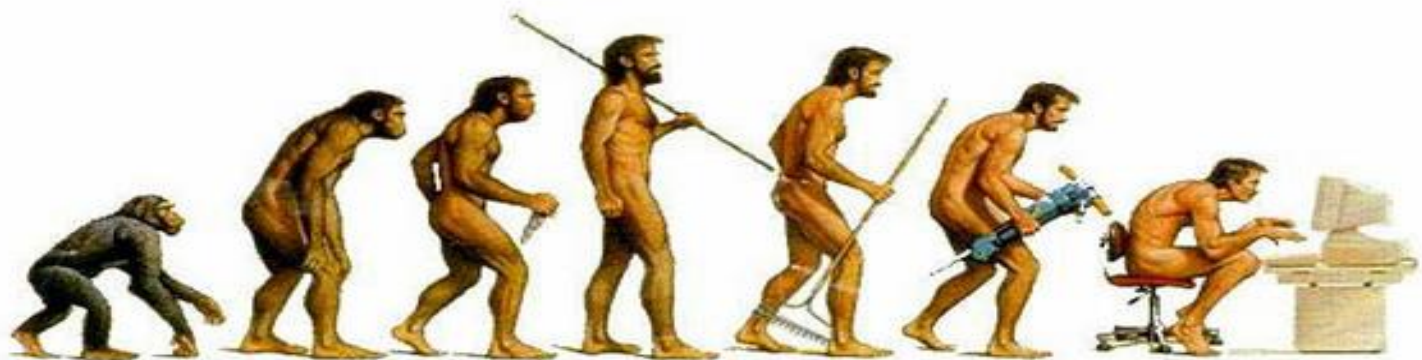


Evolution of Virginia Elections



The Good the Bad and the UGLY

- Voter Registration is utilized as a means of protecting the integrity of a given election.
- Voter Registration is often utilized as a political tool.
- The research for this project has unearthed closets full of skeletons! The beginning of voter registration in Virginia was to PREVENT people from voting! Proceed with caution!!!!

Virginia Voting until...

- Prior to the “War of Northern Aggression” The Election was in the hands of County sheriffs and City Sergeants.
- Voters (white, landowning males) travelled by horse and buggy to the courthouse.
- Viva Voce, Latin for “By Voice” compelled a voter to step up to the Sheriff's platform and declare his support for his candidate.
- This lasted well into the mid 1800's

As Virginia GREW

- Viva voce gradually fell out of favor due to:
 - Retaliation by losing candidates
 - Corrupt practices of gaining votes
- Secret ballot began to become the norm in Va. Elections.
- Localities began appointing Electoral Boards and Election judges to count the paper ballots
- Voters simply wrote their choice on a piece of paper, then dropped the “ballot” in a box

New Beginnings

- First mention in Virginia law of Registrars appointed by the Electoral Board, 1884 Anderson –McCormick Act.
 - William Anderson of Lexington and
 - J. Marshall McCormick of Warren County
 - This was one of a series of retaliations of the post reconstruction Democrats. The Act granted the General Assembly appointment of the local Electoral Boards who then appointed Registrars.

What did the Anderson-McCormick Act do?

- GA appointed Electoral Boards, who:
 - Appointed Registrars, one per ward
 - Appointed three election judges per ward or precinct.

The Anderson-McCormick Act essentially tied up all elections in favor of the post reconstruction Democrats

- However, gave Virginia the basis of the modern Electoral Board/Registrar/Officer relationship

Anderson-McCormick Act

Consequences

- Ballot Box stuffing by unscrupulous judges
- Discrimination against Republicans (remember the Party of Lincoln)
- Discrimination against African-Americans
- Discrimination against poor people
- Discrimination against anyone else who didn't support the Reconstruction Democrats
- ALSO, Bribery, Fraud, Intimidation and Violence

1894, The Walton Act

- Senator Morgan L. Walton representing Page and Shenandoah Counties.
- Recognized the issues of Ballot Box stuffing
- Introduced the “Australian Ballot”
 - Prior ballots were simply slips of paper with a candidates name written by the voter
 - “Australian Ballot” is a uniform ballot with names of all candidates.
 - Began the use of the Electoral Board Seal
 - Required the oath of printer

Significant changes

1890- General Assembly enacted “An Act In relation to preservation of order at the polls”

Fore runner of Chapters 6 and 10 of §24.2

1894- The Walton Act

1898- Provided for destruction of pollbooks

By this time the forebears of many of our current laws were in place. Quorum and minutes.

Appointment of registrars. Ineligibility to hold office. Change of residence by voter, appeal of decision by registrar and Conservator of the peace.

Registration 1900

- Sec 78 of the Walton Act provided for Voter registration
 - Registration day was the 2nd Tuesday in May
 - Registrar physically sat in his own voting precinct to add and change voters
 - TEN days prior to the November General Election Registrar was required to sit again for a single day to add and make changes
 - \$2 per day for each day the registrar sat and took applications
- Allowed registration on other days, with pay equal to that of Commissioner for registering births and deaths
- Registrar then had 5 days to post the list and send duplicate to the voting place

Convention of 1902

- Poll Tax and “Understanding Clause”
 - 40 years after the “War of Northern Aggression” the Virginia Constitution was re-written.
 - Changed appointment of local Electoral Boards to Local Judges. Judges were of course appointed by the Democratic General Assembly.

The Registrar and the Constitution of '02

The “Understanding Clause” of the 1902 Constitution compelled the Registrar to disqualify those men who could not explain a passage from the newly adopted Constitution. That passage was up to the Registrar.

Of course likely Democratic voters were given a pass while African-Americans and Republicans were thoroughly quizzed with the most difficult legal language.

The Registrar and the Constitution of '02

- The Poll Tax
 - A fee of \$1.50 was due to the Commissioner of Revenue, who would receipt the prospective voter.
 - The Applicant had to show the receipt to the Registrar in order to ATTEMPT to be registered.
 - The “Understanding Clause” would be applied and based on the applicants “answer” maybe the applicant would be registered....Maybe not.

For example

“Understanding Clause”

- Democratic questions:
- Do you understand “Every Male citizen who is 21 years of age or older...”?
- Did your father or Grandfather Serve in the Civil War? (Grandfather Clause exemption)
- Republican and African American Questions:
- Explain Article 2§19...
- Explain the 17 sections of the Bill of Rights

Fast Forward.....

- 1915 Harry F Byrd elected to Va. Senate
- 1915 Grandfather clause as exemption to “Understanding Clause” ruled Unconstitutional
- 1920 19th Amendment ratified, Women allowed to vote
- 1926 Byrd Elected governor,
 - Beginning of the Byrd Machine
 - 1928 Statute created electoral board composed of two major parties
 - And appointments of Election Judges to represent the two major parties
- 1946 Virginia establishes State Board of Elections and Code Commission
- 1950 Virginia Law set out in codified titles, election law becomes §24
- 1964 24th Amendment ratified removed poll taxes in FEDERAL elections
- 1964 Hamm v State Board of Elections, violation of equal protection to keep books separated by race
- 1964 Civil Rights Act bars unequal registration practices
- 1965 Voting Rights Act, last nail in the coffin for literacy and conditional registrations
- 1966 Poll Tax deemed unconstitutional in ALL elections
 - Harper v. VA State Board of Elections
- 1966 Harry F. Byrd dies, with him the remnants of the segregatists Byrd Machine.

SO?? What does this have to do with Elections today????

- 1968 Virginia General Assembly enacted House Joint Resolution 73
- Election Laws Study Committee
- CH. 462 Va. Acts of Assembly (1970)
- Recodifies Title 24 into Title 24.1
- Establishes Central Voter Registration System
- Establishes General Registrars in ALL localities
- Enacts Absentee Voting reforms

New §24.1

- SBE Authority broadened and clarified, uniformity main objective
- Initial establishment of “Officers of Election” replacing election judges
- Established annual “no vote” purge beginning in 1974
- Mandated the use of uniform applications and forms
- Mandated open records and public inspection
- Mandates public office of voter registration and public notice
- Established uniform terms of Registrar and Electoral Board members

New Constitution, 1971

- Current Virginia Constitution
- Overwhelmingly approved by Virginia Voters November 3, 1970
- Removed all of the old Voting tests and requirements EXCEPT:
 - Residency (6 month requirement) Previously 1 year, later removed by 1976 Amendment
 - Felon
 - Incapacity, Previous Constitution indicated no idiots or lunatics
 - Age changed from 21 to 18 by the ratification of the 26th Amendment 1971
 - Citizenship

New §24.1

- Created Office of the General Registrar
 - §24.1-43
- Established an outline of General Registrar duties
 - §24.1-46- Now §24.2-114
- Required the use of mechanical equipment
 - 24.1-203, establishes minimum number of voters in each precinct – now §24.2-626
- Created the Central Voter Roster System
 - 24.1-23 - 28 –now §24.2-404-407

So now we have General Registrars, how were things handled in the 70's?

- Forms were created for uniformity throughout the state
- The Central Roster System began to maintain a statewide data base
- Registrars sent copies of registrations to the SBE, where they were entered centrally
- Changes and deletions handled similarly
- §24.1-43 provided base salaries and days of service based upon population
- SBE determined the number of days each office was to be opened
 - As few as 1 day per week to 5 days per week
- **§24.1 consisted of 10 chapters with a TOTAL of 281 consecutively numbered sections contained in a book of 170 pages.**