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# *The Adoption of Minnesota's* DIRECT PRIMARY LAW

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THE ADOPTION of direct primary laws in various states was part of a movement for general electoral reform that swept the United States at the close of the nineteenth century. When Minnesota entered the Union in 1858, it was the practice in all states to nominate candidates for public office at party caucuses and conventions. The secret or Australian ballot had not yet come into use. In an attempt to control fraud and coercion at the polls, Massachusetts was the first state to adopt such a ballot in 1880; Minnesota did not do so until 1891. Gradually the demand for reform spread from the general elections to the party caucuses and nominating conventions. These were not regulated by law in any state until 1866, when New York and California took initial steps to curb bribery and intimidation of delegates.<sup>1</sup>

By the turn of the century, with the growth of cities and the development of large corporate interests, the fruits of public office had become sizeable. Control of the nominating process frequently meant rewards in the form of patronage and prof-

its. At the state level, industries often had much to gain by keeping taxes down and working to prevent government regulation. As a result, unscrupulous politicians began to use any means at hand to control party caucuses and conventions. The buying of votes was not prohibited by law. Practices like announcing the date and place of the caucus to only a few trusted henchmen were common. Legitimate voters might arrive at a designated caucusing place only to find the room already filled with a squad of "toughs," recruited for the purpose of keeping legitimate voters from participating. As these malpractices spread across the nation, demands for reform became more insistent. The direct primary evolved as a result of an effort to correct the abuses of the party caucus and convention system.

The Midwestern states as a group were the first to adopt the direct primary, with Wisconsin and Minnesota leading the way. To Wisconsin belongs the credit for having the first state-wide direct primary law, passed in 1903. Minnesota had enacted similar, but less comprehensive, legislation two years earlier in 1901. It provided for the nomination of candidates for the na-

<sup>1</sup> Election procedures and conditions in the United States in the 1800s are discussed by Charles E. Merriam in *Primary Elections*, 9-12 (Chicago, 1908).



"AWAITING the Opportunity"

tional House of Representatives, the state legislature, and all county and most city officials, but it did not extend to the selection of state officers, who were nominated by political party conventions until 1912, or to United States senators, who were elected by the legislature until that year.<sup>2</sup>

Why Minnesota was one of the first states to adopt the direct primary is not clear. While some evils of the caucus and convention method of selecting political candidates were present in the state, they were certainly no worse than elsewhere, and probably were not so prevalent as they were in more urban and industrialized areas. It seems possible that the idea of the direct primary originated in the eastern and far western states, but that in the Midwest, where political machines were less firmly entrenched, such legislation could be obtained more easily than in other parts of the country.

LIKE MOST OTHER STATES, Minnesota began to extend government control to the nominating process by attempting to regulate political conventions. The earliest legislation, passed in 1887 and 1889, put party officials presiding at the nominating caucus under oath and made it a

misdeemeanor for them to falsify the results of the voting. It was also a misdemeanor for anyone to vote under the name of another person, to prevent others from voting, or to tamper with the ballot box or the ballots. These provisions applied only to cities of more than five thousand people. The law made provision, too, for nominations by a petition signed by one per cent of the qualified electors, who were restricted to signing one petition per office.<sup>3</sup>

The first bills which seriously proposed a government-operated direct primary as a substitute for the party caucus were considered by the 1895 legislature. One, introduced by Senator James T. Wyman of Minneapolis, permitted party officials to administer the primary election, but provided penalties of fine and imprisonment for any failure to perform the duties honestly. A bill sponsored by Senator Edward H. Ozmun of St. Paul called for the introduction of the "Queensland system," which, according to a local newspaper, did away with "all this apparatus of party primaries and conventions."<sup>4</sup>

Under the system, which Ozmun adapted from that used in Queensland, Australia, names could be placed on the ballot by a petition of ten per cent of the voters in the last election for the office in question. A secret ballot was used, and there was a complicated system of counting the vote within each party, including a provision for second-choice votes.

The general temper of the legislature was probably similar to the view expressed by Senator William E. Culkin of Buffalo, a member of a special committee on primary elections, who said that the people of his district were "not of a Populistic tend-

<sup>2</sup> See Minnesota, *General Laws*, 1901, p. 297-305.

<sup>3</sup> *General Laws*, 1887, p. 7-40; 1889, p. 13-40.

<sup>4</sup> For information on the Wyman bill, see Minnesota, *Senate Journal*, 1895, p. 10, 86, 128, 150, 180, and the *St. Paul Pioneer Press*, January 10, 1895; for the Ozmun bill, see *Senate Journal*, p. 60, 86, 128, 150, 180, and the *Pioneer Press*, January 29, 1895. The texts of both bills are on file in the library of the Minnesota Historical Society.

ency, and do not take kindly to wildcat schemes or radical innovations, but a feeling has sprung up and is growing that aggregate capital is petted too much, and that the general interests of the people are considered too little. Corporations should not be crippled or embarrassed," he continued, "but their prosperity should be had only through the prosperity of the people. In other words, such legislation will be approved by our people as will tend to advance general interests. Then special interests can follow in the wake." He added, "I will support a simple primary election law, but it must not be complicated. It will be no easy matter to set in motion the proposed new system, and it is by no means certain that the results claimed for it will follow, considering the make-up of the population of this state."<sup>5</sup>

ALTHOUGH both the Wyman and Ozmun bills failed to pass, the 1895 legislature enacted a compromise bill, introduced by Culkin, that laid down regulations and procedures governing the election of delegates to party conventions. In effect, this bill made the party caucus a quasi-official primary election. It required that adequate notice of delegate elections must be given and stated that any person not affiliated with the party at the last general election was not permitted to vote. If his right to vote were challenged, he must take an oath that he had at the previous election cast his ballot for the party's candidates and that he intended to support its nominees.<sup>6</sup>

In this law, the legislature began to cope with one of the major problems of the direct primary: who should be permitted to vote. Until 1895 voting qualifications had been determined by those in control of each party's caucus, but regulation by the

state required a legal definition of who could vote. This was one of the most difficult questions which faced the 1899 and 1901 legislatures in enacting direct primary legislation, and it still arouses debate.

In the 1897 session another direct primary bill was introduced, this time by Representative Henry G. Hicks of Minneapolis. Hicks proposed that all political offices in the state, except those of presidential and vice-presidential electors, come under a primary law. He suggested that the laws governing general elections, insofar as they covered the regulation of polling places, challenge of voters, choice of canvassing board, closing of saloons, etc., be used also for the primary election. The Hicks bill provided for a consolidated ballot. At the top, it listed the political parties which had polled at least one per cent of the total vote at the last election; each voter was to place a mark after the party of his choice. The ballot also provided a blank space for the voter to write in the name of any other party "in no more than three words," or to declare himself an "Independent." All the offices to be filled were to be listed with space for the voter to write in the name of his candidate for each. Hicks's bill was defeated in the House by a vote of 62 to 36. Two years later, however, the Minnesota legislature finally approved a direct primary law, though it was restricted in its application to Hennepin County.<sup>7</sup>

THREE PRIMARY BILLS were introduced in the House during the 1899 session by Minneapolis legislators. The one which received the most publicity early in the session was House File 218, offered by Carleton L. Wallace. Another bill, House File 5, was introduced by William P. Roberts, who modeled it after the system used in Lancaster County, Pennsylvania, where he had cast his first vote; a third, House File 295, was sponsored by William S. Dwinell. Because the population qualifications contained in the three bills confined

<sup>5</sup> *Pioneer Press*, January 3, 1895.

<sup>6</sup> *General Laws*, 1895, p. 661-664; see also *Senate Journal*, 1895, p. 348, 438, 462, 757, 762, 838.

<sup>7</sup> See Minnesota, *House Journal*, 1897, p. 386, 429, 437, 480, 491, 631, 689, 727, 781. The text of the bill is on file in the Minnesota Historical Society's library.

their effects to Hennepin, Ramsey, and St. Louis counties, all were eventually referred to a special committee composed of the legislators from these counties. On April 4, the committee introduced a substitute bill which applied to all three counties. On April 15 the House passed the substitute by a vote of 77 to 5.<sup>8</sup>

The bill was then sent to the Senate, where it was sponsored by Fred B. Snyder of Minneapolis. On April 17 Senator Timothy D. Sheehan of St. Paul offered an amendment to change the application of the bill from counties with over seventy-five thousand people to those with over two hundred thousand. At the time, the only county in Minnesota with more than two hundred thousand people was Hennepin; therefore, Ramsey and St. Louis were eliminated. The House concurred in the amendment and the bill became law.<sup>9</sup>

Minnesota now had its first direct primary law. No major opposition to its passage was apparent in the legislature. Governor John Lind made no mention of the direct primary either in his inaugural message to the 1899 legislature or his message as outgoing governor to the 1901 legislature. A contemporary observer wrote: "The passage of the law was not due to any very general and insistent demand, even in Hennepin County. The old caucus and convention system had not been marked there by any abuses more flagrant than elsewhere, while the attendance upon the caucuses of the dominant party had been higher than the average of similar committees in other parts of the state." The evidence seems to indicate that the law was passed through the efforts of a number of Minneapolis men who thought it a desirable piece of progressive legislation. In approving the measure, the Minnesota legislature was following the lead of several other states which by this time had direct primary systems in operation for their largest cities, among them Boston, New York, Baltimore, Detroit, Cleveland, Cincinnati, St. Louis, and Chicago.<sup>10</sup>

THE LAW applied to city, county, judicial, legislative, and Congressional offices. At that time Hennepin County comprised the Fifth Congressional District. Each candidate had to file a petition containing enough signatures to equal at least five per cent of the vote for his party's leading candidate in the last election, a moderately difficult task designed to keep down the number of candidates. Each also had to pay a fee of ten dollars and file an affidavit stating that he was a member of the party whose nomination he sought. There was no provision for challenging the party membership of the candidate, a fact which caused the Republicans some anguish in the first election under the new law, when a former Democratic mayor of Minneapolis, Albert A. Ames, filed as a Republican candidate for re-election.<sup>11</sup>

A political party was defined as a group which cast at least ten per cent of the total vote for its leading candidate in the preceding election, or presented a petition to the county auditor containing the names of at least ten per cent of the qualified voters of the county. This provision had the effect of keeping small, minor parties out of the primary elections, since they could seldom meet the ten per cent requirement.

A separate ballot was provided for each party. The voter was given the ballots of all parties, with instructions to use only

<sup>8</sup> For information on the Wallace bill, see the *House Journal*, 1899, p. 175, 239, 966; see also *Pioneer Press*, March 7, 1901, and *Minneapolis Journal*, January 3, 1899. For the Roberts bill, see *House Journal*, 34, 369, 684, 827, 971, 1203, 1247; *Pioneer Press*, March 12, 1901. For the Dwinell bill, see *House Journal*, 258, 370, 966, and on the substitute bill, see *House Journal*, 966, 1214.

<sup>9</sup> *Senate Journal*, 1899, p. 1013, 1026, 1065, 1167, 1228.

<sup>10</sup> Quoted material may be found in Frank M. Anderson, "The Test of the Minnesota Primary Election System," in the *American Academy of Political and Social Sciences, Annals*, 20:616 (November, 1902). See also Merriam, *Primary Elections*, 33.

<sup>11</sup> For the provisions of the law discussed here and below, see *General Laws*, 1899, p. 447-461. Ames's career is discussed in the *Minneapolis Journal* of May 8, 1903.

one, and to return all of them pinned together. If he marked more than one, all the ballots were void. In general, the law applied the procedures and penalties of general elections to the primary.

The voter was not required to reveal his party affiliation, making it possible for him to vote for a party to which he did not really belong. Cross voting was thus permitted, and this aspect of the law aroused comment when it went into operation. The law avoided the difficult problem of defining membership in a political party, a problem that has continued to plague legislators and on which there is no general agreement even today. People disagree over whether every qualified voter has the right to vote in a party primary. Some contend that only party "members" should participate in primary elections. Attempts to define party membership have usually been in terms of the voter's past performance, present affiliation, or future intention. The resulting definitions are not satisfactory to those who feel that party membership ought to be permanent, and yet most partisans want to keep the door open for recruits. As a result, defining party membership has become one of the most difficult questions in direct primary legislation.

THE FIRST direct primary in Hennepin County was held on September 18, 1900. In general it was pronounced a success. On the following day, the *Minneapolis Journal* said editorially that the size of the vote was gratifying; more people had voted than in the 1898 general election. The optional party elections held in the past, the paper commented, seldom brought out "half of the regular vote, and sometimes not over 10 per cent of it."

But in the same editorial the paper called attention to what it regarded as a serious defect in the law: "the possibility that under it one party may force upon another a weak and objectionable candidate," a reference to the selection of a Republican

candidate for mayor. Two men sought the Republican nomination for this office—Ames and John A. Schlener. The latter had the backing of the regular Republican organization. In analyzing the results of the election, the *Journal* declared that "Dr. Ames owes his big vote largely to democrats who abandoned their own ticket . . . and voted for him for the sake of burdening the republican ticket with his nomination." Ames had always been considered something of a radical and had switched parties frequently. He was not at all popular with the regular Republican organization, but under the law if he filed the affidavit he could run in the Republican primary.

Thus, in Minnesota's first primary election, some of the difficult questions surrounding cross voting were raised. A continuing problem under the primary system has been the possibility that attempts to guard against the invasion of one party's primary by voters of another party might impinge upon the voter's right to change parties or to support the man of his choice regardless of party.

After a day's thought upon the election results, the editor of the *Journal* continued his discussion of cross voting in the issue of September 20. He believed that "the primary election law is entitled to another chance." The election of Ames, he said, had been due to a set of peculiar circumstances and vicious personal rivalries which were "not likely to occur again." The law was "a step in the right direction, and we have no doubt that in time it will be so perfected that there will be no thought of depriving the voter of his legitimate privilege of voting direct for candidates at the primary election."

A lesser problem in the first Hennepin County election occurred in some legislative districts which were composed of more than one ward, or one Minneapolis ward and some rural territory or a smaller city. In such areas, it had been the custom in party caucuses to divide up the nomina-



tions so that the smaller ward, or the smaller city, was represented among the candidates. In effect, this practice had given the smaller area a disproportionately large representation, which the direct primary eliminated. For example, in the forty-first legislative district, made up of the fifth and sixth wards, the latter had the larger population. As a result, all four Republican candidates elected in that district were from the sixth ward, while in the past the party caucus had chosen two from each ward. The fact that every vote counted equally in the direct primary had upset this time-honored arrangement, and people in the fifth ward were unhappy.<sup>12</sup>

IN SPITE of these problems, the success of the primary in Hennepin County was used as an argument for extending the system to the whole state. The incoming governor, Samuel R. Van Sant, in his message to the 1901 legislature, said: "The primary election law once tried will never be abandoned. So far as I am able to learn, the law gives satisfaction in Hennepin county. Defects may have been found, but these can be remedied by amendments and changes, which will add greatly to its efficiency. These should be made, and when thus perfected, the law should be extended so as to operate in other populous counties, if not over the entire state. As to making it general, however, it might be well to pursue a conservative course. It is said that reforms never go backward, and I look for this law to become general in Minnesota in the near future."<sup>13</sup>

Three direct primary bills were introduced in the 1901 legislative session. One, sponsored by Representative Henry Hillmond of Elbow Lake, simply extended the provisions of the Hennepin County law to the whole state. Hillmond was a Democrat in a legislature dominated by Republicans. His proposal ignored the problems that had been discovered in the operation of the Hennepin County primary, and it does not seem to have received serious considera-

tion. Another bill was introduced on March 5 by Senator Thorvald V. Knatvold of Albert Lea. According to the *St. Paul Pioneer Press* of March 7, it proposed a return to the "old-fashioned party caucus." It passed the Senate on April 10 but was defeated the next day in the House.<sup>14</sup>

The bill which eventually was adopted in amended form was introduced on February 26 by Representative Winslow W. Dunn, a Republican from St. Paul. The proposal made three major modifications in the Hennepin County law and extended its provisions to the whole state. It eliminated the requirement that each candidate file a petition signed by five per cent of the voters; it required each voter to declare his party affiliation at the polls; and it provided that this declaration of party affiliation might be challenged by the election judges.<sup>15</sup>

In defending his bill, Dunn told a reporter: "When the primary elections of the different parties are held separately, it is implied, if not absolutely declared, that when a man participates therein, he is a member of the party holding that particular primary election. By his act of attending he declares himself a member of that party. Why, then, should any man who attends a caucus or primary election of all the parties held on the same day and at the same place not be willing to declare openly the party with which he is affiliated? . . . To those who are too good for any political party or are members of the order of mugwumps, the law especially preserves the . . . right to any man to have his name placed on the ballot by pro-

<sup>12</sup> *Minneapolis Journal*, October 6, 9, 1900.

<sup>13</sup> *Inaugural Message of Gov. Samuel R. Van Sant to the Legislature of Minnesota*, 16 (St. Paul, 1901).

<sup>14</sup> Information on Hillmond's bill may be found in the *House Journal*, 1901, p. 52, 171, 383, 455, 460, 463, and the *Pioneer Press*, January 16, 1901. For the Knatvold bill, see the *Senate Journal*, 360, 966, 1009, 1029, and the *House Journal*, 1062. See also the *Pioneer Press*, March 7, 1901.

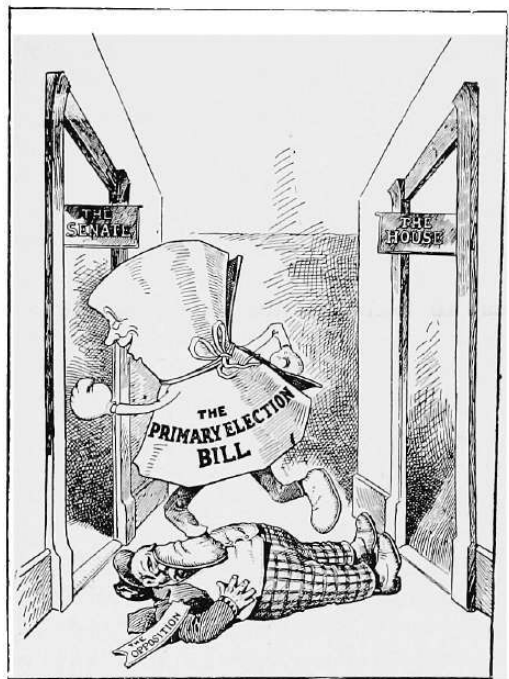
<sup>15</sup> See *House Journal*, 1901, p. 302, 388, 455-460, 841, 869, 870, 1009, and the *Pioneer Press*, March 7, 1901.

curing a petition signed by a sufficient number of his fellow mugwumps." Dunn added that he would be willing to accept the whole Hennepin County law intact, if necessary, to get a state-wide direct primary.<sup>16</sup>

The *Pioneer Press*, which had long been campaigning for such a direct primary law, opposed a declaration of party affiliation by the voter. In its issue of March 11, the paper stated editorially that this feature of Dunn's bill "destroys not only the secrecy of the primary ballot . . . but the secrecy of the final ballot."

THE DIRECT primary law finally passed by the 1901 legislature was the result of much compromise and maneuvering. Opponents attempted to kill it. Supporters disagreed about how to handle the problem of defining party membership and insuring that candidates were bona fide members of the party in whose primary they filed. On March 7 the *Pioneer Press* noted that the bill was encountering determined opposition and might even be in danger of not passing. The next day it reported that the Methodist Ministers Association was exerting its influence on behalf of the measure, and that most Ramsey County legislators favored it. One who did not, William W. Rich of New Brighton, was quoted by the *Pioneer Press* of March 8 as saying, "Primary elections do not interest me much. If the people want them, let them have them. Some people are always wanting a change, but in this case I am afraid if they get it they will be disappointed in its workings."

The next day, the *Pioneer Press* noted that the primary bill had friends in the Senate, and quoted them liberally. "I supported the direct primary law two years ago, and I will support it again," said Richard S. McNamee of St. Paul. "It is the death of ward politicians and political heelers." Herbert J. Miller of Rock County de-



"THE Meritorious Measure: This Is Easy"

clared that "It is one of the best election measures ever proposed," and a future governor, John A. Johnson of St. Peter, said that he would "support any primary measure that is correctly framed."

Some rural members of the legislature were not sure the law was needed in their areas. Their position was stated by Senator Samuel Lord of Kasson in Dodge County: "In my county there is no apparent need of the system. Our towns are small and there has never been any objection to the present system. Honest men are usually nominated and the opposition of the people to crooked politics is so general that dishonest men seldom get to the front. I have been thinking this matter over, however, and I have come to the conclusion that the system proposed is most excellent. Whether we need it or not, I shall vote for it. It will help the cities and will not harm us."<sup>17</sup>

ON MARCH 11 the Dunn bill came up for consideration in the House. During three hours of debate, many amendments were proposed and voted upon. Representative

<sup>16</sup> *Pioneer Press*, March 10, 1901.

<sup>17</sup> *Pioneer Press*, March 11, 1901.

Ole O. Sageng of Dalton in Otter Tail County submitted an amendment which would base the voter's affidavit only on his present party preference and future voting intention, and would not require him to disclose his past affiliation. Sageng's amendment was defeated. Dunn himself offered several amendments, one of which modified the voter's affidavit and was accepted. His proposal to exclude state-wide offices was at first defeated 39 to 43. Then Jacob F. Jacobson of Madison, generally considered a leader of the progressive branch of the Republicans, moved that consideration of the bill be indefinitely postponed. Apparently, the chief supporters of the bill were afraid that Jacobson had enough influence to kill it, and they agreed to reconsider the amendment to exclude state-wide offices. This time it passed by a vote of 66 to 27.<sup>18</sup>

After Jacobson was satisfied with the bill, the chief opponents were other members from rural areas, led by Robert J. Wells of Breckenridge and John E. Oppegaard of Erskine in Polk County, who were reportedly "armed each with a stack of amendments, any of which if adopted would kill" the bill.<sup>19</sup> Wells finally centered his efforts on an attempt to exclude all counties with less than thirty-five thousand people, and Oppegaard tried to change the date of the primaries from September to June, which, it was thought, would make the bill less popular with the rural voters. Both attempts were defeated. After all the amendments were disposed of, the bill was passed by a vote of 83 to 14. The *Pioneer Press* of March 12 reported that the vote against the bill as first recorded included thirty-three members, but as soon as its passage was assured nineteen of them changed their votes, presumably as protection from constituents who favored the measure.

THE BILL ran into even more opposition in the Senate than it had in the House. As early as March 13, the *Pioneer Press* reported that those who wished to kill the

measure were planning their moves against it. The bill was brought before the Senate on March 28, and the newspaper called the ensuing four-day controversy "the hardest fight the Senate has witnessed during this session."<sup>20</sup> At least twenty-four amendments and motions were voted upon.

The measure seemed destined for an early death when on March 28 the Senate adopted a motion by John A. Johnson to refer it to a committee to rewrite it. The committee had instructions to extend the provisions of the bill to state, Congressional, and judicial offices. Broadening the bill would have made it unacceptable to the House.<sup>21</sup>

By the next day, the *Pioneer Press* noted that some of the senators appeared to have misgivings about the decision to rewrite the bill. According to the paper, Senator Edward T. Young declared that the Senate had acted with unwise haste in changing the scope of the bill. Senator John D. Jones of Long Prairie in Todd County said that the adoption of the bill meant the death of all political parties, while Senator Louis H. Schellenbach of Granite Falls was quoted as saying that he thought the bill "abandoned every principle of representative government." Senator Albert Schaller of Hastings replied that "in politics the closer the officeholders get to the people the better for the interests of the latter." After debate, a motion was made to reconsider the action of the previous day, and Johnson was granted permission to withdraw his motion. This brought the bill back to its original form, and the Senate adjourned for the week end.<sup>22</sup>

WHEN the Senate reconvened on April 2, the session opened with a flurry of debate.

<sup>18</sup> For a summary of the House amendments and debate, see *House Journal*, 1901, p. 455-460.

<sup>19</sup> *Pioneer Press*, March 12, 1901.

<sup>20</sup> *Pioneer Press*, April 4, 1901. See also the issues of March 29 and 31.

<sup>21</sup> *Senate Journal*, 1901, p. 700-702.

<sup>22</sup> *Pioneer Press*, March 30, 1901. See also *Senate Journal*, 1901, p. 729.



The *Minneapolis Journal* of that day reported that since the Friday session several senators seemed to have been "smoked out" by their constituents, for they now declared themselves in impassioned language to be in favor of the direct primary. The first action came on a motion, which was defeated, to refer the bill to a committee for redrafting. Other amendments, which were also rejected, attempted to include state-wide offices but to exclude Congressional and judicial offices, to apply the bill only to Hennepin, Ramsey, and St. Louis counties, and to modify its provisions by various population qualifications. An amendment was also offered to require every voter to write on his ballot the principles he desired his candidate to stand for and the platform on which he thought the party should conduct the election, with the party bound to the platform favored by the majority, but this was shouted down and immediately withdrawn.<sup>23</sup>

The closest vote came on an amendment offered by Senator Alan J. Greer of Lake City to exclude from the bill municipal elections in cities or villages with less than ten thousand people. The amendment lost by a tie vote of 22 to 22. The *Minneapolis Journal* of April 3 reported an amusing incident connected with this amendment which shows the intensity of feeling among the senators over the issue. On the final tie vote, one of those recorded as favoring the amendment was Senator Ripley B. Brower of St. Cloud, who was actually one of its chief opponents. He had changed his vote to "aye" at the last minute because he thought the amendment would pass and he wanted to be able to request a reconsideration, which only a person voting for a measure may do. "There was a hearty laugh when it was discovered that the senator from St. Cloud has caused the tie," the paper reported. Though he did not

then wish to ask for a reconsideration, Brower was left on record as favoring an amendment which his constituents opposed. He requested unanimous permission to have his vote recorded as a "nay," but "Uncle Alan Greer objected. Mr. Brower then demanded that the record show that he had made the request and that the senator from Lake City had objected."

On April 2 three amendments were accepted by the Senate. One excluded from the bill school, park, and library board officers in cities with less than fifty thousand people; the second eliminated filing fees for all offices for which no compensation was received; and the third was a compromise on the provision that the voter must state his party affiliation. Senator John T. McGowan of Minneapolis had proposed an amendment providing a consolidated ballot, which would have made it unnecessary for the voter to declare his party affiliation (a change which was adopted by the legislature in 1933 and has been used since that time), but the move was defeated. Senator John H. Ives of St. Paul solved the question by proposing an amendment to give the voter the ballot which he asked for, thus eliminating an actual declaration of party affiliation.

DISCUSSION of the bill continued the following day. An amendment sponsored by Senator Edward E. Smith of Minneapolis to permit the use of voting machines was passed, as was Senator Snyder's proposal to set up a five-man canvassing board in each county. Senators Lord and Julius A. Collier proposed an amendment that was accepted which prohibited candidates defeated in the primary from having their names placed on the general election ballot as independents. Finally, when all the amendments were disposed of, the Senate passed the bill by a vote of 45 to 12.

The bill, with the Senate amendments, was returned to the House, but that body refused to concur in all the changes so a conference committee was appointed. It

<sup>23</sup> The events in the Senate discussed here and below are summarized in the *Senate Journal*, 1901, p. 781-786, 799-803. See also *Pioneer Press*, April 3, 1901.

recommended that the Smith amendment permitting the use of voting machines and the Ives amendment requiring the voter to ask for one ballot be stricken out. As a result, the bill now provided that the voter must announce his political affiliation in requesting a primary ballot. Both houses accepted the conference committee's recommendations, and the bill was sent to the governor, who signed it on April 10.<sup>24</sup> Minnesota now had the most complete direct primary law in the nation, and the *Pioneer Press* of April 14 proudly suggested in a cartoon, reproduced on the opposite page, that the other forty-four states might well follow Minnesota's example.

THE DIRECT PRIMARY SYSTEM of nomination was used in all counties of the state in 1902, when the elections were held on September 16. The results were generally satisfactory, although some defects in the law's operation were noted in the newspapers. In general, the number of voters who turned out was greater than expected. The *Brainerd Dispatch* of September 19, 1902, reported that the rural vote was light, but in the city at least a seventy-five per cent vote was cast, in spite of the fact that there were only three contests on the Republican ticket and none on the Democratic side. In St. Cloud and Stearns County an unexpectedly large vote was reported by the *St. Cloud Daily Times* of September 17, with several genuine surprises in the results. The *Red Wing Daily Republican* of the same date said that the number of votes cast in the city was surprisingly large, but that the rural vote was light. Two days later the paper commented that only five women had cast their ballots for nominees for county superintendent of schools, the only office for which they were permitted to vote at that time.

The major criticism of the direct primary was that the declaration of party affiliation was unpopular with the voters and that it did not accomplish its purpose of preventing cross voting. Both Republi-

cans and Democrats were reported to have asked for ballots of the opposite party. In many cases, the members of the minority party in a given county had few or no primary contests in their own party, so they asked for the ballot of the majority party. In Red Wing, for example, only thirteen persons asked for Democratic ballots although it was estimated that two hundred Democrats voted in the election. The remainder must, therefore, have asked for Republican ballots. In the Cedar Lake precinct near Shakopee, which normally cast over a hundred Republican votes in general elections, not a single Republican ballot was requested at the primaries. In Minneapolis and St. Paul, scores of known Democrats were reported to have voted Republican tickets, most of them without challenge. Even if challenged, they were often permitted to vote upon their declaration that they intended to support the Republican candidates in the general election. The first general use of the direct primary in Minnesota thus raised questions concerning cross voting, a problem for which no satisfactory solution has yet been found.<sup>25</sup>

Governor Van Sant, commenting on the election in his biennial message to the legislature, said: "After a trial of the primary election law the consensus of opinion seems to be that the law will be a permanent method of nominating candidates for office. Experience has suggested amendments and will continue to do so from time to time." He listed a consolidated ballot as one possible improvement. By 1905, the governor could tell the legislature: "So thoroughly satisfactory has this system become that there is no division of public sentiment to the effect that it should be forever maintained. When first enacted its crude features provoked much criticism, but ex-

<sup>24</sup> *Senate Journal*, 1901, p. 821, 861-863; *House Journal*, 1901, p. 870.

<sup>25</sup> See the *Red Wing Daily Republican*, September 17, 1902; *Shakopee Tribune*, September 19; *Pioneer Press*, September 18.

perience has suggested and brought about amendments which have brought it into its present satisfactory condition." Van Sant went on to recommend that the nomination of all state officers, and of United States senators, be made by the use of the direct primary.<sup>26</sup>

OVER THE YEARS numerous changes have been made in the primary law. The 1903 legislature extended the provisions of the general election laws regarding liquor and saloons to primary elections. Thereafter, saloons were closed on the day of the primaries, while in the 1900 and 1902 primaries the saloons had remained open.<sup>27</sup>

During the 1905 session, the legislature revised the laws governing the primaries, and made two relatively major changes. The candidates' affidavit of party affiliation was made slightly more stringent. Previously, candidates had been required to state simply that they were affiliated with the party in whose primary they filed, but now in addition each was required to state that he had either not voted in the previous election or had "voted for a majority of the candidates of said party" and that he "intends to so vote in the ensuing election." This has remained the test of party affiliation for candidates up to the present time.<sup>28</sup>

The provision for a declaration of party affiliation by the voter was made slightly weaker. He now was to be entitled to the ballot of the party which he had "generally supported" in the last election and in-



"THE Trial Trip. I ought to have about forty-four more of that type."

tended to support in the coming election, and he was to give this information on oath if challenged. The provision concerning party membership remained in effect until the adoption of the consolidated primary ballot in 1933.

The old controversy flared anew in 1952 when voters in the presidential primary were asked to state their party preference and many of them objected to the requirement. Some even refused to state a preference and left the polls without voting. Apparently the differences of opinion found in the 1901 legislature about who should be entitled to a primary ballot are still in existence. Considering the tenacity of the problem, the 1901 legislature and the 1901 direct primary law probably did not deserve the criticism they received for failing to provide a satisfactory solution. While the direct primary has come under fire in recent years from party leaders and others interested in stronger party discipline, the system adopted in 1901 appears to have been generally satisfactory for most citizens of the state.

<sup>26</sup> Minnesota, *Executive Documents*, 1902, 1:26; *Biennial Message of Governor S. R. Van Sant to the Legislature of Minnesota*, 1905, p. 34 (Minneapolis, [1905]).

<sup>27</sup> *General Laws*, 1903, p. 360.

<sup>28</sup> *Revised Laws*, 1905, p. 33, 34.

THE CARTOONS reproduced on pages 342, 347, and 351 appeared in issues of the *St. Paul Pioneer Press* for March 8 and 13 and April 14, 1901, respectively. They are probably the work of George W. Rehse, a self-taught cartoonist, who was born in Hastings, Minnesota, and who worked for various St. Paul newspapers about the turn of the century.



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