

TEXAS BALLOT REFORM:
THE ADOPTION OF VOTER REGISTRATION AND THE AUSTRALIAN BALLOT
SYSTEM, 1887-1892

By

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Introduction

“If voting made any difference they wouldn't let us do it.”¹

Mark Twain

Until very recently, modern American voters have given little thought to the mechanics of elections. Unacceptably long lines at the polls, the partial repeal of the federal Voting Rights Act, and a spate of so-called “Voter I.D.” laws enacted in Republican-controlled states have sparked partisan charges of “voter suppression,” focusing public attention on the voting process in ways not seen in generations. Recent headlines notwithstanding, however, it probably remains true that we still assume that the constitutional right to vote is protected and that the manipulation of the election machinery is the exception rather than the rule. Election campaigns today may be uncivil and antagonistic affairs in terms of the rhetoric employed by politicians, but on Election Day, we still believe we can count on basic safeguards protecting the integrity of the ballot.²

¹ “Quotes about Democracy,” Goodreads, accessed June 23, 2014, <http://www.goodreads.com/quotes/tag/democracy?page=1>.

² Alexander Keyssar, *Right to Vote: The Contested History of Democracy in the United States* (New York: Basic Books, 2000), 4. Keyssar writes, “Remarkably, this new (United States) constitution, born in celebration of “republican government,” did not grant anyone the right to vote. The convention's debates about suffrage, held during the doldrums of late July and early August, were brief, and the final document made little mention of the breadth of the franchise. Only section 2 of article 1 addressed the issue directly: it declared that in elections to the House of Representatives “the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.” More obliquely, section 1 of article 2 indicated that the legislature of each state had the right to determine the “manner” in which presidential electors would be selected, while article 4 entrusted the federal government with a vague mandate to “guarantee to every State in this Union a Republican Form of Government. Otherwise, the Constitution was mute—from which much would follow.” Voting is a constitutional right today, made so by the Fourteenth, Fifteenth, and Nineteenth Amendments. While Keyssar’s point is historical accurate from the nation’s founding through the Civil War years, it is no longer true today.

It was not always so. Indeed, the “good old days” were so bad that they initiated the implementation of the election processes we have today. Elections in late nineteenth century America were frequently bawdy affairs. Public drunkenness with violence, voter harassment, bribery, and intimidation were common accompaniments to the exercise of the franchise. Government regulation of the voting process was minimal and “quiet” polling places on Election Day were rare enough to merit headlines in the local newspapers.³

United States presidential elections in the 1880s provided the compelling events that pushed voters over the edge. Public sentiment finally grew weary enough of election mishandlings and manipulations to demand change. The election of 1884 was fraught with excessive mudslinging and personal acrimony. On Election Day that year, Americans cast over 10 million votes for the first time, yet only 23,005 votes separated the victorious Grover Cleveland from the vanquished James G. Blaine. Although the overall popular vote was close, the local efforts by the Tammany machine in New York City proved decisive to win the state of New York and the Electoral College majority. New York’s narrow plurality for Cleveland propelled the Democrats to victory for the first time since the Civil War. By a margin of just 1,047 of 1,167,003 votes cast in the state, New York’s thirty-six electors went to Cleveland winning the election.⁴

In the next election in 1888, Grover Cleveland narrowly lost his reelection bid to Benjamin Harrison. Although nationally he won the popular vote by almost 90,000 votes,

³ Newspapers throughout the state more often than not would mention if elections were quiet, and often they were not. Disturbances ranged from drunk and disorderly conduct or fistfights at the polls all the way to violent acts like stabbings or gunshots and occasionally murder. Rarely were discriminatory acts of violence or intimidation to keep individuals or groups from voting mentioned.

⁴ “The American Presidency Project: Election of 1884,” University of California Santa Barbara, accessed June 1, 2014, <http://www.presidency.ucsb.edu/showelection.php?year=1884>.

he failed to carry his home state of New York by fewer than 15,000 votes out of 1,321,270 votes cast. Many attributed Cleveland's 1884 loss in New York to voter fraud carried out by the same Tammany Democratic political machine in New York that had put him over the top the previous election. Tammany Democrats, upset with Cleveland's support for the protective tariff, which placed a tax on imports designed to protect American manufacturers from foreign competition, bolted from their party and supported the Republican candidate Benjamin Harrison.⁵

The tariff was the principal issue in the election, and Cleveland strenuously denounced high tariffs as unfair to consumers. His position endeared him to former Republican Mugwumps as well as southern and border states voters. Harrison took the side of industrialists and factory workers who wanted to keep tariffs high.⁶ Neighboring Kings County, New York Democrats charged that Cleveland's political "knifing" was payback from his old adversaries in the Tammany machine for his betrayal of their support in the 1884 election.⁷

Within days of the election, suspicions of Tammany's betrayal of Cleveland surfaced. Suspicions arose because Republican Benjamin Harrison's plurality in the New York state vote was 12,787 while the Democratic Governor David B. Hill, who was also from upstate and running for re-election, exceeded his Republican challenger by 17,740

⁵ "The American Presidency Project: Election of 1888," University of California Santa Barbara, accessed June 1, 2014, <http://www.presidency.ucsb.edu/showelection.php?year=1888>.

⁶ "The Election of 1888," Boundless.com, accessed November 4, 2014, <https://www.boundless.com/u-s-history/textbooks/boundless-u-s-history-textbook/the-gilded-age-1870-1900-20/corruption-and-reform-154/the-election-of-1888-826-6368/>.

⁷ "Official Vote of the New-York State For Candidates Voted For on Tuesday, November 6, 1888," *the New York Times*, November 24, 1888, <http://search.proquest.com.ezproxy.tcu.edu/hnpnewyorktimes/docview/94598329/citation/14183C08BF9330C7AF2/1?accountid=7090>, accessed October 3, 2013; L. E. Fredman, *The Australian Ballot: The Story of an American Reform* (Ann Arbor: The University of Michigan Press, 1968), 28-29; "The American Presidency Project: Election of 1888," University of California Santa Barbara, accessed October 6, 2013, <http://www.presidency.ucsb.edu/elections.php>; Michael Perman, *Struggle for Mastery: Disfranchisement in the South, 1888-1908* (Chapel Hill: University of North Carolina Press), 2001, 20

in the gubernatorial contest. In the city, Hill led by about 11,000 votes. Additionally, Tammany Democratic candidates swept the elections for city offices in fifteen of the city's twenty-four assembly districts. Cleveland's loss in the city stood out glaringly because it contradicted the voting patterns party leaders had anticipated given the Democrats' sweep of the local contests.⁸

Nonpartisan reformers and leaders of the neighboring Kings County Democratic Party charged that the only logical explanation for Cleveland's narrow loss in New York City was that Governor Hill and the Tammany Democrats had betrayed the national ticket. Referring to President Cleveland, the *New York Times* opined, "A better man never was sacrificed to a meaner one." In support of their allegations, Kings County leaders contended that opposition Republican peddlers had distributed Tammany's congressional and county ballots, which presumably contained the names of GOP presidential electors on an otherwise Democratic ballot. Such chicanery was made possible by the fact that there was no standardized ballot in American elections; the political parties were responsible for printing their own ballots or "tickets" and getting the tickets into voters' hands on Election Day. In this case, Cleveland's supporters alleged that Hill had cooperated with Tammany's "knifing" of Cleveland by "trading" part of the ticket to ensure his own reelection at Cleveland's expense. Tammany Democrats were asserting their power and independence from both the national and state Democratic Party to further their own interests, and they had manipulated the ballots in order to accomplish it.⁹

⁸ *New York Times*, November 8, 1888; Fredman, *The Australian Ballot*, 28-29

⁹ Fredman, *Australian Ballot*, 29.

After the 1888 election, the public demanded the cleanup of the pervasive fraud and corruption that party and machine politics had let run rife throughout the country. Cleveland's defeat in 1888, coupled with his strong endorsement for voting reforms in 1890, propelled the national discourse about election reforms that swept the United States over the following three years. By 1892, when Cleveland again opposed Benjamin Harrison for the presidency, a version of the modern secret ballot, also called the Australian ballot, was in use in three-fourths of the states. Widespread public demand for ballot laws and voting reforms resulted in thirty-three, or over three quarters, of the states enacting ballot reform between 1889 and 1892. In Texas and elsewhere, legislators reluctantly backed the movement only after overwhelming grass-roots support emerged.¹⁰

The Australian ballot system consisted of five major provisions. The government assumed the responsibility and expense for the printing and distribution of ballots instead of the political parties. For the first time, each printed voter's ballot contained the names of all the candidates for office rather than just one party's. Candidates could only appear on the ballot if nominated through their political party or by petition from the voters as a write-in candidate. Only election officials could distribute ballots and manage the ballot boxes used to collect the cast votes. Lastly, officials also took measures to boost the

¹⁰ Ibid.; "To Drive Out Corruption: Ballot Reform Must Purify Our Politics," *New York Times*, February 13, 1890; Fredman, *Australian Ballot*, 28-29; Perman, *Struggle for Mastery*, 20 ; "The American Presidency Project," University of California Santa Barbara, accessed November 3, 2014, <http://www.presidency.ucsb.edu/elections.php>. The thirty-year period between 1872 and 1892 was especially volatile in presidential politics voting. During this period, 3 percentage points (1876 and 1896) or less separated the popular vote winner from the loser. Less than 1 percent of the popular vote decided the 1880 (0.1%), 1884 (0.6%), and 1892 (0.8%). The period also contains two (1876 and 1888) of the four times that the nation elected a president who did not receive the most popular votes. Rutherford Hayes received 254,693 fewer votes than Samuel Tilden in 1876 and Benjamin Harrison polled 89,293 less than incumbent president Grover Cleveland in 1888, yet both won the Electoral College vote. The other two contests where the candidate elected received fewer popular votes were in 1824 (Andrew Jackson/ John Quincy Adams) and 2000 (George W. Bush/Albert Gore).

confidentiality of the voter's choice; hence, the term "secret" ballot came into use. In Texas, the Australian ballot system law included all five of these requirements.¹¹

Voting Reforms in Texas

Few political movements in this country have ever progressed as rapidly as that of ballot reform in the late 1880s and early 1890s. Beginning with the passage of the Australian ballot law in Massachusetts in 1889, the idea quickly spread from state to state until, at the presidential election of 1892, thirty-five of forty-four states were using the officially printed Australian ballot system in one form or another. By 1906, all but three of the forty-five states employed the Australian system with a wide variety of nuanced differences.¹² In the rush to prevent the deception and fraud so prevalent in the day, ballot reform advocates concentrated their attention upon the printing and distribution of ballots at public expense as well as preventing undue influence at the polls, guaranteeing confidentiality of the voting process, and ultimately ensuring the fair counting of the votes cast. Relatively little attention was paid to the actual form of the ballots themselves, an oversight that would incite much passion around the country and among Texans when the Australian system was implemented.

Texas was not an early adopter of the Australian ballot system. Although reformers began attempts to regulate the election process as early as 1888, the state did not embrace the Australian ballot system until 1892 with the system used for the first

¹¹ Fredman, *Australian Ballot*, 46

¹² Philip Loring Allen, "Ballot Laws and Their Workings," *Political Science Quarterly* 21, no. 1 (March, 1906): 38-58, accessed February 16, 2015, <http://www.jstor.org/stable/2140515>.

time in the election later that same year. Texas supporters claimed the Australian ballot system would root out the pervasive fraud and corruption prevalent in the election process. Other proponents claimed that ballot reform was a necessary to check on the unbridled expansion of the franchise, especially among groups they deemed unfit to participate in the democratic process. Unfit groups included minorities (namely African Americans and Mexican Americans), foreigners (mostly Mexicans but also Germans), the poor, and uneducated Texans. Finally, some reformers wanted to break the chokehold that the bosses and the political parties, especially the Democratic Party, held over the state.

Ballot reform in Texas involved two separate but interrelated issues: voter registration and the printing and handling of ballots as well as the mechanics of the actual casting and counting of votes. Voter registration was an issue that inspired much consternation and passion in Texas voters, largely because of the experiences Texans had endured in the aftermath of the Civil War during the Reconstruction period when Republicans instituted the state's first system of registration, which many Democrats believed the Republicans used unfairly to keep them from registering. With regard to the actual printing and handling of ballots, Texas's experience was much closer to that of other states.¹³

Ballot reform in Texas faced several challenges. One was a basic suspicion and distrust of government originating largely from the turmoil of Reconstruction. Another was the entrenchment of a single political party in power, the Democratic Party, which had little incentive to change or upset the political power structure in the state. These

¹³ Carl H. Moneyhon, *Texas After the Civil War: The Struggle of Reconstruction* (College Station: Texas A&M Press, 2004), 78.

political attributes were common to all the states of the former Confederacy, but the size and ethnic diversity of Texas and its long border with Mexico also set it apart from the rest of the South. Given the complexity of the state, election reform in Texas would not consist of any single act; rather it was a process, a continuum of events that culminated in the adoption of a constitutional amendment allowing voter registration in 1891, and the legislature passing legislation to implement registration along with the Australian ballot system in 1892. The approval of the voter registration amendment by the voters in August of 1891 provided the legislature with the courage to graft the Australian ballot system into the law that enacted voter registration in 1892. Voter registration was not a necessary precondition for the Australian ballot system for Texas, but the voter registration constitutional amendment's approval by a three-to-one margin at the polls signaled to the legislature that the public embraced election reform. Yet despite this victory, voter reform was a process left unfinished in 1892; a decade later, the enactment of the poll tax and the sweeping Terrell reform laws of 1903 and 1905, which ushered in a statewide direct-primary nomination system for all state, district, and county elective offices, would further reform the ways elections in Texas were conducted. Indeed, election reforms continue into our present time, as evidenced by the 2011 voter I.D. law.

In the end, Texas's first attempts at election reform were successful, accomplishing exactly what the legislators intended. While the implementation of voter registration and the Australian ballot system in cities did not eliminate election fraud, it helped to restore the patina of respectability and the public's faith in the election process in Texas. Nor did these two election reforms break the grip of the political bosses or the stranglehold that the Bourbon Democrats held over the state; in many ways, both

designed to and accomplished a strengthening of their hold. Voter registration and the Australian ballot laws demonstrated the value of and paved the way for two pieces of future legislation that proved far more successful in suppressing the vote; a poll tax in 1902 and the Terrell Election Laws of 1905. That future legislation caused voter turnout to plummet from all-time highs to record lows from which it still has not recovered. Voter apathy insured diminished democracy, which in turn had business, racial, class, and social repercussions that continue to the present time. Texas's adoption of Australian ballot system and voter registration in the late 1880s and early 1890s had profound impact because it paved the way for additional efforts by the state to engineer the electoral base and in so doing, institutionalized Democratic, single-party rule. This in turn established the permanent domination of the business interests over those of the citizen majority, as well as the marginalization of minorities and the poor through disfranchisement.¹⁴

¹⁴ "Election Laws," Handbook of Texas Online, accessed February 22, 2015, <https://www.tshaonline.org/handbook/online/articles/wde01>.

Chapter 1

The Historiography of the Australian Ballot

“Many a time freedom has been rolled back - and always for the same sorry reason: fear.”¹⁵

Molly Ivins

A comprehensive historical account of Texas’s adoption of the Australian ballot system has not been written. Although accounts of that period in Texas history mention the Australian ballot, the movement is usually addressed in passing in a broader discussion of political personalities, the emergence of single political party rule, or the disfranchisement of African Americans and minorities in Texas. While these discussions factor in the Australian ballot system, no one explores the Australian ballot reform in Texas as the center of their work. The historiography of the ballot reform tends to come in bits and pieces that fall into three categories; national, regional, and Texas.

The historiography of the Australian ballot begins in 1889. John H. Wigmore, a Boston lawyer and Dean of the Northwestern University School of Law, published the *Australian Ballot System*, which glowingly praises America’s ballot reform efforts. In 1911, Arthur C. Ludington, a Yale graduate and former assistant to President Woodrow Wilson, published his digest, *American Ballot Laws, 1888-1910*, as one of the regular

¹⁵ Molly Ivins, “The Fun's in the Fight,” *Mother Jones*, May/June 1993, 1, accessed April 17, 2015, <http://www.motherjones.com/politics/1993/05/funs-fight>.

bulletins of the New York State University. He chronicles the secret ballot's adoption and progress state by state, as well as the ballot's then current status.¹⁶

Eldon Cobb Evans' dissertation, *A History of the Australian Ballot System in the United States*, published in 1917, records the new ballot movement from the perspective of a contemporary political scientist. He traces the adoption of the Australian ballot system in the United States and includes a discussion of "the evils of the unofficial ballot" which led to the initial calls for ballot reform following the Civil War. Evans also reviews the progress of ballot reform up to that time and the pertinent courts' attitudes and rulings. Evans provides an analysis of the various states' ballot legislations both before and after the reform's implementation.¹⁷

The only comprehensive, detailed account of the adoption of the Australian ballot system in the United States comes from an Australian, L. E. Fredman, in his 1968 book *The Australian Ballot: The Story of American Reform*. The Newcastle University professor discusses early American election abuses and the development of the political reform known as the "Australian Ballot." Fredman follows the movement's journey from its roots in British Chartism through his native Australia and to the shores of America, where he drills down into the causes, motivations, and mechanics of the ways in which the Australian system merged into the Progressive Era's agenda.¹⁸

Charles Edward Merriam and Louise Overacker, two political scientists at the University of Chicago, approached the history of ballot reform by analyzing its impacts

¹⁶John Wigmore, "The Australian Ballot System," *Science* 13, no. 315 (February 15, 1889): 125-27, accessed September 27, 2013, <http://www.jstor.org/stable/1763174>; Arthur C. Ludington, *American Ballot Laws, 1888—1910* (Albany: University of the State of New York, 1911), accessed September 30, 2013, <https://archive.org/stream/americanballot100ludigooq#page/n0/mode/2up>.

¹⁷Eldon Cobb Evans, *A History of the Australian Ballot System in the United States* (Chicago: The University of Chicago Press, 1917), v.

¹⁸Fredman, *Australian Ballot*, x, 98.

on a later reform, the direct primary. In their book, *Primary Elections*, Merriam and Overacker argue that the quick success of the Australian ballot's adoption "aroused widespread interest" in the regulation of party primaries. Merriam and Overacker posit that "the orderly conduct of this part of the election machinery attracted almost as much legislative attention as the ballot reform itself" because it would "lead to the reduction in the (political party machine) boss and facilitation of reform movements."¹⁹

Equally important, if not more so, Merriam and Overacker contend that for the first time the political parties gained legal status, which in turn opened the door to their regulation. The political parties were amenable to regulation in exchange for the privilege of having their candidates appear on a common, state funded and sponsored ballot with the legitimacy that such a ballot conferred. It was logical that the states, in turn, would require that the party nominees be "only in accordance with such rules and regulations as might be deemed necessary; in short, to prescribing in detail regulations governing the entire procedure of party primaries. Thus, the party ceased to be a purely voluntary association and became a recognized part of the nominating machinery." In effect, the entire nature of unrestricted political parties became a vestige of the past and state regulation of all aspects of the political process became embedded.²⁰

V. O. Key, a native Texan and political scientist, was one of Merriman's students and built upon his work. Key's 1949 book, *Southern Politics in State and Nation*, is most famous for his "fait accompli" theory. Key observed that disfranchisement efforts, like voter registration and the Australian ballot, occurred prior to the adoption of constitutional provisions, such as the poll tax, designed to limit suffrage. Key used Texas

¹⁹ Charles Merriam and Louise Overacker, *Primary Elections* (Chicago: University of Chicago Press, 1928), 23-25.

²⁰ Ibid.

as the example to illustrate the point. He noted that voter participation peaked in 1896 at the zenith of the Populist movement, eight years before the implementation of the poll tax. By the time the poll tax became effective in 1904, voter turnout had fallen precipitously, from over 80 percent in 1896 to the mid-30 percent range in 1904. The decline continued in the ensuing years, fluctuating between 10 and 30 percent of the potential voters. The problem with Key's "fait accompli" theory is that both registration and the Australian ballot began to be used in 1892 and voter participation did not decline until after the 1896 election, when it fell precipitously until it temporarily bottomed out in 1905.²¹

Key called the systemized disfranchisement a "Bourbon coup d'état" and attributed the decline in interest from voters to several causes. One was the single-party dominance that the Democrats enjoyed in Texas and throughout the South. Another contributor was the continued discouragement minorities and the poor received through violence, intimidation, and legal hurdles that impeded their voting. He also describes the general disillusionment with the political process that farmers, minorities, and the poor felt after the collapse of the Populist movement in 1896. Key concludes that the constitutional disfranchisement merely institutionalized the reality that already existed. Perhaps a better explanation for the decline of voter participation is that voter enthusiasm waned because voters realized, with Populism's downfall, that the system was engineered against change and that their efforts and votes were futile.²²

Alan Ware, Professor of Politics at Oxford University and a Fellow at Worcester College, largely agreed with Merriam and Overacker about the dominant role that

²¹ V. O. Key, *Southern Politics in State and Nation* (New York: Vintage Books, 1949), 533-35.

²² *Ibid.*, 531-535.

political parties had attained in the nineteenth century. Ware's 2002 book, *The American Direct Primary: Party Institutionalization and Transformation of the North*, argues that the Australian ballot reform promoted a belief among party elites that the successful institutional reform of parties was attainable. He posits that the political party members believed that a standardized ballot would eliminate polling booth practices that generated negative publicity for the major parties while also reducing electoral "treachery" in their own ranks. Party controlled ballot reform efforts led party leaders to believe that they could maintain their control over the mass electorate despite electoral changes such as the Australian ballot that limited the party's options to buy votes and stuff ballot boxes.²³

Ware also argues that the political party's success with managing ballot reform convinced the party's leadership that they could maintain the caucus-convention nomination system and manipulate it to their advantage while also portraying it as fair to the public. In other words, "the very success of the early reform, the Australian ballot, adversely affected the context in which decisions about the later reform, the direct primary, were taken." The caucus system, where party leaders gathered in the infamous "smoke filled room" and decided the party's policies and hand-picked the candidates to implement those policies, was patently undemocratic and perceived as such by the public and by many party stalwarts. Reformers, spurred and emboldened by their success with ballot reform, then pushed for elimination of the caucus system.²⁴

The predominant body of national historiography around the Australian ballot recasts its impact from a change that was originally intended as a clean-government reform that was enthusiastically embraced by the true believers in democratic reform to

²³ Alan Ware, *The American Direct Primary: Party Institutionalization and Transformation in the North* (Cambridge: Cambridge University Press, 2002), 256.

²⁴ *Ibid.*, 57-59.

one where it became a manipulative tool of various political interests. In his 1974 book, *The Shaping of Southern Politics: Suffrage Restrictions and the Establishment of the One-Party South 1880-1910*, historian J. Morgan Kousser of the California Institute of Technology portrays the reform from a regional and somewhat cynical perspective. He proposes that the secret ballot was a scheme to deny the voting franchise to undesirable voters. For many throughout the country, African Americans, illiterates, the foreign-born, and the poor were undesirable voters. Kousser asserts that the secret ballot was but one of many so-called “reforms” that functioned to further disenfranchise these voters, especially in the South.

Kousser looks at disfranchisement at the national level but focuses his analysis upon the South and devotes a thirteen-page section to Texas suffrage restrictions. Kousser explains that Texas differed from the rest of the South in several aspects. First, Texas did not have a long history of an aristocratic planter class with their fixed racial attitudes, and the stable, elitist power structure that characterized slave society. Secondly, Texas was not a main theater of fighting in the Civil War, so less hatred for the North and susceptibility to the “Lost Cause” argument entered into the political equation. Third, there were fewer African Americans living in Texas, comprising only 18 percent of Texans compared to 36 percent in other former Confederate states in 1880. Thus, white Texans had less reason to fear of African American political domination. A side effect of the smaller Black population was that the Bourbon Black Belt politicians exercised less influence in Texas than they did in other Deep South states.²⁵

Lastly, Texas differed from the rest of the South because Texans had a greater

²⁵ J. Morgan Kousser, *The Shaping of Southern Politics: Suffrage Restriction and the Establishment of the One-Party South, 1880-1910* (New Haven: Yale University Press, 1974), 196-197.

openness to third party politics and was not as captive to the Democratic Party. Even though the Democrats were predominantly white and the party was dominated by businessmen and rich landowners, their support came from all classes. Republicans, approximately 75 percent of whom were black, exercised their power by forming coalitions with third parties. They created these alliances most effectively with the Populists in the 1880s and 1890s under the leadership of Norris Wright Cuney. Democrats continuously battled against the repeated efforts of the poor white-Negro coalition to gain power and political office.²⁶

Kousser was leveraging an obscure idea previously articulated by Joseph B. Bishop in an 1892 article titled, “The Secret Ballot in Thirty-three States.” In the article, Bishop wrote that balloting in secret furnished the South with a “method by which they can get rid of the great bulk of the colored vote in a legal, peaceable, and unobjectionable manner.” Bishop expressed confusion as to why southerners appeared reluctant and slow to adopt a reform “so manifestly in their self-interests.” He believed that southerners

²⁶ Ibid., 198. Men with economic challenges and those with frustrated political ambitions within the Democratic Party drifted toward third party movements in Texas. This was especially true compared to the rest of the South as the table below illustrates:

<i>Party</i>	<i>Year</i>	<i>% in Texas</i>	<i>% in Ten Other Southern States</i>
Greenback	1880	7.2	2.2
Union Labor	1888	6.6	0.6
Populist	1892	19.0	8.0
Mid-Road Populist ^a	1896	13.5	1.1

^aThe “Middle of the Road” faction refused to cooperate with either the Democratic or Republican parties, keeping instead its independent identity.

would enthusiastically support the secret ballot once they realized its potential for disenfranchising African Americans and the poor.²⁷

Michael Perman, Professor of History Emeritus at the University of Illinois at Chicago, agrees with Joseph Bishop's view of ballot reform as a tool of voter suppression. In *Struggle for Mastery: Disenfranchisement in the South, 1888-1908*, Perman argues that the South found that it was more effective to disqualify voters based on literacy at the time of registration rather than to deny them the right to vote at the ballot box. Unlike Bishop, though, Perman suggests that would-be disfranchisers regarded ballot reforms like the Australian ballot as insufficient since it failed to disenfranchise voters thoroughly enough. Perman points out erroneously that Tennessee, Texas, and North Carolina blatantly limited the coverage of their secret ballot legislation to black-majority areas only. This was not true for Texas where the Australian ballot was applicable only for cities and towns with ten thousand or more population, none of which were predominately African American. Georgia and South Carolina, the only holdouts on the Australian ballot did not institute the secret ballot until after 1910. "Despite its obvious merits as a means of reducing the vote, the secret ballot was not the ultimate remedy the southern Democrats sought," because it was not effective enough, Perman concludes.²⁸

Perman argues that the disenfranchisement of southern African Americans represented the final phase in the reassertion of white southern dominance and subordination of African Americans as well as the ascendancy of the political and

²⁷ Joseph B. Bishop "The Secret Ballot in Thirty-Three States," *The Forum* (January 1892): 589-98, accessed October 7, 2013, <http://www.unz.org/Pub/Forum-1892jan-00589>; "Purifying the Elections," *New York Times*, March 22, 1887, accessed October 7, 2013, <http://query.nytimes.com/mem/archive-free/pdf?res=FA0B12FC3D5413738DDDAB0A94DB405B8784F0D3>.

²⁸ Perman, *Struggle for Mastery*, 21.

economic elite of the Democratic Party. While the form of white supremacy evolved to meet new conditions, Perman asserts that the substance, white southern racial domination of African Americans, remained consistent. The Australian ballot and voter registration were but two more tools in the toolbox to accomplish the goal of “purity at the ballot box.”²⁹

Alexander Keyssar, Professor of History at Harvard University and author of *The Right to Vote: The Contested History of Democracy in the United States*, sees class and its connection with immigration as key factors in the expansion and contraction of the franchise in the United States.³⁰ Keyssar calls the Australian ballot “an indirect and limited means of promoting a literate electorate, and by inference, to disfranchise the illiterate voter.” He cites three reasons for believing that disfranchisers desired a literate class of voters. First, many held that illiterate men lacked the intelligence and knowledge to be wise or adequate voters. Second, many disfranchisers believed that a proficiency in English was somehow essential to an understanding of American values and institutions. Lastly, disfranchise advocates held the conviction that literacy and education were necessary for the proper assimilation of immigrants into society.³¹

Keyssar identifies 1890 as the date that the South began to legally and systematically disfranchise African Americans. He notes that because southerners were “Faced with recurrent electoral challenges, the annoying expense of buying votes, and controversy surrounding epidemics of fraud and violence, Democrats chose to solidify their hold on the South by modifying the voting laws in ways that would exclude African

²⁹ Ibid., 7-8.

³⁰ Alexander Keyssar, *The Right to Vote: The Contested History of Democracy in the United States* (New York: Basic Books, 2000), xxii-xxiii.

³¹ Keyssar, *Right to Vote*, 142-143.

Americans without overtly violating the Fifteenth Amendment.” Constitutional means, like Texas’ voter registration amendment, and legislative laws, like Texas’s Australian ballot, reinforced and institutionalized Redeemer rule and reversed the expanded franchise. Keyssar concluded that the South’s disfranchisement effort was “grounded solidly in class concerns as well as racial antagonism.”³²

Regional historiography commonly interprets the Australian ballot and voter registration as a tool of racial, economic, and class discrimination. Both voter registration and ballot reform are seen as part of a regional effort to reinstitute white supremacy and restore the old pre-Civil War order.

The next four authors blend concepts from regional historiography with the political party aspects of the national perspective while also addressing factors that were unique to Texas such as the rural political bossism among Hispanics in South Texas. Roscoe C. Martin’s 1933 book, *The People’s Party in Texas; A Study in Third Party Politics*, claims that African Americans and “foreigners,” those Texans foreign-born or native born of foreign parents, held the balance of power in 1890s Texas. Martin, who was a political science professor at Syracuse University, contended that although 63 percent of Texas’s population was white and native born, it was necessary for the Democratic Party to obtain at least 80 percent of that vote to win. Martin’s analysis surmises that Democrats had to either form alliances with African Americans and “foreigners” or restrict the franchise to remove those voters that threatened their domination. Martin attributed Democratic supremacy to the “controlled vote” and the

³² Keyssar, *Right to Vote*, 111, 114.

disfranchisement that occurred with the poll tax and other restrictions inherent in the Terrell Election Laws of 1903 and 1905.³³

In Alwyn Barr's 1971 book, *Reconstruction to Reform; Texas Politics, 1876-1906*, the Texas Tech historian only mentions the Australian ballot three times, although he writes extensively about the elections and the abuses that abounded during the period. Barr acknowledges the systematic denial of the right to vote but also the manipulation of minority groups to vote a certain way. One example of such mishandling comes from Democratic Party power broker Edward M. House's warning that stopping Mexican nationals from illegal voting in South Texas "struck at the source of Democratic strength: . . . should the Populists and Republicans join hands two years hence we will sorely need every one of them."³⁴

Evan Anders, professor of history at the University of Texas at Arlington, explains that the impact of the voter registration and Australian ballot laws of the 1890s on the political bosses and South Texas elections was negligible. In his 1979 book, *Boss Rule in South Texas*, Anders writes that "despite the statewide furor over election abuses along the Rio Grande, none of the reform initiatives of the 1890s curtailed the manipulation of Hispanic voters." Anders notes that the bosses opposed registration and the Australian ballot system, and for a while they "managed to block passage of the Australian ballot and limitations on assistance to illiterate voters," but once passed, the laws "had little effect on the participation of Mexican nationals in the border elections." Anders's point is that dishonest officials and collusion produced electoral abuses long

³³ Roscoe C. Martin, *The People's Party in Texas: A Study in Third Party Politics*, 3rd ed. (Austin: University of Texas Press, 1970), 89-90, 177-180.

³⁴ Alwyn Barr, *Reconstruction to Reform: Texas Politics, 1876-1906* (Austin: University of Texas Press, 1971), 109, 145, 175, 203.

after the laws designed to curtail them were put into place.³⁵

Patrick G. Williams' 2007 book, *Beyond Redemption: Texas Democrats After Reconstruction*, offers the most comprehensive discussion of how the Australian ballot became yet another tool in Texas Democrats efforts to marginalize undesirable voters. Williams, a historian at the University of Arkansas, places the Australian ballot in the framework of the "redemption," a process following the Civil War to restore the state's white power structure to pre-Civil War days. Like their urban northern counterpart "reformers," Texas Democrats used taxpaying qualifiers and at-large representation, as well as voter registration and the Australian ballot to disfranchise undesirable voters.³⁶

Williams asserts that the Democrats rallied widespread support for Redemption by playing on fears of "negro rule" and that unity of the white population was essential in order to maintain white supremacy. Williams writes, "Voter registration and 'Australian' ballot ... measures operated—and were intended—to restrict suffrage." He observes that the laws "made the greatest demands on certain classes of voters (African Americans, poor, uneducated), making it harder for illiterate citizens to cast their ballots freely and establishing prerequisites to the exercise of the franchise that might easily be neglected by the transient." Williams writes that the law's impact varied by area and cites studies that suggest that voter registration did not produce an immediate decline in voter turnout in San Antonio whereas in Dallas registration and the secret ballot kept many away from the polls and nullified the votes of others.³⁷

Williams concludes that even though repeat voting and voter intimidation were

³⁵ Evan Anders, *Boss Rule in South Texas: The Progressive Era* (Austin: University of Texas Press, 1979), 16-17.

³⁶ Patrick G. Williams, *Beyond Redemption: Texas Democrats after Reconstruction* (College Station: Texas A & M University Press, 2007), 61-85.

³⁷ Williams, *Beyond Redemption*, 83-85.

widespread in both rural and urban areas, he notes that “registration and the secret ballot were instituted in cities alone.” As long as rural white counties voted reliably Democratic, suffrage restrictions remained minimal. Williams points out that Texas rural areas did not implement the same restrictions as those imposed upon the cities until the political reliability of rural white-majority counties became questionable with the Populist revolt. For example, the Terrell election law of 1903 required that “In all elections by the people, the vote shall be by official ballot, and tickets shall be so numbered and elections so guarded and conducted as to detect fraud and preserve the purity of the ballot box.”³⁸

The Australian ballot fundamentally transformed the role of government in elections, in suffrage, and in the part that the political parties played. It opened the door for future legislation to engineer the voter base and the regulation of political party actions such as candidate nominations and political primary elections. Despite its pivotal role in cleaning up elections and opening the door for a redefinition of what suffrage meant, the drive to establish it in Texas it has not been the central focus of any study. Other studies have focused on Texas’s disfranchisement of African Americans, the white primary system, and poll tax adoption, but none examine the drive for voter registration and the Australian ballot that opened the door for all of these movements.

³⁸ Williams, *Beyond Redemption*, 83-85, 169-174; “The Laws of Texas, 1903-1905,” The Portal to Texas History, 1906, accessed November 21, 2014, <http://texashistory.unt.edu/ark:/67531/metaph6695/>, 134. The law is written as follows: Section 5 of General Laws of Texas, Twenty-eighth Legislature, continues by stating that “Nothing herein contained shall be construed to prevent the registration of voters in all cities containing a population of ten thousand inhabitants or more; provided, that no one shall vote at elections where registration of voters is required, except those qualified to vote under the provisions of this act, and all the provisions of this act which regulate holding of elections and voting shall be observed in all elections in cities.”

Chapter 2

America, Texas, and the Franchise

“Today a man owns a jackass worth fifty dollars and he is entitled to vote; but before the next election the jackass dies. The man in the meantime has become more experienced, his knowledge of the principles of government, and his acquaintance with mankind, are more extensive, and he is therefore better qualified to make a proper selection of rulers—but the jackass is dead and the man cannot vote. Now gentlemen, pray inform me, in whom is the right of suffrage? In the man or in the jackass?”³⁹

Benjamin Franklin

The importance of suffrage to American democracy cannot be overstated. The founding fathers recognized that participation through voting is important, yet they omitted from the Constitution any reference to who could vote or how elections should take place. The individual states determined those decisions, and a patchwork of laws developed concerning who held the franchise and the mechanics of how elections transpired.⁴⁰

Initially, the franchise was concentrated in the hands of men who possessed substantial real property, and many of those were not eager to share suffrage. The populace did not universally support democracy. The wealthy Elbridge Gerry of Massachusetts, for whom the word *gerrymander* was coined, described “Democracy” as

³⁹ Keyssar, *Right to Vote*, 3.

⁴⁰ Keyssar, *Right to Vote*, 4.

“the worst ... of all political evils.” He was not alone in his sentiments as evidenced by the passage of the Northwest Ordinance of 1787, which was reaffirmed by the first Congress in 1789. This act instituted a freehold requirement in the Northwest Territories, which mandated that both citizens and aliens had to own fifty acres of land in order to vote. In 1790, roughly 60 to 70 percent of white men could vote.⁴¹

At the dawn of the nineteenth century, the physical act of voting differed by state and even locality. Many areas viewed voting as a social event and some still practiced voice voting, especially in the South, where a public declaration of one’s candidate preference was common practice. Others locales adopted, either by constitutional or legislative laws, voting by written ballot in order to reduce intimidation. By the middle of the century, nearly all of the states used written ballots, which voters either placed into a ballot box or handed to election officials. As preprinted ballots replaced the handwritten ones, the political parties began supplying the ballots. This practice afforded the political parties the dual benefit of both assisting their voters and monitoring their supporters and opponents.⁴²

The new nation grew rapidly, from a population of less than 4 million in 1790 to 10 million a generation later in 1820. By 1850, the population had exploded to over 20 million. The physical size of the country also more than doubled. Expanded commerce and industrialization caused many to flock to the burgeoning cities. Technological, transportation, and communication innovations spurred new sources of livelihood and wealth accumulation. Inevitably, the distribution of political power came into question as wealth became less dependent upon land. The chasm of interests led to a power struggle

⁴¹ Keyssar, *Right to Vote*, 23-24.

⁴² Keyssar, *Right to Vote*, 27-28.

between the rural and the urban, the rich and the poor, and the divergence of interests between the groups became deeper and more distinct as time passed.⁴³

As the nation grew, the franchise expanded, especially during the first one hundred years of the republic. The rejection of the concept of virtual representation fueled both America's revolution and the first surge in the expansion of the franchise. Legitimate government now required "consent" of the governed, and voting demonstrated that consent. Rights and equality extended to suffrage as well as other aspects of American life as state after state either removed restrictions on who could vote or never imposed them in the first place. By 1850, the last holdout, Virginia, abolished its real property requirement to vote in elections.⁴⁴

Despite the elimination of property requirements, economic qualifications for voting persisted in many areas. In 1830, twelve states required that voters also be taxpayers. These qualifications vanished over time as states competed with one another over their suffrage requirements. By 1855, only six states retained minimal taxpaying requirements for the franchise, which left few economic barriers to voting.⁴⁵

The change in voter demographics due to expanded voting rights had many implications. The influence and power of the old aristocracy diminished. Political power and the men who wielded it spread from its previous concentration along the Eastern seaboard westward to the interior of the continent and all of the way to the Pacific coast. Politicians and political parties conducted campaigns differently in an attempt to appeal to the common man. Common men deferred less to the squirearchy. Changes in the

⁴³ Keyssar, *Right to Vote*, 26.

⁴⁴ Keyssar, *Right to Vote*, 28-29.

⁴⁵ Keyssar, *Right to Vote*, 29.

franchise also led to the emergence of Andrew Jackson and most importantly, the ascendancy of his Democratic Party in the 1820s.⁴⁶

The founders essentially overlooked political parties and scorned the thought that American policymaking would devolve into party politics. Some of the founders, including all of the first six presidents, vocally opposed party partisanship. George Washington warned of the “baneful effects of the spirit of party,” and believed that party politics adversely impacted representative government in the United States.⁴⁷

Yet political parties persisted and played an ever-increasing role in political discourse, dividing along ideological lines. One fundamental division that materialized involved the question of who held the franchise and how to exercise it. Antifederalists and their successors, the Democratic-Republican and ultimately the Democratic Party favored a liberal interpretation of who could vote while Federalists, and their successor, the Whig Party took the opposite stance. The political parties have shifted their positions on the question at various times since depending upon whether they could obtain political advantage by doing so.⁴⁸

The second material expansion of suffrage occurred in the wake of the Civil War as the nation pursued the “new birth of freedom” that Abraham Lincoln cited in his Gettysburg Address. Adoption of the “Reconstruction Amendments,” the Thirteenth, Fourteenth, and especially the Fifteenth Amendments to the Constitution, and the subsequent Election Enforcement Acts opened the franchise to more new voters than any other action had up until that time. Over the next fifty years, the Fourteenth and Fifteenth

⁴⁶ Sean Wilentz, *The Rise of American Democracy: Jefferson to Lincoln* (New York: Norton, 2005), 186-201; Keyssar, *Right to Vote*, 39-42.

⁴⁷ Daniel Walker Howe, *What Hath God Wrought: The Transformation of America, 1815-1848* (New York: Oxford University Press, 2007), 93-95.

⁴⁸ Howe, *What Hath God Wrought*, 497-498.

Amendments were repeatedly challenged, ignored, and essentially overturned through voter intimidation, violence, court rulings, and the enactment of series of legislative and constitutional laws.⁴⁹

The new Republican Party, composed largely of former Whigs, “Free” Democrats, and “Know Nothing” adherents, was the sponsor of the Reconstruction Amendments. The freedmen’s status was unsettled in the aftermath of the Civil War, and the Amendments were designed to define their role in American life. The Amendments’ purpose was to resolve the issue of slavery that had caused the Civil War and to assure that the freedmen remained free and became productive national citizens.⁵⁰

The Thirteenth Amendment was necessary because it irrefutably resolved the issue of slavery. The Emancipation Proclamation did not apply to the majority of slaves, and it was repeatedly contested on a constitutional and legal basis. The Proclamation did not apply to the areas that were not in rebellion in 1863 when it was issued and the four border slave states that did not secede from the Union, so slavery was still legal in those areas. The Thirteenth Amendment also settled the numerous challenges that arose regarding the legality of the Emancipation Proclamation.⁵¹

The Fourteenth Amendment temporarily prevented former Confederate political leaders from regaining power and reaffirmed the South’s responsibility for its share of the

⁴⁹ “15th Amendment to the Constitution,” The Library of Congress, accessed November 4, 2014, <http://www.loc.gov/rr/program/bib/ourdocs/15thamendment.htm>. The Fifteenth Amendment to the Constitution granted African American men the right to vote by declaring that the “right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude.” Although the amendment became effective on February 3, 1870, poll taxes, literacy tests, and other means including voter registration and the Australian ballot system effectively disenfranchised African Americans. Not until the passage of the Voting Rights Act of 1965 did the majority of African Americans in the Texas and the South register to vote.

⁵⁰ Wilentz, *Rise of American Democracy*, 693-696.

⁵¹ “The End of Slavery in the United States: The Thirteenth Amendment,” The Charters in Freedom, accessed June 6, 2014, http://www.archives.gov/exhibits/charters/charters_of_freedom_11.html.

national debt. Its framers also designed it to protect southern blacks while minimizing the racial fears of northern whites. By declaring, “All persons born or naturalized in the United States” as “citizens of the United States and of the State where they reside,” the amendment defined national citizenship and removed any doubts that the Dred Scott Supreme Court decision had cast regarding the inclusion of African Americans as citizens. The amendment also prohibited the states from passing laws that would “abridge the privileges or immunities” of citizens or deny them “the equal protection of the laws.” The “equal protection” clause, although largely ignored in the nineteenth century, would play an increasingly important role in the elimination of discrimination for African Americans in the twentieth century. The last provision of the Fourteenth Amendment gave Congress “the power to enforce, by appropriate legislation, the provisions of this article.” This provision of the amendment would prove a controversial yet powerful tool in preventing violence against African Americans as well as in allowing them the right to vote. To entice the states to enfranchise their African American citizens, Section Two set penalties for states interfering with or denying voting rights to any male citizen which reduced their basis of congressional and consequently Electoral College representation in proportion to the male inhabitants of the state that were denied suffrage.⁵²

Aimed squarely at southern states that prevented blacks from voting, the penalty clause did not include comparable sanctions for similar practices in the North. The provisions of the Amendment penalized the states for denying African Americans their

⁵² “Amendment XIV,” National Constitution Center, accessed May 1, 2014, <http://constitutioncenter.org/constitution/the-amendments/amendment-14-citizenship-rights>; Alexander Keyssar, *Right to Vote*, 90-91; Sean Wilentz, *Rise of American Democracy*, 712; “Constitution of the United States,” The Charters in Freedom, June 11, 2013, accessed October 5, 2013, http://www.archives.gov/exhibits/charters/constitution_amendments_11-27.html; Darlene Clark Hine, *Black Victory: The Rise and Fall of the White Primary in Texas* (Columbia: University of Missouri Press, 2003), 54; “14th Amendment to the U.S. Constitution: Civil Rights (1868),” Our Documents, accessed February 1, 2014, http://document_URL_entry.

suffrage rights but recognized the rights of the individual states to erect such barriers. Many states, including Texas, chose to erect these barriers with ever-increasing boldness as economic issues distracted the nation. Most southerners and many northern Democrats opposed passage of the fourteenth Amendment. Increasingly, legislators, the courts, and presidents became complicit in not enforcing the provisions of the Amendment.⁵³

By far the most controversial and difficult to pass of the Reconstruction Amendments was the Fifteenth Amendment. The Fifteenth Amendment states, “The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.” It also gives Congress “the power to enforce this article by appropriate legislation.” The enactment of the Fifteenth Amendment was an unprecedented action because it redefined the relationship between the federal and state governments. Previously, the Bill of Rights had been designed to protect the citizens and the states from federal infringement of their rights, Now the federal government was inserting itself into the role of protecting the federally defined political and civil rights.⁵⁴

As with the Fourteenth Amendment, most white southerners and many Republicans opposed the constitutionally guaranteed suffrage for African Americans that the Fifteenth Amendment provided. Other than in the states with southern reconstruction governments and in the New England states, where African Americans already had suffrage, ratification battles were partisan and hard fought. Democrats claimed that the amendment violated the states’ rights and debased democracy by enfranchising “illiterate and inferior” people. Opponents introduced the specter of intermarriage and race war as

⁵³ Hine, *Black Victory*, 54; Keyssar, *Right to Vote*, 90-91.

⁵⁴ Hine, *Black Victory*, 53

reasons to reject ratification. Republican legislators avoided claiming suffrage as a universal right, but defended their approval of the amendment by arguing that African Americans had earned the right to vote because of their bravery as soldiers in the recent Civil War. They also contended that the amendment was necessary to solidify the African Americans' place in the reunited nation and forever break the chains of bondage. In any case, the amendment was widely seen as necessary if the Republican Party was to be built up in the South.⁵⁵

On March 30, 1870, the Fifteenth Amendment became a part of the Constitution. Congress enacted several pieces of legislation to enforce the provisions of the Reconstruction Amendments. The First Enforcement Act was enacted on May 31, 1870. It detailed African Americans' rights regarding contractual relationships and their ability to acquire and convey real and personal property. It also contained provisions for the enforcement of these rights in the courts. The following year, Congress passed the Second Enforcement Act in February. The Third Enforcement Act became law two months later in April. These two laws provided criminal penalties for anyone interfering with a person's right to vote "on account of race, color, or previous condition of servitude" and granted African Americans federal protection from conspiracies designed "to injure, oppress, threaten or intimidate any citizen with intent to hinder his free exercise of any right or privilege granted by the Constitution."⁵⁶

Congress finalized its protective legislation with the Civil Rights Act of 1875, which assured African Americans the same rights, privileges, and access to public

⁵⁵ 15th Amendment to the U.S. Constitution: Voting Rights (1870), <http://www.ourdocuments.gov/doc.php?doc=44&page=transcript>, Accessed August 20, 2014; Keyssar, *Right to Vote*, 93-104.

⁵⁶ "Record of Rights: The Enforcement Acts of 1870," National Archives, accessed December 5, 2014, <http://recordsofrights.org/events/123/the-enforcement-acts>.

accommodations that white citizens enjoyed. The law states that “All persons within the jurisdiction of the United States shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, and privilege of inns, public conveyances on land or water, theaters, and other places of public amusements; subject only to the conditions and limitations established by law, and applicable alike to citizens of every race and color, regardless of any previous condition of servitude.” The Civil Rights Act of 1875 was the last significant civil rights legislation passed before the pivotal 1964 Civil Rights Bill.⁵⁷

Thus, suffrage in the United States greatly expanded and transformed during the period from the nation’s founding through Reconstruction. The franchise expanded from a few elite white men of property to almost every male of legal age. Political parties, shunned by the founders, assumed ever increasing and important roles in both the mechanics of voting and the overall political process. The federal government’s role in voting transformed from one of total deference to the individual states to one of guaranteeing and actively intervening to protect voting rights.

By the late 1880s, reform minded individuals emerged across the nation demanding a transformation of elections and suffrage. Many advocates of good government believed that the expansion of suffrage had gone too far and sought to reverse some of the reforms. Others believed that the entire election process was dysfunctional and corrupt, and they sought to overhaul it. Everyone, with the exception of those benefitting directly from the status quo, agreed that fundamental change was needed to restore the public’s faith in a democratically elected government.

⁵⁷ Hine, *Black Victory*, 55; “Record of Rights,” National Archives, accessed February 1, 2014, [http://document URL entry](http://document_url_entry), “14th Amendment to the U.S. Constitution: Civil Rights (1868),” Our Documents.

The Texas Constitution and Suffrage

Texas has operated under nine different national and state constitutions since its settlement by the Europeans. Prior to its independence, Texas fell under the 1824 Mexican national and 1827 Coahuila state constitutions. Once achieving independence, the Constitution of the Republic of Texas was adopted in 1836. Upon joining the United States in 1845, Texas ratified a state constitution that remained active until secession, when Texas joined the Confederate States of America. Texas has operated under five state constitutions since relinquishing its independent nation status; the original 1845 document, an 1861 constitution that was in effect while Texas was part of the Confederate States of America, and three successive state constitutions following reentry into the union. Those three state constitutions include the 1866 constitution which was produced by the presidential reconstruction government, the 1869 constitution which was a product of congressional reconstruction, and Texas's current constitution which was adopted in 1876.⁵⁸

Texas's struggle to define suffrage goes back to its founding as a republic after gaining independence from Mexico in 1836. The Republic of Texas Constitution stipulates that "Every citizen that has attained the age of twenty-one, and shall have resided six months in the district or county where the election is held, shall be entitled to vote for members of the general congress," and that "all elections shall be by ballot unless congress shall direct otherwise." Citizens are defined as "All free white persons who shall emigrate to this Republic, and who shall, after a residence of six months, make

⁵⁸ "Texas Constitutions 1824-1876," The University of Texas, Tarlton Law Library, accessed December 7, 2014, <http://tarlton.law.utexas.edu/constitutions/>.

oath before some competent authority that he intends to reside permanently in the same, and shall swear to support this Constitution, and that he will bear true allegiance to the Republic of Texas, shall be entitled to all the privileges of citizenship.”⁵⁹

A comparison of suffrage rights in Texas’s various constitutions illuminates several characteristics that transcend all of the constitutions at the time of their ratification. First, all male citizens held the franchise unless they were otherwise prohibited from voting. Second, only men over twenty-one years of age were citizens. In the 1845 and 1861 constitutions, only white men could be citizens, hence only white men held the franchise. Third, all voting was through ballot. Lastly, certain actions by or condition of an individual could result in the loss of the right to vote. For example, the 1845 constitution removed the right for, “those . . . convicted of bribery, perjury, forgery, or other high crimes.”⁶⁰

Texas’s 1876 constitution was largely composed as a reaction to the alleged excesses and overreaches of the 1869 document. The state emerged from federal Reconstruction in January of 1874, and Redeemer Democrats immediately set about to reverse the policies and programs that Reconstruction Republican Governor Edmund J. Davis had undertaken. The new governor, Democrat Richard Coke, campaigned on reversing the policies of his predecessor and replacing the unpopular Texas Constitution of 1869 which defined the electorate by broadly conferring the franchise on all adult male citizens twenty-one and older so long as they were law abiding and sane.⁶¹

⁵⁹ “Constitution of Republic of Texas,” The University of Texas, Tarlton Law Library, accessed October 14, 2014, http://tarlton.law.utexas.edu/constitutions/texas1836/general_provisions.

⁶⁰ George D. Braden et al, “Article VII, Section 4 and Article VI, Section 1,” The Constitution of the State of Texas: An Annotated and Comparative Analysis, accessed October 14, 2014, <http://www.sll.texas.gov/assets/pdf/braden/26-article-vi.pdf>;

⁶¹ “Reconstruction,” Texas State Historical Association, accessed February 4, 2015, <https://www.tshaonline.org/handbook/online/articles/mzr01>; “Constitution of Republic of Texas,” The

On September 6, 1875, ninety-six delegates gathered to rewrite the state's constitution. In reaction to the state's previous reconstruction government, the new constitution's authors were intent on severely limiting the power of the state government and they specified those limits with meticulous detail. Highlights included provisions to reduce the power of the state government such as prohibitions against both voter registration and the state's ability to suspend the right of *habeas corpus*. The new constitution also sought to limit both the size of the government and its ability to tax citizens. It also significantly reduced the governor's authority and divided executive power among the seven members of the executive department. Elections replaced appointments as a means to select all officers of the executive and judicial branches in an attempt to make the government responsive and answerable to the people. The convention adjourned on November 24, 1875 and voters ratified the new document on February 15, 1876, by a vote of 136,606 to 56,653.⁶²

The 1876 constitution's suffrage provisions at the time it was adopted defined every native born male, twenty-one and older, as a citizen regardless of his race. All citizens could vote so long as they met the residency requirements and were not subject to other disqualifications. It also extended the franchise to anyone of foreign birth who declared his intention to become a citizen. Being a pauper, felon, member of the army or

University of Texas, Tarlton Law Library, accessed February, 15, 2015, <http://tarlton.law.utexas.edu/constitutions/texas1869>.

⁶² Barr, 25; "Constitution of Republic of Texas," The University of Texas, Tarlton Law Library, accessed February, 15, 2015, <http://tarlton.law.utexas.edu/constitutions/texas1869>.

navy, or mentally ill disqualified one from voting. Lastly, anyone involved in dueling after the constitution's adoption could no longer vote.⁶³

The 1876 document required the use of numbered ballots and empowered the legislature to “detect and punish fraud and preserve the purity of the ballot box.” It also stated that, “no law shall ever be enacted requiring a registration of the voters of this State.” Constitutionally, it was within the state legislature's purview to enact the Australian ballot system.⁶⁴

Within ten years of the new constitution's ratification, many began to believe that the constitutional prohibition of voter registration was a mistake. The growing cities

⁶³ “Texas Constitutions 1824-1876, Constitution of the State of Texas (1876),” The University of Texas, Tarlton Law Library, accessed October 17, 2014, <http://tarlton.law.utexas.edu/constitutions/texas1876/a6>. Article VI, Sections II, states that, “Every male person subject to none of the foregoing disqualifications, who shall have attained the age of twenty-one years, and who shall be a citizen of the United States, and who shall have resided in this State one year next preceding an election, and the last six months within the district or county in which he offers to vote, shall be deemed a qualified elector; and every male person of foreign birth, subject to none of the foregoing disqualifications, who, at any time before an election, shall have declared his intention to become a citizen of the United States, in accordance with the federal naturalization laws, and shall have resided in this State one year next preceding such election, and the last six months in the county in which he offers to vote, shall also be deemed a qualified elector; and all electors shall vote in the election precinct of their residence; *provided*, that electors living in any unorganized county, may vote at any election precinct in the county to which such county is attached, for judicial purposes. Article VI, Sections I, states, “The following classes of persons shall not be allowed to vote in this State, to wit: First--Persons under twenty-one years of age. Second--Idiots and lunatics. Third--All paupers supported by any county. Fourth--All persons convicted of any felony, subject to such exceptions as the Legislature may make. Fifth--All soldiers, marines and seamen, employed in the service of the army or navy of the United States.” Article VI, Sections IV, SEC. 3, states that, “All qualified electors of the State, as herein described, who shall have resided for six months immediately preceding an election within the limits of any city or corporate town, shall have the right to vote for mayor and all other elective officers; but in all elections to determine expenditure of money or assumption of debt, only those shall be qualified to vote who pay taxes on property in said city or incorporated town; *provided*, that no poll tax for the payment of debts thus incurred, shall be levied upon the persons debarred from voting in relation thereto.” Article XVI, Sections IV, states that, “Any citizen of this State who shall, after the adoption of this Constitution, fight a duel with deadly weapons, or send or accept a challenge to fight a duel with deadly weapons, either within this State or out of it, or who shall act as second, or knowingly assist in any manner those thus offending, shall be deprived of the right of suffrage, or of holding any office of trust or profit under this State.”

⁶⁴ “Texas Constitutions 1824-1876, Constitution of the State of Texas (1876),” The University of Texas, Tarlton Law Library, accessed October 17, 2014, <http://tarlton.law.utexas.edu/constitutions/texas1876/a6>. Article VI, Sections IV, states that, “In all elections by the people the vote shall be by ballot, and the Legislature shall provide for the numbering of tickets and make such other regulations as may be necessary to detect and punish fraud and preserve the purity of the ballot box; but no law shall ever be enacted requiring a registration of the voters of this State.”

made it hard to delineate who was qualified to vote. Democrats also noticed that increasingly votes and political power in urban areas were shifting from men of property to poorer men who were wage earners. Democrats questioned the urban working-class constituents' loyalty to the party, and calls for restriction of their suffrage rights began. Democrats believed that it was necessary to restrict the voting rights of the urban poor for two primary reasons. One factor was the fear that the urban poor could redistribute wealth through votes for increased property taxation. Equally, if not more important, was their role as kingmakers in the competition between the two elite urban factions. One faction favored investment in government-funded internal improvement projects while the other preferred smaller government and holding the line on taxes. Consequently, calls to amend the 1876 constitution and institute voter registration began to appear soon after ratification because registration would restrict the working poor's access to the franchise.⁶⁵

To amend the Texas constitution, two-thirds of the members of each house of the Texas legislature are first required to propose an amendment during a regular biennial session. The proposed amendment, in the form of a joint resolution, must specify an effective date and a date for submission of the amendment to the voters. Joint resolutions do not require the governor's signature, so they are immune from a veto. The voters must then either approve or reject a proposed amendment by simple majority vote. If approved, the amendment becomes a part of the constitution on the effective date. This process would be utilized in 1887 and again four years later in 1891 when the calls for voter

⁶⁵ Williams, *Beyond Redemption*, 65-70.

registration reform became loud enough to demand the legislature's attention and amendments were sent to the voters for approval.⁶⁶

In the fifty years prior to 1887, Texas transformed from a frontier backwater into a state with over 1 million inhabitants. The same fifty years witnessed the largest expansion of the franchise in American history. Long-time voters did not welcome the new voters who were entering into the system, particularly African Americans and immigrants and to a lesser extent the poor, and sought to suppress their votes and the threat that these new voters represented to the existing power structure. During the same time, politicians and political parties resorted to tactics like vote buying and fraud because they were desperate to gain office and political power by any means. Many old Texans associated the increasing unethical activities with the newly enfranchised groups and judged them as unworthy of the franchise. Old-timers believed that removal of these groups from the electoral pool was essential to the restoration of "good government." Management of the electoral base through suffrage reforms offered a method to remove the new voters who threatened the established power structure and the image of quality government.

⁶⁶ "Texas Constitutions 1824-1876," The University of Texas, Tarlton Law Library, <http://tarlton.law.utexas.edu/constitutions/texas1876>, accessed January 26, 2015, "Texas Constitution and Statutes," [Texas Legislature Online](http://www.constitution.legis.state.tx.us/), accessed January 26, 2015, <http://www.constitution.legis.state.tx.us/>; "Constitutional Amendments," Texas State historical Association, <http://www.tshaonline.org/handbook/online/articles/mhc10>, accessed January 26, 2015; "The Texas Legislative Process for House Bills and Resolutions," Texas Legislative Council, accessed September 7, 2014, http://www.tlc.state.tx.us/gtli/images/house_process.pdf; "The Texas Legislative Process for Senate Bills and Resolutions," Texas Legislative Council, accessed September 7, 2014, http://www.tlc.state.tx.us/gtli/images/senate_process.pdf.

Chapter 3

Growing Demands for Election Reform

“It is possible to read the history of this country as one long struggle to extend the liberties established in our Constitution to everyone in America.”⁶⁷

Molly Ivins

When the Twentieth Texas Legislature convened in January of 1887, election reform was on the mind of many Texans as well as their representatives in the legislature. Many Americans and Texans recognized that reforms were necessary to curb the abuses so prevalent in the election process although most were unaware that the Australian ballot system existed. Two pressing goals for the gathering legislature were to make the polls safer and fairer by removing alcohol from elections and to insure that the ballots were counted quickly and accurately.

Political tensions were also prevalent as the legislature gathered. The Texas Democrats, who had returned to governance in the mid-1870s, were increasingly mindful of the growing dissension and defections from within the party and were watchful for any threat to their leading position. They remained alert to any opportunity to solidify their dominant position in relation to Republicans and disaffected third parties.

As the Texas Legislature convened in January of 1887, Americans viewed the conduct of elections in the Lone Star State and throughout the country with concern. In the 1880s, the prevailing perception was that election mayhem and violence at the polls

⁶⁷ Peter Kelly, “‘We the People’: Read and Hear the U.S. Constitution Oct. 8,” University of Washington, September 30, 2010, accessed April 17, 2015, <http://www.washington.edu/news/2010/09/30/we-the-people-read-and-hear-the-u-s-constitution-oct-8/>.

was ubiquitous and widespread, although exactly how common it really was remains unclear. Race, political partisanship, and sectionalism tainted news stories and the interpretations of events that the authors included in their stories. Whether or not disorder at the polling places was as prevalent as people thought, it was certainly extensive enough that newspaper accounts of election results often found it newsworthy when “orderly” or “quiet” elections had occurred. Reports of violent acts at the polls throughout Texas include fistfights, stabbings, and gunplay. The numbers of documented incidents relative to the population indicates that these acts were much more the exception than the rule. It is doubtful that the average voter ever encountered election place violence.

Further, the news accounts of African Americans engaging in election violence and other misdeeds appear wildly out of proportion to both their voting strength and overall population numbers relative to those of whites. News accounts of white violence at the polls appear less frequently and tend to be less severe than those reported about African Americans. The stories of violent acts perpetrated by whites at the polls usually involved Election Day fistfights whereas the news articles about violence involving African Americans often mention stabbings and gunplay. The exaggerated perceptions of the violent acts committed by African Americans at the polling places fed into the already formed prejudices and stereotypes of them as unworthy of the franchise. Stories of African Americans being intimidated at the polls or denied suffrage are extremely rare in the newspaper accounts of the time.⁶⁸

⁶⁸ “Republican Frauds, and Intimidations,” *Brenham Weekly Banner*, November 11, 1880; “Incidents of the Day,” *Dallas Daily Herald*, November 8, 1882; “Let Us Crow,” *Waco Daily Examiner*, November 5, 1884; Washington County, *Fort Worth Daily Gazelle*, November 3, 1886; “Local Elections,” *San Antonio Daily*

Likewise, newspaper accounts of overt vote buying with cash and liquor in Texas usually involved African Americans and to a lesser extent, Mexicans, or Mexican Americans. Some news accounts reported incidents of northern whites selling their votes. No reports of specific incidents of white vote selling in Texas appear in Texas newspapers. The coverage in Texas Newspapers of the 1880s and 1890s leaves the impression that the instances of whites buying or selling votes were confined largely to Republicans in the north and, to a lesser extent, to northern cities where Democratic machine politicians held sway. Northern Republicans are portrayed in Texas newspapers as being especially adept at stealing elections, particularly in the swing states of New York and Indiana. The scope of coverage in Texas newspapers leads one to conclude that southern whites were relatively innocent of election violence and misconduct and African Americans and northern whites were the common perpetrators.⁶⁹

Drunkenness seemed to go hand in hand with the Election Day pandemonium in the 1880s. In an era that was short on excitement and entertainment, alcohol offered a diversion from the normal drudgery and routine of life. Election Day was a kind of holiday in the nineteenth century and the atmosphere was festive. Alcohol consumption lowered inhibitions, clouded judgment, eased resistance to unethical activities, and promoted an atmosphere of violence. Politicians and their backers in both political parties used alcohol both to outright purchase votes and to influence voters.⁷⁰

For many men that otherwise might not have bothered to vote, alcohol provided the incentive to lure them to the polls. The unruly Election Day behavior associated with

Light, November 3, 1886; "The Glim Doused," *Fort Worth Daily Gazette*, November 3, 1886; "Marion County," *Fort Worth Daily Gazette*, November 3, 1886.

⁶⁹ Anders, *Boss Rule in South Texas*, 16; Republican Frauds, *Brenham Weekly Banner*, November 11, 1880.

⁷⁰ Anders, *Boss Rule in South Texas*, 16; Washington County, *Austin Weekly Statesman*, November 6, 1884; "Marion County," *Fort Worth Daily Gazette*, November 3, 1886.

alcohol only added fuel to the fire in an era when a substantial portion of the populace was already leaning toward prohibition because of the other problems associated with alcohol consumption. Many reformers, the citizens who were intent on cleaning up elections to make them safe, fair, and democratic, associated both the overuse of alcohol and the selling of one's vote for alcohol with moral failure and vice. Disdain for both of these behaviors was an attitude that many reformers shared.⁷¹

Another reason that Texas legislators had electoral reforms on their minds in 1887 was the growing divisions within the Democratic Party. The Democratic Party in Texas had increasingly aligned itself with the business wing of the party that left farmers and laborers feeling abandoned and disaffected. Disaffected Democrats were beginning to exert their influence by attempting to seize leadership positions from the Bourbon wing of the party. They believed that the Bourbon wing of the party catered to the business interests of the railroads and monopolists rather than the concerns of the common man. Throughout the state, the Farmer's Alliance was educating rural Texans regarding how government policies influenced their economic wellbeing and organizing them to pressure Democratic politicians to address their economic interests and concerns.⁷²

The Farmer's Alliance and its future outgrowth, the People's Party, or Populists, represented a rising threat to the dominance that the Bourbon Democrats held over state politics. News accounts, especially in the hotbeds of the Farmer's Alliance activity such as north-central Texas, document that the open fissures in Democratic support were becoming increasingly apparent. Racial politics was still assuring Democratic victories, but the economic hardship caused by monopolistic business practices, especially the

⁷¹ "The Australian Ballot," *Dallas Morning News*, February 22, 1890.

⁷² Lawrence Goodwyn, *The Populist Moment: A Short History of the Agrarian Revolt in America* (New York: Oxford University Press, 1978), 7-8, 32-35.

excessive freight charged for shipping the farmer's crops to market, was alienating many longtime base Democrats. Traditional Democratic strongholds, such as Parker County, were now contested by those Democrats opposed to the party's pro-business positions, and party leaders were concerned.⁷³

Using suffrage restrictions to make it harder for farmers and laborers to vote offered an effective way to diminish their participation as a voting bloc. Many farmers and laborers were poor, lacked a formal education, and were often illiterate as well. Voting using the Australian ballot system required either that a voter be literate or that he ask a poll worker to read his ballot and assist him as he filled it out. To avoid the humiliating public admission of one's illiteracy, illiterate voters often ceased voting. Similarly, payment of a poll tax represented a hardship for poor people who were barely getting by. Suffrage restrictions like the Australian ballot and the poll tax disproportionately impacted the constituencies that the Bourbon Democrats knew were at risk of opposing their agenda or even bolting from the party.⁷⁴

Both the disenchantment with the dysfunctional election process and the increasingly divided Democratic Party confronted the Texas legislators when they convened in January 1887. Senators and representatives came prepared to introduce and vote on numerous bills and resolutions that were developed to address these two areas of concern. Governor John Ireland sent the legislature his priorities for the opening legislative session in accordance with his constitutional directive that "he shall recommend to the Legislature such measures as he may deem expedient." Governor Ireland's list of initiatives for the legislature included many items, from an increase in the

⁷³ *Wise County Messenger (Decatur, TX)*, October 30, 1886; "The Glim Doused," *Fort Worth Daily Gazette*, November 3, 1886.

⁷⁴ Williams, *Beyond Redemption*, 82-83.

penalties for the open carrying of firearms to a revision of lease laws for public lands. A few of the items on the governor's list, judicial reform and the ability to tax Texans in unorganized counties, resulted in proposed constitutional amendments which were subsequently submitted to the voters for approval. Noticeably absent from the governor's list was any call for voter registration or election reforms of any sort.⁷⁵

Although Governor Ireland's message to the legislature did not express any interest in election reforms, several legislators in both houses did voice concern. Bills that originated in the House included one authored by John McClanahan of Burleson and Lee Counties. McClanahan's bill made it a felony for unqualified voters to knowingly vote or to offer to vote. Doing so was punishable by up to two years in county jail. Amazingly, up until McClanahan's bill, there were no penalties for unqualified men voting. A second bill, penned by John Stringer of Franklin County, placed controls on the use of intoxicating beverages within close proximity of the polls on Election Day. Stringer's law criminalized the possession for the purpose of selling or gifting of wine, beer, or liquor within three miles of any town or precinct holding elections on Election Day. It also criminalized the act of informing others where they could obtain intoxicants on Election Day.⁷⁶

⁷⁵ "The Texas Constitution, Article 4, Executive Department", accessed January 26, 2015, <http://www.statutes.legis.state.tx.us/Docs/CN/htm/CN.4.htm>; Journal of the House of Representatives, Twentieth Legislature, 14-27. The governor, both the incoming and outgoing governors if applicable, are required to report to the legislature at the beginning of the legislative session. Section 9 of the Texas Constitution states that, "The Governor shall, at the commencement of each session of the Legislature, and at the close of his term of office, give to the Legislature information, by message, of the condition of the State; and he shall recommend to the Legislature such measures as he may deem expedient. He shall account to the Legislature for all public moneys received and paid out by him, from any funds subject to his order, with vouchers; and shall accompany his message with a statement of the same. And at the commencement of each regular session, he shall present estimates of the amount of money required to be raised by taxation for all purposes.

⁷⁶ Journal of the House of Representatives, Twentieth Legislature, HB 73, 43, 101, 303, 329, 346, 738, 708, 803, 984; House Bill File Number 73, File Box Number 231; Journal of the House of Representatives,

Sen. John Claiborne, who represented Brazoria, Galveston, and Matagorda counties, introduced an idea whose time had not yet arrived. Claiborne's bill proposed removing the right to vote unless an individual paid a poll tax. Claiborne's bill never made it out of committee and provoked charges that such a law would in essence put a price on the franchise. Nevertheless, Claiborne's reasoning resonated with many and would gain popularity as time passed. In his minority report where he dissented from the committee's rejection, Claiborne documented in the record his motivation behind introducing the bill:

The joint resolution proposes to prohibit all persons from voting who do not produce at the polls a poll tax receipt (if subject thereto). I do not desire to tax a man for the privilege of casting his vote, but submit the fact that a man who does not contribute something to carry on the government, whose immunities and protection he enjoys, is not a suitable person to elect legislators to pass laws, or men to administer the affairs of State.

The object is not so much to gain revenue as make the ballot pure. It will prevent repeating, and not stifle the voice of the true citizen. All men should pay something towards the revenue of the State, and no man ought to cast more than one vote in an election, and this law will make the ballot absolutely pure, and for divers other reasons.

Claiborne's proposed poll tax blurred the line between protecting the integrity of the vote and engineering the electorate to suit a specific purpose. It was appealing to many that everyone should share the burden of paying for the government. In many ways, a poll tax embodied a return to the concept that only men of property should enjoy the franchise, and that those taxpayers who paid the bill should be the ones to make the decisions on how their tax money is spent.⁷⁷

Twentieth Legislature, HB 95, 44, 126, 308, 329, 358, 684, 749, 757, 985; Bill File Number 95, File Box Number 231.

⁷⁷ Journal of the Senate, Twentieth Legislature, SJR 16, 193, 246; Senate Joint Resolution Number 16, File Box Number 231.

Although the Australian ballot was still largely unknown in the United States, Seth P. Mills of McLennan County introduced a bill in the 1887 legislature that encompassed a subset of the ballot system's characteristics regarding the veracity, handling, and counting of ballots. The stated purpose of Mills's law was "to provide for the speedy count of the vote for general and special elections," but it also introduced several controls to make it harder to buy votes and compromise the integrity of ballot boxes. Dishonest people could still collude with others to circumvent the law's purpose, but Mills's bill into law was a step in the right direction.⁷⁸

Under the bill, each precinct with at least one hundred voters in the last election was required to have three judges and four clerks appointed by a presiding judge. The presiding judge selected the other judges and from a pool of qualified voters representing different political parties in the precinct. Presiding judges managed two numbered ballot boxes, the first from which he and the other judges removed the cast votes each hour, tallied them, and moved them into the second box. This process was to be repeated each hour in the presence of the other judges and clerks. Only election officials could observe and participate in the count. At the end of the day, all votes would reside in the second ballot box and be recounted. The ballots were to then be delivered to the county clerk within two days. All presiding judges, judges, and clerks took an oath vowing to keep the running totals confidential.⁷⁹

Mills's law established a process that was designed to accomplish several goals. First, it would help keep the votes secret from party workers and the public until the voting and counting was finished. It also reduced the opportunity to falsify the count and

⁷⁸ Journal of the House of Representatives, Twentieth Legislature, HB 125, 53, 202,240, 250, 258, 259, 638, 671, 672, 987; House Bill File Number 125, File Box Number 232.

⁷⁹ Ibid.

delivered election results to the county authorities quickly. The tight controls over and limited access to the ballot box minimized the opportunity for ballot box stuffing. The hourly counts would identify discrepancies in the number of voters relative to the count of cast ballots. Mill's law also was intended to increase the public's confidence in the integrity of the election process because voters would see that fraud required collusion from several individuals.

In the event that there was a challenge to a voter's qualifications, the presiding judge and the two first named judges were required to examine the challenger's objection, and failing to establish the voter's credentials among a majority of the judges, reject the challenged voter's ballot. For votes that were deemed legal and acceptable, a sworn written statement to the clerk was required and would be attached to a list opposite of the voter's name. Compensation was provided at a rate of two dollars per day for officers, clerks, judges, and one worker who delivered the votes to the county clerk. Mills's law was important because it signaled the willingness of the state to insert itself deep into the mechanics of the election process in an effort to reassuring the public that elections would be fair⁸⁰

By the late 1880s, the question of voter eligibility, especially in South and West Texas along the border and in the largest cities throughout the state, had become a point of contention. The only practical solution to this issue was voter registration. Various Texas representatives, most of them from South Texas where allegations abounded that Mexicans unlawfully influenced elections, proposed resolutions to place the voter registration issue in front of the voters. Two similar proposals from John Light of Bexar County and Watterson Showalter of Webb County died in committee. Another proposed

⁸⁰ Ibid.

voter registration amendment that merged the resolutions from John Voorhees of Wood County and Watterson Showalter managed to pass the House but failed in the Senate. Voorhees and Showalter's resolution differed from others because it removed the right of foreign-born resident aliens to vote unless they obtained citizenship through naturalization.⁸¹

Suffrage for foreign-born Germans also proved to be a controversial issue for legislators in the 1887 Legislative session. The senate wanted to remove the provision that allowed foreigners the right to vote based upon a declaration of intent to become a citizen. Sen. Robert Hance Burney defended the resolution by saying that the "intelligent German favored some such restrictions on foreigners." Burney's point was that the Germans themselves did not want new immigrants to hold the franchise. He stated that he did not want to give the right to vote to men who did not or could not understand its importance. "They [German immigrants] should stay here at least long enough to become acquainted with the laws and customs of the country before being permitted to vote. No intelligent foreigner who really intended to become a citizen, objected to it." In an effort to gain an acceptable compromise, Sen. William Henry Burges proposed to grandfather in existing foreign voters "who had declared their intention to become citizens prior to August, 1887," but his addendum failed. The resolution to amend the constitution to repeal the provision allowing foreigners who had declared their intention to become

⁸¹ Journal of the House of Representatives, Twentieth Legislature, HB 26, 32, 81, 123, 981; House Bill File Number 26, File Box Number 237; Journal of the House of Representatives, Twentieth Legislature, HJR 14, 123; House Joint Resolution Bill File Number 14, File Box Number 237; House Joint Resolution Bill File Number 5 and 13; Journal of the House of Representatives, Twentieth Legislature, HB 26, 425; House Bill File Number 26, File Box Number 237; House Joint Resolution File Number 25, File Box Number 237; See also Journal of the Senate, Twentieth Legislature, SJR 27, 30, 338; Senate Joint Resolution Number 27, File Box 237 .

citizens the vote never made it to the voters because the resolution failed senate approval by a vote of ten to fourteen.⁸²

Sen. Robert H. Burney of Kerrville, representing a sprawling district running from San Antonio and the Hill Country all the way to El Paso, managed to get a successful joint resolution to amend the constitution to allow voter registration passed. The amendment that Burney's resolution proposed would have a significant impact on Burney's district because two of the ten cities it was directed toward, El Paso and San Antonio, were located in his district. Both cities were run by machine politicians who made establishment Democrats uncomfortable. Bryan Callaghan, a half-Hispanic, half-Irish politician mayor who ran as an independent and who both attracted and welcomed support from German and Mexican immigrants as well as poor white workingmen and Republicans into his coalition, ran San Antonio. Joseph U. Sweeney, the mayor of El Paso, who headed a strong machine known as "the Ring," controlled El Paso. Burney's legislation threatened both men because it would provide additional scrutiny for all of their electoral activities which were known to be corrupt.⁸³

Burney's resolution as adopted stated that the "Legislature may provide by law for the registration of all voters in all cities containing a population of ten thousand inhabitants or more and in such counties as the legislature may deem advisable." Two

⁸²"Notes at the State Capital," *Austin Weekly Statesman*, February 5, 1887; "Legislative," *Austin Weekly Statesman*, March 17, 1887.

⁸³ "Robert H. Burney," Legislative Reference Library, accessed February 27, 2015, <http://www.lrl.state.tx.us/legLeaders/members/memberDisplay.cfm?memberID=3693&searchparams=cha mber=~city=~countyID=0~RcountyID=~district=~first=burney~gender=~last=~leaderNote=~leg=~party=~roleDesc=~Committee=:accessed>; "Charles Edgar Kelly," Texas State historical Association, accessed February 27, 2015, <http://www.tshaonline.org/handbook/online/articles/fke76>; "Boss Rule," Texas State historical Association, accessed February 27, 2015, <http://www.tshaonline.org/handbook/online/articles/wmb01>; "Independent Club," Texas State historical Association, accessed February 27, 2015, <http://www.tshaonline.org/handbook/online/articles/wmiqt>; Randall Lionel Waller, "The Callaghan Machine and San Antonio Politics, 1885-1912" (master's thesis, Texas Tech University, 1973), 61-94.

changes made to the resolution on March 29 significantly altered the impact of the amendment if it were added to the constitution. The first change greatly enhanced the legislature's power to regulate registration because the last part, which reads, "and in such counties as the legislature may deem advisable," replaced the words, "but not otherwise" in the original resolution at Harrison County's Sen. Alexander Pope's suggestion. The change is significant because the original version only allowed registration in the largest ten cities in the state whereas the adopted language opened the door for legislators to allow it in other counties as well if they deemed it advisable. The second change, which also enhanced the legislature's power, was suggested by Senator Nat M. Harrison of Upshur County who urged lawmakers to replace the second word, originally "shall" with "may." This meant that cities could be exempted from the authority of the amendment if the legislature chose to do so. The people would decide the fate of Burney's resolution in an election several months into the future along with five other proposed amendments to the constitution that the legislature approved.⁸⁴

By adjournment on April 4, the Twentieth Texas Legislature had passed three bills and one constitutional amendment that addressed the "purity of the ballot." This successful legislation included bills that prescribed penalties for illegal voting, prohibited alcohol at election polling places, regulated the conduct of elections, and prescribed a quicker counting of votes. Legislation that approved a public referendum for a constitutional amendment to authorize voter registration also passed. The date for the voters to either approve or reject voter registration was set for four months into the future at the height of the hot Texas summer.

⁸⁴ Journal of the House of Representatives, Twentieth Legislature, HJR 17, 317, 326, 427, 619, 634, 635, 726 732 743, 877; House Joint Resolution Bill File Number 17, File Box Number 237.

With the vote set to happen in early August, Texas newspapers used the next several months to weigh in on the voter registration and other proposed amendments. The amendment to institute prohibition received the most attention in the press, but four more amendments were on the ballot in addition to voter registration and prohibition. These four included a measure to extend the legislative session from sixty to ninety days and set the pay, mileage, and per diem for legislators, an amendment to establish a permanent university fund, a provision to empower the legislature to assess and collect taxes in unorganized counties, and an initiative to reorganize of the state judiciary.⁸⁵

Occasionally reports about the voting rights of Mexican and German non-citizens and even women's suffrage stories surfaced in the press. South and West Texans were especially interested in the proposed voter registration amendment because they believed it would prevent Mexicans and Native Americans from voting in their elections. One article in the *Dallas Morning News* charged that Mexicans were crossing the border in order to vote, and by so doing, "they enjoy the pleasures of two elections where others enjoy only one." The piece specifically mentioned Starr County, where local officials claimed that over 1,800 Mexicans had filed the declaration to become citizens, yet only three had ever actually become citizens. The article goes on to mention that because voter approval for the amendment was required, "it is possible that the Mexicans, seeing that their day is over, may muster enough to defeat it when the election comes." The summary message to readers was that a sense of urgency was required to suppress the Mexican voters through voter registration because they were disrupting the election results in dramatic ways and their influence was only growing with time.⁸⁶

⁸⁵ "Constitutional Amendments, Tickets, with Explanations," *Dallas Herald*, July 26, 1887.

⁸⁶ "Notes from the State Capital," *Dallas Morning News*, February 5, 1887.

While the proposed amendments to Texas's constitution were being discussed in the summer of 1887, the United States Senate engaged in a debate over a federal constitutional amendment that would grant women suffrage. This debate undoubtedly inspired consternation among conservative Texas men and probably helped to reinforce the resolve of those who were concerned about the increasingly expanding scope of suffrage. The proposed United States Constitution amendment said that "The right of a citizen of the United States to vote, shall not be abridged or denied by the United States, nor by the State on account of sex. Congress shall have the power by appropriate legislation to enforce the provisions of this article." Proponents for the measure argued that "The real question before the Senate was not whether it favored women's suffrage, but whether it [the United States Senate] would consent to submit the question to the States" for approval. Arguments against the resolution included that men and women had different duties and obligations, and that "intelligent, noble, cultivated woman was the power behind the throne." One senator warned that "injudicious, immature, or corrupt suffrage" threatened the government, and that "The great danger today is emotional suffrage. Women were essentially emotional. He would not degrade woman by giving her the right of suffrage—which was not a natural right, but one determined by expediency and policy." The resolution that proposed a women's suffrage amendment collapsed when it failed by a vote of sixteen to thirty-four.⁸⁷

⁸⁷ *The Standard (Clarksville, TX)*, February 18, 1887. Numerous articles covered the subject of women's suffrage throughout the state in January and February of 1887, with articles published in *the Fort Worth Daily Gazette*, *San Marcos Free Press*, *Dallas Herald*, and *Austin Weekly Statesman*. One article in the *Fort Worth Daily Gazette* on April 20, 1887, positions women as antidemocrats and likely supporters of temperance, two positions unpopular with the majority of Texas men in the 1880s. Another reiterates the prohibitionist tendency of women and how they used their influence the introduction prohibition into Rhode Island.

As the August 4, 1887 Election Day approached, Texas newspapers published articles explaining who could and could not vote. Based on McClanahan's bill, for the first time it was illegal to vote if one were an unqualified voter. Confusion reigned for many ordinary citizens due to uncertainty about residency requirements and the jurisdiction in which they were supposed to vote. For non-citizens, misunderstandings of the law regarding the two separate requirements that foreign-born males had to meet in order to vote, their length of residency and their declaration to become a citizen, concerned many. Newspapers also cautioned voters to be wary of bogus ballots. The *Fort Worth Daily Gazette* warned, "Fraudulent ballots are scattered all over the state. Read your ballot and see that the word state is not omitted."⁸⁸

The Texas press alerted voters to various schemes intended to mislead or deceive them. *The Mineola Monitor* claimed that in Mineola the independent Union Labor Party was distributing fraudulent ballots that were labeled "Democratic Ticket" but listed Union Labor candidates instead of Democrats. The *Monitor* article claimed that any such ballots cast would be thrown out and judged illegal because they violated the then current state ballot form. These stories in the press raised the concern among voters about election fraud and made the need for election reforms like the Australian ballot system obvious.⁸⁹

The Prohibition amendment was by far the most popular initiative on the August ballot and several newspapers claimed that the preoccupation with prohibition diverted attention away from the other amendments. The amount written on prohibition likely exceeded the combined print space devoted to all of the other amendments including the

⁸⁸ "Who May Vote," *Fort Worth Daily Gazette*, July 31, 1887.

⁸⁹ "Is It an Illegal Ballot?," *Mineola (TX) Monitor*, November 3, 1888.

one for voter registration. It is easy to understand why Texans would take far more interest in prohibition than the rate of mileage and per diem expenses for their legislators.⁹⁰

All of the amendments were thoroughly defeated. The *Austin Weekly Statesman* complained, “Not a third of the voters knew the nature of a single one of them except the prohibition amendment.” It was an expected result, the *Statesman* opined, given that “everyone's mind seemed so riveted on the prohibition issue, that no other state question could receive any consideration.” The *Statesman* set the blame for the defeat of ballot reform, like the other amendments, squarely on the legislature, writing, “the people do not trust the legislature of the state, and have grown suspicious of their work.” The *San Marcos Free Press's* analysis attributed the defeats to a coalition of “undemocratic” elements that consisted of “colored, German, naturalized, saloon, and fraudulent votes.” Democrats, the writer contended, supported the amendments by a margin of 40,000. The result was that although the legislature had provided Texans with a tangible measure to reform the electoral process, the people rejected voter registration when they went to the polls. The failure of the voter registration amendment sent a confusing message to the representatives, the senators, and the governor regarding what, if anything, to do regarding elections and ballot reform. The next legislative session would need to determine whether to push forward or hold back on further electoral legislation.⁹¹

The next January a new governor, Lawrence Sullivan Ross, reconvened the legislature into special session on April 16, 1888 to deal with pressing financial issues.

⁹⁰ “Constitutional Amendments, Tickets, with Explanations,” *Dallas Herald*, July 26, 1887; “Proposed Amendments to the Constitution passed by the 20th Legislature,” *San Marcos Free Press*, Thursday, July 14, 1887.

⁹¹ “All Amendments Defeated,” *Austin Weekly Statesman*, August 11, 1887; “Straight to the Mark,” *San Marcos Free Press*, August 18, 1887.

Governor Ross “found it necessary, because of its [Texas’s] vast resources, to convoke its law makers to deal with a Treasury filled to repletion.” Governor Ross’s call for tax reform cited a looming financial crisis incurred by the previous legislature’s spending “for a reformatory and a colored deaf and dumb asylum” while at the same time “enacting a law to suspend the forced collection of taxes.” Voter registration and election reforms did not come up for discussion in the special session.⁹²

Later in 1888, events external to Texas added substantial fuel to the heated discussions about the conduct of elections. An intense contest by Republicans to reclaim the presidency from Grover Cleveland loomed in 1888. On October 31, 1888, the *New York Times* published an October 24, 1888, letter from General William Wade Dudley, treasurer of the Republican National Committee. Dudley told Indiana state Republicans that he had been successful in “securing for Indiana the aid necessary” for Election Day voter bribes. Dudley’s letter provided detailed instructions for purchasing votes from “floaters,” or men willing to sell their votes to the highest bidder. Dudley directed Indiana Republicans to “divide the floaters into ‘blocks of five’ and put a trusted man with the necessary funds in charge of these five, and make him responsible that none get away and that all vote our ticket.” The term “blocks of five” became a “dog-whistle” for alerting Democrats to the presence of Republican Party bribery and corrupt campaign practices.⁹³

Democrats and good government advocates throughout the nation were outraged at the brazen nature of Dudley’s vote-buying scheme. A group of New York Democratic businessmen raised \$50,000 to prosecute anyone caught employing Dudley’s tactics.

Other Democrats offered a reward to Dudley if he would come to Indiana and deny the

⁹² Journal of the House of Representatives, Twentieth Legislature, Extra Session, 6-14.

⁹³ “Treasurer Dudley’s Letter of Direction for Buying Votes in Indiana”, *New York Times*, November 4, 1888.

authenticity of the letter. Senator Matthew Quay, chair of the Republican National Committee, urged Dudley to claim the reward, but Dudley resisted Senator Quay's entreaties to go to Indiana and earn the \$1,000 by filing an affidavit that the letter was not genuine. Instead, Dudley chose to “stay in this city until after election and do what he can to purify the election here.” Both men retained their positions with the Republican National Committee until they submitted their resignations on July 30, 1891, almost three years later. The debacle raised the righteous ire of Democrats as well as many Republicans. It further heightened the pressure to reform election corruption and placed ballot reform prominently in the minds of national and Texas voters.⁹⁴

Elsewhere during 1888, the Farmer's Alliance was steadily gaining traction with white, rural Texas voters and attracting the attention of Texas Democratic leaders. In a speech published in the *Richmond (TX) Democrat*, A. [H.] Terrell cautioned Democrats flirting with the Farmer's Alliance to “be an alliance man if you choose; but think, vote, and speak outside of them as a free man, and avoid as you would a serpent the leader who would deceive you by a deceptive fusion to bind you hand and hand to the republican negro until they land you in the republican camp.” Terrell continued by asking those attracted to the Alliance because of its position on railroad freight relief to retain their faith in the Democratic Party and asked the question, “Why then desert when victory is near?” Texas Democrats were beginning to realize that their base, the rural farmers from

⁹⁴ “Dudley Remains Here: Not Yet Starting for Indiana to Claim that Reward,” *New York Times*, November 4, 1888; *Fort Worth Daily Gazette*, November 7, 1888; “Quay and Dudley,” *Los Angeles Herald*, July 30, 1891, accessed February 17, 2014, <http://cdnc.ucr.edu/cgi-bin/cdnc?a=d&d=LAH18910730.1.1&srpos=&dliv=none&st=1&e=-----en--20--1--txt-txIN----->.

whom they derived so much of their support, was eroding and could no longer be relied upon on Election Day.⁹⁵

Similarly, laborers, workingmen, and the poor in the fast-growing cities felt less and less kinship and allegiance to the Democratic Party. Men like Alexander Watkins Terrell and John Reagan wanted to disfranchise black and white alike if they were what they considered “irresponsible” or “non-taxpaying rabble.” They feared that universal suffrage was reducing “taxpayers . . . to a political form of serfdom ruled by ignorant negroes and worthless whites.” Increasingly, the Democratic Party was divided by both race and class, and many wanted to rid the political process of “the floating and irresponsible, who were here today and elsewhere tomorrow.”⁹⁶

In its Twentieth Legislature, the Texas legislature passed significant legislation that cleaned up the election process while the people sent a mixed message to their legislators in the August 4, 1887 election by rejecting the voter registration amendment. Texas legislators passed three bills in the 1887 session which made it illegal to cast an unqualified vote, closed the saloons and removed alcohol from close proximity to the polling places, and put procedures in place for the counting and control of ballots with a substantially enlarged staff manning the polls. All of these changes in election procedures seemed to be well received by the public. Paradoxically, the voters rejected an opportunity to institute voter registration by an almost two-to-one margin. It remained unclear whether the voters rejected voter registration because they truly opposed it or because it was part of a package of amendments that included the prohibition

⁹⁵ “Good Advice,” *Richmond Democrat (Richmond, TX)*, October 6, 1888. A. H Terrell quoted in this article is in likely Sen. Alexander Watkins Terrell of Austin and the middle initial an error. Terrell was a well-known partisan Democrat who frequently traveled the state giving speeches.

⁹⁶ Williams, *Beyond Redemption*, 62-63.

amendment. Whatever the case, the Twenty-First Legislature apparently took the results of the election as a cautionary tale and would proceed more carefully on the subject of election reform.

Chapter 4

Finding a Direction: The Twenty-First Texas Legislature

I'm from Texas, and one of the reasons I like Texas is because there's no one in control.⁹⁷

Willie Nelson

As the 1880s faded, the direction of suffrage in Texas was anyone's guess. Newspapers around the state wrote glowing reports on the Australian ballot system's success throughout the country. Yet, as the Texas Legislature prepared to assemble in January, its members were reticent to approach the subject of suffrage. After all, the voters had resoundingly rejected the constitutional amendment that would have allowed voter registration a mere sixteen months earlier. The more salient issue, for Texas and the entire South, involved federal efforts in Washington that would renew the federal oversight of elections. Texas legislators, both at the federal and the state level, strategized over how they could blunt the impact of the Federal Elections bill which was expected to pass at that time.

The Texas state legislature convened on January 8, 1889 for its twenty-first regular session. Governor Sul Ross, in his letter to the legislature that outlined his priorities for the session, presented several issues for the representatives and senators to ponder. Election reform was not one of them. Instead, Texas's credit worthiness and other financial matters again dominated the governor's attention and he urged the

⁹⁷ Jac Darznieks, "The Texas Quote of the Day," Traces of Texas, February 26, 2014, accessed April 17, 2015, <https://www.facebook.com/TracesofTexas/posts/711972528834879>.

legislators to put the state's financial house in order. Governor Ross also urged the legislature to address education funding and judiciary reforms through constitutional means.⁹⁸

The level of interest in election reform was minor in the Twenty-First Legislature compared with the Twentieth as only three bills touching suffrage issues were introduced. One proposed bill amended the criminal code to address certain frauds perpetrated on the electorate. A second bill proposed to overhaul the election process by introducing the Australian ballot system. The third bill had two versions that were essentially the same, one originating in the house and one in the senate. These bills proposed separating the federal from the state and local elections by holding them on separate days.

Representative Felix Smith of Travis County introduced his bill to amend the criminal code related to ballot and voter manipulation on January 28, 1889. Smith's bill contained three provisions. The first made it illegal to "willfully destroy, mutilate, alter or counterfeit, or carry away, with intent to secrete or destroy any tickets of any party or candidate." It also defined as a misdemeanor any act intended to "solicit, request, or attempt to influence another to vote for any candidate, or to scratch any ballot while without the ballot room" in order to receive any money or other reward. Violators were subject to fines of fifty to five hundred dollars and imprisonment of six to twelve months in county jail upon conviction. A second provision made it illegal to deceive or mislead illiterate voters into voting for someone other than whom they intended. The penalty for such deception was harsh: imprisonment in the state penitentiary for one to three years. Finally, Smith's bill imposed fines of one hundred to five hundred dollars upon "anyone who shall knowingly print, circulate, or distribute bogus election tickets." This bill would

⁹⁸ Journal of the House of Representatives, Twenty-First Legislature, 13-28.

have provided a mechanism to reduce the destruction, counterfeiting and alteration of ballots and to deter the acceptance of bribes for influencing votes. Ten days later Smith's bill died in committee on February 7, 1889.⁹⁹

The second piece of election-reform legislation, proposing the enactment of the Australian ballot, originated from Representative John Melson of Sulfur Springs in Northeast Texas. Melson's bill embodied all of the characteristics of the Australian ballot system: governmental printing and distribution of one ballot with all of the candidates' names, nomination through the parties or by write-in, management of the ballots and ballot boxes by election officials, and maintaining confidentiality of the ballot. The Judiciary Committee recommended passage of Representative Melson's bill pass. At the same time, a minority report recommended against passage. Representative Norton Moses, who represented Burnet and Lampasas Counties, and James A. Breeding of Galveston, who represented Harris, Montgomery, Trinity, and Walker Counties, submitted the dissenting recommendation. House Speaker Frank P. Alexander of Hunt County never brought Melson's bill to the floor, which effectively killed it.¹⁰⁰

The other bills that the Twenty-First Legislature considered were designed to address the growing fear that the federal government was about to enact a new law to guarantee voting rights for African Americans by implementing federal supervision of elections at the polls. As Republican President Benjamin Harrison claimed the White House from President Grover Cleveland, dialogue in the legislature and in the countryside of Texas centered on the efforts of Republicans in Washington to revive a

⁹⁹ Journal of the House of Representatives, Twenty-First Legislature, HB 25, 222-223, 328; House Bill 25, File Box Number 25, accessed December 26, 2014.

¹⁰⁰ Journal of the House of Representatives, Twenty-First Legislature, HB 555, 441, 450-451, 1203; House Bill 555, File Box Number 253.

bill regulating federal elections. The Federal Elections Bill represented the greatest challenge to southern sovereignty and Democratic Party autonomy since the Civil War.

Both Texas senators fervently opposed the Federal Elections Bill. Texas's junior senator, Richard Coke, took a practical approach by urging Texans to wait for the bill's fate to be determined. In the event that the bill did move forward, Coke proposed that state legislators separate the federal elections from the state and local contests. The state's senior senator, John Reagan, dramatically asserted that the Federal Elections Bill was such an egregious initiative that, "as dear as my life is to me, as God is my judge, if I could save the American people from the pending measure [the Federal Elections bill] by giving up my life, I would surrender as freely as I ever performed any act in my life." Clearly, the Federal Elections Bill revived the fervent feelings of victimization that Texans had experienced during Reconstruction.¹⁰¹

The Federal Elections Bill, alternately referred to as the Sherman Bill, the Lodge Bill, or the Force Bill, sought to strengthen and expand the Enforcement Acts of the 1870s. The push for the bill arose from the Republican Party's outrage at "the suppression of the ballot by a criminal nullification of the Constitution and laws of the United States." Republicans believed that the Democrats had achieved their recent electoral victories through blanket violations of the Fifteenth Amendment. When the Republicans retook the presidency with Harrison's win over Cleveland and gained

¹⁰¹ "The Force Bill," *Austin Weekly Statesman*, January 29, 1891; "Washington Letter," *Austin Weekly Statesman*, January 29, 1891.

majority control in both houses of congress in 1888, they were determined to rectify the situation.¹⁰²

The Federal Elections Bill's goals were twofold. Its objective was to end both the suppression of African American voting in the south and the growing election fraud in federal elections throughout the nation. The bill authorized federal circuit courts, based on a petition from a small number of citizens in any district, to appoint federal supervisors for congressional elections. It entrusted these supervisors with the duty of attending elections, inspecting registration lists, verifying the information given by doubtful voters, administering oaths to challenged voters, preventing illegal immigrants from voting, and certifying the count. The bill also authorized federal officials and courts to overturn the election results that had been certified by state officials. All of these provisions, but especially the last one, threatened the almost free reign Texas Democrats had enjoyed over elections since the end of Reconstruction.¹⁰³

Most Republicans supported the bill for both partisan and principled reasons. The bill suited Republican partisan objectives because African Americans voted overwhelmingly Republican. The principle that led Republicans to support the Federal Elections bill was far more complex. It involved the belief of many northerners that while they had won the Civil War and saved the union, southerners had essentially nullified that victory by ignoring federal authority and ignoring the federal constitution, specifically the Fifteenth Amendment. Democrats viciously opposed the Federal Elections bill and called it "a scheme to rob the people of the States of the dearest right of American citizenship."

¹⁰² Keyssar, *Right to Vote*, 108-111; Richard E. Welch, Jr., "The Federal Elections Bill of 1890: Postscripts and Prelude," *Journal of American History*, Vol. 52, No. 3 (Dec., 1965): 511-526, accessed January 1, 2015, <http://www.jstor.org/stable/1890845>,

¹⁰³ Ibid.

Democrats complained that the Federal Elections Bill was partisan, hypocritical, unnecessary, expensive, and unconstitutional.¹⁰⁴

The United States House narrowly passed the Federal Elections Bill without any Democratic support in early July 1890. The Senate then considered the bill. Some factions of the Republican Party, who were more concerned with the economic issues surrounding the tariff and silver, abandoned their support of the bill and weakened its chances. The Democrats initiated a filibuster and other parliamentary maneuvers that delayed the bill further. The Senate then voted to halt the debate around the Federal Election Bill in order to undertake an apportionment act in January of 1891. A procedural vote of thirty-five to thirty-four with nineteen abstentions doomed the election bill. Republican economic interests had superseded their pronounced moral imperative of “a free ballot and a fair count.” The Republicans had abandoned the Federal Elections Bill in favor of tariff and silver legislation. The Federal Elections Bill, along with any meaningful national election reform legislation, would not be addressed at the national level again until the 1960s.¹⁰⁵

The Texas Legislature did not yet know the ultimate fate of the Federal Elections Bill when, on February 2, 1889, Representative William Hamby of Travis County introduced his House Bill 468 which was designed to separate the elections for state and local positions from the federal elections. Hamby’s intention was to blunt the impact of the Federal Elections Bill on state and local races should the federal bill become law. State and local elections would occur on the first Tuesday after the first Monday in

¹⁰⁴ Ibid.; “Washington Letter,” *Austin Weekly Statesman*, January 29, 1891.

¹⁰⁵ Ibid.; Kousser, *Shaping of Southern Politics*, 29-33; Keyssar, *Right to Vote*, 108-111.

August from 1890 forward. Federal elections would remain on the first Tuesday following the first Monday of November. Hamby's bill passed committee review.¹⁰⁶

During the debate in the house, racially charged innuendo was at the forefront of the discussions. Representative Guy Morrison Bryan of Galveston County argued that Hamby's bill was necessary to "preserve the peace" in Texas elections. He also claimed that it was the state, not the federal government, which held the right to manage Texas elections. He proposed that the increase in the population numbers of African Americans in the upcoming 1890 census "would doubtless surprise us" and that he wanted to "secure harmony in the political relations of the two races." In Bryan's opinion, President Benjamin Harrison had "covertly indicated attack upon the rights of the south through electoral laws" in his inaugural address.¹⁰⁷

Comments from Representative Isaac Parker of Birdville in Tarrant County recalled the days of southern secession. The *Austin Statesman* quoted Parker as arguing, "It was our duty to act in the matter and let Harrison and Sherman understand now as well as at any other time that the federal government may rob us, but can never take from us our manhood and disposition to defend our homes and families." Parker finished by stating, "He had submitted at the end of the war, and that was submission enough." Once again, the dialogue around the election process was enmeshed with the same rhetoric that was used as justification for the Civil War.¹⁰⁸

Representative Alexander Pope from Harrison County also opposed federal oversight but was somewhat more subdued and less foolhardy in his assessment, saying that he favored the state bill because the Federal Elections bill ". . . was but a forerunner

¹⁰⁶ Journal of the House of Representatives, Twenty-First Legislature, HB 468, 276, 329, 1194.

¹⁰⁷ "The Legislature," *Austin American Statesman*, March 14, 1889.

¹⁰⁸ Ibid.

that foretold other harsh measures that would follow.” His position also reflected the general sentiment in the Texas Legislature that the federal government interference in Texas elections was not welcome. Whether it was from political posturing or heartfelt passion, many representatives were ringing the alarm bell that southern autonomy and white political dominance in future elections were in peril.¹⁰⁹

Other Texas representatives promoted a wait-and-see attitude. Representative George White of Freestone County did not oppose the Hamby’s bill but also felt no urgency to address the pending Federal Elections bill unless it became law. Representative Thomas Hayes of Lamar County agreed with White’s assessment, saying that he would favor Hamby’s bill should it become necessary. Hayes believed that the existing separate ballot box system was sufficient protection from the Federal Elections Bill. Representative M. J. Hathaway, who was also from Lamar County, argued that separate ballot boxes would solve nothing since the United States Congress could “extend its own powers to suit the occasion.” Hathaway saw no reason for Texas legislators to act just because of comments made by President Harrison that his colleague Representative Bryan had mentioned as justification for approving the bill. After much filibustering, Representative William Hamby of Travis County proposed the postponement of further debate and stated that the legislature should reflect on the bill for a week.¹¹⁰

The Texas Senate simultaneously considered a similar measure to separate state and local from federal elections with its Senate Bill 222, which Senator William Henry Burges of Guadalupe County sponsored. The Senate version was essentially the same as the House bill except that the state and local Election Day would be the first Monday in

¹⁰⁹ Ibid.

¹¹⁰ Ibid.

August and federal elections would stay as they were. The Senators expressed similar distrust of the Federal Elections bill to those expressed by House members, but the Senate proved to be more decisive. During the debate, several senators invoked memories of Reconstruction and predicted similar results from the dreaded interference of the federal government in state affairs should the Federal Elections Bill pass.¹¹¹

However, Representative William Armistead of Marion County touched on the Democratic concern underlying all of the rhetoric when warned that separating elections would mean an end to the Democratic Party's hegemony in Texas. Armistead warned that the people had more interest in local than federal congressional campaigns. He surmised that separate federal and local election days "would result in breaking the solid democratic delegation from Texas" because Democrats would no longer dominate elections as they had since the Redemption. Armistead proposed the alternative of keeping the same day for the election but relocating the congressional and presidential ballot boxes to a separate location as Marion County did at the time. Representative Johnson, from the East Texas black belt, was blunter, saying, "the truth was that the democracy [Democratic Party] was scared." Senate Democrats could clearly see that federal supervision of elections might not marginalize them but it would remove the free hand they had enjoyed since 1874. Consequently, the senate passed Senator Burges's version of the separate Election Day bill by a vote of sixteen to nine with two absent on February 23, 1889.¹¹²

¹¹¹ Journal of the Senate, Twenty-First Legislature, SB 222, 313, 314, 982; Journal of the House of Representatives, Twenty-First Legislature, SB 222, 185, 255, 283, 308, 313, 314, 854.

¹¹² Journal of the Senate, Twenty-First Legislature, 313-314; "The Texas Legislature," *Dallas Morning News*, February 21, 1889.

After the senate's passage of Senator Burges's bill, the house substituted the senate version for its own. The ultimate fate of the separate elections bill after this substitution is unclear. The Senate Journal records that the bill was "Lost in House" while the House Journal records that the bill was "postponed until March 18, but never taken up." This likely means that the Speaker of the House, Frank P. Alexander, at the behest of Texas's senators Richard Coke and John Reagan, allowed the bill to die by refusing to bring it to the floor of the House. While both Texas senators supported the intent of legislators to reduce the Federal Elections bill's impact should it pass, it had not passed and they considered the passage of the separate election bill in Texas to be a premature, drastic action. The logic of their position is explained in a *Dallas Morning News* article:

The (House) debate was long and at times eloquent. One of the strongest points made by the affirmative was the fact that Senators Coke and Reagan both defied the legislature to follow the course suggested by the bill. As usual Senator Coke was highly complimented for his boldness and his past conduct in exemplification of that characteristic was dwelt on at length. The hint was thrown out that if he were scared it was about time for ordinary men to stampede.¹¹³

Should Senator Coke become "scared," then action would be merited. Until and unless the Federal Elections bill passed, the state legislators should not do anything. The result was that neither the House nor the Senate bill became law and federal as well as state and local elections remained on the same day.

Thus, the Twenty-First Texas Legislature adjourned on April 6, 1889 without passing any legislation regarding voter or ballot reform. Neither Representative Smith's bill to prevent the forgery of ballots nor Representative Melson's Australian ballot bill ever gained any traction. Bills to separate federal from state and local elections passed

¹¹³ Journal of Senate, Twenty-First Legislature, 854; Journal of the House of Representatives, Twenty-First Legislature, 1230;

their respective branch of origin in the legislature, but neither could obtain final approval in the other branch. Consequently, both failed to obtain final passage and presentation to the governor for his signature in order to become law. In the wake of the overwhelming defeat of the proposed voter registration amendment sixteen months earlier, the Twenty-first Legislature was not able to gain consensus and take any definitive action to clean up the election process.¹¹⁴

Although the Twenty-First Texas Legislature had not acted on election reform, interest in and demand for the Australian ballot system was gaining strength throughout the country during 1889. Texas newspapers ran story after story of various states, from Montana to Massachusetts, successfully adopting the Australian ballot system. The press was almost universally positive in their reviews of the Australian ballot system's impact. Glowingly positive comments appeared in the press such as, "The universal verdict after the polls were closed was that the new style of voting is the best system ever devised, and people regardless of party are delighted with it. Nobody visiting the city would have known an election was in progress, and business except at the banks and saloons went on as usual."¹¹⁵

Although the Australian ballot system now enjoyed some support, lawmakers objected on a number of grounds. Some criticized the expense associated with the government assuming responsibility for the printing and distribution of the ballots. Others complained about the length and complicated nature of having all of the candidates for all of the offices listed on one ticket, claiming that voters would be required to pick out their choices from a ballot "as long as a railroad ticket." Some noted that blind, illiterate, and

¹¹⁴ Journal of the House of Representatives, Twenty-First Legislature,, HB 555, 436-441, 450-451; House Bill File 555, Box Number 253; "An Australian System," *Dallas Morning News*, February 24, 1889.

¹¹⁵ "The Australian Ballot System," *San Marcos Free Press*, October 31, 1889.

near-sighted voters had trouble making their selections and required assistance, which in turn violated the secrecy aspect of the balloting system. Yet it was generally conceded that these annoyances were minor compared to the inherent violence, bribery, drunkenness, and mayhem of the existing system.¹¹⁶

Why did its proponents applaud the Australian ballot as the cure for all Election Day ills? Simply stated, the ballot seemed to offer something for everyone except the corrupt party politicians and their minions. Those who sought to stop the buying of votes and election bribery applauded the reform because the secrecy of the ballot meant that no one would pay for a vote when they could not verify that the seller delivered it. For the same reason, the secret ballot would deter the drunkenness at the polls and the use of alcohol to manipulate voters.

Party officials viewed the Australian ballot as a positive development for multiple reasons. For one thing, the system shifted the expense of printing and distributing ballots from the party to the government. Secondly, bribes and buying votes were expensive and the money used for them could be better utilized for other purposes. Additionally, partisan Democrats were beginning to realize the potential that the culling of the voter base offered. Party officials recognized that the ballot might remove some of the voters who were most likely to oppose Democrats and increase the success of democratic candidates. For instance, uneducated, poor, and illiterate men of either race would be less likely to vote with the Australian system. Those same men tended to be poorer, employed as sharecroppers, laborers, and workingmen, and less likely to vote for the Democratic candidate from the Bourbon wing of the party. In short, removing the lower classes from the pool of voters promoted the interests of the Bourbon Democrats.

¹¹⁶ "Australian Ballot System," *Southern Mercury* (Dallas, TX), November 21, 1889.

Another reason that Texas Democratic Party officials increasingly favored the Australian system was that they believed that it gave them a national partisan advantage. Texas newspapers speculated that the new Australian ballot system sweeping the country would help put swing states, especially New York and Indiana but also smaller states like Rhode Island, into the Democratic column in future elections. The Australian ballot held the key to future Democratic victories because Republican tactics like Senator Quay's infamous "blocks of five" technique that they had used in the 1888 Indiana presidential race would no longer work where the Australian system was in place. The "blocks of five" was the practice where a Republican "trusted man" was given cash and instructed to deliver the votes of the five "floaters" they were tasked to bribe. Since the effectiveness of voter bribes could no longer be counted upon or measured, the "block of five" tactic would be useless going forward. This in turn would place future Republican presidential aspirations in jeopardy because, as the *Dallas Morning News* wrote, "The republicans cannot win [the presidency] and lose both Indiana and New York." The *News* speculated that Indiana is, "naturally a democratic state; and the same thing is true of New York." Regarding Indiana and the Republican's presidential aspirations, the paper concluded that, "the state will have an honest and unbought ballot for almost the first time in its history and the results of it will be inevitably less favorable to the republicans than it was in the last election."¹¹⁷

As the 1890s dawned, Texas found itself in dissimilar circumstances from much of the rest of the country. The rest of the nation, with the exception of the old Confederacy, was embracing the Australian ballot system with unprecedented rapidity. The Australian ballot system and the tighter government regulation of the electoral and

¹¹⁷ "Policy Foreshadowed," *Dallas Morning News*, October 13, 1889.

candidate nomination process that it provides had been introduced to Texans through news stories. The press was very positive overall in its reviews of the new ballot system, and Texans seemed receptive as well. Texas Democratic politicians, however, were another matter and were uneasy with any changes to the election process that might upset their dominant position in state politics. Democrats were increasingly coming to the realize that white, rural voters would follow the mantra of white supremacy only so far, and the Australian ballot system had potential to limit access to the franchise to the “right” kind of voters, those white, educated, men of property who could still be reliably counted upon as Democrats.

Chapter 5

1891: The Tipping Point

“Politics is the art of looking for trouble, finding it everywhere, diagnosing it incorrectly and applying the wrong remedies.”¹¹⁸

Groucho Marx

When the Twenty-Second Texas Legislature convened in January of 1891, an “avalanche of bills” greeted the lawmakers. Forces both within and outside of Texas were creating a growing sense of urgency to revise the election laws. Texans read recurrent accounts in the state’s newspapers as state after state adopted the new Australian ballot system. The newspapers also stoked fears about pending federal legislation which was intended to clamp down on disfranchisement mechanisms, both lawful and unlawful, that were being used to prevent African Americans from voting. At the same time, Texans were also reading frequent accounts of voting fraud by Mexicans, especially in the southern and western areas of the state. Most Texans seemed to support election reforms yet the legislature had failed repeatedly to pass the related legislation. Ironically, a local mayoral election in the city of Dallas provided the impetus that gave the election reformers the victory that they had long sought.¹¹⁹

Support for the Australian system appeared almost universal and its virtues often exaggerated. Farmers, labor, Republicans, and Democrats, as well as members of organizations such as the Farmer’s Alliance all supported the adoption of the Australian

¹¹⁸ Ashton Applewhite, Tripp Evans, and Andrew Frothingham, *And I Quote, Revised Edition: The Definitive Collection of Quotes, Sayings, and Jokes for the Contemporary Speechmaker* (New York: Thomas Dunne Books, St. Martin's Press, 2003), 265.

¹¹⁹ “Avalanche of Bills,” *Dallas Morning News*, January 16, 1891; “The Australian Ballot,” *Dallas Morning News*, November 29, 1890.

ballot system and predicted positive change as a result of its implementation. One of the perceived benefits was the promise that the system would compel all of the political parties to nominate better candidates for their respective tickets. As an article in *The Dallas Morning News* on March 7, 1890 explained, “under it the voter cannot be bulldozed into voting ‘the whole ticket’. The Australian system means the death of the party hacks, and is therefore a welcome change” with all people and parties “destined to get a good deal out of it.”¹²⁰

Race and class issues were one reason that the Australian ballot appealed to many Texans. In making the case for the new system, newspaper articles touched on the racial animosity that many whites felt toward African Americans. A reprint from the Gainesville, Texas newspaper begins by praising the current state of the elections in Gainesville. It states, “So far as fraud in the count and violence at the polls are concerned Gainesville elections are as fair as any in the world.” Regardless of this positive assessment, the article continues, “Yet the Australian voting system would greatly improve matters here.” The piece expresses clearly that the way that the system “would greatly improve matters” is by mitigating the problems that many believed were being caused by African Americans and the poor at the polls:

It disgusts and disheartens the honest voter to see the lot of loafing negroes filled with mean whiskey at the expense of office seekers, obstructing the sidewalks, and in loud, boisterous ones discussing the merits of the different candidates. It disgusts anyone to see poor men, who have few friends at any other time, so tenderly looked after and the welfare of the family inquired after by candidates whose sole objective is to secure their votes. And worse than this, the men are sometime paid in cash for their votes. Tramps are hunted up and hauled in carriages to the polls in grand style as though they were conquering heroes.

¹²⁰ “Organized Farmers,” *Dallas Morning News*, March 7, 1890; “Ballot Reform,” *The Democrat (McKinney, TX)*, April 17, 1890; “The First of May,” *Dallas Morning News*, April 27, 1890; “The Platform,” *White Republican (San Antonio, TX)*, September 10, 1890.

The article posits that the Australian system would mitigate these behaviors and discourage the “drunken loafers” from “hanging around barrooms for weeks before the election” waiting to have someone buy their vote. The article extolls the ability of the Australian system to protect the “poor laborer who is too honest to sell his vote” from employer coercion to vote a certain way “by threatening to deprive him of his job.” The author summarizes with the sweeping claim, “In short we believe that this system of voting would work a wonderful revolution in our political methods and go very far toward securing a fair and honest expression of the will of the people at the polls.”¹²¹

All of this positive press in support of the Australian ballot system led to calls for its adoption in the upcoming Twenty-Second Texas Legislative session of 1891. A February 22, 1890 article in *The Dallas Morning News* encouraged the expedient implementation of the system and emphatically stated that, “One of the greatest stigmas on the good name of our fair government is the foul means and wicked devices resorted to in our elections. Thousands of voters are driven to the polls and voted like so many sheep to the shearer. Especially is this true in large cities. A remedy is in sight. Texas law-makers, let us have it.” The press reflected the rising demands from the Texas public for the Australian ballot reform.¹²²

Such talk no doubt reinforced the resolve of Dallas Representative John Cochran to fight for the Australian system in the upcoming legislative session. Cochran expressed support for the Australian system and he told the *Dallas Herald* that he had received letters supporting his stand on the issue from throughout the state. In an interview with the *Dallas Herald*, Cochran said he favored a constitutional amendment for voter

¹²¹ “The Australian Ballot,” *Dallas Morning News*, February 22, 1890.

¹²² “The Australian Ballot,” *Dallas Morning News*, November 26, 1890.

registration that included the Rio Grande border counties. Cochran claimed that a West Texas supporter had contacted Cochran saying, “We need this to counteract the effect of the ignorant Mexican vote.” Clearly, legislators recognized that the Australian ballot system had the potential to restrict the suffrage of unwanted voters such as the Mexican population in South Texas.¹²³

Despite the overwhelmingly positive press that the Australian ballot system had received, not everyone in Texas supported it. A *Dallas Morning News* opinion piece said that the existing oath of office, in which elected officials swore that they had not given or received anything of value, including employment, in return for giving or receiving votes, should be enough assurance for the public. If any elected official was intent on violating a sacred oath and his own honor the article asked, what good could yet another law do?¹²⁴

The enthusiasm of the Texas press for the Australian system led Texans to forget that the Australian ballot movement had begun and enjoyed the most success in the northern, Republican-dominated part of the nation. Texas news accounts created the perception that northern Republicans opposed the Australian ballot system, especially in the swing states of Indiana and New York. Stories describing the party bosses’ and New York Governor Hill’s opposition to changes in the election procedures were particularly popular. These stories emphasize how northern Republicans wanted to retain party advantage through unethical and often illegal means. Similar or worse practices in Democratic and southern settings were commonly ignored by the Texas press. Many newspaper articles implied and some openly predicted that Republican states would shift into the Democratic column if the corrupting influence of Republican Party hacks was

¹²³ “The Australian Ballot,” *Weekly Times-Herald (Dallas, TX)*, November 29, 1890.

¹²⁴ “The Official Oath and Election Reform,” *Dallas Morning News*, January 12, 1891.

purged from the electoral system. The misconception that Texas Democrats did not engage in similar activities fueled a righteous indignation that Texans used to mask and justify the shortcomings of their own system.¹²⁵

This same sense of ethical superiority led southerners to moralize about the reports of northern Republican employers coercing their employees to vote as they directed. While this did occur on occasion, Texans were quick to disregard similar and more egregious practices targeted at sharecroppers, southern laborers, and African Americans. This hypocrisy crops up repeatedly in articles like the January 18, 1891 commentary in the *Dallas Morning News* that gloats, “those employers, happily not heard of in this section of the country, who ungenerously determine to interfere with the political freedom of their employees” are absent in Texas.¹²⁶

By 1891, a majority of the states had adopted some form of the Australian system. For many Texans, the Australian ballot system had taken on a moral dimension and it was simply the “right” thing to do. The Texas press had popularized the Australian ballot system until Texans viewed it as their own and a natural development for their state. Many elected officials were eager to respond to their constituents by supporting the Australian ballot.

Governor Lawrence Sullivan Ross retired in January 13, 1891 as the new Governor, James Stephen Hogg, took office and the Twenty-Second Texas Legislature convened. Governor Ross’s departing advice regarding suffrage reform warned of the

¹²⁵ “Reform of the Ballot,” *Dallas Morning News*, January 8, 1890; “Gov. Hill’s Winding Way,” *Dallas Morning News*, January 12, 1890; “The Purse Strings,” *Dallas Morning News*, February 3, 1890; “The Australian System,” *Dallas Morning News*, February 2, 1890. This is a sample of articles about Governor Hill’s opposition to the Australian system for a one month period and in one publication (the *Dallas Morning News*) of 1890.

¹²⁶ “The Reform Ballot,” *Dallas Morning News*, January 18, 1891; “The Official Oath and Election Reform,” *Dallas Morning News*, January 12, 1891; “The Australian Ballot,” *Dallas Morning News*, February 22, 1890.

corrupting influence of money. In his departure message to the new legislature he counseled,

The first step in that direction should be to determine by some method who has the right to vote; and then every possible safe-guard should be provided against the employment of money or force in controlling elections. Unless these evils are protected against, the avenues of promotion in public life will soon be effectively closed to the intelligent and worth poor, and left open only to those who wrongfully use their wealth to buy position, and to the corrupt who will sell the rights of free men. To this end I submit that our laws on the subject of bribery should hold the temptor, if not alone, at least more guilty than the man tempted, who yields, possibly, from a necessitous position.

Bribery and vote buying were already illegal but Governor Ross seemed to want a process to render the buying of votes untenable, which was still missing from Texas elections, and the Australian ballot system could provide that process.¹²⁷

The new governor, James Stephen Hogg, was a product of the tensions that divided Texas Democrats. Reform was in the air, and Hogg had cast himself as a reformer and had campaigned on regulating the railroads and bringing relief to farmers from the high freight rates that were charged for shipping their crops to market. Hogg articulated his priorities before the legislature in his lengthy State of the State address on January 21, 1891. His top six action items included establishing a railway commission, eliminating corporate monopolies and their perpetuities as to land and titles, providing for the support and maintenance of public free schools for six months of each year, Properly endowing and maintaining the university and its branches and other educational institutions, Establishing and supporting a home for the disabled Confederate soldiers, and Requiring railways in the State to provide separate coaches for their white and black

¹²⁷ Journal of the House of Representatives, Twenty-Second Legislature, 50.

passenger. Suffrage or voting reform was missing from his list of the state's highest priorities.¹²⁸

The legislature did not share Governor Hogg's lack of interest in election reform nor his innate sense for what would succeed and what would fail. In the House, the resolutions to amend the constitution regarding suffrage centered upon authorizing a poll tax and enabling voter registration. True to his aforementioned interview with the *Dallas Morning News*, Dallas County Representative John H. Cochran's resolution to remove the restrictions for voter registration and allow numbered ballots died by a vote of sixty-five to eighteen on February 20. On March 5 an attempt to reconsidered and resurrect Cochran's bill failed by a similar vote of sixty-eight to twenty-three. The other resolution to amend the constitution and lift the ban on voter registration came from Thomas J. Brown of Sherman in Grayson County that was substituted for Senator Burney's successful Senate Joint Resolution 19. William C. McElwee of Bexar County and J. T. Robison of Daingerfield in Morris County introduced the other two failed resolutions that were attempts to enact poll taxes.¹²⁹

Although Robison's poll tax resolution failed by the substantial margin of seventy-two to twenty eight, the dichotomous comments surrounding the debate provide insight into how representatives viewed the franchise in the Twenty-Second Session. For example, Cornelius W. Martin of Decatur in Wise County said, "Mr. Speaker: I vote 'no' on this resolution because the privilege of an American citizen to take part in all election

¹²⁸ Journal of the House of Representatives, Twenty-Second Legislature, 103-117.

¹²⁹ Journal of the House of Representatives, Twenty-Second Legislature, HJR 5, 30, 31, 161, 375, 394, 441, 487, 488, 1084; House Joint Resolution Bill File Number 5, File Box number 288; Journal of the House of Representatives, Twenty-Second Legislature, HJR 8, 59, 161, 1084; House Joint Resolution Bill File Number 8, File Box number 288; Journal of the House of Representatives, Twenty-Second Legislature, HJR 11, 84, 162, 384, 565, 566, 572, 1085; Journal of the House of Representatives, Twenty-Second Legislature, HJR 26, 853, 867, 870, 873, 1086.

is too sacred to have moneyed value, and this places the citizen who fails to pay a poll tax on equality with a felon.” John Kirkpatrick who was also of Decatur in Wise County, took the opposite view and said, “I vote ‘aye’ because I think a man who refuses to bear the burden of the government should not have a voice in that government. There are over 100,000 voters in the State of Texas who will not pay their poll tax and we do not believe that it is just that the vote of an honest, industrious and hard working citizen should be killed by the vote of an ignorant negro or any other person who will not pay their poll tax.”¹³⁰

Other representatives also weighed in on the poll tax and suffrage. J. Ras Jones of Panola County and James Moody of Mexia opposed the poll tax because they perceived it as a way to limit the franchise based on wealth and class. Jones and Moody expressed the concerns of those wishing to prevent the disfranchisement of poor farmers and stated:

We vote "no" on the resolution to disfranchise all men who do not pay their poll tax. It in a direct effort at the poor man. It is a fact that the large portion of the ad valorem and occupation taxes are not paid. We hold that it is undemocratic and contrary to the principles of American freedom. We are willing to make all property subject for the poll tax. We favor a government of, for, and by the people. We believe in equal rights to all, special privilege to none. We believe that this resolution will endanger other resolutions which perhaps ought to be adopted. We will never consent to crush and disfranchise the poor man who can't pay his taxes, while those who can, and ought to pay their taxes, are left free to exercise all the rights secured to us all by our forefathers’.

Representative Charles Rogan of Brown County agreed with Jones and Moody but added his thoughts about the increasing importance of the corrupting influence of money being introduced into the electoral process. Rogan added:

Mr., Speaker, I vote "no" on the adoption of joint House resolution No. 11, for the following reasons: 1. I believe it will have the effect if adopted, to disfranchise a

¹³⁰ Journal of the House of Representatives, Twenty-second Legislature, 572; Journal of the House of Representatives, Twenty-second Legislature, 572-573.

great number of the poor but worthy people in the state. 2. It will have the effect of abridging a free and independent expression of the will of the people at the polls. 3. It will necessitate the raising of a large corruption fund to carry on every campaign by which votes can be purchased by the payment of the poll tax by the candidate. 4. It will result in the election of only the rich to important offices because the poor have no money to contribute to contribute a corruption fund. 5. It is wrong in principle and against public policy to require the people to purchase from the state the right to vote upon payment of a poll tax.”

A poll tax would come to Texas in the not too distant future. For now enough legislators felt that protecting the franchise for the white, common man, most especially the farmers, was important. Poor city dwellers and African Americans had no such champion for their rights.¹³¹

Rogan’s train of thought held that poll taxes were actually a corrupting influence on elections, and he was not alone in believing this. Rather than preventing voter fraud and vote buying, poll taxes actually contributed to political corruption because corrupt politicians would be encouraged to pay the taxes to obtain votes. Governor William E. Russell of Massachusetts, in a speech to his legislature urging the removal of poll taxes in his state, said that paying poll taxes in order to buy votes, “had long been the practice of candidates” and the political “party committees sometimes raised funds for that purpose.”¹³²

Other bills that were brought before the House included two from Edwin L. Agnew of Hunt County. Agnew’s first bill, introduced January 16, was an attempt to regulate the candidate nomination process by prohibiting the opening of saloons within three miles of the locations where nomination elections or conventions for the selection of party nominees was occurring. It also made it illegal to use alcohol to influence voting for office nominees. Twelve days later, on January 28, the Judiciary Committee report

¹³¹ Journal of the House of Representatives, Twenty-second Legislature, 573

¹³² “The Poll Tax,” *Dallas Morning News*, January 15, 1891.

recommended against the passage of Agnew's bill. His second bill, also introduced on January 16, pertained to the party nomination elections and the conventions for the selection of candidates. It made it illegal to use of bribery in the selection of delegates and nominees. On January 28, the same Judiciary Committee recommended that this bill pass but it never came before the full House and subsequently died.¹³³

Two Australian ballot bills came before the House which were presented by Representative Andrew Jackson Baker of Tom Green County and Representative John Melson of Hopkins County. Baker's comprehensive bill contained seventy-one sections covering all aspects of the Australian ballot and applied to all elections statewide. Melson's Australian ballot bill, which was introduced the same day as Baker's, differed in that Melson's draft applied only to elections in cities with populations of ten thousand or more. Melson's bill met the same fate as Baker's plan on March 13 when both bills died in committee.¹³⁴

Unlike the House, the Senate managed to successfully shepherd through one joint resolution from Senator Robert Burney of Kerrville to amend the constitution to allow voter registration and one bill from Senator R. S. Kimbrough of Mesquite to regulate voting in cities and towns with a population of ten thousand or more inhabitants. Burney's district extended from San Antonio to El Paso and included both of those cities. Coincidentally, San Antonio and El Paso also had functioning political machines and both cities exceed ten thousand inhabitants so the proposed legislation would apply to

¹³³ Journal of the House of Representatives, Twenty-Second Legislature, HB 71, 56, 57 148; Journal of the House of Representatives, Twenty-Second Legislature, HB 78, 57, 146 248, 1003; House Bill File Number 78, File Box number 266.

¹³⁴ Journal of the House of Representatives, Twenty-Second Legislature, HB 9, 22, 603,996; House Bill File Number 9, File Box number 265; Journal of the House of Representatives, Twenty-Second Legislature, HB 17, 25, 26, 601, 997; House Bill File Number 17, File Box number 265; Journal of the House of Representatives, Twenty-Second Legislature, HB 9, 22, 605; House Bill File Number 9, File Box number 265.

them. Unsuccessful legislation originating in the Senate included a one resolution and one bill from Senator William Clemens. Clemens's resolution for voter registration never made it out of committee, while his modified Australian ballot bill passed the Senate but went no further.¹³⁵

The senate's legislative success is directly attributable to developments in the City of Dallas some 180 miles north of Austin. The division among Dallas Democrats had fermented to the point where it would provide the catalyst to break the lack movement over voter registration and the Australian ballot. The Dallas city election of April 4, 1891 exposed the Democrats' vulnerability in ways not easily ignored. The potential breakdown of Democratic Party discipline, challenges from potential third party movements, and the Democratic Party's vulnerability to opposition coalition groups composed of African Americans, laborers, or poor whites called into question the Bourbon Democrats continued hegemony in Texas's cities and throughout the state. In the spring 1891 Dallas municipal election, Dallas Bourbon Democrats attempted to exploit state Democratic control of the legislature to reclaim control of Texas largest city from their opposition.¹³⁶

The spring of 1891 found Dallas was in the midst of a highly contested municipal election with the mayoralty at stake. W. C. Connor, the two-term incumbent mayor, was a Democrat but had previously run and served as a political independent. Since 1885, city politics in fast-growing Dallas had been nonpartisan. A split among local Democrats and

¹³⁵ Journal of the Senate, Twenty-Second Legislature, HJR 6, 73; Senate Joint Resolution File Number 6, File Box number 287; Journal of the Senate, Twenty-Second Legislature, SB 32, 9, 122, 615, 651, 738, 889, 890, 1074; Senate Bill File Number 32, File Box number 278; Journal of the Senate, Twenty-Second Legislature, SB 335, 300, 301, 319, 431, 434, 435, 479, 480, 483, 507, 788; Senate Bill File Number 335, File Box number 284.

¹³⁶ Alicia Ester Rodriguez, "Urban Populism: Challenges to Democratic Party Control in Dallas, Texas" (PhD diss., California State University, Bakersfield, 1998), 5-85.

an effort by Connor's rival faction to seize control of the city's government led to the reintroduction of partisanship.¹³⁷

The Dallas Democrats were divided into two camps and had split along the lines of personal financial interest. At stake were the spoils of city government spending and the power that come with it for themselves and their supporters. Bourbon Democrats were backed by the state party organization and led by Barnett Gibbs. This group favored lower government spending and taxes. Traditional political types, mainly lawyers, tended to dominate this group. The rival faction, led by Connor, consisted of a coalition of local businessmen, African Americans, laborers, workingmen, and property owner. This group championed internal improvement investment and economic growth, and they were not averse to raising taxes to pay for such improvements¹³⁸

One group enjoyed the blessing of the state Democratic organization. Former Lieutenant Governor Barnett Gibbs, who saw a Democratic Dallas as synonymous with a healthy economic and political environment, led this group. Gibbs viewed partisan city politics as good for both Dallas and the party. Gibbs's actions would prove directly responsible for breaking the suffrage legislative logjam in Austin. Ironically Gibbs, who was at the same time in the initial stages of his efforts to organize Democratic clubs to discuss farm problems, would ultimately leave the Democratic Party to become and influential behind the scene Populist Party operative in 1896. As a behind the scene floor manager at the 1896 Populist convention, Gibbs maneuvering for anti-fusion forces almost reversed the order of the selection of the presidential and vice-presidential

¹³⁷ Rodriquez, "Urban Populism," 31-40.

¹³⁸ Rodriquez, "Urban Populism," 49-51.

candidates that, had it occurred, would have had a profound effect on the outcome of Populism.¹³⁹

The competing group of Dallas Democrats consisted of Mayor W. C. Connor and his coalition, which was comprised of the local business elite, African Americans, and workingmen. Connor's appeal to local businessmen was that explosive city growth had occurred during his tenure due to his support for city projects and public spending. Many of his supporters had become wealthy as a result of their investments in street railway companies, real estate speculation, and bond funded city internal improvement projects. These bond sponsored city project activities also yielded prosperity and jobs for ordinary laborers and workingmen, including African Americans.¹⁴⁰

A competition developed between Gibbs and Connor that intensified over time. Connor was a popular mayor who had also garnered many supporters among the leaders in the surrounding communities. Connor was reputed to be ambitious as was the former lieutenant governor. Both men, the *Dallas Times Herald* editorialized, were leading candidates in upcoming congressional elections.¹⁴¹

Since the Democrats dominated the state politically, it presented an affront to their leadership that a nonpartisan mayor led Dallas, the largest city in the state. The Dallas Democratic Party leaders led by Gibbs believed that it was time to reintroduce partisanship into Dallas city politics. The Democrats had not fielded a candidate for the Dallas mayor's office since the election of 1885. In early February of 1891, the Democratic Party regulars held a nomination convention. Mayor Connor's name was

¹³⁹ Rodriquez, "Urban Populism," 31-40; "Barnette Gibbs," Handbook of Texas Online, accessed January 4, 2015, <http://www.tshaonline.org/handbook/online/articles/fgi42>.

¹⁴⁰ Rodriquez, "Urban Populism," 31-40.

¹⁴¹ Rodriquez, "Urban Populism," 47.

placed into nomination along with George C. Cole and two others. After three rounds of voting, the delegates selected George C. Cole as the Democratic Party's nominee in the upcoming April 7 election effectively snubbing Mayor Connor. While Connor claimed that he never authorized himself to be nominated by the convention, Dallas Democrats claimed that Connor had sought but lost the nomination.¹⁴²

During the next month, Connor was quiet regarding his plans other than announcing that he would not support Cole's bid for mayor. Behind the scenes, Connor and his supporters were organizing a "draft" Connor movement in order to create the illusion that the people had recruited Connor for the position. The plan climaxed with a "Citizen's Mass Meeting" on March 12 which featured prominent speakers calling for Connor to enter the race as the people's candidate. In a brilliant political move, Connor used the meeting as evidence that his support to continue as mayor ran deep in the community. He voiced a belief "that the [mayor's] office should call the man rather than the man should seek the office." Connor was still hoping to make the mayoral contest a two-man race so he stopped shy of accepting the citizen's draft at the meeting and went to lengths to avoid alienating the supporters of the other two candidates, Mr. Crutcher and Mr. Rowley. He referred to Crutcher and Rowley as his "friends."¹⁴³

Cole and the local Democratic Party made the campaign's key issues Dallas's fast growing bond debt, the need for fiscal responsibility, and the importance of Democratic Party loyalty. Democrats pushed voters to support the party's nominee because not doing so would constitute a threat to party unity. Meanwhile, Connor emphasized his past

¹⁴² *Dallas Morning News*, February 7, 1891; *Dallas Times Herald*, February 7, 1891; Rodriguez, "Disfranchisement in Dallas: The Democratic Party and The Suppression of Independent Political Challenges in Dallas, Texas, 1891 - 1894," *Southwestern Historical Quarterly* 108, no. 1 (July 2004): 44-48, accessed September 24, 2014, <http://www.jstor.org/stable/30239494>.

¹⁴³ "The Citizen's Meeting," *Dallas Morning News*, March 13, 1891.

successes such as the creation of jobs, the rise in property values, and the general prosperity and growth in the city. Connor's coalition of supporters included prominent businessmen and contractors who stood to benefit from municipal bonds, as well as African Americans and white workingmen.¹⁴⁴

Democrats, who were fearful that Connor's coalition would outright defeat and humiliate their candidate and the party, enlisted the support of their associates in the state legislature. Senator R. S. Kimbrough of Mesquite in eastern Dallas County introduced SB 335 on March 4 which would become one of the two successful pieces of voter reform legislation for the Twenty-Second Legislature. Kimbrough's bill established an Election Day procedure to challenge any voter's credentials. Kimbrough's law simply states that if a voter is challenged, "The judges in elections shall refuse to accept such vote of such elector unless, in addition to his own oath; he proves by the oath of one well known resident of the ward that he is a qualified voter at such election and in such ward."¹⁴⁵

Kimbrough's law did not go far enough for some of the Democrats. During the second reading, Senator C. L. Potter of Gainesville in Cooke County offered an amendment to the bill which would make it a misdemeanor to convey voters to the polls. Senator W. Cone Johnson of Tyler wanted to include a provision that would make it a felony for a candidate to directly or indirectly "engage, hire, employ or reward or offer to reward any person for any service, whatsoever, renders or to be rendered for such candidate or other person in the matter of any such election." Initially targeted at cities and town with 5,000 plus populations, when the House passed the bill, it amended it to apply to those cities with ten thousand and over populations. Ten Texas cities exceeded a

¹⁴⁴ Rodriguez, "Disfranchisement in Dallas," 44-48.

¹⁴⁵ Journal of the Senate, Twenty-Second Legislature, SB 335, 300, 301, 319, 431, 434, 435, 479, 480, 483, 507, 788; Senate Bill File Number 335, File Box number 284.

population of ten thousand in 1891 and fell under the bill's authority. Kimbrough's bill did not apply to rural areas.¹⁴⁶

Unlike the previous election bills, Kimbrough's bill garnered immediate attention from legislators and did not languish in committee or other legislative processes. The bill quickly made its way through both houses of the Democratic controlled legislature. The bill passed virtually unopposed in the Senate with a vote of twenty-six to one. It was presented to Governor Hogg for his signature March 30. The bill had an immediate effect on Dallas's upcoming mayoral election because it contained an emergency clause that allowed it to go into effect before the April 7 municipal election in Dallas. Kimbrough's law created an easy way to challenge a voter's right to cast his vote.¹⁴⁷

Cole's campaign was in large part orchestrated by Gibbs. In a speech to Dallas's Seventh Ward, Gibbs claimed that Connor was corrupt and had used the mayor's office as a means to personally enrich himself. Gibbs attempted to foster discord between different parts of the city when he charged that Connor had directed economic development to the northern part of the city at the expense of the south. Gibbs attempted to taint Connor with ties to rival Fort Worth, chiding that the Connor campaign had elicited the advice of a neighboring Fort Worth lawyer and prohibitionist saying, "My god! has Dallas fallen so low under Connor's administration that a Fort Worth prohibitionist must tell us what kind of medicine to take?"¹⁴⁸

The Connor campaign, using both surrogates and Connor himself, emphasized the positive accomplishments that Connor had achieved in office. New Jobs, economic expansion, and increased property values were all themes that were repeatedly voiced at

¹⁴⁶ Ibid.; Rodriquez, "Disfranchisement in Dallas," 44-48.

¹⁴⁷ Ibid.

¹⁴⁸ "The Seventh Ward," *Dallas Morning News*, March 27, 1891.

meetings across the city. Connor's campaign emphasized that the people had recruited him to serve and that his results spoke much louder than party affiliation. A Connor representative stated that "Connor comes before you as the people's candidate; brought out by the people of Dallas irrespective of party or color."¹⁴⁹

The Democrats' primary motive was to gain and keep political power, and if African Americans could be used to help to maintain the power base, the Democrats were enthusiastic about using their support to do so. Such a practical attitude was exemplified by the comments by members of the Twelfth Ward Democratic Club which held a meeting in late February to discuss how to get more votes. One attendee, a Mr. Sanders, exemplified the prevailing attitude about recruiting the African American vote when he stated, "We wish to make as many converts as possible. The idea of a democratic negro is usually regarded with derision. I say that if the principles of true democracy are lucidly explained to the negro, even he will become a convert." Another member, a Mr. Brandenburg, claimed that he could easily secure five-hundred Negro attendees for a meeting to organize African American support. Sanders responded, "What's the difference? They will not do any harm and may in fact do a great deal of good. I tell you, we must cast aside all fastidious scruples in a municipal campaign. We must look at the matter from a practical point. We want votes. To get votes we must exercise all legitimate influence. What can it matter from what source these votes are secured? If we can get it, we will take the vote of the blackest nigger in Texas." Clearly, the support of African Americans was seen as a means to help achieve political success and the prevailing

¹⁴⁹ Ibid.

racism was not going to interfere with attempts to mobilize their votes in support of Democratic candidates.¹⁵⁰

African Americans were initially undecided as a group in the 1891 Dallas municipal election. Many African American voters were swayed to Connor by the influences of men such as Frank K. Chase, an African American attorney and Alfred Stokes, an African American minister. Chase argued that the Democrats had abandoned Connor because “his mind is so broad and liberal that his party wants to kick him out.” Stokes, at a Sixth Ward meeting that he called, voiced a much darker assessment and claimed that “the time had come when every hand appeared raised against the nigger and when every nigger must look out for himself.” Continuing in this vein, Stokes allowed that “If Cole is elected mayor every nigger in Dallas will have to pack up and leave here.” He finished on a positive note by claiming that he personally had benefitted from Connor’s policy of development, purchasing a block of property for \$800 “some years ago” that was now worth “\$15,000 or \$20,000.”¹⁵¹

The Dallas Democrats made immediate, extensive use of Kimbrough’s law to try to reduce Connor’s turnout. Allegations of repeat voting appeared in the newspaper, especially among African American voters. The *News* reporter wrote that in the second ward, “One remarkable thing about the whole business is the number of twins living in the ward.” When Cole’s staff challenged Dave Walker, an African American voter, runners went to fetch his brother, Doc, who had already voted. Doc returned about twenty

¹⁵⁰ “Twelfth Ward Democrats,” *Dallas Morning News*, February 22, 1891.

¹⁵¹ *Ibid.*; “The Combined Meeting,” *Dallas Morning News*, March 27, 1891.

minutes later and the challenge was dropped when everyone saw that the two men were indeed twins.¹⁵²

During voting, 308 voters were challenged under Kimbrough's law, or 4 percent of all the votes cast. Of those challenged, 154, or 50 percent, of the voters' names were listed in the city directory. Ninety-four of the voters who were challenged were African Americans, an amount wildly disproportionate to their share of the population of Dallas at the time. Most of the challenged voters were to Connor's supporters and had voted in the wards that Connor carried. Over half of the men challenged, regardless of color, were laborers or porters, or held semi-skilled or unskilled jobs.¹⁵³

Unfortunately for Cole and the partisan Dallas Democrats, Kimbrough's bill did not sufficiently dissuade and disfranchise as many Connor supporters from voting as they had hoped. Connor emerged victorious despite the recent passage of Kimbrough's law and the fact that Dallas Democrats had pulled out all of the stops to make it applicable to the Dallas election. Connor won the election by a plurality of 776 votes out of a total vote of 8,445, or 51 percent to Cole's 42 percent. Connor carried the inner city wards where most of the working-class whites and African Americans lived. Cole won the vote in the outlying eighth through twelfth wards.¹⁵⁴

Dallas Democrats wasted no time in charging that Connor and his devotees had stolen the election. They claimed that Kimbrough's law had not functioned effectively and called upon the Texas legislature to enact even tighter controls over the franchise. Suddenly it was evident to establishment Democrats that a voter registration law was

¹⁵² Ibid.

¹⁵³ Rodriguez, "Urban Populism," 75-76.

¹⁵⁴ "The Agony is Over," *Dallas Morning News*, April 8, 1891.

necessary to prevent the wrong people from seizing power from the right ones. None other than Barnette Gibbs carried that message to Austin and personally delivered it to the Texas Legislators about to go out of session.

In Austin, Democratic lawmakers reacted immediately and introduced legislation that the *Dallas Morning News* claimed would “mutilate the new Dallas Charter by reducing the amount of bonds set apart for public improvements is a part of a deliberate programme of retribution.” The *Dallas Morning News* headline asked, “Is Dallas to suffer vengeance?” Many pondered whether the result of voters exercising their choice to select an independent Democrat and reject the establishment candidate would result in punishment for the city¹⁵⁵

The answer was yes if Barnett Gibbs had anything to do with it. Gibbs boarded a train the day after the election and headed to Austin. On April 9, the day before his departure he told a *Dallas Morning News* reporter,

Nothing can be clearer than that more protection of the ballot is an absolute necessity, and a good registration amendment will no more to insure honest elections than any other step I can think of just at present. My plan is to go before the legislature to-morrow and argue upon the immediate and urgent necessity of submitting an amendment providing for the registration of every legal voter in cities of 10,000 people or more, at least sixty days before an election. I believe everybody wants such a law, and the legislature can hardly fail to heed the demand of the enlightened and aroused public sentiment of the state.¹⁵⁶ Having machine-run towns like San Antonio and the other predominately-Hispanic border cities of El Paso and Laredo assert their independence was one thing, but now Protestant, prohibitionist leaning Dallas was joining the ranks of the other machine-run cities in defying the Democratic Party. This came on the heels of the “circular to farmers” handbill distributed by eight Farmer’s Alliance members of the legislature claiming that

¹⁵⁵ “Is Dallas to Suffer Vengeance?,” *Dallas Morning News*, April 9, 1891.

¹⁵⁶ “Wants Registration,” *Dallas Morning News*, April 10, 1891.

the principles of the Alliance had been violated by unnamed individuals seeking to form a third party. It was all too much for party leaders to ignore. Party discipline had to be restored and Dallas made an example of.¹⁵⁷

The next day, April 10, Senator Robert Burney of Kerrville introduced Senate Joint Resolution 19 calling for the registration of voters in cities of ten thousand and more population. The resolution as adopted read that “the legislature may provide by law for the registration of all voters in all cities of ten thousand inhabitants or more.”

However, on the handwritten bill in the file, “fifteen” is crossed out and “ten” overlaid. Also marked out on the original handwritten copy is the clause “and in such counties as the legislature may deem advisable.” Apparently legislators believed that the bill stood a better chance of passing voter scrutiny during the ratification referendum all chance that they could fall under the scope of the bill was removed except for the ten largest cities. Three days later on April 13, the bill had passed both houses of the legislature. The bill glided through both the Senate and the House. A voter registration amendment would once again go to the voters in an election on August 11.¹⁵⁸

When the legislature had gathered in January a plethora of bills addressing electoral reforms was introduced in both houses of the legislature. All of the proposals might have failed save for the events that unfolded in Dallas during the legislative session. In all, twelve pieces of legislation were introduced in the House, including four joint resolutions and four bills, and all failed to pass. The proposed legislation in the Senate fared somewhat better with one resolution and one bill was passing out of the two

¹⁵⁷ “Circular to Farmers,” *Dallas Morning News*, March 6, 1891.

¹⁵⁸ Journal of the Senate, Twenty-Second Legislature, SJR 19, 600, 601, 620, 625, 650, 656, 659, 686, 819; Senate Joint Resolution File Number 19, File Box Number 287.

resolutions and the two bills that were introduced. Events in Dallas had proven to be the pivotal event tipping legislators toward action from inaction.

Both the Kimbrough election law and the joint resolution for voter registration were the direct response to Democrats' fear of losing their dominant position in Texas. They reasoned that if it could happen in the state's largest city, Dallas, it could happen anywhere. Desperate times required desperate measures, and the Democrats proved that they could be nimble when their own existential future was at stake. The challenge to Bourbon Texas Democrats going forward would come from challengers within the party and the Texas Populists in the process of bolting from the party. Insuring that the "right" kind of voters were rewarded with the franchise, and more importantly that the "wrong" ones were denied it, became important items on the agenda of legislators and the governor alike. Events like Dallas could not be allowed to happen in other parts of the state and reforming the election laws would assure that they did not.¹⁵⁹

¹⁵⁹ Kousser, *Shaping of Southern Politics*, 202-203.

Chapter 6

Success

“How can you look at the Texas legislature and still believe in intelligent design?”¹⁶⁰

Kinky Friedman

The spring of 1891 witnessed Texas Democrats, alarmed by the events in Texas’s largest city, mobilizing the Texas Legislature rapidly to enact a law making it easier to challenge the qualifications of a voter to cast a ballot at the polls. The bill, rushed quickly through the legislature so that it could be used in the upcoming Dallas municipal elections, proved insufficient to provide the edge for Democrats in Dallas to regain control of the city. State Democratic leaders came to the realization that a new strategy was required, one that minimized the political participation of their opponents. Rather than challenge voters after their arrival at the polls, they reasoned that a better approach was a preemptive strategy that discouraged opponents from ever going to the polls in the first place. Instituting a system of voter registration would accomplish that by creating a barrier that the laborers, workingmen, African Americans, immigrants, and others likely to oppose the Democrats’ agenda would likely not breach. To that end, during the final few days of the regular session Democrats rammed through a second bill, a joint resolution for an amendment to the constitution, authorizing voter registration in cities with ten thousand or more inhabitants.

¹⁶⁰ Alan Peppard, “Peppard: Mavericks Founder Don Carter Owns a Floor at New Stoneleigh Residences,” *Dallas Morning News*, July 24, 2013, accessed April 17, 2015, <http://www.dallasnews.com/lifestyles/arts/columnists/alan-peppard/20130724-peppard-mavericks-founder-don-carter-owns-a-floor-at-new-stoneleigh-residences.ece>.

It was now in the hands of Texas voters to either approve or reject the proposed amendment. The Twenty-Second Legislature scheduled the election for the constitutional amendments on August 11, 1891, during the climax of the hot Texas summer. Final voter approval was by no means assured because voters had resoundingly rejected a similar amendment proposal a mere four years earlier. Five amendments were on the ballot. In addition to the voter registration amendment, the voters would decide on a revised allowable interest rate, a proposal to reform the judiciary, an initiative to authorize the transfer no more than 1 percent of the total value of the Permanent School Fund to the Available School Fund annually, and a plan to allow counties to subdivide for local option election purposes. None of the measures inspired anywhere near the interest nor the passionate response that prohibition had invoked in the 1887 election and citizen response in the election reflected that lack of interest.¹⁶¹

Texas newspapers continued their drumbeat of support for election reform including the registration amendment that was now more often than not paired with the Australian ballot in the public's mind. As the day of the election approached, more newspaper articles began to appear, most favoring its passage. When Senator R. S. Kimbrough of Mesquite, the same man who sponsored the law allowing easier voter qualification challenges, was asked by the *Dallas Morning News* his opinion if voters would approve the amendment, he did not equivocate and responded, "I do; and very rightly."¹⁶²

¹⁶¹ "Legislation: Election Details," Legislative Reference Library of Texas, accessed January 23, 2015, <http://www.lrl.state.tx.us/legis/billsearch/amendmentDetails.cfm?amendmentID=16&legSession=22->.

¹⁶² "Hon. R. S. Kimbrough," *Dallas Morning News*, April 21, 1891; "Sixth Ward Democratic Club," *Dallas Morning News*, April 15, 1891;

Several articles made the point that registration's primary intent was to stop illegal voting in the cities, which they claimed was the source of the problem. One Dallas article mentioned that the illegal voting problem was centered in the wards Senator Kimbrough's law had tried to control. The wards mentioned included all of the ones that Dallas Democratic mayoral hopeful George C. Cole had lost to Mayor W. C. Connor months before in April. Those same wards were primarily populated with the lower classes of laborers, African Americans, and immigrants, the very population that challenged Democrats and won in the mayor's race. It was the reason that led former Lieutenant Governor Barnett Gibbs to "author this amendment." Illegal voting was a problem confined to the "larger towns, where experience has demonstrated that under the present condition and existing laws this cannot be prevented." The obvious implication from articles of this nature was that registration was absent from the countryside because it was unneeded there.¹⁶³

One of the few groups opposed to registration was the Federation of Labor (also referred to as the Central Labor League), although this organization did support the Australian ballot. The Federation of Labor's opposition to registration was based primarily upon its assertions that the legislation was posturing on the part of Bourbon Democrats seeking to cloak themselves in the robes of election reform while avoiding any actions of substance. Labor claimed that it would have no effect at all on stemming the corruption inherent in the political election process, saying, "We [Texas] have tried registration in this state and it failed. At least we were told it failed when it didn't operate to oust the other fellow. Other states have tried it and failed. And bribery and corruption

¹⁶³ "City Registration of Voters," *Dallas Morning News*, July 8, 1891; "Sixth Ward Democratic Club," *Dallas Morning News*, April 15, 1891

are still rampant at the polls on Election Day, as much so in states with registrations in the states where it is not.” The labor representative, disagreeing with the position of conservative Democrats, went on to say that the existing law requiring two men to swear to the veracity of a challenged voter’s authenticity was sufficient.¹⁶⁴

August 11 arrived and election officials statewide described the turnout on the amendment’s Election Day as “light” or “extremely light.” In Dallas, voting turnout was less than 10 percent of the voter participation in the Cole-Connor mayor’s race four months earlier. The *Dallas Morning News* reporter noted that the African American turnout at the polls was light to entirely missing.¹⁶⁵

Unlike in 1887, no one amendment commanded all of the public’s attention, and all of the amendments were passed. Contrasting the previously defeated voter registration amendment in 1887, voters approved the voter registration amendment overwhelmingly by a vote of 59,645 to 16,815. In fact, the positions were almost exactly the reverse in every aspect. In 1887 the voters had defeated the proposition by an almost three-to-one margin whereas in 1891 they approved it by the same three-to-one margin. In total, the 1891 election yielded about one third of the voter turnout as the 1887 vote. Where 229,663 citizens voted in 1887, a mere 76,460 bothered in 1889.¹⁶⁶

Once the voters approved the amendments to the state constitution, the legislature had to meet and enact enabling legislation to implement voter registration. Newspaper

¹⁶⁴ “The Registration Question,” *Dallas Morning News*, July 12, 1891;

¹⁶⁵ “The State Press,” *Dallas Morning News*, April 29, 1891.

¹⁶⁶ “Legislation: Election Details,” Legislative Reference Library of Texas, accessed January 23, 2015, <http://www.lrl.state.tx.us/legis/billsearch/amendmentDetails.cfm?amendmentID=11&legSession=20-0&billTypedetail=SJR&billNumberDetail=17>; “Legislation: Election Details,” Legislative Reference Library of Texas, accessed January 23, 2015, <http://www.lrl.state.tx.us/legis/billsearch/amendmentDetails.cfm?amendmentID=16&legSession=22-0&billTypedetail=SJR&billNumberDetail=19>.

reports indicated that there was a widespread eagerness among the citizens to implement ballot reform along with registration. Further, for the first time, the public was beginning to speak of voter registration in tandem with the Australian ballot, as if they were conjoined together. Several representative comments advocated that only actual citizens should be allowed to vote, and noncitizens, including those who had declared their intentions to become citizens, should be excluded, contrary to their existing constitutional rights. An article polling citizen opinions regarding the approved registration amendment and its pending enactment that was printed in the *Dallas Morning News* expressed a general eagerness to see it implemented. The *Dallas Morning News* correspondent summed up his findings by writing that having “sounded a very large number of representatives of men” coming from “all trades, professions, and occupations as to their opinions as to the urgent necessity of ballot reform in Texas, and the sentiment of all interviewed may be summed up in the expressions of those given below. In fact, in this part of the state [San Marcos], where so much of the negro and Mexican element is to be found, the sentiment for ballot reform is almost universal.” The article goes on to quote various prominent citizens such as a judge and a mayor as urging Governor Hogg to call a special session of the legislature and make ballot reform, along with the activation of the voter registration constitutional mandate, the special session’s objective.¹⁶⁷

Some news stories focused on fair elections while others appeared that questioned the quality of the voters and suggested that those who did not measure up to certain standards should lose their right to vote. One such story featured a speech delivered by W. K. Homan, a prominent Disciples of Christ minister, publisher, and lawyer from Dallas, delivering a lecture to a Cameron, Texas audience. Homan asserted that the

¹⁶⁷ “In Favor of Ballot Reform,” *Dallas Morning News*, Dallas, Texas, December 20, 1891.

Australian ballot and voter registration were only the first step in fixing the political system. He suggested that the solution ran much deeper. Homan said,

A discussion by able speakers of the principles represented by the political parties would be unprofitable and unappreciated by a class of voters too ignorant to comprehend and too vicious to respect those principles ... Republican government rests on the intelligence and integrity of the voting population ... They (the founders) did not suppose that within little more than a century a very large proportion of our voting population would consist of persons unable to read or write our language, incapable of appreciating and utterly indifferent to our theory of government and to be influenced only by appeal to the baser passions. ... Unquestionably the presence of a large voting population altogether illiterate or at any rate uneducated in our language is a serious menace to the perpetuity and prosperity of our government. But it is to be questioned whether mere literacy training which leaves the moral character unimproved is an advantage. ”¹⁶⁸

Homan summed up the extreme attitudes of many conservative Democrats. It was not enough to limit repeat voting and the buying of votes. The quality of the voters was the deeper issue. Homan articulated the view of many Democrats that people who were uneducated, illiterate, culturally diverse, spoke a different language, or possessed a different moral code were unworthy of the franchise. In short, many Democrats believed that anyone different from them in these fundamental attributes should be denied the right to vote. This position pointed to a dangerous road for a democracy to follow but one that many Democrats seemed determined to travel for as far and as long as they could.

When the First Called Session of the Twenty-Second Legislature convened on March 14, 1892, two items were on the legislature’s agenda pertaining to suffrage and elections. One imperative was to create the legal framework around the voter-authorized voter registration amendment. The second directive for the Texas legislators was to heed Governor Hogg’s advice and look at the election process itself. Many, but not all,

¹⁶⁸ “The Republic Will Live,” *Dallas Morning News*, February 24, 1892.

lawmakers sought to see if the Australian balloting system would effectively complete the job of election reform that had begun with the voter registration amendment.

In Governor Hogg's message to the special session of the Twenty-Second legislature on March 14, 1892, suffrage reform was his second priority for the legislature following the need for reapportionment of legislative districts. For the first time in a governor's letter to the Texas Legislature, the governor mentioned the need to reform the election laws. Governor Hogg commented on voter registration by saying, "The requirement of registration as a qualification to the exercise of this right would be to some extent a restraint upon the liberty of the voter. It is an obstruction, though justifiable, perhaps, to the free exercise of his dearest prerogative as a citizen." He saw the need for voter registration because, "Congregated in the cities are many irresponsible parties who become busiest when balloting begins."¹⁶⁹

Hogg went on to acknowledge that a new registration law would be expensive to implement and that it would likely lower voter turnout which would serve to benefit the more dedicated voters and more popular issues. Hogg instructed the legislators, "You are admonished that registration imposes cost and requires time. Many voters may not have the money to defray the expenses incident thereto; others may not have the time to spare; while others, who are thoroughly capable of exercising the franchise, may neglect to register and therefore forfeit the sacred right." The governor's remarks make it clear that he understood that the registration of voters meant both increased monetary costs and less voter participation in future elections.¹⁷⁰

¹⁶⁹ Journal of the House of Representatives, Twenty-second Legislature, Extra Session, 18

¹⁷⁰ Journal of the House of Representatives, Twenty-second Legislature, Extra Session, 18

In the same letter the governor asked the legislature to strike a balance between guaranteeing the constitutional rights of Texas citizens with the goal of delivering honest and fair elections:

For many reasons registration should not be made an impediment to the free exercise of the highest privilege of the citizen. Would it not be more just and efficacious to place greater safeguards around the ballot box itself? To render it impossible for any one to obstruct the freedom of elections, to prostitute the high privilege of suffrage for evil considerations, or to repeat his ballot, is an important legislative duty; but nothing should be done to impede the honest, capable citizen in the enjoyment of his constitutional right, or to impose expense on him for its free exercise.

Governor Hogg was asking legislators to minimize the hindrance aspect of registration to the extent possible. He also indirectly endorsed the Australian ballot system by asking legislators to ponder the question of whether it was more effective to reform and build safeguards into the voting process itself rather than implement registration.¹⁷¹

Governor Hogg authorized the legislature to meet for thirty days. Legislators in both houses introduced several bills to address suffrage issues. Some bills addressed only the voter registration process while others took a more holistic approach and included the Australian ballot as well as registration. Australian ballot house bills that failed included those introduced by Charles Wurzbach of Bexar County, Nicholas Dawson of Travis County, and Andrew Jackson Baker of Tom Green County. Wurzbach and Dawson's bills failed in committee while the Judiciary Committee approved Baker's bill but only after they made extensive amendments to it. The bill was essentially a repeat of Baker's Australian ballot bill that he had presented during the Twenty-Second Regular Session a year earlier. Baker's bill emerged from the Judiciary Committee with the recommendation that it pass. However, Chairman Owsley expressed reservations about

¹⁷¹ Journal of the House of Representatives, Twenty-second Legislature, Extra Session, 18

Baker's bill by reserving the right to further "amend the bill," and he stated that he would oppose the bill if his changes were not made. The nature of the changes or reservations Owlsey had is unknown. Representatives Batts, Hamblen, and Lewis submitted a minority report, and Baker's Australian ballot bill was never read a second time and it subsequently died. In the Senate, Senator William Clemens of New Braunfels introduced two bills that were unsuccessful, one to establish voter registration and the other to enact the Australian balloting system. Both bills received favorable committee reports but Clemens deferred their progress in preference to Senator William Pope's bill.¹⁷²

Representative John Cochran of Dallas County and Senator William Pope of Harrison County authored the two bills that subsequently became law. Cochran's House Bill 10, passed by a vote of eighty-one to seven with four absent on April 11 after it was introduced on March 14, 1892. Cochran's bill covered voter registration only and did not address the Australian balloting system. It passed intact with the exception that the Judiciary Committee added a provision that five hundred citizens had to petition for the bill to activate the bill's provisions. Consistent with the registration amendment that the voters approved the previous August, voter registration only applied to cities of ten thousand or more.¹⁷³

Pope's Senate Bill 22, the second piece of successful legislation to originate in the senate, elicited much more controversy than the house version because his bill included

¹⁷² Journal of the House of Representatives, Twenty-second Legislature, Extra Session, HB 4, 5, 40, 67, 285; Journal of the House of Representatives, Twenty-second Legislature, Extra Session, HB 45, 50, 51, 150, 291; Journal of the House of Representatives, Twenty-second Legislature, Extra Session, HB 32, 35, 121, 289; House Bill File Number 32, File Box number 290; Journal of the Senate, Twenty-Second Legislature, Extra Session, SB 25, 49, 65, 258; Senate Bill File Number 25, File Box Number 292; Journal of the Senate, Twenty-Second Legislature, Extra Session, SB 19, 28, 33,66, 256; Senate Bill File Number 19, File Box Number 291.

¹⁷³ Journal of the House of Representatives, Twenty-second Legislature, Extra Session, HB 10, 14, 40, 67, 242, 249, 259, 264, 266, 286; House Bill File Number 10, File Box number 289.

both voter registration and the Australian ballot system. Pope's bill required the use of the Australian system for everyone but voter registration applied only to cities of ten thousand and more inhabitants. Pope's bill structured and defined the registration process, enacting the constitutional amendment for cities of ten thousand or more. Pope's bill applied to all government elections: federal, state, and local.¹⁷⁴

In Pope's bill, the responsibility to administer the program fell upon county judges for their jurisdictions. It remained the duty of election officer, judge, clerk, as well as any citizen present to challenge anyone suspected of not being a legally qualified voter. Numbered ballots were required on all ballots, a feature not used for the immediate identification of the voter who cast the ballot, but rather to identify any bogus ballots that might be introduced into the system. Detailed instructions were also included in the bill including specifications for all aspects of the election and its management. For example, it provided the oath for election officials to administer to voters and witnesses. Another example is in the management of the placement and design of voting stations as well as the timing of the printing, delivery, and handling of the ballots, both before and after they were cast.¹⁷⁵

Additional provisions in Pope's bill gave non-citizens a one-year time limit to vote after filing their intention to become citizens. If, at the end of the year period, their citizenship had not finalized, they could no longer vote. Voters had five minutes to cast their ballot and the bill specified the availability of an adequate number of voting stations to accommodate the numbers of voters from the last election held. Finally, the bill went

¹⁷⁴ Journal of the Senate, Twenty-Second Legislature, Extra Session, SB 22, 30, 33, 66-74, 78-80, 83-88, 135, 153, 227-229; 257; Senate Bill File Number 22, File Box Number 291.

¹⁷⁵ Ibid.

to great lengths to assure that the act of voting itself would be confidential and performed in secret to the extent possible. Measures to assure this included such features as physical barriers between voters and the public, party workers, and officials in addition to confidentiality oaths and the handling of the ballots.¹⁷⁶

About midway through the session, the press was growing impatient with the legislature's lack of tangible progress at getting legislation finalized. On March 27, the *Dallas Morning News* wrote, "It is true, the extra session is half gone and they have done nothing but elect a senator, air their eloquence on the silver ghost and discuss the text book bill, but it does not prevent them from making haste slowly."¹⁷⁷ The very day the *Dallas Morning News* reporter wrote these lines, Senator Pope, in a brilliant political stroke, moved that his election reform bill be debated, engrossed, and amended by section but considered and voted upon as a whole. Lawmakers accepted Pope's strategy and the Senate proceeded, section by section, to examine and debate the bill over the next five days. This approach presented a long and formidable task given that the bill contained eighty sections each with important implications. Pope's approach also minimized the effectiveness of various senators trying to derail the bill's progress by fixating on one aspect of the bill. In other words, the senators were being confronted with a seemingly impossible task somewhat akin to that of eating an entire elephant. Rather than being overwhelmed at the ultimate goal of consuming the elephant, Pope was urging senators to focus first upon the preparation of the meal. Once all of the senators had collaborated in

¹⁷⁶ Journal of the Senate, Twenty-Second Legislature, Extra Session, SB 22, 30, 33, 66-74, 78-80, 83-88, 135, 153, 227-229; 257; Senate Bill File Number 22, File Box Number 291.

¹⁷⁷ "Governor Hogg Speaks," *Dallas Morning News*, March 27, 1892.

preparing the entire meal, they could then decide if the elephant was appetizing enough to eat.¹⁷⁸

Pope's lengthy bill dominated senate activity from March 25 thru March 30 until it was engrossed on March 31. Numerous issues arose during the course of the deliberations and compromises were reached. One controversial issue involved non-citizens who had filed their intent to become citizens but had not subsequently done so. Senator A. M. Carter of Fort Worth inserted an amendment to the bill stating, "No alien who has resided In the United States a sufficient length of time after making his declaration of intention to become a citizen of the United States to obtain his final papers shall be allowed to vote until he has procured his final papers." Carter's amendment was adopted.¹⁷⁹

Another controversy arose concerning whether the Australian balloting system would apply to all Texas voters or just those in cities and towns with populations of ten thousand or more. Senator Pope's original bill applied to all Texans, not just the cities. Senator J. H. Stephens of Vernon attempted to change that provision to be consistent with voter registration by amending the bill on March 30, but his effort failed.¹⁸⁰

On March 28, Senator R. S. Kimbrough of Mesquite attempted to derail the bill by introducing a substitute bill for the one that was in debate. Kimbrough's proposal ignored the Australian ballot altogether and instead was a bill intended to implement registration only, as Representative Cochran's House Bill 10 had proposed. While the

¹⁷⁸ Journal of the Senate, Twenty-Second Legislature, Extra Session, SB 22, 30, 33, 66-74, 78-80, 83-88, 135, 153, 227-229; 233, 237, 257, 263; Senate Bill File Number 22, File Box Number 291.

¹⁷⁹ Ibid.

¹⁸⁰ Ibid.; Journal of the House of Representatives, Twenty-Second Legislature, Extra Session, HB 10, 14, 40, 67, 242, 249, 259, 264, 266, 286; *Austin Daily Statesman*, April 12, 1892.

Chair recognized that Senator Kimbrough's substitute bill could be read into the record, he ruled that it could not be acted upon until the remaining sections of the Pope's bill had been considered. Senator Cranford motioned that Kimbrough's substitute be delayed until later, Cranford's motion passed, and Kimbrough's attempt to strip the Australian ballot out of Pope's bill ultimately failed.¹⁸¹

On March 31, the very evening that the senators finished their debate and engrossed Senate Bill 22, Senator William Clemens and Representative Andrew Jackson Baker met in conference. The two men agreed "To work harmoniously in the interest of purification of the ballot box in Texas." The *Austin Weekly Statesman* reported that the two "have charge of the Australian ballot bills in the current legislature" and that "They agreed to report Senator Pope's bill, which will be called up in the Senate at the earliest possible moment." Baker and Clemens had agreed that Baker would champion passage of Pope's bill in the House keeping the Australian ballot alive in the registration enactment bill.¹⁸²

Baker honored his part of the agreement, and on April 14, 1892, the *Austin Weekly Statesman* wrote an exposé on Representative Baker's effort on behalf of the Pope's bill in the House. The Statesman wrote that "Mr. Baker of Tom Green, has been fighting like a hero of this bill and has made constant and untiring efforts during the past week to get it taken up for consideration." The article went on to say that, it is doubtful that the House would have considered the Australian ballot system, but that "there is no

¹⁸¹ Ibid.; Journal of the Senate, Twenty-Second Legislature, Extra Session, SB 32 889, 890, 1074; Senate Bill File Number 32, File Box Number 278.

¹⁸² "The Extra Session," *Austin Weekly Statesman*, March 31, 1892.

escaping such untiring, unyielding assaults as those made by the gentleman from Tom Green. He was determined that the bill should be considered, and it was considered.”¹⁸³

Baker’s old foes in the house, William Hamblen of Houston and George C. O’Brien of Beaumont, were not done. The *Hemstead News*, prematurely it turned out, wrote that “Senator Pope’s Australian ballot bill was killed in the house, by the conceited ridicule of Messrs. Hamblen, O’Brien, and others, who said it was an intimation that the democratic party of Texas could not hold an honest election. Such arguments are only worthy of the narrow minded view of a demagogue, and a body of men who will heed such talk is a living illustration of the necessity of the Australian ballot.” Pope’s bill was still alive but viable efforts to kill the Australian ballot were also active.¹⁸⁴

Senator Pope’s bill dominated house business on the next-to-the-last day of the special session. It took over one hour to read it into the record, and then the haggling, amendments, and parliamentary maneuvering commenced. Once again, old and familiar enemies of the bill resurfaced to challenge Baker and its other supporters. Robert L. Batts of Bastrop, William Hamblen of Houston, and William Malone of Montgomery County each spoke against it while longtime supporters such as James Robison of Daingerfield, John Melson of Sulphur Springs, and W. H. Browning of Lampasas spoke for the bill’s passage. Various amendments, substitutes of wording, and complaints were offered. At the end of the day, the bill still had not been passed, but it had not failed either. Something occurred overnight because the next day, the final day of the legislative session, the *Statesman* reports simply that, “then came the Australian ballot box bill, to which several amendments were adopted and the bill was read the third time and

¹⁸³ “The Extra Session,” *Austin Weekly Statesman*, April 14, 1892.

¹⁸⁴ *Southern Mercury (Dallas, TX)*, May 5, 1892.

adopted.” The bill was enrolled and sent to Governor Hogg for his signature. Both voter registration and the Australian balloting system were now the law in Texas.¹⁸⁵

Exactly what transpired the evening of April 11 is unknown as are the men who made it happen. The deal that they reached involved taking Cochran’s House Bill 10 that enabled voter registration and “grafting” onto it some, but nowhere close to all, of the provisions of Pope’s Senate Bill 22. The Australian ballot was law in Texas, but like registration, it only applied to cities and town with ten thousand or more inhabitants and only in elections where at least five hundred voters petitioned that it be activated. It was a significant simplification compared to the Senate’s Bill 22 containing only thirty-two sections, twenty-two of which pertained to registration.¹⁸⁶

The *Austin Statesman* was among the first newspapers to applaud the legislature for including the Australian ballot in the voter registration law. Upon word that the law had passed, an article appeared in the *Statesman* saying,

No one will deny that some change is needed, and that the country is being damaged through lack of a better system. Unscrupulous men as candidates and managers for candidates have, with the aid of whisky and in money judiciously distributed, so manipulate unscrupulous voters that the votes of honest men were practically thrown away. While we have boasted with much vain glorying that we lived in a country where the majority ruled and the voice of the people was the voice of God, we have been only too conscious that the majority had nothing to do with ruling; that demagogues ruled and that wire-pulling and corruption ran riot in every campaign. But the time has come when the people are disgusted, and have united in demanding some change. Of all the changes that have been proposed the Australian ballot is the most reasonable, and throws the greatest safe-guards about the purity of suffrage.¹⁸⁷

On April 21, the *Velasco Times* ran a story explaining the changes on the horizon for voters. It also printed a map that showed Texas had now joined the majority of states

¹⁸⁵ “The Extra Session,” *Austin Weekly Statesman*, April 14, 1892.

¹⁸⁶ “Elections-Registration,” General Laws of Texas, Twenty-Second legislature, Chapter 13, HB 10, 13-19, April 12, 1892, accessed October 12, 2014, http://www.lrl.state.tx.us/scanned/sessionLaws/22-1/HB_10_CH_13.pdf.

¹⁸⁷ “The Australian Ballot,” *Austin Weekly Statesman*, April 14, 1892.

in embracing the Australian ballot reform leaving only a few states in the intermountain West and the Deep South remaining without the system. The *Times* article neglected to mention that little more than 10 percent of Texans were covered by the system, and only then if five hundred voters petitioned.¹⁸⁸

Around the state, preparations for the new election reform law's implementation began as the July 4, 1892 effective date approached. Applications for the positions that would administer the program flooded in with Dallas reporting "upward of forty" applicants for the position of registrar by July 4. Elsewhere in the state, Fort Worth already had one hundred of the required five hundred signatures on its petition to activate the provisions of the law by July 8. In Houston, county commissioners appointed a registrar, processed their petition with 650 signatures, and declared their intention to use the law for their next election in November.¹⁸⁹

San Antonio went the farthest in preparing for the pending change. The *San Antonio Express* reported that their Citizens Association organized a field test "for the purpose of studying and disseminating knowledge concerning the Australian ballot law." The goal was to test the practical workings of the Australian balloting system. Over one hundred people showed up, including "a number of candidates and some county officials." Four booths opened for one hour during which fifty-four ballots were cast. Of the fifty-four ballots cast, "when the judges came to canvass the vote, it was found that only eight or ten ballots had been prepared without defect." The *San Antonio Express* claimed that the test voters were "men of intelligence" and "men of clerical ability" who

¹⁸⁸ "Australian System," *Velasco Times (Velasco, TX)*, April 21, 1892.

¹⁸⁹ "The Registration Law," *Dallas Morning News*, July 4, 1892; "The News in Fort Worth," *Dallas Morning News*, Dallas, Texas, July 8, 1892, 2; "The Australian Ballot," *Dallas Morning News*, August 11, 1892; "The State Press," *Dallas Morning News*, Dallas, Texas, September 22, 1892, 4

did not believe that they had erred their ballot and demanded to be shown their mistakes. The article concluded that “much hard work needs to be done between now and election day.” Clearly, the implementation of the balloting system might not be as straightforward as some had hoped.¹⁹⁰

As Election Day neared, a giant controversy arose over the form of the ballot, a topic that the legislature had failed to address with specificity. Governor Hogg was up for reelection and his primary opponent was George Clark, a fellow Democrat supported by the conservative railroad interests in Texas. Hogg had outmaneuvered Clark in securing the Democratic Party nomination and Clark’s followers, calling themselves Jeffersonian Democrats, bolted and then nominated him for governor. Clark supporters formed alliances an alliance with the Republicans to overcome Hogg’s advantage as the official Democratic Party candidate.¹⁹¹

Part of Clark’s strategy involved appearing on the Republicans’ ticket. Clark reasoned that being listed on the ballot twice, once as a Jeffersonian Democrat and a second time as a Republican, would increase his chances of obtaining votes from both groups. In mid-October, Attorney General Culberson ruled than no candidate’s name could appear on the ballot more than one time, “thus absolutely destroying any hope of a fusion ticket, and this ruling will prevent any republicans from putting the Clark state ticket on their ticket in the Australian ballot towns.” Charges surfaced that Culberson’s ruling “was inspired by a desire to disfranchise a large element of Clark voters.” Conflict

¹⁹⁰ “The State Press,” *Dallas Morning News*, September 22, 1892.

¹⁹¹ “George W. Clark,” *Dallas Morning News*, August 11, 1892; Kenneth E. Hendrickson, Jr., *The Chief of Executives of Texas: From Stephen F. Austin to John B. Connally, Jr.* (College Station: Texas A&M University Press, 1995), 124.

and confusion over the design of the ballot continued around the state. Some argued that the rulings emanating from the Attorney General's office were "in no way binding."¹⁹²

Throughout the state, county commissioners haggled about the form of the ballot. In Galveston, county commissioners reached an impasse regarding the design of the ballot. In Dennison and Fort Worth controversy swirled over the design of the ballot as well. On October 19, officials scheduled a statewide conference to address specific designs for the ballot in Waco for October 22. The attorney general's office proposed a consultation with the representatives from Houston, Austin, Fort Worth, Waco, Denison, Dallas, and Galveston "for the purpose of agreeing on a legal ticket to be used in the coming election." San Antonio, El Paso, and Laredo, the only other affected city, did not send a representative to the meeting. By the end of the meeting, the delegates had agreed to a seventeen square inch ballot with seven parallel columns. "The only caption over the columns will be the words Democratic, which appears over two columns, Peoples party Prohibition and Independents." The *Dallas Morning News* reported that "democracy" for Hogg's column and "pure democracy" were the actual designations printed on two of the seven columns on the new ballots.¹⁹³

Compliance with the new registration laws appeared to be almost flawless during the run-up to Election Day. Newspaper accounts of registration violation were almost nonexistent. The only news account found involved a violation that occurred San Antonio where "Charles Williams, a colored man, was arrested here today upon the charge of

¹⁹² "Our Australian Ballot," *Dallas Morning News*, October 15, 1892; The News in Fort Worth, *Dallas Morning News*, October 16, 1892; "Ballot Making in Fort Worth," *San Antonio Express*, October 19, 1892; "The Edict of the Attorney General," *Dallas Morning News*, October 20, 1892.

¹⁹³ "The News in Fort Worth," *Dallas Morning News*, October 20, 1892; "Our Australian Ballot," *Dallas Morning News*, October 15, 1892; "The Ballot Question," *Austin Statesman*, October 20, 1892; *Sunday Gazeteer (Dennison, TX)*, October 23, 1892; *Austin Statesman*, October 23, 1892; "Judge Clark at Rockdale," *Dallas Morning News*, October 25, 1892; "Form of Ballot at San Antonio," *Austin Statesman*, November 5, 1892.

false registration.” The article alleged that Williams in reality lived in Pleasanton in Atascosa County, just south of San Antonio. Williams was arrested, jailed, and denied bond. Did the lack of registration incidents reflect the law’s effectiveness, Texas voters’ faultless regard for voting laws, or a lack of need for registration in the first place?¹⁹⁴

Election law violations on the day of the election were another matter altogether. Leaders of the new Populist Party expected violations, were on high alert to report them when found, and the leadership went to great lengths to educate Populist supporters on the workings of the new law. Although the bulk of the Populists’ supporters were in nonurban settings and therefore uncovered by the Australian ballot, the party’s leadership understood the workings of Democratic election-day mechanics and steeled themselves to bear the brunt of Democratic Party cheating. In an open letter to the Texas Populist county chairmen, Campaign Manager Henry Lewis Bentley published twelve points of caution for the county chairmen and their supporters. Among his suggestions was that “a formal demand in writing be made at once on the presiding officer for the appointment of one manager or judge from the ranks of the people’s party” at the precinct level. Another point of Bentley’s was that “The law provides that any political party may select a representative man as a witness of the counting. Do not fail, therefore, to have a good, reliable member of our party to witness the count. This is all-important.” Bentley also suggested, “that each of our voters make out his ballot in duplicate, depositing one and reserving the other for use in case of a contest.” Bentley knew all too well that elections could and often were won at the polls and lost during the count.¹⁹⁵

¹⁹⁴ “Arrested for Illegally Registering,” *Austin Statesman*, November 2, 1892.

¹⁹⁵ “Arrested for Illegally Registering,” *Austin Statesman*, November 2, 1892; *Southern Mercury* (Dallas, TX), November 3, 1892.

Bentley closed his letter by warning supporters to beware of underhanded methods from the opposition. He cautioned party members to ignore reports and rumors that Populist candidates “have withdrawn or will withdraw in the interest of opposition candidates. All such reports will be false,” he said. He warned supporters in the difficult task ahead and encouraged vigilance by writing that “Our people should everywhere be encouraged to keep on the alert. Frauds will be attempted in every part of the election machinery . . . and we have every reason to believe that they will be attempted in Texas. Remember that, ‘eternal vigilance is the price of freedom’.”¹⁹⁶

Election Day 1892 went remarkably smoothly. In Dallas it was a cold, dry day, and the *Dallas Morning News* reported that the elections were “devoid of interest” but “wore a holiday appearance” Likewise, in Dennison, a report on the election in the *Sunday Gazetteer* included almost the same words, “devoid of interest except for the novelty of the Australian ballot,” to describe the lack of tumult. The *Dallas Morning News* reporter only observed one drunken person at the polls in Dallas and noted, “All saloons were closed and business seemed temporarily suspended.” The *Dallas Morning News* estimated the total votes cast at 6,300 of the approximately 7,500 registered voters in the city. The only reported difficulties in the Australian ballot system occurred when there were voting delays early in the day. The *Dallas Morning News* reporter noted that, “owing to the newness of the Australian ballot system voting for about an hour after 8 a. m. when the polls opened was uphill work and few ballots were cast. However, things

¹⁹⁶ *Southern Mercury* (Dallas, TX), November 3, 1892.

quickly worked out where the average voter took two minutes between nine and ten o'clock and after that about forty seconds. ”¹⁹⁷

In Houston, Election Day was cold and rainy, the *Galveston Daily News* calling it “perhaps the worst day of the entire season.” The rain did not let up all day and voter turnout reflected the poor, muddy conditions. No wait lines were observed at the polls yet approximately 5,000 of the 6,335 registered voters turned out. The count was proceeding slower than expected largely due to the “scratched” tickets, meaning that many Houstonians did not vote straight party tickets.¹⁹⁸

The *Fort Worth Gazette*, neglecting to mention Fort Worth’s experience with the new ballot, reported that in San Antonio, “Ninety percent of the registered votes were polled in San Antonio. The Australian ballot is pronounced a failure.” Although making this broad assessment, the *Gazette’s* story failed to mention exactly what failed or why. The paper estimated that 7,200 of the 8,400 registered voters exercised their franchise San Antonio.¹⁹⁹

After Election Day, a piece in the *Austin Weekly Statesman* called for additional voter education on the new ballot system. Reports in the *Austin Weekly Statesman* as well as the *Dallas Morning News* stated that the ballot confused many voters. The *Austin Weekly Statesman* article included an observations that, “it is certainly complicated” but went on to say, “The voter ought to be intelligent enough to handle the ballot, if he is not he certainly lacks the intelligence that would make his vote beneficial to the country.”²⁰⁰

¹⁹⁷ “The Election in Dallas,” *Dallas Morning News*, November 9, 1892; “County and Precinct Elections,” *Sunday Gazetteer (Dennison, TX)*, November 13, 1892.

¹⁹⁸ “Election Day in Houston,” *Galveston Daily News*, November 9, 1892.

¹⁹⁹ “We Had an Election,” *Fort Worth Gazette*, November 9, 1892.

²⁰⁰ “The Australian Ballot,” *Austin Weekly Statesman*, November 10, 1892; “The Election in Dallas,” *Dallas Morning News*, November 9, 1892.

Interestingly, newspaper accounts of Election Day fraud, violence, or intimidation in the areas unaffected by the Australian ballot system were largely missing. The lack of newspaper accounts discussing Election Day violence and that polls were “quiet” indicated that the laws enacted in 1887 including the one removing alcohol from close proximity to the polls and the one increasing poll supervision and quicker counts had quelled rowdy election behavior in rural Texas which comprised almost 90 percent of the state. Perhaps the effects of the new registration and ballot law had spilled over into the rural areas even though the law did not directly cover them. Alternatively, maybe reporters ignored stories about Election Day violence and mayhem because the “right” candidates, the ones that they supported, were winning.²⁰¹

Still, unusual happenings cropped up in the news accounts of the 1892 election. One suspicious item was the slowness that the results came into the state following the 1892 election. This was especially true in the case of Houston where the final numbers had still not been reported as of the following Friday, three days after the close of the polls. Another involved an anomaly that surfaced when the *Dallas Morning News* noted that the notoriously corrupt Harrison County had doubled its Democratic vote in the 1890 and 1892 elections in comparison to the election of 1888. Harrison County, Senator Pope’s home county, was a well-known stronghold of open ballot box stuffing and election fraud and equally well known to be rife with violence, intimidation, and illegal election activity and had been since the 1870s.²⁰²

²⁰¹ “Late Nineteenth-Century Texas,” Handbook of Texas Online, accessed January 30, 2015, <https://www.tshaonline.org/handbook/online/articles/npl01>.

²⁰² *Fort Worth Gazette*, November 11, 1892; “The Majority of Democrats,” *Dallas Morning News*, November 18, 1892; Worth Robert Miller, “Harrison County Methods: Election Fraud in Late Nineteenth-Century Texas,” *Locus* 7 (Spring 1995): 111-28. “Harrison County methods” was the term assigned the methodology of fraud Harrison County officials employed to create huge Democratic majorities in elections while 68 percent of the voters in the county were African American and supported either

In the 1892 election, Cleveland reclaimed the presidency. In the five-way race for governor, Hogg won 43 percent of the votes compared to Clark's 31 percent and gained a second term as governor. The Populist candidate Thomas L. Nugent polled a respectable 25 percent while both the Prohibition and Lily-White Republican candidates each polled less than 1 percent. Although they were victorious, the Democrats were alarmed. It was the first time in Texas state history that the winning Democratic candidate did not receive a majority of the votes. It made their vulnerability to third party movements like the People's Party as well as impromptu coalitions like Clark and the Republicans very apparent.²⁰³

By the close of 1892, Texas finally had joined the majority of states in adopting the Australian system of using state sponsored printed and controlled ballots. Texas also had a new voter registration requirement, but both developments only applied to the Texas cities of ten thousand or more inhabitants. Almost 90 percent of Texans remained uncovered by either registration or the Australian ballot system. The rollout of both laws had gone relatively quickly and smoothly with minimal problems. The questions became what did it all mean, had it been necessary, and did it make any difference?

Republican or Populist candidates. An encounter with federal authorities for violating the Enforcement Act of 1870 led the Texas legislature to secure laws allowing two ballot boxes in each voting precinct, one for federal elections and the other for state and local races. The purpose of this 1883 law was to circumvent any federal authority's involvement in state and local elections.

²⁰³ "Our Campaigns: Texas Governor," Our Campaigns, accessed January 27, 2015, <http://www.ourcampaigns.com/RaceDetail.html?RaceID=264396>.

Conclusion

“It's probably better to have him inside the tent pissing out, than outside the tent pissing in.”²⁰⁴

Lyndon B. Johnson

By the end of 1892, Texas had successfully adopted and used both its new voter registration and the Australian ballot system. It had been a long and often-circuitous journey to enact these two pieces of reform legislation, but Texans believed that they could rest easier knowing that they had joined most of the rest of the country in reforming their election procedures. These two changes had not come easily or quickly, nor it turns out, did either accomplish the goals that many citizens had supported throughout the reform process.

The Australian ballot and voter registration were ostensibly part of an effort to reform a dysfunctional election process that had evolved in Texas. The aim of the reformers was to restore order and democratic principles to the electoral process. These advocates were emboldened, guided, and encouraged by the nationwide trend intent on accomplishing the same objectives. Democratic Party politicians seized the opportunity to use election reforms as a means to reduce the voting participation of populations that were likely to oppose their agenda. These populations included the new voters who had gained the franchise through the Fifteenth Amendment. Longtime voters viewed these newly enfranchised voters as unworthy and sought to restrict their right to vote.

The same period that had observed Texas's emergence onto the national scene also witnessed unprecedented social, economic, and political changes. By the late 1880s

²⁰⁴ David Halberstam, “The Vantage Point: Perspectives of the Presidency 1963-1969,” *New York Times*, October 31, 1971.

the frontier was gone and an increasingly urban landscape replaced it. Railroads crisscrossed the state, and evidence of industrial expansion was everywhere. Politics changed a great deal as well. Both the elections and the voters in the late 1880s were radically different from those two generations earlier. Political parties, which were in their infancy in the 1830s, had matured to the point where they controlled the political process. With the new industrial capitalist economy needing favorable legislation, money had come to dominate elections as never before. Partisan politics and the opportunities for financial gain drove both candidates and their supporters to do whatever it took to gain and keep office. Government jobs, public spending, and gaining the “inside track” on public investment held handsome rewards for political insiders. Elections had devolved to the point where fraud, bribery, and cheating with every imaginable means were both common and accepted practices.

Many longtime Texas voters blamed the degeneration of elections on recently franchised voters, African Americans, immigrants, and poor workingmen. Beginning in the early 1800s, the poorer elements of society had gained access to the vote. Immediately following the Civil War, a massive influx of freed slaves and immigrants joined the ranks of the franchised. Many of the longtime voters believed that the only way to restore the nation to its original democratic principles was to pursue two goals: implement new procedures for the casting and counting of votes and remove the newly franchised voters from the electorate.

In 1887, the Texas legislature met and passed four bills designed to accomplish the two goals. Reform-minded Texans demanded an end to the corrupt election practices, and the Twentieth Legislature responded by passing three laws and one resolution. The laws

eliminated the use of alcohol within three miles of the polls, ascribed penalties for voting illegally, and increased the staffing and procedural protocols around the handling and counting of votes. The legislature also approved a resolution that authorized a referendum for a constitutional amendment that provided for voter registration in the cities with ten thousand or more inhabitants and “in such counties as the legislature may deem advisable.” Removing the influence of alcohol from the election process was the priority of North and East Texas legislators where prohibition was heavily supported. Voter registration was a dominant concern for the Hill County and border legislators in South and West Texas because these areas were experiencing an influx of Mexican and German immigrant voters. The voter registration amendment met with resounding defeat in August 1887 when the voters rejected it by a margin of three-to-one .

Texas Legislators convened again in 1888 and 1889, but additional electoral reforms did not gain enough traction to make it to the floor of either the house or the senate. Instead, Texas legislators were overwhelmingly focused on the pending Federal Elections Bill, especially in the 1889 session. They were developing strategies to negate the bill’s impact on African American voting rights should it become law. Meanwhile in a majority of other states, the Australian ballot movement was gaining almost universal acceptance. In Texas, during 1888 and 1889, neither the governor nor most legislators seemed to have the impetus to tackle new election reform legislation. Perhaps they were trepid in the face of the overwhelming rejection of the voter registration amendment by the voters, or maybe at the legislators were just content with business as usual. The 1889 session was marked by one feeble attempt to introduce a bill that would implement the Australian ballot system. The bill never passed committee approval.

By the time that the 1891 session of the Texas legislature assembled, a large majority of the states had adopted the Australian ballot system in one form or another. The Texas press clamored for the passage of electoral reform in Texas and several bills were introduced to achieve that end, but none gained enough support to become law. Once again, it appeared as if the Texas legislature would not address the demands for election reforms. All of that changed when a city mayoral election in Dallas handed the Democratic establishment a defeat that alarmed the state Democratic Party. After this mayoral election, Texas legislators forced through a joint resolution that created another referendum for voter registration. The joint resolution passed by both houses of the legislature in just three days. When the August vote was held, a bill that amended the constitution and authorized voter registration passed by a three-to-one margin. This bill applied only to cities with ten thousand or more inhabitants.

In following spring of 1892, Governor Hogg called a special session of the legislature with the specific objective of enacting voter registration. A last-minute compromise was arranged between the senate, which supported the Australian ballot system for all elections, and the house, which did not want the Australian system in any form. It emerged on the last day of the session. The Australian ballot became part of the law that had been drafted to enact registration and it was also applicable only to cities of ten thousand or more inhabitants.

Although the two reforms of voter registration and the Australian ballot system were paired together when they were enacted, they need to be examined separately in order to understand what they provided and their implications. From its initial introduction in the 1887 legislature, voter registration was always intended as a means to

reduce the numbers of men from the lower socioeconomic classes who were able to vote in the cities. These voters tended to support independent and non-Democratic Party candidates in the state's largest urban centers. An analysis of all the proposed legislation targeted to enact voter registration shows that all of these measures applied to cities and towns with populations exceeding five thousand inhabitants—none was ever introduced that covered the entire state or any of the rural areas in Texas.

The Australian ballot system developed under a different set of circumstances. First, the Australian ballot system could have been established at any time because there was no constitutional restriction of ballot reform as there was of voter registration, Secondly, the Australian ballot system had not entered the public's consciousness when election reform efforts began in Texas in 1887. The movement in support of the Australian ballot only exploded in popularity after the 1888 presidential race between Grover Cleveland and Benjamin Harrison. Third, while the Australian system had aspects that might restrict suffrage and some supported the system for that objective, the main reason that the public supported the ballot system was that it was designed to eliminate election fraud, bribery, and cheating. Several Australian ballot proposals were introduced which did apply to every area in the state but they never made it to the floor of either chamber. Only those bills that applied to towns exceeding five thousand inhabitants gained serious consideration. Again, in the case of the Australian ballot, reform seems to have been targeted at the supporters of urban machine politicians. Texas legislators clearly were interested only in the aspects of the Australian system that restricted suffrage—not in the facets that were intended to reduce fraud, bribery, or cheating.

There were clear motivations for Democrats to take this approach to election

reform. The Democratic Party was being assaulted from all sides in the late 1880s. This onslaught was especially virulent in the cities where renegade machine politicians such as Bryan Callahan in San Antonio and W. C. Connor in Dallas ran not as Democrats but as Independents. By the early 1890s, the Democratic Party's base of support had markedly deteriorated.

March 1891 proved to be a pivotal time for the Democratic Party in Texas when two challenges to their dominance emerged, one in urban areas and the other in rural localities. First, Sen. Kimbrough's bill that facilitated the challenge of voter qualifications proved insufficient to overcome Mayor Connor's control of the City of Dallas and left Democrats vulnerable in urban environments. Secondly, the Farmer's Alliance publicly and openly began their break from the Texas Democratic Party threatening Democratic dominance with rural constituencies. Suddenly, Texas Democrats had major problems in both the countryside and the cities. They were confident in their ability to manipulate and control elections in the countryside but the cities were another matter. They needed to decisively deal with these challenges and as a result, all of their energies shifted to minimizing both internal and external threats to the party's future. Hence, they had to punish their enemies, reassure their friends, and secure their future by disfranchising their adversaries.

During the 1890s, these challenges from both within and outside the Democratic Party came to a head. Voter interest and political participation also escalated during this time and peaked in the 1896 presidential election. Over the next eight years, suddenly and oddly, the Texas public's interest and participation in politics diminished drastically to the point that less than half of the people that voted in 1896 voted in 1904. Further, over

one half of these voters never returned. Similarly, the threats to the Democratic Party's dominance in Texas waned during the same period, and the party's position was not seriously challenged again for seventy years. It is reasonable to assume that both of these significant changes relate to the systematic disfranchisement of targeted groups of voters. Further, many in these groups came to believe that they really did not have a voice in their government or how its leaders were selected.

Although they framed it as an anti-corruption measure, the architects of Texas's voter registration legislation clearly intended to make it harder for African Americans, poor whites, and immigrants to vote. These voters were the backbone of support that urban machine politicians relied upon. Connor's defiance and subsequent victory in the Dallas mayoral race of 1891 forced the Democratic leadership to enforce punishment for renegade behavior. The future of the democracy's dominance, not only in Texas cities but also in the state as a whole, depended upon it. The last-minute addition of the Australian ballot system boosted the impact of voter registration and further reduced the voting participation of uneducated and illiterate voters who found that they had yet another reason to remove themselves from the voting public because public admission of one's inability to read or write was humiliating.

Texas's adoption of election "reform" legislation carried the promise of having elections that truly reflected the will of the people. The results were disappointing because little of substance was reformed. Almost 90 percent of Texans lived in areas not covered by voter registration or the Australian system. It is reasonable to speculate that these areas could have benefitted from the Australian ballot but they escaped coverage by the law because they were already securely in Democratic Party hands. Legislators were

happy with the electoral status quo outside the cities, where rural cheating and stolen elections were widespread and common. Stolen elections were fine as long as the right man stole them from the wrong one.

Voter fraud in the cities was not the problem; too much turnout by the wrong voters was! Thus, registration and the Australian ballot gave the Democratic Party two wins for the price of one. While they achieved their disenfranchisement objectives, Texas Democrats could still claim that they were on the side of purity in elections. Texas could rightly assert that it had joined the rest of the country in cleaning up its elections through the Australian ballot system without acknowledging the true cynical nature of the law's effects. It was a brilliant and very subtle disfranchisement strategy that to this day has remained largely obscured.

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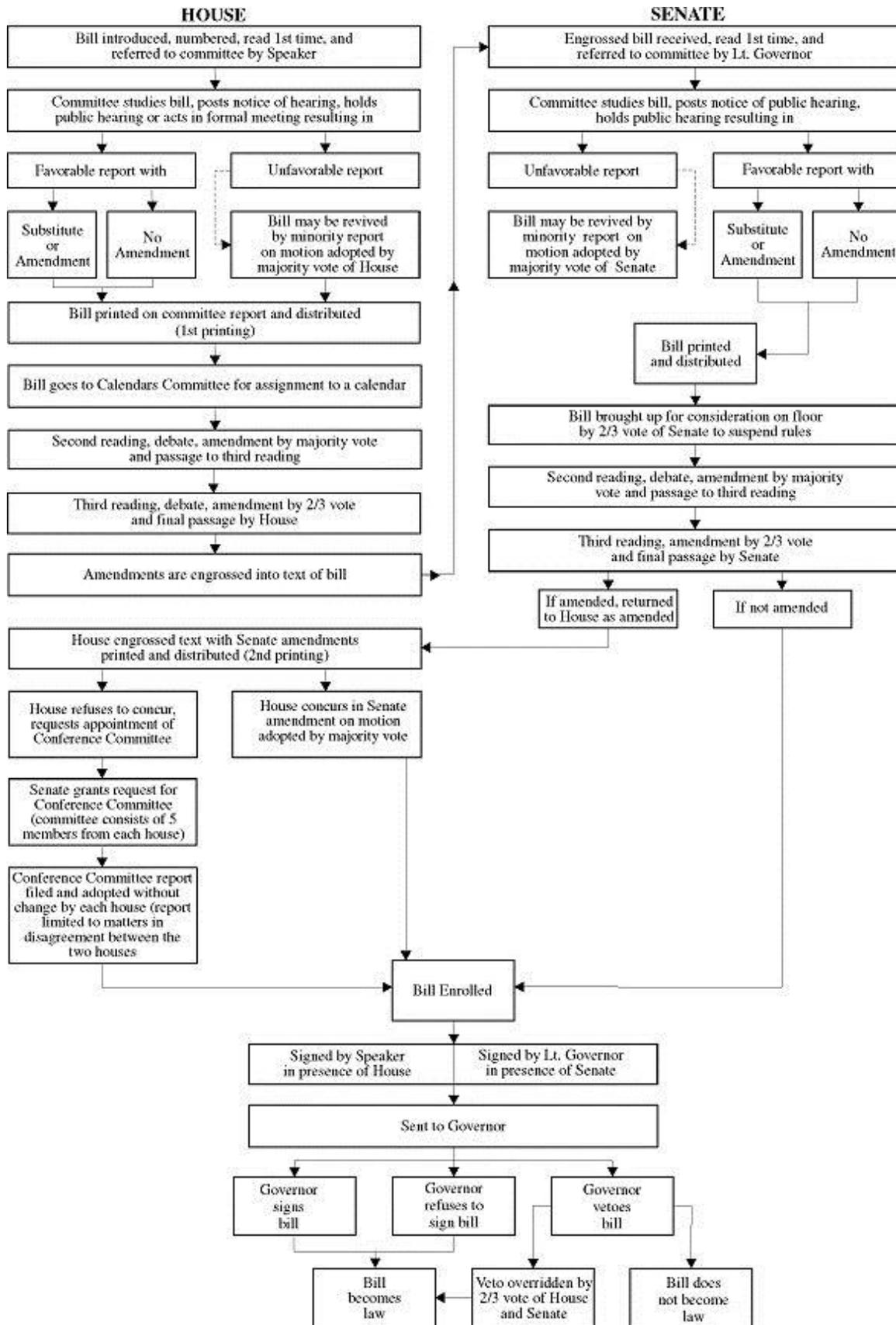
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Appendix A: House of Representatives Legislative Process in Texas

This diagram displays the sequential flow of a bill from the time it is introduced in the House of Representatives to final passage and transmittal to the governor.

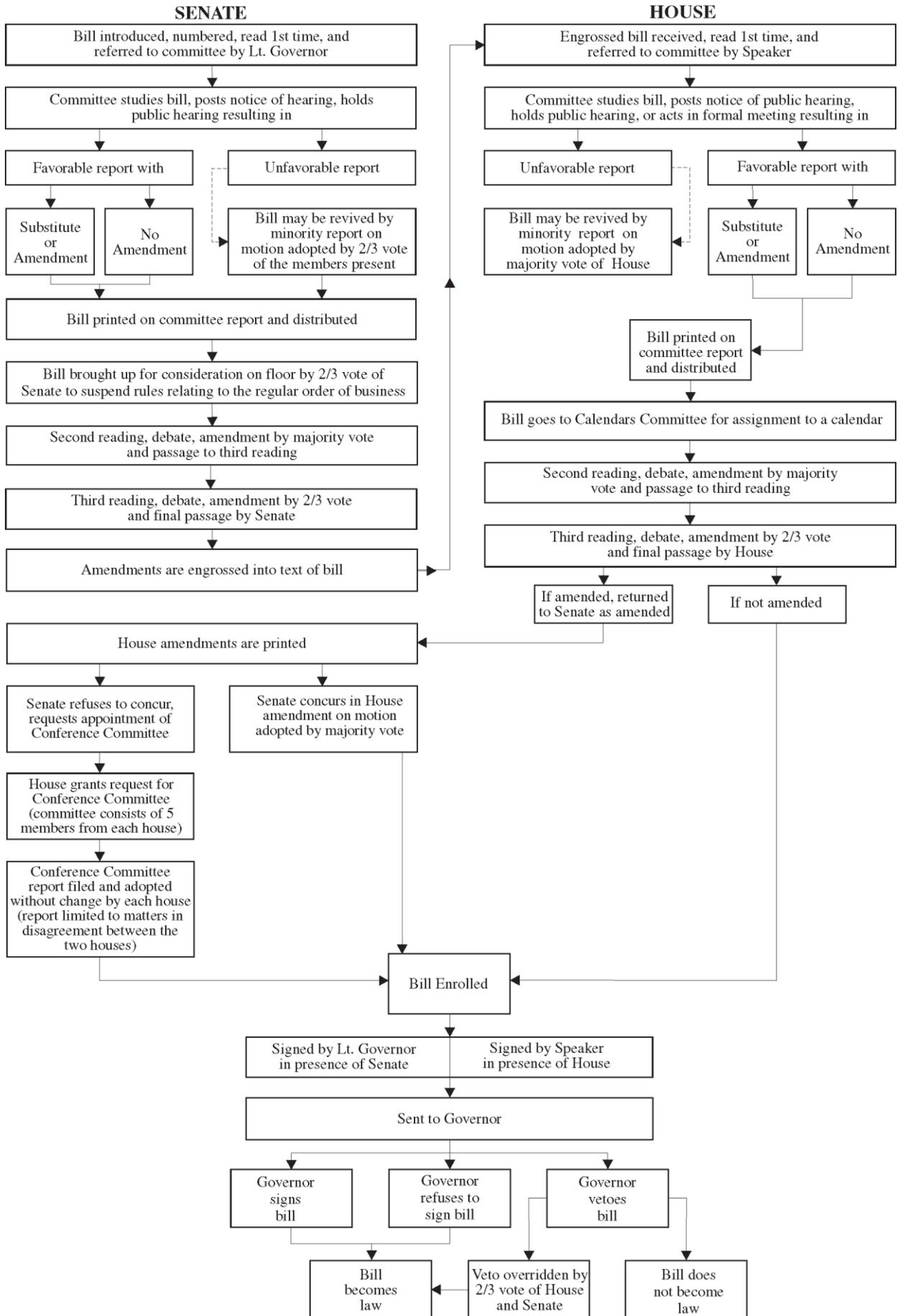
http://www.tlc.state.tx.us/gtli/images/house_process.pdf



Appendix B: Senate Legislative Process in Texas

This diagram displays the sequential flow of a bill from the time that legislation is introduced in the senate to final passage and transmittal to the governor.

http://www.tlc.state.tx.us/gfli/images/senate_process.pdf



VITA

Bobby J. Oliver was born December 1, 1953, in Grand Saline, Texas. He is the son of Damon Wayne Oliver and Gladys Ruth Williams. A 1972 Graduate of Chapel Hill High School, Tyler, Texas, he received a Bachelor of Science degree with a major in Business Administration and a concentration in Accounting from the University of Texas at Dallas, Richardson, Texas, in 1976.

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ABSTRACT

TEXAS BALLOT REFORM: THE ADOPTION OF THE AUSTRALIAN BALLOTING SYSTEM, 1887-1891

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This paper examines Texas's efforts to adopt voter registration and the Australian balloting system during the late 1880s and early 1890s. Vote fraud had become endemic in Texas and throughout the nation following the Civil War. Texas was unique in that its enactment of voter registration and the Australian ballot applied only to cities with populations of ten thousand inhabitants or more. While election fraud and manipulation occurred in Texas's cities, it was also ubiquitous in the rural areas left untouched by the voter registration and the Australian ballot laws.

Texas Democrats, increasingly challenged in both the cities and rural districts, used both provisions to attain "purity of the ballot" legislation. To Texas Democrats, good government meant less, not more, democracy as they sought to limit the franchise of various racial, ethnic, and social classes of Texans by excluding them from the political process thereby reinforcing their control.