

# Voting Viva Voce

UNLOCKING THE SOCIAL LOGIC OF PAST POLITICS



## In Practice How Different Were Ticket and Viva Voce Elections?

DONALD A. DEBATS

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Public Voting

## In Practice How Different Were Ticket and Viva Voce Elections?\*

by  
**Donald A. DeBats, PhD**

*Residential Fellow,  
Virginia Foundation for  
the Humanities,  
University of Virginia*

*Head, American Studies,  
Flinders University, Australia*

There is only fragmentary evidence of how elections were conducted in America's past. There are two reasons for this.

First, the very ordinary is often the least recorded: few people enquire, let alone document in detail, how ordinary things happen, whether it is how checks are cashed or how elections are conducted.

Second, the administration of American elections has always been highly localized. As each modern election demonstrates, often in entertaining ways, US elections are run by local officials interpreting federal and state laws according to local practices and traditions. This means a great deal of variation in the conduct of election from place to place, much more so in the past than in our present. Even if we do know how elections are supposed to be run from a state's law books and are lucky enough to have a description of the mechanisms of voting in one election in that state, we cannot be sure of the procedures across that state or if state laws were enforced locally. This is particularly true in satisfying residence and citizenship requirements for voting.

What we do know is that elections are complex and much more so in the United States than in the parliamentary systems where oral voting originated. Along with an expanded suffrage, came arguments that large numbers of offices should be elected, rather than appointed, especially at the state and local level. In parliamentary systems, elections seldom involve more than a single office, which usually is filled only at the end of a parliamentary term: once every three, four or five years. In a federal United States, the list of offices being filled in a single nineteenth century election was typically around a dozen but could

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\*With thanks to Mr Charles E Valier, Chairman of the Bingham Trust, for so generously sharing his scholarship on George Caleb Bingham. I would also like to thank the Bingham Trust for permission to use Bingham's drawings associated with his painting, *The County Election*, and also the Saint Louis Art Museum for providing copies of the drawings for use in this website.





Cover and above

John Lewis Krimmel, *Election Day in Philadelphia*, 1815

Here we see one of the few depictions of a nineteenth century ticket election. Pictured here, from the early nineteenth century, is a ticket election in Pennsylvania, a state which had used the ticket system since the Revolution. Amidst scenes of considerable chaos, associated by the artist with alcohol, an election is underway. Tickets are being handed out without even the discipline of party booths. George Caleb Bingham's *County Election* also portrays the ill effect of alcohol on the democratic process, but Bingham was far more even-handed, portraying intense discussion alongside drunkenness. Krimmel has his icons too (an allusion to George Washington crossing the Delaware) and sets his scene with Independence Hall, the birthplace of the American Revolution, in the background. But his intention was to portray the defeat of those noble men and noble ideas whereas Bingham's was to demonstrate that the electoral process confirmed them. In 1815 Philadelphia, the individual display of tickets is pronounced; one perhaps is being carried away by a dog, a rich symbol of depravity for Krimmel. German born and trained, Johann Ludwig Krimmel came to the US in 1809 to join his brother in Philadelphia. Deeply influenced by Hogarth (and perhaps that artist's election series, also awash in alcohol) and Dutch genre painting generally, Krimmel, with his anglicized name, found his theme in the early nineteenth century temperance movement. As America's first genre painter, Krimmel has also been called its first temperance painter. A recognized if not popular artist, Krimmel drowned at age 35 in a millpond not far from Germantown. (Janet Marstine, "America's First Painter of Temperance Themes: John Lewis Krimmel, *Rutgers Art Review*, volumes IX-X (1988-1989): 111-34.)

Courtesy of the Winterthur Museum, Winterthur, Delaware

run to 30 or more. In addition of course the US traditionally had elections every Spring, Fall and often in between: Missouri conducted its legislative and local judicial and law enforcement elections—the election cycle portrayed in *The County Election*—on the first Monday in August. Referenda issues became increasingly popular in all election cycles.

Oral voting did not migrate easily from its parliamentary origins in England and Europe with infrequent elections for single offices to the US system of multiple annual elections for multiple offices. *Viva voce* elections in the US were complex

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*Election Types*, drawing for *County Election*, George Caleb Bingham, c1851

In this drawing and in the painting, *The County Election*, we have the evidence of how tickets were part of oral voting systems. In the drawing the figure holding the ticket has been identified as Erasmus Sappington, Bingham's opponent in the 1846 and 1848 elections to the Missouri state legislature. In this deliberately unflattering visage, Bingham presents Sappington in the process of trying to hand a Democratic ticket to a voter approaching the polls. The voter, with both hands in his pockets, is refusing to take the ticket. In the painting itself, a second figure holding a ticket is seen conversing on the steps to the porch of the courthouse. Voters could declare their vote orally; if the voter used a ticket, the names of the candidates supported were read either by the voter himself or the election judge. In all cases the election clerks would record in the poll book the name of that voter and the candidates for which his oral vote was proclaimed.

In this case the voter has his hands firmly in his pockets perhaps knowing, which certainly Bingham did, that trying to force a ticket into the hands of an unwilling voter was a criminal act under election law. Only Sappington was handing out tickets, perhaps another implied criticism by Bingham who presents himself in his painting, sitting below the steps, his back to the line of voters, leaving the decision to those who believed in his candidacy.

Bingham's 1846 victory was overturned by the machinations of the Democratic Party's "Central Clique" of which the Sappingtons were central figures; his 1848 victory was by a sufficient margin to make that impossible. *The County Election* is probably a composite of the two elections in which Bingham stood.

Aesthetically there is little to connect George Caleb Bingham and John Lewis Krimmel yet both found their greatest artistic success in their portrayal of ordinary Americans in the midst of a fundamental democratic moment—an election. They were separated by a generation (Bingham was just 10 when Krimmel died in a swimming accident in 1821) and Bingham's *viva voce* election is set in a rural county in Missouri while Krimmel's ticket election takes place in Philadelphia, a major commercial city.

But the real distinction is in their portrayals of the voters and the ideological lens through which they view the ordinary voter. To Krimmel, German-born and German raised, there was little to distinguish the conduct of an American election from the stupidity, buffoonery, corruption, and drunkenness in William Hogarth's four part election series painted in 1755. Indeed Krimmel possessed in Philadelphia a complete set of Hogarth's works. Krimmel was an outsider; he had come to Philadelphia only 6 years earlier. He never became an American citizen.

Bingham, on the other hand, had lived in Missouri since he was ten and was a candidate in the election he painted, held in Saline County, not far from Bingham's home in Arrow Rock.

George Caleb Bingham, *Electioneering Types*, brush, black ink and wash over pencil on wove paper, 8<sup>3</sup>/<sub>16</sub> x 8". Collection, The People of Missouri, The Bingham Trust. Image courtesy Saint Louis Art Museum, photography by Brian van Camerik











events for administrators who were charged with conducting the election and producing the poll books—two copies not just one—as the official record of the election. And how could an American voter remember and recite the names of the dozen or more candidates for whom he wished to vote?

The answer was that parties in American *viva voce* states produced lists of candidates, just as they did in the ticket states. We can see this in the only representation we have of a *viva voce* election: George Caleb Bingham's painting, *The County Election*. We see the candidate offering a slip of paper with candidate names to a voter and another voter holding a ticket conversing while ascending the steps to the porch where election officials are arrayed. The intention was to provide an option so that if a voter could not recall the list of candidates for whom he wished to vote, he could hand the ticket to an election official who would read from it so that the election clerks could record the voter's choices.

Does this mean that the ticket based elections and *viva voce* elections were the same, given that they both had tickets? No, the key difference remained—that in an oral voting system all votes should be heard and would be recorded.

The law in Bingham's Missouri was explicit on this matter: "The votes given at all elections shall be given *viva voce*, or by ticket handed to the judges, and shall in both cases, be cried in an audible voice by the officer attending, and noted by the clerks in the presence and hearing of the voters."\*\*

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Opposite

*Early Celebrants*, drawing for *County Election*, George Caleb Bingham, c1851

Bingham did not ignore the place of alcohol in nineteenth century election days. But there is a proportionality about his depiction of alcoholic excessiveness unlike Krimmel's painting or Hogarth's British election paintings in which it is difficult to identify any sober voter. Bingham's *County Election* depicts three voters who have over-indulged, but they are far outnumbered by voters whom Bingham saw as earnest, interested, and engaged.

The drunk in this drawing was identified as Billy Carmen, in his "favorite pose." Each of the three drunks is characterized as a habitual alcoholic, attracted to the election day festivities. (See T E Spencer's notes on "The County Election," Sappington Scrapbook: p. 119, Arrow Rock Archive, [friendsofarrowrock.org/archive/](http://friendsofarrowrock.org/archive/)).

George Caleb Bingham, *Early Celebrants* (1), brush, black ink and wash over pencil on wove paper, 11<sup>3</sup>/<sub>8</sub> x 9". Collection, The People of Missouri, The Bingham Trust. Image courtesy Saint Louis Art Museum, photography by Brian van Camerik.

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\*\*Section 37, Missouri Election Law, 1845.

Still there could be local confusion. In Alexandria, the local paper, the *Alexandria Gazette*, reminded voters on the eve of the 1859 election: “Persons voting in this State, must not only hand in their tickets, but the persons for whom they vote must be proclaimed audibly.” The paper quoted Section 4 of the Virginia constitution which required that, “In all elections, votes shall be given openly and *viva voce*, and not by ballot.” Yet there were instances, the editor complained, in which “printed tickets, with the names of the persons designed by the party to be voted for, are handed to the conductor [of the election], and the votes recorded for the persons named on such tickets.” There were probably instances when election clerks simply transcribed into the poll book the party-prepared list the voter presented, without reading aloud his ticket choices. This violated the whole principle of *viva voce* elections and diminished the distinction between oral voting and party ticket voting. Even the *Gazette* became confused, advising voters to “Deposit [sic] your votes, and retire immediately from the polls, so as to allow easy access to all”.\*\*\*

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*County Clerk*, drawing for *County Election*, George Caleb Bingham, c1851

The election clerks who recorded the poll books from nineteenth century elections have preserved for us an invaluable historical record. Bingham did not transfer his *County Clerk* depicted in this drawing to his painting, nor the clerk depicted in another drawing, *The Oath*, as he did most of his other drawings. What appears in the painting are two very different looking election clerks. Both have been identified as local residents, like so many others in this painting, well known to Bingham and recognizable by his Arrow Rock neighbors. Both sit on the raised platform. With his face obscured by the election judge's arms is Anthony O'Sullivan, part of Bingham's local network. He clerked at the store of a close friend of Bingham and that connection shows in the inclusion of O'Sullivan's dog, Scamp, in the painting. The other clerk, sharpening a quill, as in the drawing, was none other than "William B. Sappington, brother of Erasmus Darwin Sappington, the candidate." Bingham's ultimate political message in *The County Election* was carefully balanced, just like his drunks and his earnest conversationalists. Perhaps in the balance of the two clerks is another reminder of the forces he saw at play in the elections he knew so well. He was cheated out of his close victory in the 1846 election, but prevailed in 1848. When he painted *The County Election*, Bingham could look back on that history; in the two clerks he reminds us again of the undemocratic forces at play. But at the apex of the painting's pyramid flies the blue flag which bears the central political message of *The County Election*:

"The Will of the people.

The Supreme Law."

(See T E Spencer's notes on "The County Election," Sappington Scrapbook: p. 119, Arrow Rock Archive, [friendsofarrowrock.org/archive/](http://friendsofarrowrock.org/archive/)).

George Caleb Bingham, *County Clerk*, brush, black ink and wash over pencil on woven paper, 6<sup>5</sup>/<sub>16</sub> x 6<sup>7</sup>/<sub>8</sub>". Collection, The People of Missouri, The Bingham Trust, gift of St. Louis San Francisco Railway Company. Image courtesy Saint Louis Art Museum, photography by Brian van Camerik.

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\*\*\**Alexandria Gazette*, May 21, 23, 26, 1859.





In fact, however, a bright line has always separated ticket and oral voting. Regardless of local variations in the conduct of *viva voce* elections, the poll book remains the vital distinction between ticket and oral voting. Whether the voter gave voice to his choices, whether an election official read out the names on a voter's party ticket, or whether any vote was voiced at all, the poll books preserved the contents of each vote next to the name of each voter and they remain the defining feature of *viva voce* elections.

In a ticket system, the careful poll-watcher would note the color or design of the ticket held by voters as they came forward and would record their names (assuming he knew them by sight or caught their names if they were read aloud) but errors and incompleteness were inevitable. Moreover, the records created by the poll-watchers at ticket elections were private party records, which would be available only to those who would use them to further the party's electoral prospects.

The poll books from the *viva voce* states remain the perfect record of past elections: official, comprehensive documents preserving the full content of every voter's choices for all the offices being filled. They are the defining feature of *viva voce* elections. There is nothing else like them in all of American political history. They were deposited in their thousands in the city clerk's or county clerk's office for anyone to examine. Every vote was on file. And luckily, some of those files have survived.

Today, the world captured by the poll books, and only by the poll books, has disappeared, every aspect of it inverted by the secret ballot, the "Australian ballot" which privatized, individualized, and sanitized American elections. What was communal and collective and a partnership (however uneasy) between political parties and the state, moved to being the sole domain of the state.

American election days changed forever in this unnoticed and largely unheralded watershed in American political history. Today as more and more states experiment with "vote-by-mail" elections, even the notion of an



election day is fast disappearing. The public dimension associated with voting grows ever thinner. No doubt there are gains in this slide to greater and greater convenience, but there are losses to the public collectivity and excitement of an election—losses all the more significant if the goal of democratic politics is to achieve an engaged citizenry acting in the best interests of its community. ■

# Voting Viva Voce

UNLOCKING THE SOCIAL LOGIC OF PAST POLITICS

## Voting Viva Voce

### *Unlocking the Social Logic of Past Politics*

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Two mid-nineteenth century cities—Alexandria, Virginia and Newport, Kentucky—shared a common voting arrangement: both states required all votes in all elections to be cast in public by voice (viva voce). The poll books provided an official written record of every voter's spoken declaration. Professor Don DeBats presents and analyses this data on the website.

**Public Voting.** This project reveals the world of American politics at a time when every citizen's vote was public knowledge, and how social identity influenced votes.

**Alexandria, Virginia | 1850s.** On the Potomac just opposite Washington DC, Alexandria was a thriving commercial city based on slave labor in the late 1850's as the secession crisis loomed.

**Newport, Kentucky | 1870.** On the Ohio just opposite Cincinnati, Newport was, as the Panic of 1873 crashed down, a thriving industrial city based on immigrant labor.

## Colophon

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