

## THE OPERATION OF THE PRIMARY ELECTION LAW IN IOWA

The Iowa primary election law was enacted in 1907; it was first used in 1908; and it has been the means of nominating State and local officers seven times. In view of recent demands for the repeal or modification of this law it may be worth while at this time to review its fundamental features and discuss its actual operation.

### SUMMARY OF THE LAW

The chief features of the Iowa primary law, as originally adopted and subsequently amended, may be summarized as follows:

1. The law is compulsory and State-wide for all State and local offices (except judicial and municipal offices) filled by popular vote at the general election in November.
2. It provides for a popular choice of candidates for presidential electors and United States Senators. Delegates to the county conventions and party county committeemen are also chosen at the primary.
3. All parties participate in the primary on the same day, at the same place, and use the same ballot box.
4. Judges and clerks of the primary election are chosen in the same manner as for general elections and with the same compensation.
5. The Australian ballot is employed — each party having a separate ballot — with an arrangement for the rotation of the names of candidates.
6. Party affiliation is determined by the elector's oral choice of ballot, which choice is made a matter of record.

But party affiliation can be changed by filing a declaration of change with the county auditor ten days prior to the primary election, or by taking an oath, if challenged when offering to vote, that one has in good faith changed his party affiliation.

7. Candidates for nomination must file nomination papers from thirty to forty days prior to the primary election, depending upon the office sought. These nomination papers must contain the signatures of a certain per cent of the candidate's party vote, depending upon the office sought. Nomination papers of a candidate for United States Senator, Elector at Large, or a State office must have the signatures of one per cent of his party vote in each of at least ten counties and in the aggregate not less than one-half of one per cent of the total vote of his party in the State as shown by the last general election. A candidate chosen from a district composed of more than one county must have the signatures of two per cent of his party vote in at least one-half of the counties and in the aggregate not less than one per cent of his party vote in the district. Candidates for offices filled by the voters of the county must have the signatures of two per cent of their party vote in the county.

8. To secure the nomination a candidate must receive at least thirty-five per cent of all the votes cast by his party for such office. The choice in case of a tie vote is determined by the board of canvassers by lot; and vacancies are filled by the county, district, or State convention if they occur before such conventions are held; if afterwards, they are filled by the party committee for county, district, or State.

9. Delegates to county conventions, as well as members of the county central committee, are chosen at the primary election. The county convention, composed of the delegates chosen in the various voting precincts, is empowered to

make nominations of candidates for the party for any office to be filled by the voters of a county where no candidate receives the prescribed majority at the preceding primary election. The county convention selects delegates to nominate the judges of the district and supreme courts, and it also selects delegates to State and district conventions. Moreover, any of these conventions may adopt resolutions or platforms.

10. The nomination of candidates by petition is permitted under certain conditions. It was in this way that the names of Progressive candidates were placed upon the official ballot in 1912.

11. Penalties are imposed for misconduct on the part of officials or for certain corrupt practices.

Such in brief are the provisions of the Iowa primary election law. When enacted, primary legislation was one of the local issues upon which the "Standpat" and "Progressive" wings of the Republican party in Iowa were divided. The Progressives heralded the passage of the law as one of the greatest political reforms ever accomplished in Iowa; while the Standpatters declared that it was passed only to serve the ambitions of leading Progressives and that it would never work well in practice. The first use of the law in 1908 was made the occasion for one of the bitterest political contests in the history of the Republican party in Iowa.

At its first session following the adoption of the primary law the General Assembly in 1909 amended the act in seventeen different sections. Most of these amendments, however, did not materially change the character of the law, as they related chiefly to procedure or were designed to make certain features of the statute more explicit. Subsequently, however, but few changes have been made in the law — indeed, none of prime importance.

## OBJECTIONS TO THE PRIMARY

Since primary election legislation was a vital issue in State politics for a period of over ten years prior to its enactment, it is not surprising that biennially, following the primary election, many of the arguments originally advanced against it, as well as new ones arising out of the operation of the statute, were advanced as reasons why the primary law should be repealed or at least very materially modified. In 1920 it appears that the attacks upon this legislation were more vigorous and determined than usual. In fact, so wide-spread was the discussion immediately following the primary of that year that both the Republican and Democratic parties felt called upon to make mention of the law in their State platforms.

Thus, the Republican State convention of 1920 declared that "actual experience has demonstrated that great evils have arisen in the use of the present primary law of this State. It has been given a fair trial and found to be unwieldy, expensive and unsatisfactory. We favor its repeal, and the substitution therefor of such primary legislation as will guarantee to all voters the full right to take part and be heard in the councils of their party, and will provide for them an opportunity for free and fair expression as to both candidates and measures."

Judging from newspaper comments it is doubtful whether this declaration to repeal and substitute has met with the approval of the rank and file of the Republicans of Iowa. Some papers declare that the primary should be corrected and retained; others urge caution in approaching the subject, lest matters be made worse.

The Democratic State convention of the same year was outspoken in its adherence to the primary system: it declared that repeal would be a backward step, and charged the Republicans with a desire to return to the old and dis-

credited system of party bosses. The Democrats further declared: "We believe the primary law should be amended to remove the existing cumbersome provisions and so as to furnish a practical method for obtaining the expressed will of the individual voter of each political party and that legislative restraints upon the prevailing corrupt practices be enacted. We believe that to take from the people the privilege of selecting candidates for public offices by a well-regulated primary system is a violation of the true principles of our government".

Since neither party has indicated specifically wherein the primary law of this State has failed in practice, or suggested specifically what changes and amendments should be made, the writer of this paper will undertake (1) to show as far as possible how the Iowa primary election law has worked in practice during the past twelve years and (2) to suggest the changes which are believed to be desirable.

#### NUMBER OF CANDIDATES

At the time of the enactment of the Iowa primary law it was predicted that, owing to the large number of office seekers, the voters would be so confused and disgusted that the system would not accomplish its purpose. Now, however, one sometimes hears the complaint that there are not enough candidates to make the primary interesting. The facts regarding the number of candidates for the offices of United States Senator and Congressman and the State offices, exclusive of Railroad Commissioner, appearing in the primary from 1908 to 1920 are shown in Tables I and II.

From an examination of Table I it appears that nominations for the office of United States Senator have been made five times under the primary election law. Only once, however, has the nomination been uncontested in the Republican primary; but never have there been more than two candi-

TABLE I

NUMBER OF CANDIDATES FOR VARIOUS OFFICES  
FILED BY STATEWIDE VOTE, 1908-1920

	REPUBLICAN PRIMARIES								DEMOCRATIC PRIMARIES							
	U. S. SENATOR	GOVERNOR	GOVERNOR LIEUTENANT	SECRETARY OF STATE	STATE AUDITOR	STATE TREASURER	ATTORNEY GENERAL	SUPERINTENDENT OF PUBLIC INSTRUCTION	U. S. SENATOR	GOVERNOR	LIEUTENANT GOVERNOR	SECRETARY OF STATE	STATE AUDITOR	STATE TREASURER	ATTORNEY GENERAL	SUPERINTENDENT OF PUBLIC INSTRUCTION
1st Primary 1908	2	3	3	1	2	1	1	2	1	1	1	1	1	1	1	2
2nd Primary 1910		2	1	1	1	1	3	7		3	1	1	1	1	2	1
3rd Primary 1912	2	3	2	3	4	1	1	1	1	2	1	1	2	1	1	1
4th Primary 1914	2	3	2	1	5	1	1		2	2	2	2	2	2	1	
5th Primary 1916		4	3	2	1	3	6			1	1	1	1	1	1	
6th Primary 1918	1	1	1	4	1	2	1	4	1	1	1	1	1	1	1	1
7th Primary 1920	2	4	4	2	4	2	3		1	1	1	1	1	1	1	
Total Number	9	20	16	14	18	11	17	14	6	11	8	8	9	8	8	5

dates. In the Democratic primary only once have there been two candidates for the nomination. Again, by reference to Table I it will be seen that only three times has the number of candidates for any office in the Republican primary exceeded four; and only once have they exceeded two in the Democratic primaries.

By reference to Table II it will be seen that nominations for the office of Congressman are less sought after than are nominations for the State offices; only three times at the seven primaries in the eleven congressional districts has the number of candidates exceeded three. In the primary of 1916 the Democrats failed to offer any candidate in the second and fifth districts; while in the primary of 1920 seven out of the eleven districts were without Democratic candidates. Only in the eleventh district have the Democrats had a fighting chance since 1914 — which no doubt accounts for the two Democratic candidates in that district in 1920. In seven of the districts the situation looked too hopeless to risk a campaign. On the other hand, the Republicans have failed only once (in 1912 in the second district) to put a candidate for Congress in the field.

The victory of the Democrats in the second congressional district in 1910 permitted the incumbent to seek renomination uncontested in 1912. In 1914 the Democratic incumbent died, and it appears that two Democrats contested the nomination that year. Democratic victories in the third and sixth districts in 1912 brought out only one candidate in the third district and two in the sixth district in 1914; while the Democratic victory in the eleventh district in 1914 brought no contest in 1916. The loss of the district to the Democrats at the general election of 1916 brought out two candidates for nomination on the Democratic ticket in the eleventh district in the years 1918 and 1920. Thus the political ethics of the situation would seem to be that (barring

TABLE II

NUMBER OF CANDIDATES IN CONGRESSIONAL  
DISTRICTS IN IOWA, 1908-1920

	REPUBLICAN PRIMARIES											DEMOCRATIC PRIMARIES										
	1ST DISTRICT	2ND DISTRICT	3RD DISTRICT	4TH DISTRICT	5TH DISTRICT	6TH DISTRICT	7TH DISTRICT	8TH DISTRICT	9TH DISTRICT	10TH DISTRICT	11TH DISTRICT	1ST DISTRICT	2ND DISTRICT	3RD DISTRICT	4TH DISTRICT	5TH DISTRICT	6TH DISTRICT	7TH DISTRICT	8TH DISTRICT	9TH DISTRICT	10TH DISTRICT	11TH DISTRICT
1st Primary 1908	1	1	2	1	2	2	3	2	1	2	2	1	2	1	2	1	1	1	2	1	2	1
2nd Primary 1910	2	1	1	1	1	1	2	2	2	2	1	1	2	2	1	1	1	2	3	2	1	2
3rd Primary 1912	2	0	2	2	1	2	1	1	1	2	2	1	1	1	2	1	3	2	1	1	1	1
4th Primary 1914	1	1	3	1	1	4	3	1	1	1	1	1	2	1	1	1	2	2	1	2	2	1
5th Primary 1916	2	1	1	1	1	1	2	1	1	2	3	1	0	1	1	0	2	1	1	1	1	1
6th Primary 1918	2	2	2	3	1	2	1	1	1	2	3	1	1	1	1	2	3	1	1	1	1	2
7th Primary 1920	4	1	1	1	1	4	1	1	1	1	1	1	0	0	1	0	1	0	0	0	0	2
Total Number of Candidates	14	7	12	10	8	16	13	9	8	12	13	7	8	7	9	6	13	9	9	8	8	10



factional disturbances within the party) the incumbent is entitled to renomination without contest. To be sure, the man in office is usually successful in building up an "organization" which protects him against competitors. When, however, a Congressman voluntarily retires from the field, as did Congressman Kennedy in the first district in 1920, the aspirants for nomination are usually numerous. Up to 1914 in the sixth congressional district there was a fair fighting chance for either party to win the election; and so the largest number of contests in both parties appear in this district.

In the Republican primaries for State offices there is not the same tendency to allow the incumbent to seek renomination without contest. On the other hand, the Democratic prospects being hopeless, contests in that party for nominations for State offices are not frequent in occurrence.

#### FACTORS IN THE SIZE OF THE PRIMARY VOTE

The number of candidates for nomination at the primary does not necessarily determine the size of the vote cast. There are other factors which influence the size of the vote to which attention will be directed. From an examination of Table I it is apparent that the nomination for Governor has been uncontested but once in the Republican and four times in the Democratic primary. At the same time it appears that three contestants for the Republican nomination for Governor in 1914 polled nearly 40,000 votes less than did the same number of contestants in 1908 and 1912; while four contestants in 1916 brought out 14,000 more votes than did the four candidates in 1920. By comparing the percentage of the general election vote cast at the primaries it is apparent that the other State offices share the fortune of the head of the State ticket (see Tables III and V).

What then are the factors which influence the size of the

TABLE III

NUMBER OF CANDIDATES FOR LEADING STATE OFFICES  
AND TOTAL NUMBER OF VOTES CAST IN PRIMARY FOR EACH OFFICE, 1908-1920

NAME OF OFFICE		REPUBLICAN PRIMARIES							DEMOCRATIC PRIMARIES						
		1ST PRIMARY 1908	2ND PRIMARY 1910	3RD PRIMARY 1912	4TH PRIMARY 1914	5TH PRIMARY 1916	6TH PRIMARY 1918	7TH PRIMARY 1920	1ST PRIMARY 1908	2ND PRIMARY 1910	3RD PRIMARY 1912	4TH PRIMARY 1914	5TH PRIMARY 1916	6TH PRIMARY 1918	7TH PRIMARY 1920
Governor	No. of Candidates	3	2	3	3	4	1	4	1	3	2	2	1	1	1
	Total Vote	181,863	176,900	181,219	142,596	227,863	127,753	213,186	50,065	47,552	57,370	73,776	74,791	39,161	38,063
Lieutenant Governor	No. of Candidates	3	1	2	2	3	1	4	1	1	1	2	1	1	1
	Total Vote	173,898	156,273	163,890	130,828	199,895	120,293	192,748	47,983	47,591	54,941	69,171	72,135	36,834	36,855
Secretary of State	No. of Candidates	1	1	3	1	2	4	2	1	1	1	2	1	1	1
	Total Vote	162,652	153,161	164,335	124,608	197,330	128,828	189,554	47,876	46,724	54,487	70,002	72,041	36,799	36,129
State Auditor	No. of Candidates	2	1	4	5	1	1	4	1	1	2	2	1	1	1
	Total Vote	168,041	150,840	163,085	127,979	185,447	121,913	186,963	47,520	47,202	52,599	67,551	72,429	36,344	36,310
State Treasurer	No. of Candidates	1	1	1	1	3	2	2	1	1	1	2	1	1	1
	Total Vote	161,966	149,925	156,543	123,986	190,988	118,864	184,039	47,826	46,828	54,503	67,532	72,109	36,140	36,401
Attorney General	No. of Candidates	1	3	1	1	6	1	3	1	2	1	1	1	1	1
	Total Vote	159,152	152,774	151,396	119,048	197,760	111,025	187,415	47,510	44,074	54,593	64,496	70,733	36,492	35,977
Superintendent of Public Instruction	No. of Candidates	2	7	1			4		2	1	1			1	
	Total Vote	164,069	148,824	148,521			117,912		43,900	46,675	53,876			35,004	

primary vote? The figures in Table III largely tell the story. The first trial of the Iowa primary law was in 1908, a presidential election year. Since 1908 only twice (in 1916 and 1920) has the primary vote exceeded that year. To be sure the population of Iowa, rated at 2,404,021 in 1920, shows an increase of 179,250 over that of 1910. Estimating one-fifth of this increase as voters, the total increase, even if all were Republicans, would be 10,000 votes short of the increase in the Republican primary vote between 1908 and 1916. As a general rule presidential election years seem to bring out more candidates for State offices than do the off years, and the number of votes cast seems to rise and fall accordingly in the Republican primaries (see Table III). The same seems to be true of the Democratic primaries, except in 1920, a year which marks the lowest ebb of Democratic interest in the primary nominations. Thus it would appear that national politics stimulates an unusual interest in State politics.

The minor State offices also give evidence that it is not the number of candidates which determines the size of the vote cast. Thus three candidates for the nomination of Secretary of State in 1912 polled only 1,683 more votes than did one candidate in 1908, and two candidates in 1916 polled 68,502 more votes than did four candidates in 1918. Five candidates for the nomination of State Auditor in 1914 received 40,062 fewer votes than two candidates in 1908 and 22,861 fewer than one candidate in 1910. Again, four candidates in 1912 received 35,106 more votes than did five candidates in 1914, and one candidate in 1916 received 57,468 more votes than did five candidates in 1914 and 63,534 more than one candidate in 1918. Four candidates in 1920 polled the largest vote ever cast for the office of Auditor.

The office of State Treasurer has been the least contested in the primary of any State office on the Republican ticket.

In the first four primaries there was only one candidate for the nomination, the fifth had three, and the sixth and seventh each two. Here again the number of contestants can not be said to have determined the number of votes cast. The vote rises with each presidential election year and falls with each off year irrespective of the number of candidates.

The office of Attorney General has ranked third in the number of contestants in the Republican primaries, being one less than State Auditor (see Table I). One candidate in 1908 polled 6,378 more votes than three in 1910; and one in 1912 polled 32,348 more votes than one in 1914. Six candidates in 1916 polled the highest vote ever cast for the office of Attorney General in any of the seven primaries. Three candidates for the office in 1920 polled 10,345 fewer votes than did the six in 1916; and yet this was 76,390 more than the one candidate received in 1918.

Nominations for the office of Superintendent of Public Instruction have been made only four times under the Iowa primary law; and yet no State office has attracted more contestants (see Tables I and IV). Seven candidates for the nomination in 1910 polled 15,245 fewer votes than two candidates in 1908. One candidate in 1912 fell only 303 votes short of the number polled for seven candidates in 1910; and yet four candidates in 1918 polled the smallest vote ever cast for that office in a primary. Thus, it seems clear that presidential election years stimulate political interest all along the line and bring out a larger primary vote.

No doubt personal popularity, vigorous campaigning, and position on the ballot also have an influence on the number of votes cast. At the same time there is marked evidence of a tendency for the vote to decline from the head of the ticket down. Contests usually increase the vote for the offices contested. Since the people are more interested in the office of Governor than any other, it is not surprising to

Unfortunately for the purposes of this study, nominations for the office of Superintendent of Public Instruction have not been made biennially at all the primaries — as in the case of other State offices herein considered. In 1913 this office was made appointive, with a three-year term; and in 1917 it was again made elective, but with a four-year term. Nominations for Superintendent have been made only four times at the primaries. The rule which seems to have governed the ranking of other State offices — that is, that numerous contestants tend to raise the office above its position on the ballot — does not seem to hold in the case of the office of Superintendent of Public Instruction. This may be due to lack of interest in this office on the part of the voters, or it may be an acknowledgment of their inability to judge the professional standing and ability of the candidates, who from the very nature of their work are likely to have been less prominently before the public eye than other candidates in the primary. By referring to Table IV, it will be seen that two candidates for the nomination of Superintendent brought the office to fourth rank in 1908. In 1910, however, seven candidates failed to raise the office above seventh place, its ballot position; nor did one candidate fare any better in 1914. In 1916, with only three contests in the Republican primary and with four candidates seeking the nomination of Superintendent, the office ranked only fifth in the returns. It seems impossible to arouse intense popular interest in this office.

#### ESTIMATE OF THE VOTING AT THE PRIMARY

The Iowa primary has frequently been judged by the size of the vote cast, or to be more accurate, by the percentage of the vote cast at the general election. These percentages are shown in Table V. It is hardly necessary to observe that the low percentage in 1920 was due to the voting of the

women at the general election, while men only participated in the primary in June. Likewise the high percentage in 1912 is explained by the split in the Republican party through the organization of the Progressive party after the primary had been held. In the Republican primaries, however, these percentages compare very favorably with the percentage of males of voting age who participate in the general and special elections.

According to the census of 1910 there were 607,365 males of voting age in Iowa; and yet the total vote cast by all parties for the office of Governor in that year was only 412,964 or sixty-eight per cent of those eligible. In 1915 the State census credited Iowa with 684,639 males of voting age; but only seventy-five and six-tenths per cent of these voted for presidential electors in 1916. Only fifty per cent of those eligible voted on the equal suffrage amendment in 1916, and only sixty-two and four-tenths per cent voted on the prohibition amendment in 1917.

Granting that it would be highly desirable to have a larger per cent of the voters participate in the primaries, what evidence is there to support the charge that most of those who do vote, vote unintelligently? Our early experience with the primary seemed to show that the alphabetical arrangement of names on the ballot favored those who were at the top. To remedy this situation, the system of rotation referred to above was adopted. It is now said that candidates for nomination knowing in advance the counties in which their names will be at the head of the list, devote their campaign energy to the other counties, feeling assured that wherever their names are first they will win without effort. The writer has not had at his command the data to either prove or disprove this assertion. That many electors will vote for the candidate at the top of the list is probably true, when all the candidates are wholly unknown to them; but

that a fairly intelligent discrimination is exercised by the voters is evidenced by Table IV which shows that contests tend to raise the rank of the office in the primary election returns above its position on the ballot. That the total vote for each office tends to diminish from the top of the ballot downwards in Republican primaries is easily seen in the percentages in Table V. At the same time the exceptions prove intelligent and purposeful voting.

The public is not greatly concerned about who is nominated for the minor State offices; and so, unless the candidates for these offices are well known in the State or conduct a vigorous publicity campaign, the voter is apt for want of knowledge to pass the office altogether or risk a vote on the one at the head of the list.

#### EXPENSES OF CANDIDATES AT THE PRIMARY

A rather common indictment of the Iowa primary law is that it promotes the candidacy of persons of wealth. That is to say, in order to make himself known to the people of the State a candidate must conduct an expensive campaign. Persons of considerable wealth can conduct such a campaign; but persons of small incomes must go heavily in debt to keep in the race. The winning candidate who has incurred a primary campaign debt may be tempted to recoup himself by irregular and illegal means; while the losing candidate may find himself bankrupt. Campaigning in a primary for a State office is largely a matter of advertising, since the candidates can meet personally but a very small percentage of their constituents. If the press is dominated by special interests or obedient to the dictates of party managers a great deal of publicity that does not take the form of paid political advertisements may be given to "pet" candidates.

The cost of candidacy is often very large — larger than

the candidates can afford. But the answer to this objection to the primary is that the minor offices should not be on the elective list at all. The question whether the primary keeps the best men out of office because they are unwilling to enter a primary campaign; or whether the candidates nominated by the primary are no worse than those chosen under the convention system are questions upon which it is difficult to get any trustworthy data. The people have made serious mistakes in selecting candidates by the primary system; nor did the convention system pick all good men. Self seeking men have found that the primary system affords an opportunity to make a canvass for votes which would have been impossible under the convention system. On the other hand, the convention system was so bound to party regularity that the independent and aggressive candidates were not always rewarded with party nominations.

#### EFFECT OF THE PRIMARY UPON PARTY ORGANIZATION

There is much evidence going to show that the primary has not been a menace to party organization. Indeed, party organization really controls the primary to a considerable extent. In every State where the primary system has been developed there has been a strong tendency toward pre-primary caucuses in which a list of "available" candidates is made up by the leaders. In theory any one is free to circulate his own petition and contest any nomination; but in practice it is usually futile to oppose the organization slate unless public sentiment is aroused. In fact the primary often amounts to a party referendum on the nominees previously determined upon by the party leaders. A heavier responsibility rests upon the slate makers in the primary election than in the convention. If the nominees are unworthy and are rejected by the voters, the slate makers are discredited; whereas when the nominations are once



made party regularity may make possible the election of undesirable candidates — particularly if they appear on the majority party ticket. In such cases success at the polls is always a vindication of the convention's judgment.

#### PREARRANGED SLATES AT THE PRIMARY

It has frequently been said that the minority party participates in the primary of the majority party. A glance at Table I suggests that it is no mere accident that the Democrats have had only ten contests for the State offices listed in the seven primaries, while the Republicans have had twenty-eight. In the last three primaries the Democrats have not had a single contest for a State office. The party organization makes up the slate of those who are to represent the party in the primary, and where there are no contests it is a foregone conclusion that these persons will also represent the party in the general election.

In commenting upon the primary of 1920, the *Iowa Forum* declared that "The Iowa primaries on the seventh of June were a perfunctory matter on the Democratic side and resulted in the confirmation of the slate previously agreed upon in party conferences." Judging from a study of the primary ballots of 1920 in sixty-eight counties the Democrats had no candidate in the primary for more than fifty per cent of the county offices, while for over fifty per cent of the county offices only one candidate appeared in the Republican primaries.

There are no published official statistics that the writer could find which would throw any light on the number of contests for local officers; and so, letters were addressed to all of the county auditors requesting a sample copy of the Republican and Democratic primary ballots for the year 1920. Sixty-eight of the ninety-nine officers addressed sent in the ballots as requested. From the ballots of these sixty-

eight counties Table VI was compiled, showing the number of contestants for each of the county offices (except supervisors) in the counties reporting. It appears that in the Republican primary of 1920 three counties of the sixty-eight had no candidate for the office of State Representative; thirty-one had but one candidate; twenty-three had but two; only nine had three; one had four; and one had six. On the other hand, the hopelessness of the Democratic situation is shown by the fact that thirty-two counties had no candidate for State Representative; thirty had but one; and only six had two.

The Republicans failed to make nominations for fifty-one county offices in the sixty-eight counties, while the Democrats failed to make nomination for two hundred and eighty-four offices. Three hundred and nineteen offices were uncontested (having but one candidate) in the Republican primary, and two hundred and thirty-three had but one candidate in the Democratic primary. Thus there were three hundred and seventy offices out of five hundred and forty-four with only one candidate or no candidate in the Republican primaries, and five hundred and seventeen in the Democratic primaries. In only one case did the number of counties having contests exceed those without contests. Thus it is apparent that in the primaries of the year 1920 most of the county offices, even in the majority party primaries, were uncontested, indicating that the party organization had fair control or that those aspiring to be candidates did not feel strong enough to dislodge incumbents in office seeking re-nomination.

#### IRREGULARITY OF PARTY VOTING AT THE PRIMARY

Why is the Democratic primary vote so small? Why is the percentage of Democrats voting in the primary so much smaller than that of Republicans? Are the Democrats par-



ticipating in the Republican primaries and helping to name Republican candidates?

It is probably true that some Democrats do vote in Republican primaries, but the writer is not convinced that it is a general and widespread practice. The statistics of votes cast in primary and general elections convince the writer that the Democrats, realizing that Iowa is a one-party State, simply do not vote at the primaries but stay at home (see Table V). By turning to Table III it will be seen that the largest Democratic vote came in the years 1914 and 1916. This may readily be accounted for by the split in the Republican ranks in 1912, which, together with the success of the Democrats in national politics, unsettled many a voter's party affiliation and perhaps gave encouragement to the Democratic stay-at-homes to participate in the primary. This view is further supported by the fact that in 1914 there were contests in the Democratic primary for every office except that of Attorney General (see Table I). There were more contests in the Democratic primary of 1914 than in all the previous primaries of that party, and there have been none since. Interest in the primary as a nominating system seems to have been on the decline since 1916, judging by the number of candidates.

#### NOMINATIONS BY CONVENTIONS

Does the primary accomplish its purpose as a popular nominating system? Only twice (in 1908 and 1912) have all the nominations been made at the primary, that is, the successful candidates received thirty-five per cent of the vote cast for that office. But never before 1920 was there more than one State office at any one primary which failed to get the requisite vote. In 1920, however, the primary failed to determine the nomination for Governor, Lieutenant Governor, Auditor, Attorney General, and Railroad Commissioner.

According to the primary law, when nominations for State offices are not made at the primary they are made at the State convention of the party. The law seems to leave the convention free to make a nomination wholly outside of the contestants in the primary; but, as a matter of practice, this has never been done. Nor have the State conventions adopted the policy of selecting the high man in the primaries; on the contrary, in five times out of eight they have not done so. In four instances the man ranking third has been honored with the nomination; once the nomination went to the person ranking second; and three times it was given to the person ranking first.

County conventions fill places on the county ticket when nominations are not made at the primary. Eliminate the office of county coroner — which office appears to be sought only in counties having a large urban population — and the total number of offices left vacant on the Republican ticket at the general election is not large. On the other hand, the majority of the nominations on the Democratic ticket in the same counties are not likely to be filled unless, by reason of informal votes at the primary, the county convention is enabled to nominate candidates for offices for which no candidates formally presented themselves at the primary. In many counties the situation is probably hopeless for the minority party and therefore few persons are willing to incur expense when the nomination is at best an empty honor.

In certain counties there is evidence of what seem to be agreements to make no nominations for certain offices either in the primary or in the convention — thus dividing the spoils and assuring both parties of a share without contest and with little expense. In fact, such agreements with the organization leaders of the opposite party are sometimes frankly admitted. Such agreements, however, are not likely

to be made except in counties where the margin between the two parties is very small.

PROPOSED CHANGES IN THE IOWA PRIMARY LAW

Most students of government are of the opinion that the primary principle is sound and should not be abandoned without more substantial proof of its inefficiency than can be drawn from its actual workings. It would be as hard to find a substitute for the primary election as it is to find a substitute for the jury system. Both have their faults, and both can be improved. The writer is of the opinion that the primary election law of Iowa should not be repealed but should be amended so as to give every encouragement to its fulfilling the purpose for which it was enacted. Some of the more important changes which in the opinion of the writer would make for improvement may be briefly enumerated.

1. It is evident that the date for holding the Iowa primary is based on neither logic nor necessity. The first Monday in June is one of the hardest times of the year for a farmer to leave his work; and the interval between the primary and the election is altogether too long. In the interests of the farmer, the candidates, and the cause of good government, the primary date should be set on some day in September.

2. The primary will work at its best only when the principle of the short ballot is observed. And by short ballot is meant the elimination of the minor State and local offices not only from the primary ballot but also from the general election. In respect to State offices the observance of this principle has not been possible under the Iowa Constitution; but the convening of a constitutional convention in the near future offers an unusual opportunity to shorten the ballot and to provide for an administrative system in the State similar to that employed in the Federal government. Such

a reform would result in the filling of the minor State offices by the Governor, subject to confirmation by the Senate.

3. It would perhaps be advisable to reduce the percentage of votes required for nomination, or adopt the so-called "high man" rule — which means the nomination of the person receiving the highest number of votes. No doubt many persons would object to this change, believing that if the people have been unable to make a nomination at the primary they should permit such nomination to be made at a convention. Possibly the preferential ballot would be the most accurate way of determining the will of the people. For if the voters have the opportunity of expressing a first and a second choice, then by a simple process of addition majority nominations may easily be obtained. The preferential ballot has already been worked out in great detail and is quite universally commended. It takes longer to count the ballots but the results ought to be worth the extra time. The preferential ballot or even the high man choice in the primary would eliminate many of the objectional features arising out of the present method of nominating by conventions in case no one person receives the requisite percentage.

4. Probably one of the most unsatisfactory features of the Iowa primary law is the unrepresentative character of conventions called by its authority. Theoretically the law was well drawn: at the primary the people were to choose their own delegates to the county conventions, and these popularly chosen delegates were to name the delegates to the State convention. In practice, however, the voter finds himself unable to make a list of candidates to the county convention with confidence that they are all members of his party or if so that they all reside within the limits of his polling precinct. In this situation "somebody" makes up a list of eligibles and has it printed on gummed paper. This list is handed to the voter who obediently licks it and puts

it on his ballot. The voter rarely knows all of the suggested delegates personally, and he has practically no means of knowing what their attitude toward the several contestants would be in case the primary failed to nominate. From these "hand picked" delegates to the county conventions the delegates to the State convention are chosen. That such conventions are likely to be unrepresentative of the county and of the State is apparent. Nor is it sufficient to say: "The people at large have had their chance and have failed to exercise it." If it is necessary to retain the conventions, let the delegates be nominated in the open. The voter should know who is responsible for the delegates selected.

The writer is of the opinion that the primary law should be so amended that there will be no occasion for the conventions to do anything but adopt platforms. The Wisconsin plan of having the platform made by the party candidates for State office and for the legislature, including the hold-over members of the party in the State Senate, has much to commend it.

5. A number of suggestions have recently been advanced with a view to making the test of party affiliation more rigid. It is contended that the Democrats find it altogether too easy to enter the Republican primaries. The only concrete suggestion along this line which has come to the attention of the writer is that "every year in which there is an election, enrollments of the political parties should be prepared, and no man should be permitted to vote in any party unless he is enrolled in that party. He should not be permitted to change his enrollment unless he does it six months before the primaries." Such a test is, indeed, required in a number of States. The party test is one of the most difficult problems connected with the system of direct primary nominations. "It is difficult to prescribe conditions of party allegiance without at once preventing that independence in



voting which is the hope of decent politics". It is the opinion of the writer that since no generally acceptable solution of this problem has yet been proposed, no change in the present test should be made.

6. A provision limiting by law the amount of money which one may be permitted to spend in a primary contest would be wholesome and would no doubt overcome much criticism directed against primary election expenditures.

7. Another improvement in the primary law would be an amendment defining more clearly the form and make-up of the primary ballot. An examination of the ballots used in the primaries shows a wide variation in size, type, make-up, and grade of paper used. Some counties print a compact ballot 12 by 12, or 12 by 18 inches; while others, listing State, district, county and township officers in separate columns, make up a ballot in which one-fourth to one-third is waste paper. Such ballots range in size from 11 by 20 to 14 by 25 inches. Some of these ballots do not indicate clearly the party to which they belong, the date of the primary, or the precinct for which they are intended. Some of the ballots are printed upon the poorest grade of print paper, while others contain high grade book paper. If the law were more specific relative to the size, type, make-up, and paper of the primary ballots, their printing would no doubt cost much less than at present.

#### CONCLUSION

The writer is of the opinion that the irritation resulting from the defects and abuses of the Iowa primary law does not justify its repeal. Since the primary principle is sound, any attempt to depart materially from its procedure would probably give rise to greater abuses than those we now endure. That changes are needed in the present law is frankly admitted. Without impairing the general principle of the

primary, the modifications above suggested would, it is believed, materially strengthen this popular institution of democracy.

A primary reform supported by Charles E. Hughes when Governor of New York proposed that candidates for all offices be designated by properly constituted party committees. The candidates so designated were to be given first place on the ballot; and any other candidates put forward by independent groups through signatures to petitions were to be alphabetically arranged below the list of designated candidates.<sup>1</sup> This would give freedom to contest the designated candidates and encourage the party committees to exercise care in making up the party list. This practice is even now being followed to a considerable extent in the pre-primary slates to which attention has been called, but the party lists do not of course enjoy a privileged place on the ballot. The primary constitutes a "solemn referendum" upon such slates, and any group of petitioners is able to put a competing slate in the field. Freedom to do this would probably be worth all it cost us.

On the other hand, in the opinion of the writer the suggestion made by Senator James W. Wadsworth, Jr., of New York in the *Forum* for January, 1921, that a convention

<sup>1</sup> Mr. Hughes reaffirms his belief in this plan as a remedy for the present evils of the direct primary system in a very well written article in *The National Municipal Review* for January, 1921. He now advocates a nominating committee or convention composed of delegates chosen by popular vote who are to designate the party candidates and draw up the party platform. "If such a body did its duty well," says Mr. Hughes, "there would be no necessity for a double campaign. Its choice would be ratified on primary day without contest. . . . The action of such a body should not be final. If it ignored the sentiment of the party voters, if it appeared that some ulterior or sinister purpose had been served, if the candidates or any of them, which it selected were unworthy, then there should be opportunity for the party members, immediately and without difficulty, to express themselves in opposition and on primary day to have a chance to show whether or not the designation of the organization body was approved."

“composed of delegates elected directly by the enrolled voters in the party” should name the candidates for office is in fact a recommendation for the abolition of the primary, and Mr. Wadsworth seems to make no attempt to conceal the fact that this is the end he has in mind.

Admitting that some poorly qualified candidates are nominated under the direct primary system, it is nevertheless much easier to defeat the conspicuously unfit through its procedure than in the ordinary party conventions.

Finally, in view of the fact that the State of Iowa has just doubled its electorate by virtue of the adoption of the Nineteenth Amendment to the Federal Constitution, the writer is of the opinion that no change should be made in the test of party affiliation until the “new voters” have had an opportunity to use the primary. The women of Iowa spoke in no uncertain terms at the general election in November, 1920; but that should not be taken as evidence that they are prepared to subscribe to a rigid test of party affiliation. Rigid tests of party affiliation are more likely to keep from the polls the honest and conscientious than the venal and corrupt. Too rigid a test of party affiliation would greatly reduce the percentage of those who participate in the primary, and in such an event we will probably witness abuses that are worse than those now complained of.

FRANK EDWARD HORACK

THE STATE UNIVERSITY OF IOWA  
IOWA CITY IOWA