

## THE REGULATION BY LAW OF ELECTIONS IN THE TERRITORY OF IOWA<sup>1</sup>

To indicate the origin and trace the development of regulation by law of elections in the Territory of Iowa is the object of this paper. The beginnings of this regulation are found in the Ordinance and statutes of the Old Northwest which was organized as a Territory by an act of the Congress of the Confederation in 1787. Out of this Territory was carved in 1805 the Territory of Michigan<sup>2</sup> to which the Iowa country was united in 1834.<sup>3</sup> Steps having been taken for the admission of the State of Michigan into the Union, the original Territory of Wisconsin was organized with the Iowa country as a constituent part in the year 1836.<sup>4</sup> The Iowa country (called the Iowa District) remained a part of the original Territory of Wisconsin until 1838, when Congress passed "An act to divide the Territory of Wisconsin and to establish the Territorial Government of Iowa."<sup>5</sup> Iowa remained a Territory until 1846, when the State with its present boundaries was admitted into the Union.

In this study will be included the provisions of the Ordinance of 1787 relative to elections and also the general principles of such regulations as are found in the Territo-

<sup>1</sup> This paper was accepted in partial fulfillment of the requirements for the degree of Master of Arts at The State University of Iowa in 1907.

<sup>2</sup> Shambaugh's *Documentary History of Iowa*, Vol. I, p. 60.

<sup>3</sup> Shambaugh's *Documentary History of Iowa*, Vol. I, p. 76.

<sup>4</sup> Shambaugh's *Documentary History of Iowa*, Vol. I, p. 78.

<sup>5</sup> Shambaugh's *Documentary History of Iowa*, Vol. I, p. 102.

rial laws of the Old Northwest and of Michigan suggesting and illustrating subsequent developments.

The election laws of the original Territory of Wisconsin will be considered in detail. The Organic Act and the general election law of the original Territory of Wisconsin, however, will be considered in connection with the Organic Act and general election laws of the Territory of Iowa, so as to avoid repetition. It is a fact, moreover, that the Organic Act of the Territory of Iowa and the Organic Act of the original Territory of Wisconsin as well as the general election laws are very similar, the Iowa Organic Act and general election laws being evidently copied from those of the original Territory of Wisconsin. The provisions made in the Iowa Territorial laws for general, local, and special elections at the different legislative sessions will be studied by comparison, the earliest acts serving as a basis for comparison.

The regulations of elections as given in this paper are mainly those found in laws passed by the legislative bodies of the Territories above mentioned. They may or may not always have been followed in practice. These Territorial laws, moreover, are often incomplete in their provisions; and so a detailed presentation of the regulations for all elections is impossible.

The historical data (serving in a way as a foundation for the paper) are taken, for the most part, from the various histories and compilations of documents of Iowa history by Professor Benjamin F. Shambaugh. I wish also to make grateful acknowledgment to Professor Shambaugh, at whose suggestion and under whose direction this paper was prepared, for invaluable suggestions and criticism.

## I

GENERAL REGULATION OF ELECTIONS IN THE  
TERRITORIES OF THE OLD NORTHWEST  
AND OF MICHIGAN

## THE TERRITORY OF THE OLD NORTHWEST

The Ordinance of 1787 provided for the organization and government of the Old Northwest Territory and served as a prototype for the Organic Acts of subsequent Territories.

To the election regulations of this Ordinance may be traced the origin of the Iowa Territorial election regulations. Legislation during the Territorial period of the Old Northwest and of Michigan illustrates a further development of the election provisions of the Ordinance of 1787. The number of elective officers was increased and the laws regulating their election were more detailed in their provisions.

The Ordinance of 1787 provided for the appointment by the Congress of the Confederation of all Territorial officers except members of the House of Representatives.<sup>1</sup> After the formation of the Federal government the President of the United States nominated and, by and with the advice and consent of the Senate, appointed the Territorial officers before appointed by the Congress of the Confederation.<sup>2</sup> Local officers were to be appointed by the Governor of the Territory.

The Ordinance authorized an election by the people of Representatives to a General Assembly as soon as there should be five thousand free male inhabitants in the Territory. The Governor issued a writ of election giving the time and

<sup>1</sup> Shambaugh's *Documentary History of Iowa*, Vol. I, p. 47.

<sup>2</sup> *U. S. Statutes at Large*, Vol. I, p. 50.

place of the first election. A Delegate to Congress was to be elected by joint ballot of the Council and House of Representatives.

The Governor and Territorial Judges legislated for the Northwest Territory until 1799, when the General Assembly was organized and vested with the powers of legislation. A law was approved December 6, 1799, prescribing regulations for the election of Representatives.<sup>1</sup> This law was amended December 9, 1800.<sup>2</sup>

The election of Representatives was held on the second Tuesday in October. The counties were divided into districts and a polling place was selected by the Court of Quarter Sessions in each district. Fifteen days before the election the Governor of the Territory issued a writ of election, directed to the sheriff of the county. A copy of this writ was to be posted by the sheriff in each district of the county on the door of the house in which the election was to be held. The voters present at the polls at nine A. M. elected, *viva voce*, three electors to serve as judges of election, and these judges appointed two election clerks. The judges and clerks of election were required to take an oath or affirmation before proceeding with the election. The polls were to be open from ten A. M. until five P. M. The votes at these elections were taken by paper ballots.

After the voting the returns were examined and the results publicly announced by the judges. The returns for the district were then sent to the prothonotary of the court, who, together with the sheriff and two justices of the peace, can-

<sup>1</sup> Chase's *Statutes of Ohio*, Vol. I, Ch. 102, p. 239.

<sup>2</sup> Chase's *Statutes of Ohio*, Vol. I, Ch. 140, p. 304.

vassed the returns from all the districts of the county and gave to the persons elected certificates of election.

An act authorizing and regulating the election of township officers was passed in 1802 by the General Assembly.<sup>1</sup> The election of township officers was held on the first Monday in April annually at a place decided upon by the electors at their previous meeting, the first election being held at a place selected by the Court of General Quarter Sessions of the Peace. A constable under the directions of the township trustees posted election notices in three public places in the township at least ten days before the township meeting. The electors chose a chairman to preside over the meeting and, together with the township clerk, conduct the election. Within two days after the election the clerk directed the constable to notify the elected persons who were required to take an oath of office.

#### THE TERRITORY OF MICHIGAN

The Michigan Territorial laws provided for the election of a Delegate to Congress, members of the General Assembly, and several local officers. The election of the members of the General Assembly and county officers was conducted, as far as possible, in accordance with the laws regulating the election of a Delegate to Congress. A study of the laws regulating the election of the Delegate to Congress will, therefore, reveal the manner prescribed for holding the election of these officers and also furnish the desired basis for a comparison with the Territorial laws regulating similar elections in the Territories of Wisconsin and Iowa.

<sup>1</sup> Chase's *Statutes of Ohio*, Vol. I, Ch. 163, p. 344.

According to the Michigan statute which was enacted May 20, 1819, to regulate the election of the Delegate to Congress,<sup>1</sup> the election was to be held on the first Thursday in September at the county seats of the different counties.

On the second Thursday in June, or as soon as possible thereafter, the sheriff of the county posted written or printed notices in five public places in the county announcing the coming election. The judges of the court of the county, the county commissioners, and the sheriff, or a majority of these officers, served as election judges in their respective counties.

Before the polls were opened the election judges were required to take an oath or affirmation to conduct the election fairly and according to law. The polls were to be opened between nine and ten A. M. and closed at five P. M., or at sunset. The votes were taken by paper ballots which the electors folded in such a way that no writing or printing was visible. Two clerks, appointed by the judges of election, took down the names of the voters on poll lists, while the judges of election put the ballots in a ballot box.

The judges of election met as soon as possible after the election to count and register the ballots cast for each candidate. The judges were directed to deliver one of the registers of ballots and one of the poll lists to the clerk of the county board of commissioners who made a record thereof and sent transcripts to the Secretary of the Territory. The remaining lists and ballots were sent by the judges of election to the Secretary of the Territory.

On the fourth Thursday in October the Territorial Board

<sup>1</sup> *Laws of the Territory of Michigan*, Vol. II, p. 149.

of Canvassers (composed of the Secretary of the Territory, the Attorney General, and the Treasurer, or a majority of them) was to meet between ten and eleven A. M., at a place appointed by the Secretary, to examine the election returns. A statement giving the result was made out by the Board, signed, and recorded by the Secretary of the Territory, and a transcript thereof given to the Governor. The Secretary also published the result of the election in one or two of the newspapers of the Territory.

County officers were usually elected in accordance with the regulations governing the election of the Delegate to Congress. Township officers, however, were elected at township meetings conducted according to laws passed by the General Assembly for their regulation.<sup>1</sup> These laws were similar in their provisions to the law of the Northwest Territory. The Michigan laws, however, expressly authorized the election judges to examine the ballots and determine the result of the election. Within ten days after the election the township clerk officially notified the persons who had been elected to office.

## II

### PROVISIONS RELATING TO ELECTIONS IN THE ORIGINAL TERRITORY OF WISCONSIN

#### GENERAL ELECTIONS

The constitutional government provided for the Iowa country while it formed a part of the Territory of Michigan (that is, from 1834 to 1836) was more or less nominal. As a matter of fact the early settlers of Iowa framed their own

<sup>1</sup> *Laws of the Territory of Michigan*, Vol. II, p. 317.

“Squatter Constitutions” by which their conduct toward one another and toward the community was governed. Iowa’s Territorial period may, in fact, be said to begin with the organization of the original Territory of Wisconsin. The Organic Act and statutes of the original Territory of Wisconsin were recognized by the people west of the Mississippi as operative in their country; their representatives sat in the Wisconsin Legislative Assembly; and local officers were elected under the regulations of Wisconsin laws. The Iowa country, indeed, was as much a constituent part of the original Territory of Wisconsin as was the country now included within the State of Wisconsin.

[In order to avoid repetition the provisions of the Organic Act of the original Territory of Wisconsin and of the general election law which was passed by the Legislative Assembly will be considered below under III by way of comparison with the Organic Act and general election laws of the Territory of Iowa.]

#### PROCLAMATION OF THE GOVERNOR

The Organic Act of the Territory of Wisconsin authorized the Governor to give directions for holding the first election of members to a Legislative Assembly and a Delegate to Congress.<sup>1</sup> In accordance with this provision Governor Henry Dodge issued a writ ordering the election for members of the Legislative Assembly and the Delegate to Congress on the second Monday of October, 1836.

According to Governor Dodge’s proclamation<sup>2</sup> the sher-

<sup>1</sup> Shambaugh’s *Documentary History of Iowa*, Vol. I, p. 78.

<sup>2</sup> Shambaugh’s *Messages and Proclamations of the Governors of Iowa*, Vol. I, p. 50



iff of each county was required to advertise the election in one or more newspapers published in the county (if there were any) or post written or printed notices in at least five public places in each voting precinct in the county. The electors present at the opening of the polls were empowered to elect three persons from their own number to act as judges of election. The judges, in the absence of a justice of the peace, administered to each other the usual oath or affirmation and appointed a clerk to keep the poll lists before proceeding with the election.

Within three days after the election the poll books and returns were to be certified by the judges and sent to the county sheriff by whom they were also certified and within six days sent to the Governor of the Territory. Certificates of election were made out for the persons elected as members of the Council or House of Representatives, and delivered to them by the sheriff of the county. The Governor issued a proclamation giving the result of the election.<sup>1</sup> A Delegate to Congress was elected at the same time and under the same regulations, as far as possible, as were the members of the Legislative Assembly.

#### LOCAL ELECTIONS

The general election law which was approved January 18, 1838, provided for the first election of county officers on the first Monday in March. Subsequent elections for county officers were held at the same time and under the same regulations as provided for the general election. At least fifteen days before the election the county sheriff was required to

<sup>1</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, pp. 53-55.

establish a sufficient number of electoral precincts in each county. Three judges of election were chosen, *viva voce*, by the electors. The selected judges took the required oath or affirmation as prescribed by law in the case of a general election and appointed two clerks of election. The election was to be conducted in accordance with the general election law. The returns of the election were made to the clerk of the district court who determined the result and made out certificates for those elected. The sheriff examined the returns in the absence of the clerk.

A law, approved December 6, 1837,<sup>1</sup> declared each county within the Territory to be a township in order that certain Michigan Territorial township laws might be operative. At the annual town meeting there were elected in each county three supervisors, who served both as a county and a township board. A clerk was also elected who served both as a township clerk and as clerk to the board of supervisors.

The supervisor system did not seem to give satisfaction; for on December 20, 1836, an act was approved<sup>2</sup> which provided for the election of a board of three county commissioners, one being elected each year for a term of three years, at the time and place for the general elections in the counties. At the first election, however, three persons were elected. The one who received the highest number of votes held office for three years; the one who received the next highest number of votes, two years; and the one next highest one year.

Villages or towns were incorporated under general law or

<sup>1</sup> *Laws of the Territory of Wisconsin*, 1836-38, p. 64.

<sup>2</sup> *Laws of the Territory of Wisconsin*, 1836-38, p. 138.

by special charters. The general law,<sup>1</sup> which was approved December 6, 1836, provided that a village of three hundred inhabitants or more might be incorporated if two-thirds of the electors favored the proposition when submitted to a vote. Ten days before the vote was taken a notice giving the time and place of holding the meeting was published in a newspaper or posted in some public place in the village. Having assembled, the voters elected a president and a clerk to conduct the meeting, both of whom were required to take an oath or affirmation before proceeding with the voting. After the electors had expressed their wishes by a *viva voce* vote, the president and clerk determined the number of votes for and against incorporation.

If incorporation was favored, the clerk of the meeting was required to call an election of town officers giving a five day notice. The election was held at the place of holding county elections in the village on a day stated in the election notice. The trustees were required to give ten days public notice of subsequent elections and were empowered to decide the time, place, and manner of conducting such elections. The president and clerk of the first meeting served as election officials. If one or both of these officials were absent, "suitable persons" were chosen by the electors to fill the vacancy or vacancies. Five trustees were to be elected by ballot for one year. After the election the president and clerk were required to deliver to the elected board of trustees a written, certified statement of the vote. This statement the board of trustees delivered to the clerk of the district court of the county to be recorded.

<sup>1</sup> *Laws of Territory of Wisconsin*, 1836-38, p. 65.

The provisions for elections in special charter cities<sup>1</sup> did not differ greatly and were also somewhat similar to the election regulations of the general act. The elections were usually held on the first Monday in May "at some convenient place in said town." The president and trustees advertised the election in a newspaper, or posted notices in three public places in the town, five or ten days before the election. At the first election the voters chose, *viva voce*, two judges and a clerk of election and these officials were required to take an oath or affirmation before proceeding with the election. At subsequent elections the president and trustees served as election judges and the recorder as clerk. The polls were to be open from nine or ten A. M. until four P. M. At the close of the polls the judges were required to canvass the vote; and one of the judges proclaimed the result to the electors present. Within five days after the election the clerk notified those who had been elected.

### III

#### REGULATION BY LAW OF ELECTIONS IN THE TERRITORY OF IOWA

##### PROVISIONS RELATIVE TO THE ELECTION OF TERRITORIAL OFFICERS

The pioneers of the Iowa country were not long satisfied with the government afforded them under the Organic Act of 1836. The original Territory of Wisconsin was too large for effective local government and the population was rapidly increasing. Scarcely a year had passed since the organization of the Territory of Wisconsin when the people of

<sup>1</sup> *Laws of the Territory of Wisconsin*, 1836-38, pp. 258, 375, 481.

Des Moines County in the Iowa District met to consider the advisability of forming a separate Territory on the west side of the Mississippi River. The meeting favored the plan and recommended the holding of county meetings in the counties west of the Mississippi River to elect delegates to a convention at Burlington. Delegates from seven counties met November 6, 1837. Congress was petitioned by the meeting to form a separate Territorial government for the Iowa District. The Legislative Assembly also met at Burlington at this time. Convinced of the need and desire on the part of the Iowa District for a separate government, the members also sent a memorial to Congress favoring the division of the original Territory of Wisconsin. This agitation resulted in Congress passing "An Act to divide the Territory of Wisconsin and to establish the Territorial Government of Iowa."<sup>1</sup>

#### THE ORGANIC ACT

The Organic Act of the Territory of Iowa, which was approved June 12, 1838, provided for the organization of the Territory and appointment or election of Territorial officers. It authorized the President of the United States to nominate and, by and with the advice and consent of the Senate, to appoint for the Territory a Governor, a Secretary, a Marshal, an Attorney, a Chief Justice, and two Associate Judges. The Governor was appointed for a term of three years; while the Secretary, Marshal, and Attorney were appointed for four years. All were subject to removal by the President. The Chief Justice and Associate Judges were appointed for four years instead of for life, as the Organic Act of the original Territory of Wisconsin had provided.

<sup>1</sup> Shambaugh's *Documentary History of Iowa*, Vol. I, p. 102.

The Organic Act also authorized the Governor to give directions as to the time, place, and manner of conducting the first election of members to the Legislative Assembly and Delegate to Congress. The Governor was required to proclaim the election of the successful candidates. A new election was to be called by the Governor if there was a tie between two or more candidates for the same office. The Legislative Assembly was empowered to provide by law for subsequent elections.

The members of the Council and the Delegate to Congress were elected for a term of two years, and the members of the House of Representatives for one year. Under the Organic Act of Wisconsin of 1836 the members of the Council were elected for four years and the members of the House of Representatives for two years.

#### PROCLAMATION OF THE GOVERNOR

In accordance with the provisions of the Organic Act of 1838 Robert Lucas (the first Governor of the Territory of Iowa), on August 15, 1838, issued a proclamation<sup>1</sup> calling for the election of members of the Legislative Assembly and a Delegate to Congress on the second Monday of September 1838. The sheriff of each county advertised the election in one or more newspapers or posted five written or printed notices in each election precinct. The election was to be conducted, so far as the Iowa Organic Act was not infringed upon, in accordance with the general election law of the Territory of Wisconsin of January 18, 1838. The clerks of the county board of commissioners of the different counties

<sup>1</sup> Shambaugh's *Executive Journal of Iowa, 1838-1841*, p. 14.

were urged to examine the election returns and, as soon as possible, send a certified abstract to the Governor. As required by the Organic Act of 1838 the Governor issued his proclamation giving the result.<sup>1</sup>

GENERAL LAWS REGULATING THE ELECTION OF GENERAL  
TERRITORIAL OFFICERS

“An Act providing for and regulating General Elections in this Territory”<sup>2</sup> was approved January 25, 1839. This act prescribed the manner in which the right granted by the Organic Act of 1838 to elect certain officers was to be exercised. This law, as well as a law passed in 1843, seems to have been copied from the Wisconsin election law of 1838.<sup>3</sup>

All general and special elections for Delegate to Congress, members of the Legislative Assembly, county, town, and district officers were to be conducted in accordance with this statute. This general provision was omitted in the election law of 1843 and was not followed in holding town elections.

The general election law of 1839 authorized the holding of the general election on the first Monday in August of each year. “An act to provide for an extra session of the Legislative Assembly” became a law January 15, 1840,<sup>4</sup> and named the first Monday of October as the date for the elections in 1840. Subsequent elections were to be held on the first Monday in August. The general election law of 1843<sup>5</sup>

<sup>1</sup> Shambaugh's *Executive Journal of Iowa, 1838-1841*, p. 33.

<sup>2</sup> *Laws of the Territory of Iowa*, 1838, p. 185.

<sup>3</sup> *Laws of the Territory of Wisconsin*, 1836-38, p. 404.

<sup>4</sup> *Laws of the Territory of Iowa*, 1839, p. 75.

<sup>5</sup> *Revised Statutes of the Territory of Iowa*, 1842-43, p. 244.

required that the election be held on the first Tuesday in October; but on January 29, 1844, the Governor approved "An Act to change the time of holding the General Election"<sup>1</sup> by which provision was again made for the holding of general elections on the first Monday in August.

The counties of the Territory were divided into election precincts and the place of election in each precinct was given in the notices of election. In a county divided into townships the place of voting at general and township elections was the same.

The Wisconsin election law of 1838 directed the clerks of the board of commissioners of the counties to make out three election notices for each precinct and deliver them to the county sheriff at least fifty days before a general election and twenty days before a special election. These notices gave the time and place of the election and also the offices to be filled. A peculiar change was made by the Iowa law of 1839 in that the clerks were required to make out notices fifty days before a special election with no provision for general elections. This, however, was altered by an amendment<sup>2</sup> of January 16, 1840, which required the clerks to perform the same duties in regard to notice as did the Wisconsin law. The general election law of 1843<sup>3</sup> directed the clerk of the county board to make out the election notices fifty days before a general election, but made no provisions for special elections.

<sup>1</sup> *Laws of the Territory of Iowa*, 1843, p. 1

<sup>2</sup> *Laws of the Territory of Iowa*, 1839, p. 79.

<sup>3</sup> *Revised Statutes of the Territory of Iowa*, 1842-43, p. 246. The exact date of this act is not given.



The election notices were to be posted by the sheriff in three public places at least thirty days before a general election and eight days before a special election. If there were no regular election precincts set off by law, one notice was posted at the house where the election was to be held and the other two notices in public places near the place of holding the election.

The board of county commissioners at their April meeting appointed three electors as judges of election for each precinct to serve at all elections until others were appointed. The clerk of the board immediately made out notices of the appointments and these were to be delivered by the county sheriff to the proper parties within twenty days after he received them. The judges appointed two electors to serve as election clerks. "An act to provide for the organization of Townships" was approved January 10, 1840, which required the township trustees to serve as judges at the general elections;<sup>1</sup> and this law was subsequently amended<sup>2</sup> in 1842 so as to require the township trustees to serve at both general and special elections. The general election law of 1843<sup>3</sup> authorized the county commissioners to appoint three judges of election in each precinct in counties which were not divided into townships; while the township trustees served as judges at all elections held in organized counties. In undivided counties the judges of election appointed the election clerks. In counties organized into townships, however, the township clerk and a person appointed by the

<sup>1</sup> *Laws of the Territory of Iowa*, 1839, p. 52.

<sup>2</sup> *Laws of the Territory of Iowa*, 1841, p. 102.

<sup>3</sup> *Revised Statutes of the Territory of Iowa*, 1842-43, p. 245

township clerk and approved by the election judges, served as election clerks.

Vacancies in the board of election judges were filled by the appointment of justices of the peace by the judges who were present. If there were no justices present electors were chosen. If there were neither election judges nor justices present at the time of opening the polls, the electors present selected three persons from their own number to act as judges of election, and the justices or electors thus chosen were to have the same powers as if regularly authorized judges.

The clerks and judges of election were required to take the usual oath or affirmation before proceeding with the election. If there were no judges or justices of the peace present besides those serving as judges or clerks of election, the election judges were empowered to administer the oath or affirmation to each other and to the clerks; and the one administering the oath or affirmation made a signed entry of the fact in the poll books.

The polls were open from nine A. M. until six P. M., but might be kept open until nine P. M. if the judges thought it necessary. If the judges failed to attend at the time of opening the polls and thus made it necessary for the electors to choose judges, the polls might be declared open at any hour before the time for closing. A clerk, under the direction of the judges of election, proclaimed the opening of the polls and also gave warning one half hour before the polls were to be closed. The votes were taken by paper ballots which the elector marked and folded in such a manner as to prevent the names on the ticket from being seen by the

judges. This ballot the elector handed to one of the judges who put it into the ballot box. As the votes were cast the election clerks took down the names of those voting.

After canvassing the votes, the clerks entered in the poll books the full names of all persons voted for, the offices for which they had received votes, and the number of votes received. This list was certified by the judges and attested by the clerks. One of the poll books was sealed and delivered to the clerk of the board of commissioners by one of the judges or clerks of election within nine days after the election. If the poll book was not delivered within the required time with seals unbroken, the judge or clerk entrusted with it was liable to a fine of five hundred dollars. The remaining poll book was left with a second judge and was open to public inspection.

Within seven days after the election the clerk of the board of commissioners and two justices of the peace appointed by the clerk, examined the poll book. Abstracts of the vote were made on separate sheets, one list giving the vote cast for a Delegate to Congress, a second list giving the vote for members of the Legislative Assembly, and a third list giving the vote for county officers.

The Wisconsin law of 1838 required the county board of commissioners to meet within twelve days after the election. The Iowa general election law of 1843<sup>1</sup> changed the time of the meeting of the board to a day not later than nine days after the election. The clerk of the county board, as soon as the canvass of the votes was completed, made out certificates of election for those elected to county offices and to

<sup>1</sup> *Revised Statutes of the Territory of Iowa*, 1842-43, p. 250.

the Legislative Assembly. The clerk also made copies of the abstracts of the votes cast in the county and mailed the same to the Secretary of the Territory. If the clerk failed to send his report within thirty days after the election, the Secretary sent a messenger to secure the returns.

If the Council or Representative district was made up of more than one county, the clerk or clerks of the county or counties last organized met within twelve days after the election at the office of the clerk of the "senior" county and as a district board of canvassers determined the vote for members of the Council and House of Representatives for the district and also made out certificates of election for the successful candidates.

The Territorial Board of Canvassers, composed of the Governor, the Secretary, and the Marshal or his deputy, met within fifty days after the election to canvass the vote of the Territory for Delegate to Congress. The candidate receiving the highest number of votes was granted a certificate of election by the Governor. The Governor also issued a proclamation giving the result. The general election law of 1843<sup>1</sup> directed the Board to meet and canvass the vote within forty days after the election.

A vacancy in the office of Delegate to Congress was to be filled by special election called by the Governor. A tie vote between two or more candidates was considered as creating a vacancy which was filled by a special election ordered by the Governor.

A vacancy in the Legislative Assembly was also filled by special election. The clerk of the board of the county

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<sup>1</sup> *Revised Statutes of the Territory of Iowa*, 1842-43, p. 251.

(or of the "senior" county, if the district was composed of more than one county) notified the Governor of the vacancy. The Governor immediately issued his writ of election directed to the sheriff of the county, ordering him to notify the election judges in the county to hold a special election on a day appointed by the Governor. An election was unnecessary, however, if there was no session of the Legislative Assembly before the next election. In case of a tie vote between two or more candidates for the Council or House of Representatives, the clerk of the county board notified the county sheriff who called a special election. The sheriff was required to give ten days' notice of this election.

If a Representative or Council district had been divided during the time between the general election and an election to fill a vacancy, elections were to be held in every county containing a part of the county or counties of the original district, but only those who lived within the limits of the original district were entitled to vote at the election. Returns of the election were made by the clerks of the counties in which elections were held within twelve days after the election "to the office of the clerk of the board of county commissioners of the original county composing the district." Certificates of election were made out for those elected and signed by the clerks of all counties in which elections had been held.

#### REGULATIONS FOR THE PURITY OF ELECTIONS

A defeated candidate for office had the right to contest the validity of an election, or the right of the elected person to hold office, by notifying the person elected within thirty-five days after the election of his intention.

Numerous provisions were made to prevent fraud or injustice at the polls. Electors were permitted to vote for a Delegate to Congress at any polling place in the Territory; for members of the Legislative Assembly at any polling place in the county or district in which the elector lived; for county officers at any polling place in the county in which the voter resided; but for town or township officers the elector could only vote in his election precinct. Persons suspected of attempting to vote without having the required qualifications might be challenged by the judges of election or by electors who had voted. The challenged person was then obliged to take an oath or affirmation declaring his qualifications. Unless a majority of the judges believed he swore or affirmed falsely, his vote was accepted. If he refused to take the oath or affirmation the challenged person was not allowed to vote. If he knowingly swore or affirmed falsely, he was held guilty of perjury and punished accordingly. A fine of twenty-five to fifty dollars was to be imposed on a person voting without having the proper qualifications unless the judges had considered him a legal voter. This exception was omitted in the general election law of 1843.<sup>1</sup> A judge who ordered a challenged person's vote to be received even though he had not taken the required oath or affirmation, was liable to a fine of fifty dollars. A judge who wilfully refused to receive the vote of an elector even though he offered to take the required oath, might be fined a like amount. But this was not to be interpreted so as to prevent judges from refusing to receive the vote of a person who in the opinion of a majority of the judges would have

<sup>1</sup> *Revised Statutes of the Territory of Iowa*, 1842-43, p. 249.

sworn falsely if he had taken the oath. An election official who intentionally permitted an unqualified person to vote, allowed an elector to vote more than once at the same election, or was found guilty of fraud, corruption, or partiality in any way, was liable to a fine of one hundred dollars and was also declared ineligible for any public office within the Territory for ten years. An election official convicted of neglecting, delaying, or refusing to perform the duties required of him by law, was liable to a fine of forty dollars. An elector who voted more than once at the same election was to be fined one hundred dollars.

Constables who lived in the election precinct were appointed by the judges to attend all elections in the precinct to keep order and protect the officials from harm. If no constable attended the election, the judges were empowered to appoint special constables to assist in securing an orderly election. A person who, though warned by the judges, persisted in making a disturbance was liable to a fine not exceeding twenty dollars. If the offender did not pay the fine, he was imprisoned for not more than six days or until the fine was paid.

#### PROVISIONS RELATIVE TO THE ELECTION OF LOCAL OFFICERS

##### COUNTY OFFICERS

During the Territorial period of Iowa the tendency was to make all local offices elective. The Organic Act of 1838 authorized the election by the people of all county and township officers except judicial officers, justices of the peace, sheriffs, and clerks of court. The officers excepted were to be nominated and by and with the advice and consent of the

Legislative Assembly appointed by the Governor, as were also other civil officers whose election was not otherwise provided for. Territorial laws following out the provisions of this Act were passed during the first session of the Legislative Assembly. These laws authorized the election of the necessary number of constables for each county, an assessor, a board of three county commissioners, a recorder, a public administrator, and a county surveyor. After township government was provided for, constables were elected at the township elections.

There was considerable friction between the Governor and the first Legislative Assembly over the Governor's exercise of the veto power. The President was even petitioned for his removal. Due, perhaps, to the feeling that the Governor had too great a power, Congress in 1839 amended<sup>1</sup> Iowa's Organic Act cutting down the Governor's appointive power. By this amendment the Legislative Assembly was given authority to provide for the election of sheriffs, judges of probate, justices of the peace, and county surveyors. The Legislative Assembly not only provided for the election of these officers, but also for the election of coroners, treasurers, clerks of the board of county commissioners, collectors, and inspectors of weights and measures.

The county commissioners and judges of probate were elected for three years; the county surveyors, sheriffs, commissioners, clerks, coroners, and recorders for two years; public administrators, assessors, county treasurers, and collectors for one year.

The Organic Act of the Territory authorized the first

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<sup>1</sup> *U. S. Statutes at Large*, Vol. V, p. 357.



election in accordance with the Wisconsin laws. After the first election the county officers were to be elected at the general election and, as far as possible, under the same regulations as governed the election of Territorial officers.

## TOWNSHIP ELECTIONS

The Organic Act of the Territory of Iowa authorized the holding of the first election of township officers in accordance with the Wisconsin laws. The Legislative Assembly was given power to provide by law for subsequent elections. In his message<sup>1</sup> to the First Legislative Assembly, Governor Lucas called attention to the importance of township organization and the necessity of providing for the election of township officers. The Legislative Assembly was somewhat tardy in taking advantage of this privilege granted by the Organic Act and took no action during the session. In his message to the Second Legislative Assembly<sup>2</sup> the Governor again urged the advantages of township organization. Township organization, he said, was intimately connected with the public school system and building of the public roads. It also made local business more convenient and less expensive. In order to secure these benefits "An Act to provide for the organization of townships" was approved January 10, 1840. This act provided for township government and the election of the necessary officers.<sup>3</sup>

The board of county commissioners was empowered to submit the question of organization to a vote at any general election when in their opinion the people would favor such

<sup>1</sup> Shambaugh's *Executive Journal of Iowa, 1838-41*, p. 43.

<sup>2</sup> Shambaugh's *Executive Journal of Iowa, 1838-41*, p. 181.

<sup>3</sup> *Laws of the Territory of Iowa, 1839*, p. 47.

action. The county board notified the electors at least fifty days previous to the general election in the usual manner of advertising elections. The vote was by ballot which the judges of election put into a separate ballot box. Those who favored the proposition wrote on their ballots "organization", while those who opposed the idea wrote on their ballots "no organization." The election judges were required to make a certified return of the vote for and against organization to the clerk of the county board of commissioners in the same manner as the regular election returns, and the clerks presented the returns to the commissioners at their following meeting. If the electors favored organization the board of commissioners divided the county into townships of a size and shape best suited to the convenience of the people, and also appointed a place in each township for the first election. After the first election, however, the place of election was determined by the township trustees.

This law was amended January 15, 1841,<sup>1</sup> so as to empower the county commissioners to divide an unorganized county into townships when in their judgment a majority of the electors of the county favored the plan or, as provided by a law which was approved February 17, 1842, on the petition of the voters,<sup>2</sup> without referring the question to a vote.

There were elected at the township meetings a township clerk, three trustees, two overseers of the poor, "a sufficient number of supervisors of highways," two constables, a township treasurer and two fence viewers. A law<sup>3</sup> approved

<sup>1</sup> *Laws of the Territory of Iowa*, 1840, p. 92.

<sup>2</sup> *Laws of the Territory of Iowa*, 1841, p. 101.

<sup>3</sup> *Laws of the Territory of Iowa*, 1841, p. 98.

February 17, 1842, provided for the election of three fence viewers. An amendment to the township law which was approved June 5, 1845,<sup>1</sup> required the township trustees to attend to the duties before performed by the fence viewers and overseers of the poor, thus doing away with these as independent offices. Two justices of the peace were also elected at the township meeting. If the county was not divided into townships, two justices were elected for each precinct, at the general election. The justices were elected for two years; all other township officers were elected for one year.

The township election was held every year on the first Monday of April. The board of county commissioners appointed a place in each township for holding the first election. After the first election, however, the place of election was determined by the township trustees. At least twenty days before the election the township trustees issued their writ of election to one of the township constables directing him to notify the electors of the coming election. This writ designated the time and place of the election and the offices to be filled. Copies of this writ were posted by the constable in three public places in the township at least fifteen days before the election.

When eight or more electors had assembled, they elected from their own number, by ballot, a chairman to preside over the meeting and two judges of election. The judges qualified by taking an oath or affirmation. At first the township clerk seems to have served as clerk of election.

Three election judges were required<sup>2</sup> by the law of Feb-

<sup>1</sup> *Laws of the Territory of Iowa*, 1845, p. 27.

<sup>2</sup> *Laws of the Territory of Iowa*, 1841, p. 98.

ruary 17, 1842, and these appointed an election clerk. An amendment of 1845<sup>1</sup> required the township trustees to serve as judges of all elections held in the township including the election of township officers. The township clerk and a second person appointed by the election judges were to serve as election clerks. If one or more of the trustees were absent at the time of the opening of the polls, the vacancy or vacancies were to be filled and election clerks appointed in the same manner as required by the act regulating general elections. The act which was approved January 10, 1840, regulating township elections seems to have required that the polls be open from ten A. M. until four P. M. An amendment of 1845<sup>2</sup> provided that the polls be opened between eight and ten A. M. and closed at six P. M. Within two days after the election the township clerk made out a list of those officers who were required to take an oath or affirmation; and within ten days notices were delivered to them by a constable.

If the number of electors required for a legal election failed to attend the polls between ten A. M. and four P. M. on the day of election, the trustees appointed all township officers for the year. Vacancies were also filled by the board of trustees.

Unless exempted by law, the elected officers were obliged to accept the office and perform the required duties or pay a fine of three dollars. This fine was fixed at two dollars by the law of February 17, 1842.<sup>3</sup> No one, however, was obliged to hold the same office two years in succession.

<sup>1</sup> *Laws of the Territory of Iowa*, 1845, p. 27.

<sup>2</sup> *Laws of the Territory of Iowa*, 1845 (May-June), p. 28.

<sup>3</sup> *Laws of the Territory of Iowa*, 1841 (May-June), p. 101.

The chairman of the meeting was empowered to direct any constable present to take charge of disorderly persons and imprison them until after the election if necessary. When the trustees were made judges of election, by the amendment of 1845, they were given the same power.<sup>1</sup>

## MUNICIPAL ELECTIONS

During the Territorial period of Iowa villages and towns were incorporated and their government provided for by special charter.<sup>2</sup> The provisions of these charters for the election of town officers were quite similar. The voters of the town usually elected, by ballot, for the term of one year, a president, a recorder, and a board of trustees or council of from three to five members. The elections were held in the spring, the first Monday of May being a favorite election day. The board of trustees selected the place of election. The board of trustees or the recorder notified the voters of the election by posting notices giving the time and place of the election, in three public places five or ten days before the election. At the first election the electors present at the opening of the polls, elected, *viva voce*, two or three judges and a clerk of election. At subsequent elections the trustees, or a majority of them, served as judges and the recorder as clerk of election. The polls were usually open from ten A. M. until five P. M. At the close of the polls the judges canvassed the returns. The result was proclaimed to the electors present and recorded by the clerk. The clerk of election also notified the successful candidates of their election.

<sup>1</sup> *Laws of the Territory of Iowa*, 1845 (May-June), p. 27.

<sup>2</sup> *Laws of the Territory of Iowa*, 1838, p. 265; 1839, p. 72; 1840, pp. 33, 88, 97; 1841, pp. 14, 107.

The election of officers in cities divided into wards was governed by regulations very similar to the regulations governing town elections.<sup>1</sup> Two aldermen were to be elected from each ward and a vote for mayor of the city taken. The aldermen and mayor were elected for one year. The elections were held in the early part of the year. Ten days before the election the mayor published in a newspaper a notice giving the time and place of the election or posted a similar notice in each ward. At the first election the voters chose, *viva voce*, two judges and a clerk of election. For subsequent elections the mayor and aldermen appointed, at least one day before the election, two judges of election in each ward of the city. The judges appointed an election clerk. Only qualified electors could serve as judges or clerks of election. If one or both of the judges of election were absent or refused to serve, the electors present chose, *viva voce*, judges from their own number. The polls were to be open from one or two P. M. until four P. M.

After the vote the judges and clerk examined the returns and made out and entered in the poll book a certified list of the persons voted for and the number of votes each candidate received. The result was also announced to the people present. The judges and clerk made out a certificate of election for the two persons receiving the highest number of votes for aldermen in the ward. Between nine and twelve A. M. on the first Monday after the election the election judges from the different wards met at the office of the mayor and as a city board of canvassers passed on the returns for mayor from the different wards. The candidate

<sup>1</sup> *Laws of the Territory of Iowa*, 1841, pp. 41, 74.

having received the highest number of votes was declared elected and given a certificate of election signed by at least a majority of the judges.

## SPECIAL ELECTIONS

## VOTE ON THE QUESTION OF A CONSTITUTIONAL CONVENTION

Iowa had not long been a Territory before there was started a movement for Statehood. In his message to the Legislative Assembly in 1839<sup>1</sup> Governor Lucas urged the legislators to take some step toward the formation of State government. He believed the prosperity of the people fully warranted such action. The Legislative Assembly, however, arguing that Statehood would increase taxes and add nothing to the prosperity of the people, took no action.

At a special session of the Assembly in 1840, the Governor again urged the proposition<sup>2</sup> and advised the submission of the question of calling a Constitutional Convention to the people. The Legislative Assembly favored this plan and passed an act providing for a vote on the question at the August elections in 1840.<sup>3</sup>

The vote was by ballot which the judges of election received from the elector and put into a separate ballot box provided for that purpose. The electors who favored calling a convention marked their ballots "convention", while those who opposed the proposition marked their ballots "no convention."

Immediately after the close of the polls the election judges

<sup>1</sup> Shambaugh's *Executive Journal of Iowa, 1838-1841*, p. 177.

<sup>2</sup> Shambaugh's *Executive Journal of Iowa, 1838-1841*, p. 250.

<sup>3</sup> *Laws of the Territory of Iowa (Extra Session)*, 1840, p. 46.

examined the ballots and made out a separate certified statement giving the number of votes for and against calling a convention. This list was sealed, and together with the returns of the general election, sent to the board of county commissioners endorsed: "Returns for and against Convention." Within five days after receiving the lists from the precincts of the county the clerks sent them, with seals unbroken, to the Secretary of the Territory. On the first Monday in November the Secretary of the Territory and the Governor canvassed the returns. The lists having been examined, the Governor issued a proclamation giving the result.

As the proposition was defeated by the decisive vote of 973 to 2907, it was not again taken up for over a year. John Chambers, who succeeded Robert Lucas as Governor of the Territory, was, however, not discouraged over the defeat. In his message to the Legislative Assembly, 1841,<sup>1</sup> he urged the legislators again to refer to the people the question of calling a Constitutional Convention. In view of the great increase in population and the Distribution Act passed by Congress, he believed the people would now vote in favor of calling a Convention. Following the advice of the Governor, the Legislative Assembly passed "An Act to provide for the expression of the opinion of the people of the Territory of Iowa, upon the subject of the formation of a State Constitution and Government, and to enable them to form a Constitution for the State of Iowa."<sup>2</sup> The vote was to be taken at the August election of 1842.

<sup>1</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, p. 252.

<sup>2</sup> *Laws of the Territory of Iowa*, 1841, p. 70.



The act provided for a *viva voce* vote on the question. When the elector cast his vote for the officers chosen at the election, he was at the same time asked by the election judges whether he favored the calling of a Convention or not. To this the voter answered "Convention" or "No Convention." The election clerks, as this *viva voce* vote was given, put down the elector's name on a list under the caption "Convention" or "No Convention", depending on the wish expressed by the elector.

After the close of the polls the judges of election made out a statement of the vote for and against the calling of a Convention, certified it and also the list of names of the voters as being correct, and sent them in a sealed package, endorsed "Returns for and against a Convention", to the clerk of the county commissioners within five days after the election. The clerk made an abstract of the returns and within four days sent the abstract in an envelope endorsed "Returns for and against a Convention for X—Co." to the Secretary of the Territory. Within thirty days after the election the Secretary and the Governor were to examine the abstracts sent in by the county clerks. The result of the vote having been ascertained, the Governor issued his proclamation.

On account of the supposed great expense of a State government as compared to the Territorial government, the proposition to call a Convention was again voted down. In his message to the Legislative Assembly of 1843<sup>1</sup> Governor Chambers favored a resubmission of the question, and again

<sup>1</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, p. 271.

the Assembly voted in favor of referring the question of calling a Convention to the people. The act<sup>1</sup> which was approved February 12, 1844, provided for a vote at the April election in 1844 to be taken in the same way as at the August election of 1842. In unorganized counties polls were to be opened at the places of voting for members of the Legislative Assembly.

#### THE CONSTITUTIONAL CONVENTION OF 1844

The act of 1844 also provided for an election of delegates to a Constitutional Convention if the people voted for a Convention. As a majority of the electors voted for a Convention, delegates were elected at the August election of 1844. The election of delegates was conducted, as far as possible, in the same manner as for members of the Legislative Assembly.

The Constitutional Convention met in Iowa City on October 7, 1844. A Constitution was framed by the Convention after a session of twenty-six days. The Constitution, together with a memorial requesting admission into the Union, was presented to Congress in December, 1844. But the Constitution was not to be submitted to the people before the April elections in 1845.

Congress objected to the boundaries of the future State as fixed by the Constitution on the ground that it would create too large a State. Slavery was the great political question at this time, and Northern politicians desired as many free States as possible so as to keep the slave States from gaining control in the Senate, and the practice of creating large

<sup>1</sup> *Laws of the Territory of Iowa*, 1843, p. 13.

States in the Northwest caused alarm. Congress, therefore, rejected the so-called Lucas Boundary, desired by the Iowa people, and favored the Nicollet Boundary. The assent to the boundary voted by Congress was made the condition for admission to the Union.

A vote was taken on the Constitution at the April elections in 1845 in the same manner as the vote on the question of a Constitutional Convention. As the Nicollet Boundary demanded by Congress would cut the State off from the Missouri River, the people rejected the Constitution by a majority of 996 votes.

Governor Chambers wished to refer to the people the question of calling a new Convention.<sup>1</sup> This plan was not favored by the legislators who, over the Governor's veto,<sup>2</sup> passed an act authorizing a resubmission of the Constitution of 1844.<sup>3</sup> The act contained the provision that the adoption of the Constitution was not to be considered as an acceptance of the Nicollet Boundary. This act the Secretary of the Territory was required to publish in all newspapers published in the Territory as soon as it became law. The vote on the Constitution was taken at the August election in 1845 in the same manner as the vote on the Constitutional Convention in 1844, except that the electors wrote on their ballots "Constitution" or "No Constitution" according to whether they favored the Constitution or not.

<sup>1</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, p. 279.

<sup>2</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, p. 296.

<sup>3</sup> *Laws of the Territory of Iowa*, 1845 (May-June), Ch. 13. p. 31.

## THE CONSTITUTION OF 1846

The Constitution of 1844 having again been voted down at the August election in 1845, the problem of Statehood remained unsettled. James Clarke was now Governor of the Territory of Iowa. He believed that "misrepresentation and mystification" had been the chief causes of the defeat of the Constitution.<sup>1</sup> As he did not feel that he was sufficiently in touch with the people to know what they desired along this line, he would propose no plan for procedure, but assured the legislators that he would coöperate with them on any proposition having for its object State organization.

The Legislative Assembly, on January 17, 1846, enacted a law to authorize the election of delegates to a Constitutional Convention<sup>2</sup> as they believed public opinion was now strongly in favor of Statehood and a vote on the question of Convention, therefore, unnecessary. Delegates were to be elected at the April election of 1846 in the same way as were the members of the Legislative Assembly. The law also provided for the publishing of the Constitution by the Convention after its adoption by that body. Thirty-two delegates were elected and met at Iowa City, May 4, 1846, and framed a Constitution.

A vote was taken on the Constitution at the August election of the same year, in the manner of voting on the Constitution of 1844. To avoid a possible repetition of the fate of the Constitution of 1844, it was voted on by the

<sup>1</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, p. 319.

<sup>2</sup> *Laws of the Territory of Iowa*, 1845, p. 37.

people of the Territory of Iowa before presenting it to Congress, and was ratified by a majority of 456 votes. It was presented to the House of Representatives by Augustus C. Dodge, the Iowa Territorial Delegate to Congress; and a compromise on the boundary question having been reached, it was readily approved and Iowa admitted as a State on December 28, 1846. This ended the long struggle for Statehood.

State officers were elected on August 3, 1846. The Constitution was ratified and officers for the new State elected on the same day. This election of State officers was held in accordance with the provisions of the general election law of 1843.

A comparative view of the general election laws of the Old Northwest Territory, the Territory of Michigan, the Territory of Wisconsin, and the Territory of Iowa is given in the tables which follow below on pages 530-533.

HENRY JOHN PETERSON

THE STATE UNIVERSITY OF IOWA  
IOWA CITY

COMPARATIVE GENERAL ELECTION LAWS

NAME OF TERRITORY	DATE OF LAW	TIME OF ELECTION	PLACE	ELECTION NOTICES
Northwest Territory	December 6, 1799	Second Tuesday in October	Court of Quarter Sessions selected polling place in each precinct in county	Fifteen days before the election the Governor issued writ of election directed to county sheriff
Territory of Michigan	May 20, 1819	First Thursday in September	County seat	Posted about three months before election
Territory of Wisconsin	January 18, 1838	First Monday in August	In organized counties at place of township election; in unorganized counties at place in each precinct named in election notice	Posted thirty days before a general election and eight days before a special election
Territory of Iowa	January 25, 1839	First Monday in August	In organized counties at place of township election; in unorganized counties at place in each precinct named in election notice	Posted thirty days before a general election and eight days before a special election
Territory of Iowa	1843	First Tuesday in October	In organized counties at place of township election; in unorganized counties at place in each precinct named in election notice	Posted thirty days before a general election and eight days before a special election

COMPARATIVE GENERAL ELECTION LAWS

NAME OF TERRITORY	NUMBER OF NOTICES	POSTING OF NOTICES	ELECTION JUDGES
Northwest Territory	One in each precinct posted on door of house in which elections were to be held	By sheriff	Three electors chosen <i>viva voce</i> by voters at polling place
Territory of Michigan	Five notices for each county posted in public places	By sheriff	Judges of County Court, Board of Commissioners, and sheriff, or a majority
Territory of Wisconsin	Three notices for each precinct or township posted in public places	By sheriff	Three electors for each precinct or polling place appointed by the Board of County Commissioners
Territory of Iowa	Three notices for each precinct or township posted in public places	By sheriff	Three electors for each precinct or polling place appointed by the Board of County Commissioners
Territory of Iowa	Three notices for each precinct or township posted in public places	By sheriff	Three electors for each precinct or polling place appointed by Board of County Commissioners; in organized counties the township trustees

COMPARATIVE GENERAL ELECTION LAWS

NAME OF TERRITORY	ELECTION CLERKS	QUALIFICATION OF JUDGES	HOURS OF VOTING	MANNER OF VOTING
Northwest Territory	Two electors appointed by the judges of election	Oath or affirmation	Ten A. M. until five P. M.	Paper ballot
Territory of Michigan	Two electors appointed by the judges of election	Oath or affirmation	Nine or ten A. M. until five P. M. or sunset	Paper ballot
Territory of Wisconsin	Two electors appointed by the judges of election	Oath or affirmation	Nine A. M. until six P. M. or until nine P. M. if judges thought necessary	Paper ballot
Territory of Iowa	Two electors appointed by the judges of election	Oath or affirmation	Nine A. M. until six P. M. or until nine P. M. if judges thought necessary	Paper ballot
Territory of Iowa	In unorganized counties two electors appointed by the election judges; in organized counties the township clerk and an elector appointed by the township clerk and approved by the election judges	Oath or affirmation	Nine A. M. until six P. M. or until nine P. M. if judges thought necessary	Paper ballot



COMPARATIVE GENERAL ELECTION LAWS

NAME OF TERRITORY	COUNTY BOARD OF CANVASSERS	DISTRICT BOARD	TERRITORIAL BOARD
Northwest Territory	Prothonotary of the Court, sheriff, and two justices of the peace		
Territory of Michigan			Secretary of Territory, Attorney General, and Treasurer, or a majority
Territory of Wisconsin	Clerk of Board of County Commissioners and two justices of the peace appointed by the clerk	Clerks of Board of Commissioners of counties making up the district meeting at office of "senior" county clerk	Governor, Secretary, and Marshal or his deputy
Territory of Iowa	Clerk of Board of County Commissioners and two justices of the peace appointed by the clerk	Clerks of Board of Commissioners of counties making up the district meeting at office of "senior" county clerk	Governor, Secretary, and Marshal or his deputy
Territory of Iowa	Clerk of Board of County Commissioners and two justices of the peace appointed by the clerk	Clerks of Board of Commissioners of counties making up the district meeting at office of "senior" county clerk	Governor, Secretary, and Marshal or his deputy