

# Voting Viva Voce

UNLOCKING THE SOCIAL LOGIC OF PAST POLITICS



## How America Voted: By Voice

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Public Voting

# How America Voted: By Voice

by  
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The transparency of Election Day—being able to see or hear the choices of each voter—helped make past politics the mass spectacle that it was. And the most transparent way of voting was *viva voce*: calling out in public the name of the candidate you wanted for each office.

If the secret ballot was an Australian import that came to the US across the Pacific, *viva voce* arrived from the other direction—across the Atlantic from Britain and Europe (in Scandinavia, the Netherlands, and the German provinces) where oral voting had long been electoral law. In North America, it was the law across Canada and in six of the original American colonies, ranging from New York to Georgia. Westward settlement took *viva voce* to Kentucky, Illinois, Missouri, Arkansas, Texas and Oregon.

Cover and opposite

*The County Election*, George Caleb Bingham, 1852. This painting is the centrepiece of Bingham’s Election Series, which documents the process of a *viva voce* election from stump speeches to the reading of the results. Bingham completed the six paintings in the series between 1849 and 1855. This particular scene depicts Bingham’s deeply personal analysis of the 1846 and 1848 state legislative elections in Saline County, Missouri which were conducted, under state law, by voice vote. *The County Election* is the only depiction of a US election conducted *viva voce*. Bingham was a Whig candidate for the Missouri state legislature in both contests and won both, only to be denied his seat in the 1846 legislature by the manipulation of the wealthy powerbrokers of the “Central Clique” of Missouri’s Democratic Party. He ran again in 1848 and this time soundly defeated his nemesis, Erasmus D Sappington, his opponent in 1846 whose father, a central figure in the Clique, was deeply involved in overturning Bingham’s 1846 victory. That was a close election, decided by three votes, and the Clique ousted Bingham and installed Sappington by challenging the residential status and age of a handful of men who had voted for Bingham. Many of the characters in the painting are based on real individuals from Saline County who were key figures in the 1846 and 1848 contests. This painting depicts all of the activity and excitement surrounding a *viva voce* Election Day and the wide swath of socio-economic groups that were participating in the vote. The African-American dispensing hard cider from a jug was probably a slave as Missouri was a slave state and the Sappington family was among the wealthiest in the county and the largest slaveholders.

George Caleb Bingham, American, 1811–1879; *The County Election*, 1852; oil on canvas; 38 x 52 in. (96.5 x 132.1 cm); Saint Louis Art Museum, Gift of Bank of America 44:2001.







*Viva voce* voting was the defining feature of the political worlds of Washington, Jefferson, Madison, Monroe and Lincoln, all of whom came to political leadership in states that voted by voice. Its high point coincided with the great expansion of the suffrage: the era still sometimes referred to as “the golden age” of American political participation. Oral voting gradually waned, but even in the presidential election of 1860 nearly ten percent of the vote was cast by voice. In the 1830s five of the 26 states voted *viva voce* (Virginia, Kentucky, Missouri, Arkansas, and Illinois); in the 1850s five of the 33 states did so with Oregon replacing Illinois and Texas giving up its brief experiment with oral voting; in the 1870s only Kentucky and Oregon continued to vote *viva voce*. In 1891 Kentucky became the last state in the Union to practice oral voting and the only American state to move directly from voting by voice to an Australian invention: the state-produced secret ballot.

The objection to *viva voce*, of course, was that it invited intimidation and coercion, of employees by employers, of the weak by the powerful, and of individuals by groups. Yet it remains the case, perhaps ironically, that turnout was at its highest when public voting, by voice or by ticket, prevailed. Turnout went down with the introduction of secret voting.

Indeed the notion that open voting inevitably produced intimidated voters may be countered by an extreme case of power differentials: the electoral behavior of former slaves in Kentucky. Despite an economy based on slavery, Kentucky, Lincoln’s home state, remained loyal to the Union during the Civil War. As a “loyal state” Kentucky was not subject to many of the Congressional

#### Opposite

*Two Citizens*, George Caleb Bingham, c1852. As with the other characters in *The County Election* (1852), the men depicted in this preliminary sketch were based on real citizens of Saline County, Missouri. The man with the stooped shoulders was identified by Dr Oscar F Potter, a local resident and a subject for Bingham’s paintings, as O B Pearson, a business agent for the Sappington family. In this drawing, Bingham presents Pearson attempting to persuade a clearly dubious local farmer identified by Potter only as Lyle, to vote for Erasmus D Sappington. In the final painting, Bingham included a second farmer, identified as Thornton, also being addressed by Pearson; with his hands firmly behind his back, Thornton appears equally sceptical.

George Caleb Bingham, *Two Citizens*, brush, black ink and wash over pencil on wove paper, 13¾ x 10¼ in. Collection, The People of Missouri, The Bingham Trust, gift of Mr. and Mrs. Joseph Pulitzer, Jr., The Post-Dispatch Foundation and KSD/KSD-TV Incorporated. Image courtesy Saint Louis Art Museum, photography by Brian van Camerik.







on the left side of each page of their book the names of the voter as he came before them. They then indicated by number or tick across the page his choice of candidates for each of the many offices being filled at that election. Electoral law in the *viva voce* states required this mode of election for all offices, from president, Congress (until 1867), and state legislature, to the most prosaic city or county office. Post-election, the poll books became public documents and the evidentiary base for disputed elections. Those that survive are remarkable political documents: each an historical reenactment of a long-past political contest presenting the voting decisions of every citizen and the order in which those declarations were made.

Poll books are our own treasure trove of political information, data that even the most skilled of today’s political operatives cannot obtain. ■

Opposite

Poll Book, Alexandria, Virginia, May 26, 1859. This poll book is from the Third District (Ward 3) of Alexandria city and preserves the choices of all voters at that polling place (held at the County Courthouse) for Virginia’s governor, lieutenant governor and attorney general. In complicated elections such as this one with large numbers of voters for several different offices being filled, election clerks at each of the polling stations compiled separate poll books for different sets of elections, making quite different decisions as to which offices to combine. In the Third Ward a second poll book was created listing the voters for the Oppositions and Democratic candidates for Virginia House of Delegates (see profile of Lewis McKenzie on this website) and the US Congress from Virginia’s 7th Congressional District. The sequence of names is identical in both poll books, indicating that the voters called out all five of their choices at one time. This protocol was followed in all viva voce states, even when 20 or more offices were being filled, necessitating multiple poll books. There were four polling stations in Alexandria city, one per ward: two were established outside public buildings (the Council Chamber in addition to the County Courthouse) and two outside private houses which were probably linked to taverns.

Alexandria City Poll Books, Virginia State Library

3 <sup>rd</sup> District of Alexandria Co. Va.						
POLL FOR						
Governor, Lieutenant Governor, Attorney General, Members of Congress, and other Officers, May 26, 1859.						
Names of Voters.	Names of Candidates and Offices.					
	Governor	Lieut Governor	Attorney General	Members of Congress	Other Officers	Other Officers
	Wm L Goggin	John Litcher	Walter J Wiley	R L Montague	Walter Preston	Mr R Tucker
John McKinnon	/	/	/	/	/	/
J H Jones	/	/	/	/	/	/
Randolph Lewis	/	/	/	/	/	/
R. Russell	/	/	/	/	/	/
Wm C Spillman	/	/	/	/	/	/
W H Clifford	/	/	/	/	/	/
C. Barton	/	/	/	/	/	/
P. Davis	/	/	/	/	/	/
Joseph Williams	/	/	/	/	/	/
Samuel L Collins	/	/	/	/	/	/
James H. Benson	/	/	/	/	/	/



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### *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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