

“Promptly and Gratefully Embraced”

ABSENTEE VOTING *and the MINNESOTA SOLDIER* DURING *the CIVIL WAR*

Rebecca Rubinstein

IN 1862, MINNESOTA, like the rest of the United States, faced an electoral crisis. As many as a third of eligible voters in the United States left home to fight during the Civil War (1861–65). Volunteers initially enlisted for three months, expecting a short war. This illusion of an easy victory, however, had vanished by the fall of 1862. As election season neared, soldiers stationed far from home faced

the prospect of risking their lives for their country while losing their right to vote. Many politicians feared that anyone sympathetic to the war effort and forced to choose between service and voting had already left for the front lines, draining many states of eligible voters.

To accommodate absentee electors and prevent the complete

collapse of political support for the war, most states passed laws that simply translated existing voting methods—which required ballots to be cast in person—from home precincts to the soldiers’ camps. Many of these laws faced serious legal challenges, resulting in overturned elections or constitutional changes. Rather than adapt existing practices,

Captain Mark Downie (seated) and officers of the First Minnesota Volunteer Infantry Regiment at Camp Stone near Edwards Ferry, Virginia, March 16, 1862. Photograph by Matthew B. Brady.



Minnesota's leaders opted to create an entirely new voting system featuring mail-in absentee ballots that could reach soldiers in the field of battle and enable these brave souls to vote their conscience with the protections of secrecy and bipartisan civilian oversight. This new process, laid out in Minnesota's soldier voting law of 1862, revolutionized the electoral process and presented a road map for modern absentee voting.

Mid-Nineteenth-Century Voting Practices

Elections in Minnesota in 1862 bore little resemblance to the experience of present-day voters. The state would not adopt the Australian ballot, which listed all candidates for each race, until 1889. Instead, partisan newspapers printed "ballots" with their officially endorsed slate of candidates. These ballots usually appeared in the far-left column on the front page of the newspaper, listing each office followed by the endorsed candidate. Voters cut out these strips of paper, brought them to the polling place, and handed one to an election judge, who ensured receipt of only a single piece of paper before placing it in the ballot box.¹

Forcing individuals to obtain their own ballots opened the door to fraud and voter manipulation. In 1857, one Minnesota newspaper with Republican (antislavery) sympathies, the *St. Anthony Express*, printed "Republican ballots" that had a Democratic candidate for assistant judge of the Minnesota Supreme Court and no candidate for attorney general. Voters cast 30 of these misleading papers on election day. If possible, the political parties themselves distributed ballots to known supporters. Party operatives monitored turnout and which ballot each voter cast. If their party was losing, these operatives encouraged

The Daily Minnesotian of September 19, 1857, printed only the candidates from the Republican Party in the upcoming election of October 13.

additional voter participation by distributing more ballots throughout the precincts. With no official accounting for either voters or ballots, election judges provided the only safeguard for honest elections.²

Polling places were often in private residences. A homeowner opened his house to election judges, a clerk, and anywhere from 10 to 200 fellow citizens. Election judges tended the ballot box and voter registry, while a clerk took charge of the poll book. For many people, voting supplied a reason for gathering, but not the sole motivation for attending. Some residents enjoyed the social aspect of having so many people in one place, while others took the opportunity to conduct business or place bets on election outcomes.³

Small precincts, overseen by prominent citizens, provided a buffer against fraud. In theory, the hosts and judges knew their neighbors through business or other activities, preventing voting by unqualified individuals or repeat voting by eligible ones. In reality, however, the election structure proved susceptible to cronyism and corruption. The governor's race in 1857, featuring Democrat Henry Sibley and Republican former territorial governor Alexander Ramsey, produced so many accusations of voting irregularities that the loser, Ramsey, declined to contest the close result (only 240 votes out of more than 30,000), knowing any investigation would reveal as much fraud had been perpetrated by his supporters as by Sibley's.⁴

With fraud so common, government officials nationwide clung to the only preventive measure available: in-person voting under the careful

Daily Minnesotian.

SAINT PAUL:

Saturday Morning, September 19, '57.

OFFICIAL PAPER OF THE CITY.

BORUP & OAKES' BANK.

BANKING HOURS FROM 9 A. M. TO 8 P. M.



REPUBLICAN STATE NOMINATIONS!

Election on Tuesday, October 13.

For Governor:

ALEX. RAMSEY,
OF RAMSEY COUNTY.

For Lieutenant Governor:

JOHN C. IDE,
OF WASECA.

For Congress:

MORTON S. WILKINSON,
OF HOUSTON.

HENRY A. SWIFT,
OF NICOLLET.

CYRUS ALDRICH,
OF HENNEPIN.

For Chief Justice, Supreme Court:

HORACE R. BIGELOW,
OF RAMSEY.

For Associate Justices Supreme Court:

JOHN M. BERRY,
OF RICE.

H. A. BILLINGS,
OF FILLMORE.

For Secretary of State:

LUCAS K. STANNARD,
OF CHISAGO.

For Auditor of State:

A. P. LANE,
OF ANOKA.

For Treasurer of State:

FRANK MANTOR,
OF DODGE.

For Attorney General:

GEORGE A. NOURSE,
OF HENNEPIN.

For Clerk of the Supreme Court:

ALEXANDER B. RUSSELL,
OF SCOTT.

TERRITORIAL NOMINATION.

For Delegate to Congress:

CHARLES McCLURE,
OF GOODHUE.

DISTRICT JUDGES:

First District—SAMUEL J. R. McMILLAN.

Third—THOS. WILSON.

Fourth—LARDNER DOSTWICK.

Fifth—N. M. DONALDSON.

Sixth—LUTHER M. BAXTER.

REPUBLICAN PLATFORM.

adopted by the Republican State Convention of Minnesota, held at St. Paul, on the 10th and 11th of September.

observation of trusted judges. As election season neared in the fall of 1861, only Pennsylvania had a law enabling soldiers to vote while stationed away from home in military service. Translating standard election procedures to the battlefield, individual regiments appointed officers as election judges, erected ballot boxes, tabulated the votes, and transmitted results back home. Soldiers used this law in the fall of 1861 to exercise their elective franchise. The unconventionality of this law drew the attention of a national audience:

The election in Philadelphia on Tuesday was such a jumbled-up affair . . . [that] Pennsylvania is, we believe, the only state in the Union that has committed the stupendous blunder of permitting her troops to vote in their camps. However much we may be surprised at this act of folly on the part of Pennsylvania, we marvel still more at the fact of its being permitted by the officers in command at Washington. We are told that politicians with bags of tickets visited the camps on election day, and influenced the voting of the soldiers. What could be more demeaning to our volunteers?⁵

Beyond the scene in Pennsylvania, however, the 1861 election garnered little national attention, with so many resources dedicated to the war and no federal offices on the ballot. But the Pennsylvania law, which permitted voting by soldiers located hundreds of miles from their home precinct and its election judges, removed the only established deterrent to voter fraud. Even proponents of soldiers' rights feared Pennsylvania's law, intended to enfranchise the nation's defenders, would reduce soldiers to little more than electoral pawns stuffing partisan ballot boxes. The election results,

contested in court, arrived at the Pennsylvania Supreme Court in the case of *Chase v. Miller*.⁶

Minnesota Politics in the 1860s

Watching Pennsylvania adapt its regular voting process to the soldiers' camps could have left Minnesota legislators contemplating something similar. The idea of enabling soldiers to vote might have circulated during the regular session of 1862, which ended March 7, but most people believed the war would end before the next election and no soldier franchise bills came to the floor for a vote. Party politics and personal ambition, however, rarely strayed far from the minds of Minnesota's leaders.⁷

Federal legislation passed and signed into law on February 26, 1862, awarded the state a second seat in the US House of Representatives, igniting a political fight that ricocheted from the front line of the battlefield to St. Paul and back again. On March 15, Stephen Miller, lieutenant colonel of the First Minnesota Regiment and future Minnesota governor, sent Alexander Ramsey, his political ally back home, a letter saying,

I am glad to learn that we have two districts in the State, and think that you have it districted so as to carry both without much difficulty. I want the position, but shall bear the disappointment with philosophy if I fail. I hope that Baker if he runs will run in the southern district. Please keep me posted as to who are spoken of as candidates. Baker is very ambitious and if there is a shadow of a chance, will be in your way as senator.⁸

Miller's words foretold the coming political shake-up in the state. Democrats had once dominated



Stephen Miller expressed interest in attaining elected office while he was actively serving as a colonel in the army. He would later serve as the fourth governor of the state of Minnesota (1864–66) and as a member of the Minnesota House of Representatives (1873–74).

the state legislature, and the 1862 election, an off year for presidential elections, meant a great deal to many of Minnesota's political aspirants. Following the practice at that time, the legislature would elect the successor to fill the US Senate seat held by Henry Rice, a Democrat not seeking reelection. The current governor, Republican Alexander Ramsey, wanted that Senate seat for himself, which meant he needed a majority of Ramsey-friendly Republicans in the next state legislature. Lieutenant Governor Ignatius Donnelly (also a Republican) had his eyes on the newly created seat in the US House. Miller, also seeking that congressional seat, felt emboldened by the partisan bias he believed was incorporated into the new congressional boundaries.⁹

As Minnesota's political establishment awakened to the vital importance of the coming election, Pennsylvania Supreme Court Justice George Woodward delivered the majority decision in the case of *Chase v. Miller*. He declared unconstitutional the only law in the nation granting soldiers the right to vote. Specifically, he wrote that the Pennsylvania state constitution required each voter to attend the polls, in person in his home district, in order to cast a ballot. Furthermore, Woodward took issue with the idea that civilian elections could proceed under military supervision. He saw no way to prevent fraud or undue influence of commanding officers from affecting election results, and he envisioned no voting method other than the traditional public meeting familiar to voters of the day.¹⁰

While Justice Woodward delivered a blow to the soldiers' voting rights, high casualty rates at the Battle of Shiloh in Tennessee and during the Peninsula Campaign in Virginia convinced people that the war would last longer and be far bloodier than anticipated. President Abraham Lincoln responded to the shockingly negative reports from the field of battle with a call for 600,000 more troops over the summer. While he did not institute a draft at this time, the mere threat of a draft resulted in more enlistments. These new recruits signed on for three years, instead of the three-month enlistments in 1861. All these factors created the impression that the war was not going well, and voices calling for an end, by any means, grew louder.

Minnesota had already sent five infantry regiments to the war, but an additional five regiments mustered in during the summer of 1862. In response to the surge in enlistments, Joseph Wheelock, the state statistician, began circulating a citizen



The First Battery of Minnesota Light Artillery played a vital role in the Battle of Shiloh in April 1862. The battle was a pivotal moment in the war and signaled that the fighting was likely to last longer than many had expected.

petition urging the governor to call an extra session of the legislature to prevent the disenfranchisement of the departing soldiers. The first petition of several landed on Ramsey's desk carrying the signatures of 76 people.¹¹

The previous year, Ramsey had declined to call an extra session at the outbreak of the Civil War due to the cost, declaring that, as a young state, Minnesota could not afford the extra \$20,000 required to fund such a session. The benefits expected this time, however, outweighed both political and financial costs to the state. On July 20, 1862, the Minnesota Legislature passed a resolution for the extra session called by the governor. By the time the session began on August 21, 1862, the attention of most Minnesotans had shifted to the western half of the state due to the outbreak of the

US-Dakota War. This timing lends itself all too easily to a belief that Ramsey called the extra session in reaction to this second war, but the only official impetus for the extra session was the soldier voting bill.¹²

On this issue, the nation's two major political parties agreed. For them, soldier voting legislation was "a vote-maximizing response to the temporary absence of a big slice of the electorate." Pennsylvania's law enabling soldiers to vote from camp made the national news, especially since it resulted in a contested race. A lack of similar laws in other states did not necessarily upset or disenfranchise those soldiers. It did, however, force electors to request furloughs home to vote. In this respect, soldiers from eastern states had an advantage, since the distance between the front

and their home districts often made the trip fairly easy. For soldiers from western states, including Minnesota, the distance rendered the journey impractical. Whereas in 1862 Americans generally supported the idea of soldiers voting from the battlefield, thereafter opposition to these legislative bills grew as the Democratic Party increasingly sought to obstruct pro-Union voting.¹³

By proposing a soldier voting law before the election of 1862, Minnesota avoided the most contentious debates. Those who did raise concerns focused on expectational, not legal, challenges. For them, the fact that voting had to occur at a fixed location, near an elector's residence, meant that anyone absent from home at the time of an election expected to lose the opportunity to vote. In Minnesota, the *Chatfield Democrat* expressed what would become a partisan Democratic view this way:

We claim that there is a great and necessary distinction between the civil and military operations of the Government, and when a man takes upon himself the "pomp and circumstance" of a soldier, and marches to the field, he of course expects to and does surrender up his political civil rights at home for the time being. The soldier to all intents and purposes voluntarily disfranchises himself, when he elects to go beyond the jurisdiction and limits of his State, for a purpose, that in accordance with all custom separates him entirely from politics.

We venture to say that not one in a thousand of our brave soldiers who have gone to the war ever dreamed of being called upon to vote for civil officers until his return to the State, and they will doubtless be much surprised to learn how thoughtful their friends

are of their interests, and that they are to be unexpectedly called upon to rule matters at home although a thousand miles away.¹⁴

As Minnesota's legislators debated the soldier voting bill, few of them questioned the principle of allowing the soldiers to vote. Jane Grey Swisshelm, the editor of the *St. Cloud Democrat*, witnessed the effects of not having a soldier voting bill [see sidebar, p. 257]. A staunch pro-Lincoln Republican, Swisshelm published a newspaper known for ribbing its Republican foes, evidenced even in the paper's misleading title. Swisshelm believed the call of duty had claimed all the daring, able-bodied war supporters from the electorate. She and many others feared a future where soldiers nobly sacrificed their lives for their country while an antiwar electorate back home selected the representatives overseeing conduct of that war. Enabling the soldiers to

vote ensured they had a voice in the debate over whether to continue the war and support its goals or abandon the fight and cut the Union's losses. Swisshelm's newspaper bitinglly declared, "Our present Legislature is about passing a Bill providing that soldiers shall be permitted to vote all the same as if they were cripples, cowards or generally incompetent. The Bill passed the House thirty to six and will doubtless become a law."¹⁵

Representative Rufus J. Baldwin of Minneapolis introduced the bill in the Minnesota House. In the state senate, Francis R. E. Cornell took the lead, and it was referred to the Judiciary Committee. At the head of this committee sat the same Senator Cornell who had introduced the bill. Entitled "An Act to enable citizens of this State who are or may be engaged in the Military or Naval service of the United States, to vote in the Election Districts where they reside, at the General Election, to be held in the month of November, 1862, and at all subsequent General Elections during



Jane Grey Swisshelm was the editor of the *St. Cloud Democrat*—a pro-Republican newspaper despite the name. She was also a staunch defender of soldier voting rights and of protecting soldiers' voices in political decisions that affected the conducting of the war. She ran the *Democrat* newspaper out of her home in St. Cloud.



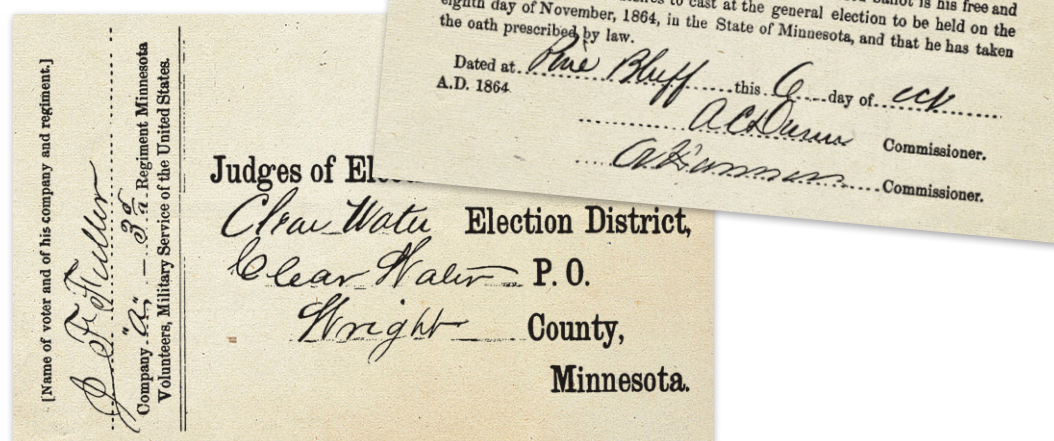
the continuance of the present war," the bill quickly passed out of committee, through the legislature, to the governor's desk. The only serious holdup in the legislature came from the realization that passage in late September for an election in early October did not allow enough time for implementation. As part of the bill, therefore, the legislature shifted the election one month later, to early November. Governor Ramsey signed it into law on September 25, 1862.¹⁶

The law bears scars from the fierce partisan divide and rampant voter fraud afflicting the state in its first-ever elections. It also displays the optimism and creativity of a young state intent on securing voting rights to its new residents, without the constraints of traditionalism that stumped older states. That neither Republicans nor Democrats could claim a history free of questionable, if not illegal election ploys meant that each side had an interest in creating a system that minimized the potential for abuse. Even better, each side wanted a representative on the ground, in the field, to ensure its voters had the opportunity to cast a legal ballot.¹⁷

Provisions of Minnesota's Soldier Voting Law

The new law provided for two sets of two commissioners, each set having one Democrat and one Republican, to visit the troops in the field and facilitate voting. The commissioners carried ballots, envelopes, and postage stamps—all provided at the state's expense. Each soldier selected a ballot, placed it in an envelope, and mailed the ballot back to his home district. The law stipulated that the soldiers vote in secret ("the persons voting shall select and deposit his ballot in the envelope, in such manner that the character of the same shall be known to himself only"), that

Soldiers could mail ballots from the front lines in envelopes such as this one, sent to the Clear Water Election District in Wright County, Minnesota, from Pine Bluff, Arkansas, in 1864.



the commissioners complete an oath attesting to the legality of the ballot, and that the soldier sign an oath that he voted according to his free will. To ease the process, the envelopes came preprinted with the oath for the commissioners to sign. The soldier filled in his own election district, post office, and county to prevent the ballot from landing in a precinct in which the soldier had no right to vote. Ballot secrecy (itself a previously unknown right), signed oaths from the voter and a witness, and a preprinted postage-paid envelope all exist in Minnesota's current absentee voting law.¹⁸

Using state funds to provide ballots may seem like a financial gift to the parties. Instead, this process, combined with the declared party affiliation of the commissioners, helped combat partisan biases and fraud. Other states' soldiers voted according to the established practice where each voter had to procure his own ballot. If the soldier served relatively close to home, he might find a local newspaper with a preprinted ballot. Farther afield, soldiers relied on party operatives visiting the camp

and distributing ballots, or on family members sending ballots through the mail. In each of these cases, nothing guaranteed the soldier equal access to ballots from either political party. At the start of the war, commanding officers in the Union Army tended to be Democrats. By 1863 and 1864, Republicans dominated the entire command structure from company leadership up to the commander in chief. For soldiers from other states, simply finding a Democratic ballot proved challenging.¹⁹

The partisan influences throughout the command structure underscored the importance of secrecy in the soldier's vote. If obtaining a party ballot for candidates opposed by fellow soldiers or commanders proved challenging, having these same partisan individuals overseeing the ballot box intimidated—perhaps even deterred—honest voters. And not without cause: soldiers depended on the good graces of their commanding officers for food rations, assignments, furloughs, and access to medical treatment. The secrecy clause in Minnesota's law shielded soldiers from revealing their political sentiments

in such a heated climate. Once the ballot left the soldiers' hands the law forbade tampering with it:

Any and every person who shall open any such envelope (except in the manner prescribed in this act) or shall detain, mutilate or destroy the same, or the ballot therein contained . . . shall be deemed guilty of a felony, . . . shall be imprisoned in the State prison for a term not exceeding one year, or fined . . . not less than five hundred dollars.²⁰

The commissioners had charge of the ballots between the soldiers and the post offices; the postal service then transported them to the soldiers' home election districts. The law directed election judges to preserve the anonymity of the soldiers and the secrecy of their votes:

The judges, upon receiving the said envelope, shall keep the same unopened until the opening of the polls, at the said election, when they shall examine the registry list of their district, and upon finding the name of the person endorsed upon such envelope, on said registry list, they shall open the said envelope, and unless the person whose name is endorsed upon the envelope shall have died after the certifying of the same, shall deposit the ballot contained therein, unopened, in the proper box or boxes, and canvass the same with the other votes cast at such election, in no way distinguishing the same from the other votes cast.

The two-envelope system currently employed in Minnesota's absentee balloting extends this protection to modern voters.²¹

Using the postal system to transmit individual votes gave the soldiers

another safeguard against partisan retribution. Electors forced to place their ballots in a box erected at the camp knew the ballot box would be opened and the votes tabulated on-site. The electorate back home had no way of knowing or accounting for the actual ballots voted. In May 1862, Illinois soldiers participated in that state's constitutional referendum. So many soldiers opposed the new constitution that commissioners abruptly closed the polls early, disenfranchising more than half these voters. One soldier described the situation:

Never did any four men in Illinois have the boundless power committed to them that these men have in taking sixty-five thousand votes which will probably be decisive of the issue, and yet they have not even *promised* to behave fairly. The secretary takes down the name of the soldier in an open book, records his votes, and the soldier goes on his way, not knowing what report may be made as the secretary travels round with the book in his possession, always open for any changes. . . . Can it be supposed that a body of experienced legislators forgot to make any safeguard to protect the vote of the soldier from fraud?²²

Minnesota's prohibition on knowing how any soldier voted or how soldiers voted as a bloc prevented legal challenges of any election results. This effect was demonstrated that very year, when Ignatius Donnelly narrowly defeated William J. Cullen in his quest for Minnesota's new congressional seat. Cullen considered using the soldier vote as a basis for contesting the election results in court, as losing candidates in other states had done. The Red Wing newspaper summed up the case:

On the 3d inst, Major Wm. J. Cullen served notice upon Lieut. Gov. Donnelly, that he, (Cullen) should contest his (Donnelly's) election. The principal ground upon which the contest will be based is the unconstitutionality of the act of the Legislature, authorizing the soldiers to vote. It is our opinion that Major Cullen will succeed in—making an ass of himself.

Heeding the pushback, Cullen decided that being branded anti-soldier in the middle of the war was the likeliest result of such an endeavor. He declined to contest the election, and Minnesota's law continued unchallenged.²³

Setting Legal Precedents

More than just creating a law that could withstand legal challenges, Minnesota completely reframed the concept of voting. Sending ballots by mail to a voter's home district meant trusting a third-party intermediary to transmit the ballots safely. It also required a mental and legal decoupling of the terms "voting" a ballot and "casting" a ballot. Until this time, people used the terms interchangeably. A voter obtained a preprinted ballot, entered the polling place, and deposited this piece of paper into a box. This counted as both voting and casting. According to Minnesota's 1862 law, the soldier voted his ballot by choosing one to insert into an envelope and sealing it for the journey home. Only when election judges at the polling place removed the ballot from the envelope and placed it into the ballot box was the ballot actually cast.

This distinction allowed Minnesota to avoid constitutional objections that stymied other states' soldier voting laws. Josiah Benton, in his 1915 seminal work *Voting in*

Mustering and Election Day Conflict

Judicial opinions opposing soldier voting laws cited soldiers' lack of interest in voting as a reason not to upend state laws. In Minnesota, the only legal case regarding Civil War soldiers' voting stemmed from the actions of a Baptist minister in Stearns County named Thomas Inman, who served as the captain of Company D, Fourth Minnesota Infantry. The story of Captain Inman, told in the *St. Cloud Democrat* (which actually favored the pro-Lincoln Republican Party), illustrates how some soldiers navigated conflicting obligations of military and civic duty in the early days of the war:

Capt. Inman, of the Pioneer Guards, in disregard of much earnest remonstrance from friends, started for Fort Snelling on monday [sic] morning, taking with him 48 of his men—all Republican voters. As the election is probably lost by less than that number of votes, . . . the gallant Captain and his men will suffer in the estimation of many whose good opinion is worth having. The historian must record that Stearns County cast her vote on the side of treason; while our Government was in deadly struggle with traitors. . . . We do wish the captain had staid [sic].¹

The story of Inman's company was not, however, as straightforward as the article made it seem. Two weeks later, new stories appeared in the *St. Cloud Democrat*:

Mr. Webb, of Fair Haven, called to say that the intention of Capt. Inman and his company to leave before voting was so far overruled by the intervention of himself and some others, that those who left on Monday [October 7] were so far paired off that but one republican vote was lost. By Capt. Inman's

order 27 remained to vote on condition that Mr. Webb should take them free of expense to Fort Snelling by 10 o'clock on Wednesday morning, which he did.²

While not every soldier cast a ballot, Inman ensured the unit's aggregate vote reflected its partisan balance. The greatest challenge the soldiers faced was not the loss of their right to vote but rather navigating between having a fixed day for the general election and a deadline for reporting to duty at Fort Snelling.

For all the captain's efforts at fairness to his soldiers, his county, and his country, some local Democrats called into question the admissibility of the votes:

The Secessionists of this county having failed to elect three of their candidates, are now trying to pick legal flaws in the election of three of the strongest Republican precincts. Maine Prairie and Fair Haven are disputed on the ground that the polls were open before 9 o'clock in order to let some members of Capt. Inman's company vote and leave in time to reach Ft. Snelling to muster in with those who preceded them.³

On the basis of improper polling place procedures, Judge Charles Vanderburgh overturned the contested election result for Stearns County treasurer (*Tenvoorde v. Proctor*) in district court, handing the victory to the Democratic candidate. It was the only legal battle waged in Minnesota over soldiers' voting rights, and it occurred before the passage of new voting laws.⁴

Notes

1. "Local News," *St. Cloud Democrat*, Oct. 10, 1861.
2. "Captain Inman's Company," *St. Cloud Democrat*, Oct. 24, 1861.
3. "The Election," *St. Cloud Democrat*, Oct. 24, 1861.
4. "Decided," *St. Cloud Democrat*, Feb. 27, 1862.

the *Field*, discussed at great length the various wording used in each state's constitution regarding voting. The key question was whether a constitution that required voters to cast their ballots "in the precinct in which they resided" meant that they must be physically present in that polling place to vote legally. Several states struck down soldier voting laws because the soldier could not vote anywhere except at home. Minnesota avoided this conflict altogether by asserting that a ballot voted in one location by a legal voter could then be

cast on his behalf in another location, provided that the ballot is certified, sealed, and transported via a trustworthy conveyance.²⁴

The importance of the postal service is another revolutionary aspect of Minnesota's soldier voting law. Minnesota's statehood coincided with an explosion in the number of post offices around the country. The postal system may have boosted the development of other midwestern states, but Minnesota completely integrated the postal service into the state's growth with a law that deemed postal



A typical wooden ballot box from the 1850s.

stations a prerequisite to township incorporation. Furthermore, all mail destined for western British North America passed through Minnesota. The postal routes that earlier in the century had connected then-future governor Henry Sibley and his fur traders with his contacts in the American Fur Company continued northward into Canada, where their competitors in the Hudson's Bay Company were dominant. Even as the fur trade waned, Minnesota's mail system continued to facilitate international commerce and international relations for the United States. Few people questioned whether a ballot entrusted to the postal service to reach Minnesota from anywhere in the United States would arrive at its destination.²⁵

By the end of the Civil War, nearly all states had a law enabling soldiers to vote while stationed away from home. Most states followed Pennsylvania's original model of placing a ballot box in the field. Three states, Connecticut, Rhode Island, and West Virginia, copied Minnesota's model (Connecticut and Rhode Island required amendments to their constitutions to do so). New York adopted a similar, yet distinct model of proxy voting, which required a third party to handle the vote before it was cast, opening the door to fraud.²⁶

Even when copying Minnesota's voting model, states did not offer voting rights as comprehensive as Minnesota's. Connecticut's law denied the vote to soldiers who turned 21 during the war, unless they first returned home. By contrast, Minnesota's law stipulated that election judges had to accept any soldier vote whether previously registered or not. Minnesota also joined West Virginia, New York, Michigan, and Nevada in allowing members of the navy to vote. To some, this may seem strange, with Minnesota being so far inland. That

view overlooks the vital importance of combat navigation and trade along the Mississippi River during the war. As noted earlier, Minnesota's system also allowed for the rejection of a ballot, should the voter die before election day.²⁷

Challenges in Implementing the Law

While Minnesota's law broadly extended the franchise to service members, implementing the law proved more challenging. With only two teams of commissioners dispatched to secure the votes of soldiers scattered from Minnesota to Virginia and south to the Gulf Coast, disappointingly few Minnesota soldiers actually voted. In Dodge County, for example, election officials received only "15 or 20 votes . . . out of at least 200 which we should have had" from soldiers. Two years later, on November 12, 1864, Governor Stephen Miller wrote to Colonel William Marshall, stating:

Am terribly mortified that our brave men of the Second, Fifth, Seventh, Ninth and Tenth regiments did not obtain an opportunity to vote. Assure them that I made every possible effort to reach them, both in Arkansas and Missouri, and that I will labor faithfully for such an amendment to the law during the next session as will reach every soldier belonging to the state in the future.

The following year, Miller noted in the annual governor's message:

I took the precaution to dispatch the Commissioners to receive the soldiers' votes fifty-three days previous to the late election, and as early as the local nominations could be communicated to the Secretary of State. But the isola-

tion of the army in Georgia, and the rapid movements of the command of Gen. Smith, through the interior of Arkansas and Missouri, resulted in the disfranchisement of five Minnesota regiments, and of many officers and men who were upon detached duty.²⁸

In December 1862, Secretary of State David Blakeley reported that more than 12,000 Minnesotans served in the military. They comprised one-third to one-quarter of the state's voting population, yet only about 4,750 soldiers had the opportunity to vote. Considering that only men over age 21 could vote, the remaining 7,000-plus disenfranchised soldiers represented the political opinions of thousands of households. For these households, no matter how much they cared about the war, the government, or local affairs, they lost their representation as long as the soldiers lacked the opportunity to vote.²⁹

A year later, Blakeley declared:

The Commissioners report that their appearance among the brave defenders of our government was



Minnesota secretary of state David Blakeley, circa 1865.

hailed everywhere by manifestations of peculiar favor, and that the opportunity afforded them to exercise the right of suffrage, was promptly and gratefully embraced. The law in force in this State regulating the taking of the soldiers' votes is believed to be an excellent one; and, in contrast with those of many other States, is economical, and well adapted to the accomplishment of the purposes for which it was framed.³⁰

AHEAD OF THE PRESIDENTIAL election in 1864, the debate over whether soldiers could or should have the opportunity to vote while serving away from home only intensified. Opponents cited anything from soldiers' lack of interest to an absence of free will, especially when voting for commander in chief. Proponents claimed that if the presidential election was a referendum on the war, the soldiers risking their lives in battle should have a say in whether they believed the goals worthy of the costs. Clearly, Minnesota's secretary of state believed not only that soldiers wanted to vote but also that Minnesota had created a superb method to facilitate it.³¹

The secretary of state must not have been alone in his esteem for Minnesota's soldier voting law. Although the 1862 law covered only general elections through the end of the Civil War, in 1917 Minnesota enacted a new, almost identical, soldier voting law. At first this new law applied only to the National Guard soldiers deployed to the Mexican border, but it was later expanded to include soldiers stationed in Europe. By the time Minnesota had passed its new soldier voting law, North Dakota had already enacted a mail-in absentee voting law based on an Australian system. Consequently, North Dakota often receives credit for opening this

new approach to the United States, the soldiers of World War I, and future generations of absentee voters.³²

Allowing Minnesota's Civil War soldiers to vote may not have altered election outcomes, but the law revolutionized absentee voting by clarifying basic terms such as "casting" versus "voting" a ballot. Relying on a combination of voter oaths, voter registration, independent witnesses, and an impartial, dependable postal service, the system proved so financially prudent and fraud resistant that other states began copying it even before the Civil War ended. As Minnesota and other states across the nation have expanded both absentee and early voting, many elements of Minnesota's 1862 law form the unbroken foundation of voter access, ballot privacy, and fraud prevention in the state election systems. ■

Notes

1. Minnesota Statutes, 1857, Chap. 6, Sec. 20.
 2. "Popularity of the Editor of the Express," *Weekly Minnesotian*, Nov. 21, 1857, 4; Spencer D. Albright, *The American Ballot* (Washington, DC: American Council on Public Affairs, 1942), 19–20; Eldon Cobb Evans, "A History of the Australian Ballot System in the United States" (PhD diss., University of Chicago, 1917), 6. According to the *Minnesotian*, the Democratic candidate for assistant judge, Isaac Atwater, was also the "Editor and Proprietor, in whole or in part of the St. Anthony Express," the newspaper that printed the misleading ballots.
 3. David A. Collins, "Absentee Soldier Voting in Civil War Law and Politics" (PhD diss., Wayne State University, 2014), 37.
 4. Richard Franklin Bense, *The American Ballot Box in the Mid-Nineteenth Century* (New York: Cornell University Press, 2004), xiii; William Anderson, "A History of the Constitution of Minnesota with the First Verified Text," *Research Publications of the University of Minnesota, Studies in the Social Sciences* 15 (Mar. 1921): 81–91; William Folwell, *A History of Minnesota* (St. Paul: Minnesota Historical Society Press, 1961), 2:4.
- Of the monitoring of voters in small towns, Bense notes: "Their neighbors, serving as party observers or election judges, knew their names and political leanings and were thus able to dispense with stereotyped physical appearance and

ethnic accents that, in the larger cities, served as proxies for partisan affiliation. Retribution could also be delayed for days or even weeks after an election because the voter, whose ballot had been monitored at the polls, could be located even after he had returned home. This also meant that retribution could be credibly threatened well before the election was held. Thus, unlike cities where the politicization of the community was largely restricted to the immediate proximity of the polling place on election day, rural areas could be effectively politicized for much longer periods and over much greater distances.

"Because party agents in large cities were unacquainted with most of the men who approached the polls, partisans often relied on ethnic identities in order to separate supporters and opponents. This reliance in effect transformed national policy issues into contests between ethnic and religious communities."

5. Collins, "Absentee Soldier Voting," 9; *Delaware State Journal and Statesman*, Oct. 11, 1861. A *Minnesota History* article from 1945 notes "a brief article from the *La Crosse Democrat* [Nov. 30, 1861] referring to the effect of the Pennsylvania voting law upon the 1861 elections. According to the Wisconsin newspaper, two-thirds of the soldiers voted for the Democratic ticket": Lynwood G. Downs, "The Soldier Vote and Minnesota Politics, 1862–65," *Minnesota History* 26, no. 3 (Sept. 1945): 188.

6. In 1861 Ezra B. Chase defeated Jerome G. Miller for district attorney of Luzerne County, Pennsylvania. Miller argued Chase won on the strength of the soldier vote and challenged the constitutionality of the state's soldier voting law. Pennsylvania Supreme Court Justice George Woodward, a staunch antiwar Democrat and prominent politician, wrote the majority opinion in the case: Josiah Henry Benton, *Voting in the Field: A Forgotten Chapter of the Civil War* (Boston: Plimpton Press, 1915), 196.

7. "When this war shall have terminated, as it apparently soon will, in the triumph of the cause of the Constitution . . .": *Annual Message of Governor Ramsey to the Legislature of Minnesota* (St. Paul, MN: William R. Marshall, state printer, 1862), 9.

8. Alexander Ramsey and Family Personal Papers and Governor's Records, 1829–1965, microfilm roll 13, Feb. 26, 1862, MNHS (hereafter, Ramsey Papers). Cyrus Aldrich, the lone representative from Minnesota, sent Ramsey a letter announcing the law awarding the state's second representative. On March 1, Ramsey returned a letter inquiring whether the state had to be restricted. Aldrich replied in the affirmative.

It is unclear whom Miller is referring to as a competitor; it might be Minnesota Secretary of State James Heaton Baker (1860–62). More interesting is the extent to which Miller followed politics in his home state even while serving away from home in the Union Army. It also seems that, in Miller's opinion, Baker is running for any office he can get. In any case, the tone of

the letter sounds more like the infighting of a nascent political elite dividing up trophies than public servants seeking offices that match their professional abilities. Later, as commander of Camp Lincoln in Mankato, Miller oversaw the mass execution of 38 Dakota men in the aftermath of the US-Dakota War, in December 1862, under the orders of President Abraham Lincoln.

9. The *Weekly Minnesotian* of August 1, 1857, suggests that this party shift in the legislature contributed to the delay in Minnesota's statehood. With Henry Rice in Congress and a Democratic majority in the territorial legislature, Minnesota's path to statehood seemed clear, with support from southern Democrats. At the time, however, US Senate seats were filled by election in the state legislature, and by 1857, Minnesota's legislature had a Republican majority, and Rice's narrow reelection undercut party confidence in his political capital.

10. Frederick Charles Brightly, *A Collection of Leading Cases on the Law of Elections in the United States with Notes and References to the Latest Authorities* (Philadelphia: Kay & Brother, 1871), 221.

11. Copies of the petition exist in the Ramsey Papers. The legislative manual for the extra session of 1862 includes a copy of the petition along with Ramsey's message to the legislature at the extra session.

12. *St. Paul Daily Press*, Feb. 27, 1862; "Adopted unanimously . . . a resolution calling for a special session," Ramsey Papers, microfilm roll 7A. According to the *St. Paul Daily Press*, "In all the loyal States, with the exception of Minnesota, the [soldier franchise] matter was made the subject of Legislative action, either by bringing it before the Legislature then in session or by convening extra sessions for that special purpose."

Some newspapers declared that Minnesota's soldier voting bill was a ruse and the real reason for the extra session was for Alexander Ramsey to gain appointment to the US Senate seat vacated by Henry Rice. Between this speculation and tension from the US-Dakota War, the extra session had plenty of intrigue, very little of which revolved around the soldier voting bill.

13. Collins, "Absentee Soldier Voting," 8.

14. "The Soldier's Vote," *Chatfield Democrat*, Oct. 11, 1862.

15. "Soldiers' Suffrage," *St. Cloud Democrat*, Sept. 25, 1862.

16. *Extra Session, General and Special Laws of the State of Minnesota* (St. Paul, MN: William R. Marshall, state printer, 1862), 13; Minnesota Legislative Manual, Extra Session, 1862.

17. "The innovation of absentee voting was much more likely to clear constitutional hurdles in the younger states, where the grip of the communal tradition of elections was not as tight as in the senior states": Collins, "Absentee Soldier Voting," 12. Collins also writes that the term "election" had become synonymous with "public meeting," so nobody conceived of a voting procedure that severed the individual from the community (36).

"In spite of all the pains taken to perfect the election law of 1860, the trial of it at the election of the same year disclosed so many defects that the legislature of 1861 found it desirable to repeal it bodily and to reenact it with proper amendments. The provisions of this new code apparently served so well toward getting honest votes into the ballot box and toward securing a fair count and canvass that they remained for many years without material changes": Folwell, *A History of Minnesota*, 4:339. See also Mary Lethert Wingerd, *North Country: The Making of Minnesota* (Minneapolis: University of Minnesota Press, 2010), 178.

18. Ramsey Papers, microfilm roll 13; Minnesota Session Laws 1862, 1st Special Session, Chap. 1, Sec. 6; Downs, "The Soldier Vote and Minnesota Politics," 200. This aspect of the law was used to disenfranchise the Renville Rangers, soldiers of mixed heritage, who fought with Sibley against the Dakota in the war of 1862.

19. Collins, "Absentee Soldier Voting," 37, 48.

20. Collins, "Absentee Soldier Voting," 64; Minnesota Session Laws 1862, 1st Special Session, Chap. 1, Sec. 8.

21. Minnesota Session Laws 1862, 1st Special Session, Chap. 1, Sec. 4.

22. *Chicago Daily Tribune*, May 23, 1862.

23. "Donnelly's Election to Be Contested," *Goodhue Volunteer* (Red Wing, MN), Dec. 17, 1862.

24. Benton, *Voting in the Field*, 6. Many states' constitutions speak of voters' "residence" at the time of voting. Benton offers a list of each state's language on residency requirements. Since most soldiers served far away from their election district, these residency requirements formed the basis of many legal objections to soldier voting laws. In Minnesota, however, Article 3, Section 7 of the constitution says, "for the purpose of voting, no person shall be deemed to have lost a residence by reason of his absence while employed in the service of the United States." Minnesota soldiers, while stationed all over the country, retained their legal residence at the place they lived when they enlisted, "for the purpose of voting": "The Soldiers Voting—The Senate Bill," *St. Paul Daily Press*, Sept. 12, 1862.

25. J. W. Patterson, "The Post Office in Early Minnesota," *Minnesota History* 40, no. 1 (Summer 1966): 83, 87; *Annual Message of Governor Ramsey to the Legislature of Minnesota* (1862). On January 16, 1862, the *St. Paul Pioneer and Democrat* printed a memorial from the Minnesota Legislature to the US Congress noting, in part, that "neither Canada nor England have sustained any effective or regular system of mails to the inhabitants of Central British America. In view of this neglect by the Home Government, we respectfully suggest the enlargement of our American arrangements."

26. Benton, *Voting in the Field*, 12. The only case of voter fraud prosecuted during the Civil War involved New York's proxy system, in which envelopes were opened and ballots switched en route to their proxies.

27. Collins, "Absentee Soldier Voting," 19; Benton, *Voting in the Field*, 314.

28. "The Elections Abroad: What's the Matter?" *Mantorville (MN) Express*, Nov. 7, 1862; Board of Commissioners, *Minnesota in the Civil and Indian Wars, 1861-1865* (St. Paul, MN: Pioneer Press Co., 1892), 2:606b; *Annual Message of Governor Miller, to the Legislature of Minnesota, Delivered January 4, 1865* (St. Paul, MN: Frederick Driscoll, 1865), 27. Following the election of 1862, Alexander Ramsey won his sought-after Senate seat and Ignatius Donnelly filled the congressional seat Miller wanted. After a brief stint during which Ramsey held both the Senate seat and the governorship, Lieutenant Governor Henry Swift took over as governor until an election in 1863 gave the governorship to Stephen Miller.

29. "Annual Report of the Secretary of State, December 25, 1862," *Biennial Reports of the Secretary of State, 1860-1900*, MNHS Archives. "In 1860 probably more than one Minnesotan in five—the proportion usually estimated—was a voter, since the entire white population of that year numbered 169,395, and the aggregate of all white male persons above the age of twenty was 38,183": Hildegard Binder Johnson, "The Election of 1860 and the Germans in Minnesota," *Minnesota History* 28, no. 1 (March 1947): 20. From 1861 to 1865 approximately 25,000 soldiers served from Minnesota.

30. "Annual Report of the Secretary of State, Jan. 1, 1864," *Biennial Reports of the Secretary of State, 1860-1900*, MNHS Archives, 42-50 (for soldiers, see 47-49).

31. Earlier in 1864, Democrats believed that opposition to the war so pervaded the military forces that their presidential candidate, General George B. McClellan, could dominate the soldier vote and win the election. Over the summer, the Union's successful Atlanta campaign changed the course of the war and soldiers' sentiments. By the time of the election, Republicans (including President Lincoln) believed the soldiers favored the current administration's execution of the war, and their votes would seal Lincoln's victory. In reality, the changing tide of the war uniformly shifted voter sentiment such that the soldier vote made little if any difference: see Benton, *Voting in the Field*, 26, 312.

32. "[US] Congressman [George M.] Young said North Dakota is the first state to pass legislation permitting legal residents to vote by mail": *Devils Lake (ND) World and Inter-Ocean*, June 29, 1916.

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