption. No ordinance passed by the council, except when otherwise required by the general laws of the State, and emergency acts, — for the immediate preservation of the public peace, health, and safety (which must have a two-thirds vote), — is to go into effect before ten days from the time of its final passage. If during that time a petition, signed by electors of the city equal in number to at least twenty-five per cent of the whole vote cast for all candidates for mayor at the last preceding general municipal election at which a mayor was elected, protesting against the passage of such ordinance, be presented to the council, it is thereupon suspended from going into operation, and the council must reconsider it. If it be not entirely repealed, then the council must submit it to the vote of the electors, either at a general or a special municipal election to be called for the purpose; and it shall not go into effect unless a majority of those voting approve it.

Any proposed ordinance may be submitted to the council by the Initiative. If the petition accompanying the measure be signed by electors equal in number to twenty-five per cent of the votes cast

for all candidates for mayor at the last preceding general election, and contains a request that it be submitted to a vote of the people if not passed by the council, the council shall either: (*a*) pass the ordinance without alteration within twenty days after attachment of the clerk's certificate to the accompanying petition; or (*b*) forthwith, after the clerk attaches his certificate, call a special election, unless a general municipal election is to come within ninety days, and submit the proposed ordinance at such special or general election. If, however, the petition is signed by not less than ten nor more than twenty-five per cent, the council shall within twenty days pass the measure without change, or submit it at the next general city election occurring not more than thirty days after the clerk's certificate of sufficiency is attached. A majority of the electors voting on the measure favoring it, it becomes a valid and binding ordinance of the city, and cannot be repealed or amended except by a vote of the people. Any number of proposed ordinances may be voted upon at the same election, but there must not be more than one special election in any period of six months for such purpose. The council may submit a proposition for the repeal of any such ordinance or amendments thereto, to be voted upon at any succeeding general city election; and should such proposition so submitted receive a majority of the votes cast thereon the ordinance is repealed or amended accordingly. In every case

the ordinance or proposition to be voted upon is to be published in the newspapers not more than twenty or less than five days before the submission.

Publicity of administrative work is further provided for by the requirement that the council shall each month print in pamphlet form a detailed itemized statement of all receipts and expenses of the city, and a summary of its proceedings during the preceding month, copies of which are to be furnished the state and city libraries, the daily newspapers, and citizens applying therefor. Also, at the end of each year a complete examination of all the city's books and accounts is to be made by competent accountants, and the result published in the same manner as provided for the publication of the monthly fiscal statements.

The general principle is laid down that all the officers and employees of the city "shall be elected or appointed with reference to their qualification and fitness and for the good of the public service, and without reference to their political faith or party affiliations."

It is made unlawful for any candidate for office, or any officer, directly or indirectly, to give or promise any person or persons any office, position, employment, benefit, or anything of value, for the purpose of influencing or obtaining the political support, aid, or vote of any person or persons. Any officer or employee who, by solicitation or otherwise, shall exert his influence, directly or in-

directly, to influence other officers or employees of the city to adopt his political views, or to favor any particular person or candidate for office, or who shall in any manner contribute money, labor, or other valuable things to any person for election purposes, shall be guilty of a misdemeanor, and upon conviction be punishable by fine or imprisonment in the county jail. No officer or employee, elected or appointed, can be interested, directly or indirectly, in any contract or job for work or materials, or the profits thereof, or services to be furnished or performed for the city; or in any contract or job, for work or materials to be furnished, or services to be performed, for any person, firm, or corporation operating any public utility within the territorial limits of the city. Nor shall any such officer or employee (except policemen or firemen in uniform) accept or receive, directly or indirectly, from any person, firm, or corporation operating, within the territorial limits, any public utility or other business under a public franchise, any frank, free ticket or free service, or any other service, upon terms more favorable than those granted to the public generally.

Practically two elections are provided for: a primary election for nominations, and the regular election, a fortnight after. Any qualified voter may become a candidate for mayor or councilman by filing a statement of his candidacy at least ten days prior to the primary election, together with

a petition signed by at least twenty-five qualified voters requesting such candidacy. Each petition must be verified by one or more persons as to the qualifications and residence, with street and number of each of the signers. Immediately after the expiration of the time for filing the statement and petitions, the candidates as they are to appear on the primary ballots are to be published in the newspapers. The names of the candidates for mayor, arranged alphabetically, head the ballot, with a square at the left of each name for the voter's cross, and below the names the words "Vote for One"; those for councilman, likewise in alphabetical order, follow, with the square against each, and the words below, "Vote for Four," or "Two," as the case may be. No party designation, or mark, whatever is permitted to appear on the ballot. All who are qualified to vote at the general election are qualified to vote at the primary.

Returns of the votes cast are to be made to the city clerk within six hours of closing the polls,[1] and the following day the clerk is to canvass them — the canvass to be publicly made — and publish the result in all the newspapers of the city. The two candidates receiving the highest number of votes for mayor are to be the candidates, and the only candidates, whose names are to be placed on the ballot for mayor at the succeeding general election, and the eight (or four, as the case may be)

[1] This seems a short time for a large precinct for careful counting. — EDS.

receiving the highest number of votes for councilman, are to be the only candidates to appear thereon for councilman.

Any person offering to give a bribe, either in money or other consideration, to any voter for the purpose of influencing his vote, or any voter receiving or accepting such bribe, is subject, upon conviction, to a maximum fine of five hundred dollars and imprisonment in jail not less than ten days nor more than ninety days. Every elective officer is required, within thirty days after qualifying, to file with the city clerk and publish in a newspaper his own statement of all his election and campaign expenses, and by whom such funds were contributed. Any violation of this provision is made a misdemeanor and ground for removal from office.

The Recall is to be evoked by petition signed by electors, entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least twenty-five per cent of the whole vote for all candidates for mayor at the last preceding general municipal election; and the procedure is the same as that provided in the Los Angeles, California, charter of 1902–1903, the Recall section of which is copied.[1] [2]

The term of the commission governments under the Iowa act is two years. In Des Moines the

[1] *Ante*, p. 51.

[2] Chap. 48, Laws of Iowa, 1907. Chap. 65, Laws, 1909. Text also in "Digest," etc., pp. 51201–51211.

mayor receives a salary of $3500, the councilmen, $3000 each. Their whole time is required for the city's service. No provision as to time to be given, however, is made in the state law. The act has thus far (spring of 1912) been adopted by the cities of Des Moines, Cedar Rapids, Burlington, Davenport, Fort Dodge, Keokuk, Marshalltown, and Sioux City.

RAPID SPREAD OF THE SCHEME

In 1908 and 1909 the scheme spread rapidly, and into various parts of the country. Early in 1908 the Mississippi Legislature passed an act giving all cities of that State an option of coming under a commission government law providing for an aldermanic body of three or five members elected at large, one member to be voted for as mayor. The new form was made subject to adoption by popular vote upon petition of ten per cent of the voters of the municipality.[1] The same season the scheme had effected lodgment in the East, the General Court of Massachusetts passing enabling acts for its adoption by the cities of Gloucester and Haverhill. The Gloucester commission charter included the Initiative and the Referendum, but not the Recall; the Haverhill act, the Initiative and the Recall, but not the Referendum. The organization in each comprises five commissioners including the mayor, under the title of the municipal council. In neither has the

[1] "Digest of Short Ballot Charters," p. 36401.

mayor the veto power. In Gloucester he votes at meetings of the council.[1]

In 1909 a Kansas statute provided for the adoption of a specified form (including the Initiative, Referendum, and Recall) by cities of the second class — those having from 2000 to 15,000 population.[2] The Minnesota Legislature passed a home-rule statute by which provision was made for the establishment of the commission form and non-partisan primaries.[3] The Michigan Legislature also authorized the adoption of the new form by a home-rule law.[4] The Wisconsin Legislature made it applicable to cities of the second, third, and fourth classes, upon adoption by the people of the municipality, the petition for submission to be by twenty-five per cent of the voters.[5] The South Dakota Legislature created a new class of cities to be known as cities under commission, with an enabling act permitting any city of the first, second, or third class to adopt the commission form including the Initiative, Referendum, and Recall.[6] A New Mexico commission statute was passed providing alternative commission forms for cities of over 2000 population, and enabling any city to adopt either form by popular vote, the petition for submission to be signed by 500 voters.[7] The Texas Legislature authorized cities of 10,000 population,

[1] Chapters, Acts and Resolves, Massachusetts, 1908. Also outlined in "Digest," etc., pp. 31001, 31003.
[2] "Digest," etc., p. 34503.
[3] Same, p. 35201.
[4] Same, p. 35001.
[5] Same, p. 35101.
[6] Same, p. 35501.
[7] Same, p. 37201.

whether incorporated or unincorporated, to adopt the system by popular vote.[1]

Also in 1909 three more Texas cities — Austin, Corpus Christi, and Greenville — took on the system, following in the main the Dallas plan. Another Massachusetts city — Taunton — adopted it, following the Des Moines model, but without the Initiative, Referendum, and Recall. Two West Virginian cities — Huntington and Bluefield — adopted it with an added novel feature of their own: — a citizens' board, composed of members from each ward, nominated by party convention, primary, or petition, and elected by wards, having the power of veto, by majority vote, upon all franchises or ordinances passed by the commissioners, and also right to exercise the Recall, by a two-thirds vote, after a hearing on the charges filed against the official sought to be removed.[2] Two more Southern cities adopted it, High Point, North Carolina, making the number of commissioners nine ;[3] and Memphis, Tennessee, — the largest city (population 131,105) thus far trying it, — but without the Initiative, Referendums and Recall ;[4] three Oklahoma cities — Tulsa, Ardmore, Enid ;[5] two Colorado cities — Colorado Springs and Grand Junction,[6] the latter introducing a system of Pre-

[1] "Digest," etc., p. 36021. [2] Same, pp. 33201, 33202.
[3] Same, p. 33301. [4] Same, p. 33801.
[5] Same, pp. 36101, 36103, 36105.
[6] Same, pp. 37001, 37002, Charters : Colorado Springs, p. 51401, Grand Junction, p. 51501. See "Preferential Voting," chap. IV, this book, p. 120, *post*.

ferential Voting; two California cities — San Diego and Berkeley;[1] one Washington city — Tacoma.[2] At the close of 1909 fifty cities were reported as operating or ready to operate under the system.[3]

In 1910 South Carolina, Kentucky, Illinois, and Louisiana adopted enabling acts. The South Carolina statute made the system (including the Initiative, Referendum, and Recall) applicable to cities of between 20,000 and 50,000 population, upon adoption by the popular vote, called for by a twenty-five per cent petition.[4] The city of Columbia was the first to adopt the act. The Kentucky statute extended the system to cities of the second class, upon popular vote, also called for by twenty-five per cent of the voters.[5] The city of Newport led off with the adoption of this law. The Illinois statute enabled any municipality operating under the general city act (1872), having a population not exceeding 200,000, to adopt the system by popular vote, upon a petition of ten per cent of the votes cast for mayor at the last preceding municipal election. This act prescribes an organization of five commissioners including the mayor; term, four years; annual salaries, for each of the four commissioners, ranging from $40 (in cities under 2000 population) to $5500 (cities of 100,000 to 200,000), for the mayor, from $50 (the smallest cities) to $6000; the general commission

[1] "Digest," etc., pp. 38001, 38003, Berkeley Charter, p. 51301.
[2] Same, p. 38301.
[3] Woodruff, p. 89.
[4] "Digest," etc., p. 33401.
[5] Same, p. 33701.

powers to include all executive, legislative, and administrative, except those of certain boards established by previous laws. The Initiative, Referendum, and Recall (the latter upon a large petition — seventy-five per cent) are instituted; and all franchises are made subject to a compulsory Referendum. Two elections are provided for, the names of candidates to be placed on the ballots for the primary election by petition of twenty-five voters.[1] These cities subsequently adopted this act: Springfield, (51,617 population, Census of 1910), Decatur (30,140), Elgin (25,976), Rock Island, Ottawa, Dixon, Carbondale, Kewaree, Moline, Rochelle, Jacksonville, Spring Valley, Waukegan, Hillsboro, Clinton, Pekin, Hamilton, Forest Park. The Louisiana act applies to cities of at least 7500 population, the cities of New Orleans, Munroe, Baton Rouge, and Lake Charles excepted, the question to be submitted on a thirty-three per cent petition. For cities of over 25,000 the organization is to comprise five commissioners, including the mayor; for less than 25,000, three, including the mayor. All the executive, legislative, judiciary, and administrative powers are lodged with the commissioners. The Referendum and the Recall are provided; all public utility franchises to be submitted to the popular vote at a special election.[2] The city of Shreveport (28,015) has reorganized under this law.

In 1910 also the cities of Lynn (89,336),

[1] "Digest," etc., p. 34201. [2] Same, p. 36301.

Massachusetts; Cumberland, Maryland; Harbor Beach, Michigan; Oklahoma City (64,205), McAlester, Bartlesville, Duncan, and Sapulpa, Oklahoma; the small home-rule cities of Modesto and San Luis Obispo, California; Baker, Oregon; and Spokane (104,402), Washington, adopted the system in varying forms, though generally upon the Des Moines basis. A novel feature distinguishes the charter for the city of Lynn, — a provision for general meetings of the registered voters, upon petition (to be duly advertised on the "front page" of a daily newspaper), at which any officer so requested in the petition is required to appear and lay before the meeting "any facts, documents, or other information" relative to its subject-matter.[1] The Spokane charter provides a method of Preferential Voting similar to that of Grand Junction, Colorado.[2] It also limits the election expenses of any candidate to no more than $250.

In 1911 the Legislatures of New Jersey, Alabama, Montana, and Washington passed enabling acts.

NEW JERSEY ENABLING ACT

The New Jersey statute was made applicable to any city, its provisions to be adopted by special election upon a twenty-five per cent petition, the vote in favor "to equal at least thirty per cent of the votes cast for members of the General Assem-

[1] Chapters, Acts, and Resolves, Massachusetts, 1910.

[2] See chap. IV, this book, p. 120, *post*.

bly at the last preceding election." It provides for government by five or three commissioners, according to the size of the city: to be chosen at non-partisan primaries (nomination by petition of twenty-five voters) and the regular municipal election; and to serve four years' terms. The mayor is not to be elected by the voters, but is to be designated to the place by the commissioners from any of their number. He is to preside at the meetings, but is to have no veto power. It fixes salaries on a sliding scale, according to the population of the cities; for commissioners, from $5000 to $50, each, per annum, in cities of the first, second, and third classes, and from $5000 to $250 in those of the fourth class; for mayor, first, second, and third class cities from $5500 to $75, fourth class, $5500 to $500. It empowers the commissioners to create such boards and appoint such officers as they may deem necessary for the conduct of the city's affairs; and to remove any officer at any time for cause, after a public hearing. It establishes the Initiative, the Referendum, and the Recall, but no Recall petition is to be filed during the first twelve months of office, or more than once against any officer.[1] Trenton (96,815), Passaic (54,773), and Ridgewood (5416) have reorganized under this law.

THE ALABAMA LAWS

In Alabama two laws were passed. The first, an act, to establish the new form in "all the cities of

[1] "Digest," etc., p. 32101; Laws of New Jersey, 1911.

Alabama which now have or which may hereafter have a population of as much as 100,000 people, according to the last Federal Census"; the second, authorizing its adoption by any city "not within the sphere of any other law authorizing this form" (meaning the previous act), upon the popular vote, called for by petition of "a number of electors equal to one per centum of the population on the basis of the last preceding Federal Census."[1] The first statute applied to the city of Birmingham, that city at the time being the only one in Alabama of the size named, and it immediately adopted the system. Afterward, Montgomery adopted it. Both laws establish the Recall, but not the Initiative, and the Referendum is instituted only on franchise grants. Under the second act such grants are to be submitted to popular vote "on petition of a number of voters determined by the ratio of one to every three hundred inhabitants of the city, upon payment by the grantee to cover the estimated cost of a special election." A novel feature of this statute is its establishment of the Preferential Voting system.[2] [3] Its provisions have been adopted by five small cities — Hartselle, Cordova, Huntsville, Tuscaloosa, and Talladoga — in population ranging from 1370 to 8400.

The Montana statute applies to cities of the first, second, and third classes, upon a twenty-five

[1] "Digest," etc., pp. 51801. [2] Same, p. 33903.
[3] Chap. IV, this book, p. 120, *post*.

per cent petition for submission. It provides for a commission of five, including the mayor, in cities of over 25,000 population, and three in the smaller cities; and establishes the Initiative, the Referendum, and the Recall.[1] The Washington statute is applicable to cities of from 2500 to 20,000 population, upon popular vote, called for by a twenty-five per cent petition. It makes provision for a government of three, including the mayor, and also instals the three devices; no Recall, however, to be proposed in the first six months of office.[2]

The cities taking on the system in 1911, besides those already named, were: Oakland, Vallego, Santa Cruz, Monterey, Sacramento, and Stockton, California; North Yakima, Walla Walla, and Centralia, Washington; Sheridan, Wyoming; Lawton, Oklahoma; Omaha, and Beatrice, Nebraska; Chanute and Manhattan, Kansas; Chattanooga and Knoxville, Tennessee; Wilmington, North Carolina; Cartersville, Georgia; Parkersburg, West Virginia; Port Huron, Pontiac, and Wyandotte, Michigan; Lowell and Lawrence, Massachusetts; Gardiner, Maine.[3]

At the close of 1911 the total number of municipalities that had adopted the system in one form or another had reached, in round figures, one hundred and sixty-five, while a much larger num-

[1] "Digest," etc., p. 35301. [2] Same, p. 38305.
[3] Same, "List of Short Ballot Cities."

ber were reported to be giving it serious consideration.[1] Six were operating under new or amended old charters, embodying some of the features of the system, but lacking one or another of its fundamental principles, and these were counted as "quasi-commission" cities.[2]

THE BOSTON PLAN

In this class the proponents include the city of Boston operating under its amended charter of 1909, which went into effect in 1910. The Boston Plan, however, has slight likeness to the "straight" commission system. While it takes on some of the characteristics of the Des Moines model, it is in strong contrast to that and other forms in essential details. As a whole, it is an original construction. Its distinctive features are these:

Government by a mayor elected for a four years' term, subject to Recall after two years by not less than a majority of all the voters in the city, the procedure for the Recall to be as follows: The secretary of the Commonwealth is to cause to be printed at the end of the official ballot to be used in the city at the state election in the second year of the mayor's term the question, "Shall there be an election for mayor at the next municipal election?" with the words "Yes" and "No" at the right of the question and sufficient squares for the voter's cross. If a majority of the qualified voters registered in the city vote "Yes" the

[1] Woodruff, p. 1. [2] "Digest," etc., p. 10401.

election is to be had accordingly, and the board of election commissioners shall place on the official ballot without nomination the mayor's name, unless he shall request in writing otherwise. The mayor then elected is to hold office for four years subject to the Recall at the end of two years. If the question is not answered in the affirmative by the required majority, no election for mayor is to be held, and the incumbent continues to hold the office for his unexpired term. If prior to October first in the mayor's second year he files with the secretary of the Commonwealth a written notice that he does not desire the question to appear on the ballot at the state election, it shall be omitted, and his term of office expires at the end of his two years. At the ensuing municipal election his name is not to appear on the ballot unless he is nominated in the regular way.

A city council consisting of nine members elected at large, for three-year terms, three members elected annually, in place of the two-chamber system, which comprised a board of aldermen and a large common council, the latter representing wards.

No primary elections, but all nominations for a municipal election to be made by petition of not less than 5000 without party designations on the ballot. Blank spaces to be left on the ballot at the end of each list of candidates for the different offices, equal to the number to be elected thereto, in which the voter may insert the name of any

person not printed on the ballot for whom he desires to vote for such office. The municipal elections to be separated from state and all other elections.

Appointments of all heads of departments and municipal boards (except the school committee and those officials by law appointed by the governor of the State) to be made by the mayor without confirmation by the city council, but subject to approval, or certification of the appointees' qualification, by the State Civil Service Commission. The appointees to these positions to be "recognized experts in such work as may devolve upon the incumbents of such offices, or persons specially fitted by education, training, or experience to perform the same"; and (except the election commissioners) to be appointed "without regard to party affiliation or to residence at the time of appointment." The mayor empowered to remove any such appointee at his pleasure, by filing a written statement with the city clerk setting forth in detail the specific reasons for such removal. The officer may make written reply, which may be similarly filed, but such reply is not to affect the action taken unless the mayor so determines; the new appointee to fill the vacancy subject to the same certification by the State Civil Service Commission as the original one. The mayor's appointees to include the fire commissioner subject also to approval by the State Civil Service Commission, but not the police com-

missioner, the latter being appointed by the governor of the State.

All appropriations, other than for school purposes to originate with the mayor. Within thirty days after the beginning of the fiscal year he must submit to the council the annual budget of the current expenses. The council may reduce or reject any item, but cannot, without the mayor's approval, increase any item, or its total; nor can the council originate a budget. The mayor to make such recommendations (other than for school purposes) to the council, in the form of an ordinance or loan order, as he may deem to be for the welfare of the city, which the council must adopt or reject within sixty days after filing: if not rejected within this period the ordinance or order to go into effect unless previously withdrawn by the mayor: the mayor may again present an ordinance or loan order which has been rejected or withdrawn. The council also empowered to originate an ordinance or loan order. It may reduce or reject any item in any loan, and, subject to the approval of the mayor, amend an ordinance.

The mayor given the veto power upon all appropriations, ordinances, orders, resolutions, or votes of the council, except votes relating to its internal affairs. Every such measure is to be presented to him, and if he approves it within fifteen days it is in force, but if within that period he returns it by filing it with the city clerk with his objections in writing, it is void; if it involves the expenditure

of money he may approve some of the items in whole or in part and likewise disapprove others, and such items or parts of items as he approves are to be in force, the others void. The mayor required to give specific information to the council, upon request, on any municipal matter within its jurisdiction, and to attend its meetings, personally or through a head of department or member of a board, publicly to answer written questions relating thereto.

The mayor and council empowered to reorganize, consolidate, or abolish departments, in whole or in part, to transfer the duties, powers, and appropriations of one department to another, in whole or in part, and to establish new departments.

A permanent investigating body, appointed by the governor of the State, titled the "Finance Commission," composed of five members, resident and qualified voters of the city, the term of each five years, one member appointed annually. The duties of this body, as defined, are: "from time to time to investigate any and all matters relating to appropriations, loans, expenditures, accounts, and methods of administration affecting the city of Boston or the county of Suffolk, or any department thereof, that may appear to the commission to require investigation, and to report thereon from time to time to the mayor, the city council, the governor, or the General Court." The chairman receives an annual salary of $5000, the other members serve without pay. Publicity of city

affairs is also provided for in the establishment of an official publication — the "City Record." The annual salary of the mayor of Boston remains as before — $10,000; that of the members of the council is fixed at $1500 each.[1]

SUMMARY

The underlying principles of the "straight" commission form are defined as "a short ballot; a concentration of authority in the hands of responsible officials; the elimination of ward lines and partisan designations in the selection of elective officials; adequate publicity in the conduct of public affairs; the merit system; and a city administration and a city administrator responsive to the deliberately formed and authoritatively expressed local public opinion of the city."[2]

The short ballot principle is thus defined: "First, that only those offices should be elective which are important enough to attract (and deserve) public examination; second, that very few offices should be filled by election at one time, so as to permit adequate and unconfused public examination of the candidates."[3]

The advantages claimed for the commission system are: That it will facilitate the election of a higher type of men, since "American municipal experience" has demonstrated that "small bodies with large powers attract a better class of men

[1] Chap. 486, Acts and Resolves, Massachusetts, 1909.
[2] Woodruff, Preface, p. viii. [3] "Digest," etc., p. 10201.

than large bodies with small powers";[1] that the concentration of control in the hands of a single small group "focuses" the citizen's "attention on the offices, because more important, and, aside from the fewness of the number to be filled, compels a knowledge of the candidates," while after election, with the simple division of duties, the citizen "not only knows who is in charge of a department, but who is to blame if bad conditions are not remedied: in this way not only is the commissioner held accountable to the board, but public opinion may reach down through the board and know who is careless among the commissioners";[2] that it abolishes sectional lines, and so makes each member of the body a representative of the interests of the whole city, simplifies the structural form of the city government, insures constant publicity in the transaction of the city's business, thereby creating an informed and alert public opinion, makes the official behavior of each member so conspicuous and the responsibility of his position so great that if, for any reason, a man of inferior calibre should be elected, he would nevertheless work assiduously to promote the public interests."[3]

The evils in the system that critics see are: (1) The radical departures from the fundament form of American government in the fusion of the "appropriating" and "spending" powers, with

[1] Woodruff, p. 41.
[2] Same, pp. 123–124.
[3] Same, p. 171.

their concentration in the hands of a single small body, in place of the true principle of the separation of these jurisdictions; and (2) in the concentration of all executive, legislative, and judicial powers in the single small body. In the latter departure the critics see the establishment of an oligarchy. As one pungently expresses it, the system "creates a bunch of five, who initiate everything, pass upon everything, carry through everything, and then certify everything. They make your laws, if you are going to have municipal laws, they make up your budget, they assess your taxes, they spend your money, they conduct your public works — then they certify themselves. They would be a true oligarchy, an elected oligarchy."[1] Another sees in "occasional relief from commission errors by the Initiative, Referendum, and Recall," no "adequate assurance of exemption from the recurring hazards of vicarious centralized control over 'all executive, legislative, and judicial powers and duties.'" Such a control, he avers, impairs civic spirit. "It tends to an avoidance of public duties. It ignores the rule of successful administration, that prevention is better than palliation, that coöperative vigilance is more effective than drastic correction. There is no royal road to municipal success by trying through legislation to minimize the anticipative obligations of the people."[2]

[1] Ansley Wilcox, of Buffalo, quoted in Woodruff, p. 148.
[2] Alfred D. Chandler, in "Local Self-Government," p. 10.

IV

THE PREFERENTIAL VOTE

WHAT is Preferential Voting?

It is the recording of the voter's opinion of the comparative merits of candidates nominated for an elective office.

The general method is this: Instead of putting his mark for one candidate against those nominated on the ballot and there ending the business, the voter marks as many as he pleases, thus indicating his first choice and his alternate preferences, but one choice, of course, being marked for the same candidate.

The ballot has spaces at the right of the candidates' names for the voter's mark. Under the first established system, which may be termed the English system, the mark is to be figures — 1, 2, 3, or more; under the later, or American system, a cross. The arrangement of the spaces for crosses is in three columns after the candidates' names, the first column headed "First Choice," the second column, "Second Choice," the third "Other Choices," the latter for the voter's indication of his third or more choices.

At the end of the poll, if one candidate is found to have a majority of first choices in the total number of votes cast, he is declared elected and

the matter is settled. But if no one has a majority, then the other choices are utilized to get a majority for the candidate who is evidently the most popular.

At this point the procedure under the English and the American systems differ.

Under the English the second and other choices are canvassed and disposed of as follows: The candidate who has the smallest number of first choices is declared "out of the count," and his ballots are transferred, one by one, to such other candidates as are marked thereon "second choice." If at any stage of this transfer, or as its result, any candidate has secured a majority he is declared duly elected. If there are only three candidates and a tie between the remaining two is the result of this transfer, the tie is decided in favor of the one who has the greatest number of original first choices. Where there are more than three candidates, and with the first transfer no candidate shows a majority, the process is repeated. The transferred votes are added to the original totals and the candidate then at the bottom of the poll is declared "out of the count," and his ballots are transferred in the manner described. If yet no candidate has a majority, the process goes on till only two candidates remain, when the one now having the majority is declared elected. Should these two be tied, the tie is determined as in the case of the two in the group of three candidates only. In cases of ties between

two or more candidates where all are equal in respect to the number of original first choices, the largest number of original second choices decides. If there is an equality in this respect, further choices are considered. If this should not decide, then all the tied candidates are declared "out," unless the election of one of them is necessary to fill a seat, in which case the tie is decided by casting lots.[1]

Under the American system the procedure is this:

The candidate having the least number of first choices is eliminated, and a canvass made of the second choice votes received by the remaining candidates. These second choices are then added to the first choices received by each, and the candidate obtaining the largest number of combined first and second choices, if such constitute the majority, is declared elected. If such falls short of the majority the process of elimination is repeated. The candidate having the smallest number of first and second choices combined is dropped, and canvass made of the third choices received by the now remaining candidates. These are then added to the first and second choices each has received, and the one showing the highest number of first, second, and third choices is declared elected. Should the name of a single candidate remain, such candidate

[1] John H. Humphreys, "Proportional Representation: A Study in Methods of Election," p. 95. Robert Tyson, "Preferential Voting," in "Digest," etc., p. 21501.

is to be declared elected regardless of the number of votes received. A tie between two or more candidates is determined practically in the same manner as under the English system.[1]

Under the American system, as is seen, in the process of elimination of the low candidates, the second and so on choices are *added* to first choices when necessary to get a majority, while under the English system the ballots of the "outs" are *transferred* to the first choices: that is, the second, third, or other choices are substituted for the first choices on the same ballot, not added to them.

THE ENGLISH SYSTEM

The English system was first in practical operation in Australia, adopted in 1907 by the West Australian Parliament for Senate elections. In 1909 it was brought into service for South Africa, employed in the election of senators under the South African Act.[2] In 1907, also, it was favored by a Royal Commission on Systems of Elections for use in parliamentary elections in England where more than two candidates stand for one seat. That commission also was favorably disposed toward its immediate adoption for municipal elections.[3]

It is differently termed in different localities. In Australia it is known as the "contingent, or pre-

[1] Charter of Grand Junction, Colorado, sec. 22.
[2] Humphreys, Appendix IX, p. 364.
[3] *Equity Series*, July, 1910, p. 114.

ferential, vote." In England, as the "alternative (preferential) vote," this term, as is explained,[1] to distinguish its use in single-member constituencies from its employment in multi-member ones, for the purpose of securing proportional representation. It is closely related to Proportional Representation, though not precisely a form of that system. It is developed from the single transferable vote, the distinguishing feature of the scheme of electoral reform proposed by Sir Thomas Hare in England in 1857, and two years earlier applied in Denmark in elections to the Danish Upper House.[2] The principle of the single transferable vote is this: the transfer of the surplus votes — more votes than sufficient to elect — of the successful candidate to the unelected candidates indicated as the voter's next preferences, by his marks, — 1, 2, 3, or so on, — against the names in the order of his choice. The number of votes necessary to secure election is called the "quota." By the Hare method the quota was to be ascertained by dividing the whole number of votes cast by the number of representatives to be elected. Under a subsequent rule it is found by dividing the votes polled by one more than the number of places to be filled and adding one to the result. Those candidates obtaining the quota in the vote transferring process are elected.[3]

The West Australian plan is generally termed

[1] Humphreys, 96, note. [2] Same, p. 131.
[3] Same, pp. 134–146, 151–171.

the Hare-Ware system, indicating its origin. A limited preferential system was earlier in service in Queensland, having been instituted in 1892. This, however, is narrowed to the alternative vote, which is a vote for single-member constituencies. The first preference ballots are first counted, and if no candidate has received an absolute majority, then all but the two highest candidates are thrown out, and the ballots cast for the defeated candidates are given to one or the other of the two remaining as the preferences of voters are thereon indicated.[1]

Expert opinion of the efficacy of the English system differs. Endorsers of the West Australian method pronounce it the simplest of all in operation, and the truest in registering the will of the majority. William Hoag, the secretary-treasurer of the American Proportional Representation League, points out these advantages: "It allows the voter to express as many or as few choices as he wishes. It is uniform whether the candidates be few or many, and whether the offices to be filled be one or many. It offers no difficulties to voters unaccustomed to the preferential ballot." The form of ballot "is perfectly adapted to the election of a single officer, as the mayor of a city, or to the election of several, as the city council or board of commissioners."[2]

[1] William Hoag, in *Equity Series*, July, 1910. Also Humphreys, p. 99.

[2] In *Equity Series*, July, 1910.

The method prescribed in the South African Act of 1909, for senatorial elections, is based directly on the quota principle.[1] It has been proposed by advocates of Proportional Representation for municipal elections in American cities.

THE AMERICAN SYSTEM

The American system is the "Grand Junction Method," so-called, conceived and first established in the little but lusty city of Grand Junction, Colorado, of some eight thousand inhabitants. It was the distinctive feature of a new commission government charter drafted by a local charter convention, and adopted by popular vote, in September, 1909, after what is described as a "battle royal" with the opponents. It is unique as the first preferential ballot for city elections. The first election under the new system was held in the following November, and the preferential feature worked to the full satisfaction of its sponsors, for it elected their candidates.

Simplicity is also claimed for the American system, with ease in working, while it is declared by its chief sponsor to secure "the ultimate will of the people more fully than any other plan ever devised." This sponsor, James M. Bucklin, the chairman of the charter convention, and the deviser of the scheme, writes: "I am convinced, both from theory and actual practice, that our

[1] Humphreys, Appendix IX, pp. 368–373. See an illustrative election, pp. 375–381.

system of preferential ballot . . . is infinitely superior to any form of the ballot heretofore adopted in America. It has given effect to the will of the people, brought about the election of good officials, has enabled the majority to beat the minority, and has accomplished all in a plain and simple manner. It is easily understood by every voter, and involves the minimum of expense and political controversy." [1] Elsewhere Mr. Bucklin sums up its virtues as he sees them: "This ballot has all the advantages, with none of the objections, of a direct primary or second election plan, combining in one election the direct primary and final ballot; enables the elector to vote for minority candidates without throwing away his vote; enables the supporters of majority candidates to express their wishes relative to minority candidates; reduces the cost and the number of elections one-half; destroys political bitterness; makes impossible political machines; elects by majorities and not by minorities." [2]

Mr. Bucklin tells us that this Grand Junction method was established, "in lieu of direct primaries, or of second elections, with the object of securing an accurate expression of the public will at the polls with the minimum of cost and effort." Its single aim was to accomplish what those systems fall short of accomplishing — the restoration

[1] Letter to Robert Tyson, in *Equity Series*, July, 1910, p. 112.

[2] James W. Bucklin, "The Grand Junction Plan of City Government and its Results."

of "majority elections, and true representative government."

Expert critics see two flaws in the system which may defeat its laudable object. Robert Tyson, former secretary of the American Proportional Representation League, points out one: the method of using second choices practically gives each voter two votes, while the result of the counting of this second vote may be to defeat the voter's first choice; so when the third choice votes are added to the first and second choices, the counting of a voter's third choice may help to defeat his first. If, recognizing this, the voters largely refrain from marking any but first choices, then, as he says, the basis of the preferential vote is gone.[1] Mr. Hoag exposes this further defect: candidates thrown out as the lowest upon the first or second count may in reality be the choice of the majority of the voters over any of the candidates not thrown out. Mr. Hoag shows by the following eleven ballots how the method may lead to an erroneous result:

A	1	1	1	1	1	2	3	3	3	2	2
B	2	2	2	2	2	1	1	1	1	3	3
C	3	3	3	3	3	3	2	2	2	1	1

No candidate having a majority of first choices, C is excluded and a second count is taken of first and second choices, and B wins nine to eight. But seven of the eleven voters prefer A, who is defeated, to B, who is elected.[2]

[1] "Preferential Voting," in "Digest," etc., p. 21502.
[2] In *Equity Series*, July, 1910, p. 94.

Mr. Bucklin explains that the scheme of dropping the lowest candidate was adopted for the reason that it "adds to the power of each choice over all following choices, and does not enable any candidate to be elected unless he has a respectable number of first choice supporters." [1]

Mr. Hoag favors the editors of this manual with a diagram of a standard Preferential Ballot, shown on page 125.

This, Mr. Hoag states, is the form used for political elections in Denmark, Australia, and South Africa. The Grand Junction form with its three different columns for making crosses, the cross in the third column to indicate choices after the second choice indiscriminately, does not, he says, replace this standard ballot, for, "besides being more complicating and confusing to the voter," it does not permit him to express a preference for his fourth choice over his fifth. Thus it "takes away part of the voting power of the elector, and, as experience has shown, an extremely important part, for many men care quite as much whether their fourth choice is elected in preference to their fifth, as whether their first is elected in preference to their second. Under present rules in America electors, instead of expressing their preference for fourth over fifth choice, are frequently expressing the preference for their one hundred and fourth over their one hundred and fifth, and yet the right to express such a preference is regarded

[1] "The Grand Junction Plan," p. 3.

by many voters as worth exercising." Arabic numerals for making the choices Mr. Hoag regards altogether preferable to crosses because more definite. Crosses, he maintains, offer greater chances of mistakes in being put in the wrong column or squares. Mistakes through bad formation of figures, as 3 for 5, or 5 for 8, for example, may occur, but rarely as compared with those that occur through the use of crosses. That figures do not bother the voters Mr. Hoag finds is the "universal testimony." Their use "has everywhere been found to be perfectly simple," and to introduce "no difficulties at all." Finally, Mr. Hoag presents this standard ballot as desirable because it is uniform for all kinds of elections whether of a single officer or many. The adoption of such a ballot, however, he regards as important chiefly because it allows the voters their full voting power.

A CAMBRIDGE PLAN

Report of the workings of the Grand Junction scheme at its first trial spread abroad, and soon this small Colorado municipality found itself looming large in the public eye as the inaugurator of a new thing in scientific voting in the United States. At once upon this initial demonstration advocates of commission government charters, West and East, zealously proposed it for larger cities.

Before the close of 1909 it was put forth in an Eastern city: incorporated in a proposed commission charter scheme for Cambridge, Massachusetts.

PREFERENTIAL BALLOT

Mark as many as you like, in the order of your *preference*, using figures 1, 2, 3, etc.

For Councillors

William J. Bryan	
Andrew Carnegie	5
Champ Clark	
Charles W. Eliot	3
Samuel Gompers	
William R. Hearst	
Henry Cabot Lodge	2
Robert M. LaFollette	
Thomas W. Lawson	
J. Pierpont Morgan	4
Theodore Roosevelt	
William H. Taft	1
Booker T. Washington	
Woodrow Wilson	

DIAGRAM OF A STANDARD PREFERENTIAL BALLOT

The drafters of the Cambridge product followed the Grand Junction method except the feature of "dropping the low man"; this they pronounced an "unessential complication" without influence on the result.[1] The project failed of legislative sanction in 1910, but, renewed the next year, it was endorsed subject to submission to the city upon petition of a specified number of voters, and its adoption at the polls in the following November state election. The act was not accepted by the citizens of Cambridge.

THE SPOKANE VARIETY

A similar project at the West, embodying the Grand Junction method in a modified form, fared better. This was a scheme for Spokane, Washington, population, 104,400. It was duly adopted by popular vote, and went into operation in 1911.

The Spokane method, though modelled in general upon the Grand Junction, makes such original innovations in detail that it might well have a label of its own.

Five commissioners are to be elected, and each voter is permitted to make five first choices, five second choices, and as many third choices as he pleases, — a first and a second choice, of course, not to be given to the same candidate. The names of all the candidates for the five commissionerships are printed on the ballot in alphabetical

[1] Pamphlet, "New Charter for the City of Cambridge."

order. To the right of the names are the columns of squares, the columns headed, respectively, "First Choice," "Second Choice," "Additional Choices." The voter must mark his first choice for five candidates or his ballot is void, but second and third choices are not compulsory. He can mark only five first choices, and only five second choices, but he can vote as many third choices as he wishes. He is cautioned not to vote more than one choice for any one candidate, since only the one choice will count.

The canvassing proceeds in this wise. The precinct election officers count the ballots and enter the total number on the tally-sheets. Then they count and enter the number of the first, second, and third choice votes for each candidate. If a ballot contains more than one vote for the same candidate only the one of such votes highest in rank is counted. All ballots which do not contain first choice votes for as many candidates as there are offices to be filled are void. If a ballot contains either first or second choices in excess of the number of offices to be filled, no vote in the column showing such excess shall be counted. When the full number of five to be elected do not receive the majority of first choice votes, the procedure to get majorities for the others begins like the Grand Junction method, — with the canvassing of the unelected candidates' second choice votes and the addition of these to their first choices. When by adding first and second choices the full

number are not yet elected, then the third choices received by the candidates failing of majorities by such addition are canvassed and added to their totals. The candidates equal in number to the number of offices remaining to be filled who receive the highest number of votes by this last addition are declared elected. A tie is determined as by the Grand Junction method. If by the count of either first choices or first and second choices, more candidates than there are offices to be filled should receive a majority, the candidate or candidates equal in number to the number of offices to be filled having the highest votes are declared elected.[1]

The first election under this new charter and system of Preferential Voting was held on the 7th of March, 1911. At the outset of the campaign ninety-seven candidates had been put in nomination for the five offices to be filled. Three of these declined their nominations, and two more withdrew before election day. Accordingly the ballot presented a long list of ninety-two names. The electors included women, who exercised the right to vote for the first time in the history of the city. The number of ballots cast was 22,058. Notwithstanding the great length of the list of candidates it is declared that the voters were not confused.

This is the testimony of the chairman of the charter committee, whose satisfaction with the

[1] Spokane City Charter (adopted December 27, 1910) sec. 63.

workings of the new system was complete.[1] Others, as hearty in their comment upon the smoothness of the machinery's running, and as satisfied with the outcome, were not ready, open-armed, to accept this first demonstration as a conclusive test. These viewed the result as largely due to the novelty of the affair arousing the people's interest, as a new game; and to the excellent and systematic handling and direction of the machinery by the new system leaders.

In 1911 the small city of Pueblo, Colorado, adopted the Grand Junction method modified. Also in 1911 this method was adopted by a Southern State; the Legislature of Alabama providing for its application in a general law making provision for the commission form of government in cities.

SUMMARY

Such are the varying methods which promoters of the Preferential Vote have established or proposed with this praiseworthy object: "to encourage the free nomination of candidates, and to obtain always a clear majority at one balloting, no matter how many candidates are in nomination."[2]

[1] "The chairman of the Spokane charter committee, writing after the election to a Cambridge friend said, . . . 'I have not heard of a single criticism of the preferential system. The people are satisfied with it . . . Even with a large list of candidates, the voters were not confused. The fear of too large a number of candidates is exaggerated.'" Quoted in the "New Charter for the City of Cambridge," p. 6.

[2] Robert Tyson.

All are more or less complicated. The simplest is perplexing at first glance to the average voter. Will he take the second glance and familiarize himself with its workings? Or will he, after the novelty is worn off, "give it up" as too bothersome, vote his one cross and no more as in the old way, or vote not at all except on rousing occasions? This is one question that unattached — unattached to any of these schemes, as yet — but open-minded observers are asking. Another is, will not — again after the novelty has passed — the mode of canvassing the choices, taxing to the average election officers under the simplest of the plans, prove unnecessarily troublesome, productive of errors and vexations?

V

THE NEWPORT PLAN

Among all the cities that have taken on new or revised charters of various forms since the innovation of the commission scheme, the city of Newport, Rhode Island, stands unique as the single one that has adopted exactly the principle upon which the commission form has been assumed to be based, but from which it radically departs,—namely, the principle of the New England town-meeting system of local self-government. Accordingly the Newport Plan has attained particular attention from municipal reformers and students of municipal science; and some of these observers, after following its workings in operation for half a decade, are prepared to endorse it as a practical scheme of direct municipal government, with ample safeguards, upon which a good working system for the larger cities might well be modelled.

Its distinguishing features are: (1) the establishment of an elective body sufficiently large to be representative of all the citizens, in which are vested the government and control of all fiscal, prudential, and municipal affairs of the city; and (2) a small body invested with the executive powers. Thus the appropriating and spending powers are sharply separated, instead of fused and con-

centrated in one small body, as in the straight commission form.

The representative body is termed the "Representative Council"; the small body comprises a mayor and five aldermen.

The representative council is composed of one hundred and ninety-five members chosen from the several wards, thirty-nine from each (there being five wards), and elected for three-year terms, one third of the members to be renewed each year. The mayor and aldermen, — one alderman from each ward, — are elected at large for one-year terms, and constitute the board of aldermen. The representative council elects all important officers, — as city treasurer, city clerk, judge of probate, probate clerk, collector of taxes, assessor of taxes, city solicitor, — and makes the ordinances and regulations necessary to the welfare of the city. All its meetings are held with open doors, and all its records are open to public inspection. Any taxpayer or voter may speak at the meetings, subject to the rules, upon any proposition before the council, though he cannot vote. The council is practically a limited town meeting with the legislative powers of the full town meeting, while the board of aldermen correspond to the selectmen of the town vested with the administrative powers.

The provision for the formulation of the annual budget is a notable feature, borrowed from the perfected system of the Massachusetts town of Brookline, distinguished as one of the best gov-

erned under the old New England town-meeting form, although in population of city proportions and surrounded by cities. In the Newport Plan this work is assigned to an independent committee of twenty-five, five from each ward, chosen from the representative council by the chairman at the first meeting of the year — the first Monday of January. The committee is supplied with a printed balance-sheet of the preceding year, together with the recommendations of the board of aldermen for the current one, and is required to report the budget as fixed, in print, at an adjourned meeting of the council. Meanwhile this report is to be distributed to the voters of the city "qualified to vote upon the expenditure of money," at least seven days before the adjourned meeting, when the appropriations are to be made.

The Referendum is provided for upon propositions involving the expenditure of $10,000 or more in addition to the regular annual appropriations. A vote of the representative council in favor of any such proposition is not to become operative until after seven days from the day of its final passage; and if within this period a petition for its submission to the qualified electors, signed by at least ten such electors from each ward in addition to at least one hundred of the city at large, is filed with the city clerk, the proposition must be so submitted within thirty days from the filing of the petition. The submission is made by the board of aldermen, and at ward meetings specially called

for the election. A favoring vote of a majority of the electors voting is necessary to sustain the measure: failing this, it is null and void.

Provision is also made for the Initiative with respect to propositions or ordinances for the expenditure of money exceeding the sum of $10,000. Such proposition or ordinance may be addressed to the representative council and passage requested, by written petition, in which it is specifically set forth, signed by at least one hundred electors qualified to vote upon propositions to expend money, and the council must consider the measure at its next meeting and pass its final vote thereon before adjournment. If it be disapproved, the council's vote, as in similar propositions of its own initiative, is to be inoperative for a period of seven days, within which time the submission of the measure may be petitioned for, — the petition in such cases to be signed by at least twenty qualified electors from each ward besides at least two hundred qualified electors of the city. Thereupon it goes to the qualified electors within thirty days after the filing of the petition, and becomes law if approved by a majority of the electors.

The making of an expenditure, or the incurring of a liability, by or in behalf of the city is prohibited until an appropriation has been duly voted by the representative council sufficient to meet such expenditure or liability, together with all prior unpaid liabilities which are payable out of such appropriation. No sum appropriated for a specific

purpose can be expended for any other purpose unless otherwise specially authorized by vote of the representative council.

Meetings of the representative council, other than regular, are to be called upon written request of the board of aldermen. Any officer or employee of the city must at the request of the council appear before it and give such information as it may require in relation to any matter, act, or thing connected with his office or employment. The council, by a two-thirds vote of all its members, may remove for misconduct or incapacity any officer except such as are elected by the people.

The mayor's powers include the investigation of all departments of the city. He may suspend any officer for sufficient cause. In case of such suspension, however, he must within five days call a meeting of the aldermen and lay before the board a specification of all the charges preferred against the officer. If the board does not sustain the charges, the officer is immediately restored to office: but if the charges are sustained, the office becomes vacant unless the officer within ten days claims an appeal to the representative council, who shall finally determine the matter. The board of aldermen's duties embrace the exercise of "a general supervision over all matters affecting the general welfare of the city." The board is to attend the meetings of the representative council and give such information as may be required. Neither the mayor nor any alderman shall enter into or be

interested in any contract with the city or any department; nor shall either of them vote upon any proposition or with reference to a contract between the city and any corporation in which either is a stockholder.

Provision is made to render the elections as far as possible unpartisan. Nominations of candidates are to be by nomination papers filed with the city clerk at least twelve days before election, and no nomination paper is to be valid in respect to any candidate whose written acceptance is not thereon. No party emblems or names are permitted on these papers. Nothing is to be printed or written on any except the name and residence of the candidate and the office for which he is nominated, the names and addresses of the nominators, and the acceptance of the candidate.[1] Nominations of candidates for the representative council are to be signed by at least thirty electors qualified to vote upon any proposition to impose a tax or for the expenditure of money, and residents of the ward from which the candidate is nominated; for aldermen, to be signed by at least one hundred electors of the same class, and residents of the city; for school committee, by at least one hundred qualified electors of the city; for mayor, by at least two hundred and fifty qualified electors. No one is permitted to sign papers for a greater number of candidates than he has a right

[1] On the ballot also nothing is to be "printed or written . . . except the name of the candidate, his residence, the office for which he is nominated, and such other non-political facts as the election laws of this State may require."

to vote for at the election for which the nominations are made. It is to be observed that under the Rhode Island constitution no person can vote in the election of a city council, or upon any proposition to impose a tax or for the expenditure of money, who does not pay a property tax on a valuation of at least one hundred and thirty-four dollars. Thus the general electorate may vote only for mayor and the school board.

The representative council serves without compensation. The mayor and the alderman are salaried, their salaries to be fixed by the representative council.

It was hoped that good citizens would willingly serve on such a representative board as here provided for that meets only three or four times a year, who could or would not serve on the ordinary council meeting weekly and concerned with small details. Experience thus far has shown this to be the case.

This charter was the outcome of the deliberation of a committee of twenty-seven citizens, in 1905–1906, incited to the task by a Citizens Municipal Association, a non-partisan organization for the betterment of city conditions. The committee considered with much thoroughness the various systems in operation, or proposed, designs to improve upon the common form, and found in none of them wholly the desirable thing.

Of the two most popular methods, — the one greatly enlarging the powers of the executive, the

other creating a single board with almost absolute powers, — the committee succinctly remarked: "Each of these methods, while sometimes efficient, is really a confession that the people will not give the time or have not sufficient civic intelligence to administer their own affairs; they either create a temporary dictator, called the mayor, or else establish a small board to whom the people surrender their powers. The logical result of such a system is the creation of boards, either by local appointment, or by appointment of the governor, to whom are given certain specific branches of government for administration, or . . . the entire control of the city." [1]

Hence this original Newport scheme.

[1] "Explanatory Statement" to the citizens and voters of Newport, Rhode Island.

THE END

SAMPLE BALLOT
SEATTLE GENERAL ELECTION
MARCH 5, 1912

Containing, together with the candidates, seven city propositions and twenty-seven proposed charter amendments to be voted upon at one election.

GENERAL ELECTION, THE CITY OF SEATTLE

MARCH 5, 1912

OFFICIAL BALLOT

FOR USE IN

PRECINCT No. 142 of the 7th WARD

INSTRUCTIONS TO VOTERS: To vote, place a CROSS [X] mark in the SQUARE ☐ following opposite each of the names of the candidates for whom you desire to vote. Or you may write in the blank spaces provided below each group, the name of any person or persons for whom you may desire to vote; or you may attach a paster bearing the printed name or names of any such person or persons.

Mark X in the ☐ after the Propositions "YES" or "NO" and after the Propositions "IN FAVOR" or "AGAINST" and after the proposed Charter Amendments "FOR" or "AGAINST," as the elector desires to vote.

Any distinguishing marks, except as above indicated, are forbidden and make the ballot void. If you wrongly mark, tear or deface the ballot, return it to the election officers and obtain another.

FOR MAYOR
(Vote for one)

GILL, H. C. ☐

COTTERILL, GEORGE F. ☐

FOR CORPORATION COUNSEL
(Vote for one)

BRADFORD, JAMES E. ☐

BROWN, EDWIN J. ☐

FOR CITY COMPTROLLER
(Vote for one)

CARROLL, H. W. ☐

CHANDLER, FREDERIC R. ☐

FOR CITY TREASURER
(Vote for one)

TERRY, ED L. ☐

SCOTT, GEORGE W. ☐

FOR COUNCILMEN
(Vote for not to exceed three)

HAAS, A. F. ☐

GODDARD, A. J. ☐

PEIRCE, JOHN G. ☐

PROPOSITION NO. 4.

"IN FAVOR of enlarging the Municipal Light and Power Plant, and System, adding to and extending the same, by acquiring by purchase a water power site in the vicinity of Lake Cushman for the development of electricity and other means of power and facilities for lighting, heating and power purposes, public and private, for furnishing The City of Seattle and the inhabitants thereof, and any other persons, therewith, as specified and adopted in Section 1 of Ordinance No. 28796 of said City, approved January 29th, 1912" ☐

"AGAINST enlarging the Municipal Light and Power Plant and System, adding to and extending the same, by acquiring by purchase a water power site in the vicinity of Lake Cushman for the development of electricity and other means of power and facilities for lighting, heating and power purposes, public and private, for furnishing The City of Seattle and the inhabitants thereof, and any other persons, therewith, as specified and adopted in Section 1 of Ordinance No. 28796 of said City, approved January 29th, 1912" ☐

PROPOSITION NO. 5

"IN FAVOR of enlarging the Municipal Light and Power Plant and System, adding to and extending the same by acquiring, by purchase, a water power site on White River for the development of electricity and other means of power and facilities for lighting, heating and power purposes, public and private, for furnishing The City of Seattle and the inhabitants thereof, and any other persons, therewith, as specified and adopted in Section 1 of Ordinance No. 28797 of said City, approved January 29th, 1912" ☐

"AGAINST enlarging the Municipal Light and Power Plant and System, adding to and extending the same by acquiring, by purchase, a water power site on White River for the development of electricity and other means of power and facilities for lighting, heating and power purposes, public and private, for furnishing The City of Seattle and the in-

PROPOSED AMENDMENT NO. 5

Proposition to amend subdivision thirty-seventh of Section 18 of Article IV of the Charter relating to the extending and establishing of streets, over and across tide lands and harbor areas, and the improvement of same for use as public slips or wharves and eliminating a certain condition upon the vacation of streets extending to, or projecting into tide water, as set forth in detail in Resolution No. 3471:

FOR ☐ AGAINST ☐

PROPOSED AMENDMENT NO. 6

Proposition to amend subdivision seventeenth of Section 18 of Article IV of the Charter, empowering the City Council to erect and establish hospitals, sanitariums, sanatoriums and isolation hospitals, and to control and regulate the same, as set forth in detail in Resolution No. 3472:

FOR ☐ AGAINST ☐

PROPOSED AMENDMENT NO. 7

Proposition to amend Section 1 of Article III of the Charter by providing for the creation by ordinance of an additional department to be known as the "Department of Public Welfare," as set forth in detail in Resolution No. 3473:

FOR ☐ AGAINST ☐

PROPOSED AMENDMENT NO. 8

Proposition to amend Section 18 of Article IV of the Charter, relating to the powers and duties of the "Department of Public Welfare," as set forth in detail in Resolution No. 3474:

FOR ☐ AGAINST ☐

PROPOSED AMENDMENT NO. 9

Proposition to amend Section 8 of Article IV of the Charter, providing for an expert examination of the books of the

PROPOSED AMENDMENT NO. 17

Proposition to amend Section 2 of Article VII of the Charter, and providing that in case the Chief of Police shall be appointed from the classified civil service, and shall not be removed for cause, he shall, upon retirement from the office of Chief of Police, resume his former position in the classified civil service, as set forth in detail in Resolution No. 3483:

FOR ☐ AGAINST ☐

PROPOSED AMENDMENT NO. 18

Proposition to amend subdivision second of Section 18 of Article IV of the Charter, providing for exemption from taxation for a term not exceeding ten years of all machinery and equipment of dry docks, shipyards, foundries, machine shops and canneries; also of all factories engaged in the manufacture of fabrics of cotton, wool, iron, wood or any other material whatever, as set forth in detail in Resolution No. 3484:

FOR ☐ AGAINST ☐

PROPOSED AMENDMENT NO. 19

Proposition to amend Section 14 of Article VIII of the Charter, providing that all public improvements to be made or supplies to be purchased by contract shall be let to the lowest bidder therefor; also that such bids shall be accompanied by certified check or surety bond for five per cent of amount of bid, as set forth in detail in Resolution No. 3485:

FOR ☐ AGAINST ☐

PROPOSED AMENDMENT NO. 20

Proposition to amend Section 2 of Article XI of the Charter, by exempting the Chief of the Fire Department from Civil Service and providing that in case he shall be appointed from the classified civil service, he shall, upon retirement from office of Chief be entitled to resume his former position in the classified service, as set forth in detail in Resolution No. 3486:

FOR ☐ AGAINST ☐

SMITH, JOE

JACOBS, C. J.

FOR COUNCILMAN (1-Year Term)
(Vote for one)

DURDESS, DAVID

MARBLE, CHARLES

PROPOSITION NO. 1

Shall all necessary steps and proceedings be taken and had by The City of Seattle to own and operate a municipal telephone plant and system, as set forth in detail in Resolution No. 2490:

YES NO

PROPOSITION NO. 2

Shall the report of the Municipal Plans Commission, being File No. 45382 of the records and files of the City Comptroller and Auditor City Clerk, be adopted, as set forth in detail in Resolution No. 2494:

YES NO

PROPOSITION NO. 3

Shall the City Council grant street railway physical extension franchises upon the terms of the franchise of the existing line to be extended which terms do not contain certain provisions of Section 20 of Article IV of the Charter enabling the Council or the people, to repeal, modify, forfeit or abrogate such franchises, or to purchase or condemn the property of the grantee within the public streets at fair value without any valuation of the franchise itself, but which terms do contain provisions enabling the city to repeal, change or modify the ordinance granting the existing franchise if such franchise is not operated in accordance with such ordinance, as set forth in detail in Resolution No. 2524:

YES NO

PROPOSITION NO. 4

"IN FAVOR of the proposition and question of the issuance and sale by The City of Seattle of the negotiable bonds of said City to the amount of Five Hundred Thousand Dollars ($500,000), for the purpose of providing money for the improvement of parks, parkways and playgrounds, as set forth in detail in Ordinance No. 28753 of said City"

AGAINST the proposition and question of the issuance and sale by The City of Seattle of the negotiable bonds of said City to the amount of Five Hundred Thousand Dollars ($500,000) for the purpose of providing money for the improvement of parks, parkways and playgrounds, as set forth in detail in Ordinance No. 28753 of said City"

Ordinance thereof, and city water pending ordinance, as passed and adopted in Section 1 of Ordinance No. 28797 of said City, approved January 26th, 1912"

PROPOSITION NO. 7

"IN FAVOR of the proposition and question of the issuance and sale by the City of Seattle, of negotiable bonds of said city, in the sum of One Hundred Twenty-five Thousand Dollars ($125,000), for the purpose of providing money for strictly municipal purposes as follows:

"For the construction of hospitals, sanatoriums and other buildings and structures necessary for the treatment, prevention and cure of tuberculosis, as set forth in detail in Ordinance No. 28799 of said City"

"AGAINST the proposition and question of the issuance and sale by the City of Seattle, of negotiable bonds of said city, in the sum of One Hundred Twenty-five Thousand Dollars ($125,000), for the purpose of providing money for strictly municipal purposes as follows:

"For the construction of hospitals, sanatoriums and other buildings and structures necessary for the treatment, prevention and cure of tuberculosis, as set forth in detail in Ordinance No. 28799 of said City"

PROPOSED AMENDMENT NO. 1

Proposition to amend the Charter by adding thereto a new Article to be known as Article XXVI, relating to taxation for corporate or municipal purposes, by gradually exempting improvements on land from taxation, as set forth in detail in Resolution No. 3383:

FOR AGAINST

PROPOSED AMENDMENT NO. 2

Proposition to amend the Charter by adding thereto a new Article to be known as Article XXVII, relating to taxation for corporate or municipal purposes, providing for the exemption from taxation of personal property and improvements; and relating to the imposition, by ordinance, of taxes or fees on certain occupations and industries, as set forth in detail in Resolution No. 3467:

FOR AGAINST

PROPOSED AMENDMENT NO. 3

Proposition to amend the Charter by adding thereto a new Article to be known as Article XXVIII, relating to publicity as to qualifications and fitness of candidates for office, as set forth in detail in Resolution No. 3468:

FOR AGAINST

PROPOSED AMENDMENT NO. 4

Proposition to amend subdivision seventh of Section 18 of Article IV of the Charter, vesting in The Port of Seattle for harbor development purposes control of certain property and rights upon certain conditions, as set forth in detail in Resolution No. 3470:

FOR AGAINST

and City Treasurer and City Comptroller at least once each year, as set forth in detail in Resolution No. 3475:

FOR AGAINST

PROPOSED AMENDMENT NO. 10

Proposition to amend paragraph fifth of Section 18 of Article IV of the Charter, and eliminating the provision that no bonds of The City of Seattle shall be issued for a longer period than twenty years, as set forth in detail in Resolution No. 3476:

FOR AGAINST

PROPOSED AMENDMENT NO. 11

Proposition to amend paragraph "A" of subdivision thirty-second of Section 18 of Article IV of the Charter, by including in the boundaries of saloon parol district No. 4 part of the business portion of the former City of Georgetown, as set forth in detail in Resolution No. 3477:

FOR AGAINST

PROPOSED AMENDMENT NO. 12

Proposition to amend paragraph "L" of subdivision thirty-second of Section 18 of Article IV of the Charter by providing that the present saloon locations in the City of Seattle, which conform to the other provisions of the Charter, shall remain as they now are until December 31, 1915, as set forth in detail in Resolution No. 3478:

FOR AGAINST

PROPOSED AMENDMENT NO. 13

Proposition to amend subdivision thirty-second of Section 18 of Article IV of the Charter, by adding thereto a paragraph to be known as paragraph "O," which provides that all saloon licenses shall be subject to the initiative and referendum vote by the people, as set forth in detail in Resolution No. 3479:

FOR AGAINST

PROPOSED AMENDMENT NO. 14

Proposition to amend Section 13 of Article IV of the Charter by adding thereto a subdivision to be known as subdivision forty-fifth, providing for the establishment and maintenance of a city newspaper, as set forth in detail in Resolution No. 3480:

FOR AGAINST

PROPOSED AMENDMENT NO. 15

Proposition to amend Section 1 of Article IV of the Charter, providing that the legislative powers of the City shall be vested in the City Council and divesting the Mayor of the veto power, as set forth in detail in Resolution No. 3481:

FOR AGAINST

PROPOSED AMENDMENT NO. 16

Proposition to amend Section 16 of Article IV of the Charter, divesting the Mayor of the veto power, as set forth in detail in Resolution No. 3482:

FOR AGAINST

FOR AGAINST

PROPOSED AMENDMENT NO. 17

Proposition to amend Sections 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 20, 22, 30, 31, 32, 39 and 55 of Article XVI of the Charter, relating to the Department of Civil Service and Efficiency, as set forth in detail in Resolution No. 3487:

FOR AGAINST

PROPOSED AMENDMENT NO. 22

Proposition to amend Sections 1 and 3 of Article XVII of the Charter, providing that the Mayor shall receive an annual salary of $7,500, and that all salaries shall be paid at such times and in such manner as may be prescribed by ordinance, as set forth in detail in Resolution No. 3485:

FOR AGAINST

PROPOSED AMENDMENT No. 23

Proposition to amend Article XXIII of the Charter, providing that all contractors and sub-contractors performing local improvement work for the city shall pay or cause to be paid to their employes not less than the current rate of wages paid by The City of Seattle for work of like character, and, in any event, not less than $2.75 per day, and shall give preference to resident laborers, as set forth in detail in Resolution No. 3489:

FOR AGAINST

PROPOSED AMENDMENT NO. 24

Proposition to amend Section 1 of Article XVIII of the Charter, providing for the adoption of the preferential ballot and system of electing public officers, eliminating thereby one election annually, as set forth in detail in Resolution No. 3491:

FOR AGAINST

PROPOSED AMENDMENT NO. 25

Proposition to amend subdivisions fifteenth and fifteenth (a) of Section 18 of Article IV of the Charter, relating to the powers of the City to acquire, construct, maintain and operate certain public utilities, including telephones and ferries, as set forth in detail in Resolution No. 3495:

FOR AGAINST

PROPOSED AMENDMENT NO. 26

Proposition to amend Section 4 of Article XVIII of the Charter, providing that at all elections the polls shall be opened at eight o'clock a. m. and close at eight o'clock p. m., as set forth in detail in Resolution No. 3496:

FOR AGAINST

PROPOSED AMENDMENT NO. 27

Proposition to amend Sections 3 and 13 of Article XIX of the Charter, relating to qualifications of elective and appointive officers, as set forth in detail in Resolution No. 3500:

FOR AGAINST

PROPOSITIONS AND AMENDMENTS VOTED UPON AT THE SEATTLE GENERAL ELECTION MARCH 5, 1912

PROPOSITION NO. 1

Shall all necessary steps and proceedings be taken and had by The City of Seattle to own and operate a municipal telephone plant and system, as set forth in detail in Resolution No. 3490:

YES.....☐ NO.....☐

PROPOSITION NO. 2

Shall the report of the Municipal Plans Commission, being File No. 45382 of the records and files of the City Comptroller and ex-officio City Clerk, be adopted, as set forth in detail in Resolution No. 3494:

YES.....☐ NO.....☐

PROPOSITION NO. 3

Shall the City Council grant street railway physical extension franchises upon the terms of the franchise of the existing line to be extended which terms do not contain certain provisions of Section 20 of Article IV of the Charter enabling the Council, or the people, to repeal, modify, forfeit or abrogate such franchise, or to purchase or condemn the property of the grantee within the public streets at fair value without any valuation of the franchise itself, but which terms do contain provisions enabling the city to repeal, change or modify the ordinance granting the existing franchise if such franchise is not operated in accordance with such ordinance, as set forth in detail in Resolution No. 3524:

YES.....☐ NO.....☐

PROPOSITION NO. 4

"**IN FAVOR** of the proposition and question of the issuance and sale by The City of Seattle of the negotiable bonds of said City to the amount of Five Hundred Thousand Dollars ($500,000), for the purpose of providing money for the improvement of parks, parkways and playgrounds, as set forth in detail in Ordinance No. 28753 of said City".....☐

"**AGAINST** the proposition and question of the issuance and sale by The City of Seattle of the negotiable bonds of said City to the amount of Five Hundred Thousand Dollars ($500,000) for the purpose of providing money for the improvement of parks, parkways and playgrounds, as set forth in detail in Ordinance No. 28753 of said City".....☐

PROPOSITION NO. 5

"**IN FAVOR** of enlarging the Municipal Light and Power Plant and System, adding to and extending the same, by acquiring by purchase a water power site in the vicinity of Lake Cushman for the development of electricity and other means of power and facilities for lighting, heating and power purposes, public and private, for furnishing The City of Seattle and the inhabitants thereof, and any other persons, therewith, as specified and adopted in Section 1 of Ordinance No. 28796 of said City, approved January 26th, 1912,".....☐

"**AGAINST** enlarging the Municipal Light and Power Plant and System, adding to and extending the same,

by acquiring by purchase a water powar aite in the vicinity of Lake Cushman for the davalopment of alectricity and other means of powar and facilities for lighting, heating and powar purposes, public and private, for furnishing The City of Seattle and the inhabitants thereof, and any other persons, therewith, as specified and adopted in Section 1 of Ordinance No. 28798 of said City, approved January 26th, 1912."....☐

PROPOSITION NO. 6

"**IN FAVOR** of enlarging the Municipal Light and Power Plant and Systam, adding to and extending the same by acquiring, by purchase, a water power aite on White River for the davalopment of electricity and other means of power and facilities for lighting, heating and powar purposes, public and private, for furnishing The City of Seattle and the inhabitants thersof, and any other persons, therswith, as spacified and adopted in Section 1 of Ordinance No. 28797 of said City, approved January 26th, 1912."...☐

"**AGAINST** anlarging the Municipal Light and Power Plant and Systam, adding to and extending the same by acquiring, by purchase, a water powar aite on White Rivar for the development of electricity and other means of power and facilities for lighting, heating and power purposes, public and private, for furnishing The City of Seattle and the inhabitants thereof, and any other persons, therewith, as spacified and adopted in Section 1 of Ordinance No. 28797 of said City, approved January 26th, 1912."...☐

PROPOSITION NO. 7

"**IN FAVOR** of the proposition and quastion of the issuance and sale by the City of Seattle, of negotiable bonds of said city, in the sum of One Hundred Twenty-five Thousand Dollars ($125,000), for the purpose of providing money for strictly municipal purposes as follows:

"For the construction of hospitals, sanatoriums and other buildings and structures necessary for the treatment, prevention and cure of tuberculosis, as set forth in detail in Ordinance No. 28799 of said City."....☐

"**AGAINST** the proposition and quastion of the issuance and sale by the City of Seattle, of negotiable bonds of said city, in the sum of One Hundred Twenty-five Thousand Dollars ($125,000), for the purpose of providing money for strictly municipal purposes as follows:

"For the construction of hospitals, sanatoriums and other buildings and structures necessary for the treatment, prevention and cure of tuberculosis, as set forth in detail in Ordinance No. 28799 of said City."....☐

PROPOSED AMENDMENT NO. 1

Proposition to amend the Charter by adding thereto a new Article to be known as Article XXVI, relating to taxation for corporate or municipal purposes, by gradually exsmping improvements on land from taxation, as set forth in detail in Resolution No. 3333:

FOR.....☐ **AGAINST**....☐

PROPOSED AMENDMENT NO. 2

Proposition to amend the Charter by adding thereto a new Article to be known as Article XXVII, relating to taxation for corporate or municipal purposes, providing for the exemption from taxation of personal property and improvements; and relating to the imposition, by ordinance, of taxes or fees on certain occupations and industries, as set forth in detail in Resolution No. 3457:

FOR.....☐ **AGAINST**....☐

PROPOSED AMENDMENT NO.3

Proposition to amend the Charter by adding thereto a new Article to be known as Article XXVIII, relating to publicity as to qualifications and fitness of candidates for office, as set forth in detail in Resolution No. 3468:

FOR.....☐ **AGAINST**....☐

PROPOSED AMENDMENT NO. 4

Proposition to amend subdivision seventh of Section 18 of Article IV

of the Charter, vesting in The Port of Seattle for harbor development purposes control of certain property and rights upon certain conditions, as set forth in detail in Resolution No. 3470:

FOR.....☐ AGAINST....☐

PROPOSED AMENDMENT NO. 5

Proposition to amend subdivision, thirty-seventh of Section 18 of Article IV of the Charter relating to the extending and establishing of streets, over and across tide lands and harbor areas, and the improvement of same for use as public slips or wharves and eliminating a certain condition upon the vacation of streets extending to, or projecting into tide water, as set forth in detail in Resolution No. 3471:

FOR.....☐ AGAINST....☐

PROPOSED AMENDMENT NO. 6

Proposition to amend subdivision seventeenth of Section 18 of Article IV of the Charter, empowering the City Council to erect and establish hospitals, sanitariums, sanatoriums and isolation hospitals, and to control and regulate the same, as set forth in detail in Resolution No. 3472:

FOR.....☐ AGAINST....☐

PROPOSED AMENDMENT NO. 7

Proposition to amend Section 1 of Article III of the Charter by providing for the creation by ordinance of an additional department to be known as the "Department of Public Welfare," as set forth in detail in Resolution No. 3473:

FOR.....☐ AGAINST....☐

PROPOSED AMENDMENT NO. 8

Proposition to amend Section 18 of Article IV of the Charter, relating to the powers and duties of the "Department of Public Welfare," as set forth in detail in Resolution No. 3474:

FOR.....☐ AGAINST....☐

PROPOSED AMENDMENT NO. 9

Proposition to amend Section 8 of Article IV of the Charter, providing for an expert examination of the books of the City Treasurer and City Comptroller at least once each year, as set forth in detail in Resolution No. 3475:

FOR.....☐ AGAINST....☐

PROPOSED AMENDMENT NO. 10

Proposition to amend paragraph fifth of Section 18 of Article IV of the Charter, and eliminating the provision that no bonds of The City of Seattle shall be issued for a longer period than twenty years, as set forth in detail in Resolution No. 3476:

FOR.....☐ AGAINST....☐

PROPOSED AMENDMENT NO. 11

Proposition to amend paragraph "A" of subdivision thirty-second of Section 18 of Article IV of the Charter, by including in the boundaries of saloon patrol district No. 4 part of the business portion of the former City of Georgetown, as set forth in detail in Resolution No. 3477:

FOR.....☐ AGAINST....☐

PROPOSED AMENDMENT NO. 12

Proposition to amend paragraph "L" of subdivision thirty-second of Section 18 of Article IV of the Charter by providing that the present saloon locations in the City of Seattle, which conform to the other provisions of the Charter, shall remain as they now are until December 31, 1915, as set forth in detail in Resolution No. 3478:

FOR.....☐ AGAINST....☐

PROPOSED AMENDMENT NO. 13

Proposition to amend subdivision thirty-second of Section 18 of Article IV of the Charter, by adding thereto a paragraph to be known as paragraph "O," which provides that all saloon licenses shall be subject to the initiative and referendum vote by the people, as set forth in detail in Resolution No. 3479:

FOR....☐ AGAINST....☐

PROPOSED AMENDMENT NO. 14

Proposition to amend Section 18 of Article IV of the Charter by add-

ing thereto a subdivision to be known as subdivision forty-fifth, providing for the establishment and maintenance of a city newspaper, as set forth in detail in Resolution No. 3480:

FOR....☐ AGAINST....☐

PROPOSED AMENDMENT NO. 15

Proposition to amend Section 1 of Article IV of the Charter, providing that the legislative powers of the City shall be vested in the City Council and divesting the Mayor of the veto power, as set forth in detail in Resolution No. 3481:

FOR....☐ AGAINST....☐

PROPOSED AMENDMENT NO. 16

Proposition to amend Section 16 of Article IV of the Charter, divesting the Mayor of the veto power, as set forth in detail in Resolution No. 3482:

FOR....☐ AGAINST....☐

PROPOSED AMENDMENT NO. 17

Proposition to amend Section 2 of Article VII of the Charter, and providing that in case the Chief of Police shall be appointed from the classified civil service, and shall not be removed for cause, he shall, upon retirement from the office of Chief of Police, resume his former position in the classified civil service, as set forth in detail in Resolutoin No. 3483:

FOR....☐ AGAINST....☐

PROPOSED AMENDMENT NO. 18

Proposition to amend subdivision second of Section 18 of Article IV of the Charter, providing for exemption from taxation for a term not exceeding ten years of all machinery and equipment of dry docks, shipyards, foundries, machine shops and canneries; also of all factories engaged in the manufacture of febrics of cotton, wool, iron, wood or any other material whatever, as set forth in detail in Resolution No. 3484:

FOR....☐ AGAINST....☐

PROPOSED AMENDMENT NO. 19

Proposition to amend Section 14 of Article VIII of the Charter, providing that all public improvements to be made or supplies to be purchased by contract shall be let to the lowest bidder therefor; also that such bids shall be accompanied by certified check or surety bond for five per cent of amount of bid, as set forth in detail in Resolution No. 3485:

FOR....☐ AGAINST....☐

PROPOSED AMENDMENT NO. 20

Proposition to amend Section 2 of Article XI of the Charter, by exempting the Chief of the Fire Department from Civil Service and providing that in case he shall be appointed from the classified civil service, he shall, upon retirement from office of Chief he entitled to resume his former position in the classified service, as set forth in detail in Resolution No. 3486:

FOR....☐ AGAINST....☐

PROPOSED AMENDMENT NO. 21

Proposition to amend Sections 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 27, 28, 29, 30, 31, 32, 33 and 35 of Article XVI of the Charter, relating to the Department of Civil Service and Efficiency, as set forth in detail in Resolution No. 3487:

FOR....☐ AGAINST....☐

PROPOSED AMENDMENT NO. 22

Proposition to amend Sections 1 and 2 of Article XVII of the Charter, providing that the Mayor shall receive an annual salary of $7,500, and that all salaries shall be paid at such times and in such manner as may be prescribed by ordinance, as set forth in detail in Resolution No. 3488:

FOR....☐ AGAINST....☐

PROPOSED AMENDMENT NO. 23

Proposition to amend Article XXIII of the Charter, providing that all contractors and sub-contractors performing local improvement work for the city shall pay or cause to be paid to their employes not less than the current rate of wages paid by The City of Seattle for work of like character, and, in any event, not less than $2.75 per day,

and shall give preference to resident laborers, as set forth in detail in Resolution No. 3489:

FOR....☐ AGAINST....☐

PROPOSED AMENDMENT NO. 24

Proposition to amend section 1 of Article XVIII of the Charter, providing for the adoption of the preferential ballot and system of electing public officers, eliminating thereby one election annually, as set forth in detail in Resolution No. 3491:

FOR....☐ AGAINST....☐

PROPOSED AMENDMENT NO. 25

Proposition to amend subdivisions fifteenth and fifteenth (a) of Section 18 of Article IV of the Charter, relating to the powers of the City to acquire, construct, maintain and operate certain public utilities, including telephones and ferries, as set forth in detail in Resolution No. 3495:

FOR....☐ AGAINST....☐

PROPOSED AMENDMENT NO. 26

Proposition to amend Section 4 of Article XVIII of the Charter, providing that at all elections the polls shall be opened at eight o'clock A.M. and close at eight o'clock P.M., as set forth in detail in Resolution No. 3498:

FOR....☐ AGAINST....☐

PROPOSED AMENDMENT NO. 27

Proposition to amend Sections 3 and 13 of Article XIX of the Charter, relating to qualifications of elective and appointive officers, as set forth in detail in Resolution No. 3500:

FOR....☐ AGAINST....☐

SAMPLE BALLOT
SEATTLE SPECIAL ELECTION
MARCH 5, 1912

Containing eight propositions adopted by the port commissioners to be voted upon.

Thus the voter on entering the polling-booth is called upon to vote for the officers of the city and for forty-two propositions for the welfare of the city.

SPECIAL ELECTION, PORT OF SEATTLE

MARCH 5TH, 1912

OFFICIAL BALLOT

INSTRUCTIONS TO VOTERS:—To vote, mark a cross (X) in the ☐ after PROPOSITION ONE—"In favor of ratifying" or "Against ratifying," and mark a cross (X) in the squares opposite PROPOSITIONS TWO, THREE, FOUR, FIVE, SIX, SEVEN AND EIGHT—"Bonds Yes" or "Bonds No" as the elector desires to vote. Any distinguishing marks, except as above indicated, are forbidden and make the ballot void. If you wrongly mark, tear or deface the ballot, return it to the election officers and obtain another.

PROPOSITION ONE

In favor of ratifying the comprehensive scheme of harbor improvement adopted by the Port Commission of the Port of Seattle by resolution passed and dated on the 7th day of February, 1912, and specifically described in the notice calling this election as Proposition One of said resolution..... ☐

Against ratifying the comprehensive scheme of harbor improvement adopted by the Port Commission of the Port of Seattle by resolution passed and dated on the 7th day of February, 1912, and specifically described in the notice calling this election as Proposition One of said resolution..... ☐

PROPOSITION TWO

Upon the proposition of authorizing the Port Commission of the Port of Seattle to incur indebtedness and issue

PROPOSITION FIVE

Upon the proposition of authorizing the Port Commission of the Port of Seattle to incur indebtedness and issue bonds in the sum of $750,000.00 for the purpose described in Proposition Five in the resolution adopted by the said Port Commission on and under date of the 7th day of February, 1912, and which is specifically described and set forth in the notice calling this election as Proposition Five of said resolution, the same being more generally described as the Central Water Front Improvement:

BONDS YES..... ☐

BONDS NO..... ☐

PROPOSITION SIX

Upon the proposition of authorizing the Port Commission of the Port of Seattle to incur indebtedness and issue bonds in the sum of $150,000.00 for the purpose described in Proposition Six in the resolution adopted by the said Port Commission on and under date of the 7th day of February, 1912, and which is specifically described and set forth in the

in the notice calling this election as Proposition Two of said resolution, the same being more generally described as the Smith's Cove Improvement:

BONDS YES.....

BONDS NO.....

PROPOSITION THREE

Upon the proposition of authorizing the Port Commission of the Port of Seattle to incur indebtedness and issue bonds in the sum of $850,000.00 for the purpose described in Proposition Three in the resolution adopted by the said Port Commission on and under date of the 7th day of February, 1912, and which is specifically described and set forth in the notice calling this election as Proposition Three of said resolution, and same being more generally described as the East Waterway Improvement:

BONDS YES.....

BONDS NO.....

PROPOSITION FOUR

Upon the proposition of authorizing the Port Commission of the Port of Seattle to incur indebtedness and issue bonds in the sum of $350,000.00 for the purpose described in Proposition Four in the resolution adopted by the said Port Commission on and under date of the 7th day of February, 1912, and which is specifically described and set forth in the notice calling this election as Proposition Four of said resolution, the same being more generally described as the Salmon Bay Improvement:

BONDS YES.....

BONDS NO.....

BONDS YES.....

BONDS NO.....

PROPOSITION SEVEN

Upon the proposition of authorizing the Port Commission of the Port of Seattle to incur indebtedness and issue bonds in the sum of $3,000,000.00 for the purpose described in Proposition Seven in the resolution adopted by the said Port Commission on and under date of the 7th day of February, 1912, and which is specifically described and set forth in the notice calling this election as Proposition Seven of said resolution, the same being more generally described as the Harbor Island Improvement:

BONDS YES.....

BONDS NO.....

PROPOSITION EIGHT

Upon the proposition of authorizing the Port Commission of the Port of Seattle to incur indebtedness and issue bonds in the sum of $2,000,000.00 (over and above the indebtedness and bond issues described as Propositions Two, Three, Four, Five, Six and Seven, in the resolution of February 7th, 1912, hereinafter referred to) for the purpose described in Proposition Eight of the resolution adopted by the said Port Commission on and under date of the 7th day of February, 1912, and which is specifically described and set forth in the notice calling this election as Proposition Eight of said resolution, the same being more generally described as the Harbor Island Supplemental Improvement, the said indebtedness herein authorized to be actually incurred and bonds therefor to be actually issued only as and when construction of said additional piers shall be required to accommodate shipping traffic, and then only when the said Port Commission, acting in behalf of said Port of Seattle, shall, at the time of creating said indebtedness and the issuance of bonds therefor, have the necessary legal authority and right to do so:

BONDS YES.....

BONDS NO.....

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INDEX

INDEX

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