

THE ORIGIN OF THE DIRECT PRIMARY: The Crawford County System

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AFTER the decline of the Federalist party in the second decade of the nineteenth century, the Democratic party became the dominant political party in Pennsylvania and in many other states. Any person nominated by the Democrats for an elective office was virtually assured of election. Thus, the Democratic nominating conventions became a real political battleground, and soon dissatisfaction with the convention nominating system developed.

In 1835 the Pennsylvania Democratic state nominating convention split into two rival groups, one of which renominated George Wolf for governor. The other nominated Henry Muhlenberg.¹ The ensuing campaign was extremely bitter and resulted in the Whig candidate, Joseph Ritner, being elected governor with less than a majority of the popular vote. He also carried Crawford County, which normally was strongly Democratic.

Dissatisfaction with the convention method of nominating candidates for elective office became more widespread after the Pennsylvania constitution of 1837 made many of the county offices — sheriff, prothonotary, register and recorder, and others — formerly appointed by the governor, elective.² Often there were a dozen aspirants for each county office, for one of them was almost certain to be elected. The others became disappointed office seekers. There was much dissension in the conventions over patronage and the efforts to reconcile the interests of various geographical sections within the county. Moreover, candidates were often nominated by a mere plurality vote, leaving many delegates to the convention angry and disgruntled. After the Crawford County Democratic convention in 1839, some of the defeated aspirants for nomination refused to abide by the decision of the convention and became independent candidates in the succeeding fall election

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¹ Elizabeth Smedley, "Direct Primary Credited To Crawford County," *Bulletin of the Department of Internal Affairs, Commonwealth of Pennsylvania* 15 (July 1947): 23.

² *Ibid.*

and endangered the election of the regularly-nominated candidates.³

Since the county election of 1842 threatened to be hotly and bitterly contested and since a widespread feeling of distrust had developed among the people toward the nominating convention, the Democrats in November 1841 appointed a committee to review the Delegate System, as the nominating convention was called, and recommend reforms.⁴ The committee met on January 10 and unanimously agreed upon the following amendments:

1. The Democratic nominating convention of Crawford County shall meet annually hereafter at the Courthouse in Meadville on the first Tuesday of August at 2 P.M.
2. The convention shall be composed of two delegates from each township, who shall be elected annually on the Friday preceding the first Tuesday in August and by a majority of the members of the Democratic party of each township.
3. The meetings of the people to elect delegates to the county convention shall be held annually at the election house of each township from 3 until 6 P.M. After the election, the delegates are to be given a certificate of election signed by the President and Secretary of the meeting.
4. The said meetings shall determine whether their respective delegates shall be instructed to support any particular candidate. If they were to be instructed, their instructions were to be embodied in their certificates of election. If they were not instructed, that fact was to be embodied in their certificates.
5. To enable the people to act understandingly in their instructions the names of those who will be supported in the convention shall be published in the Democratic press of Crawford County at least three weeks before the time of holding the meetings. In no case shall the convention ballot for a candidate whose name is not either published as a candidate for a certain office or he be recommended by a township meeting and in no case shall the convention ballot for any candidate whose notice is not published as being a candidate subject to the decision of the convention.
6. When the convention meets and organizes by electing one member for President and two members for Secretaries, the convention shall proceed to nominate candidates by ballot. To be duly nominated, a candidate must receive a majority vote of the delegates in attendance.
7. No member of the convention shall be nominated as a candidate for any office by the convention of which he is a member.
8. The convention shall also appoint conferees to meet with similar conferees from other counties of the district to nominate candidates for Senate and Congress. The conferees may, or may not, be instructed. If instructed or not instructed, that fact shall be embodied in their certificates of appointment.⁵

The editor of *The Crawford Democrat* commented that the work of the committee "cannot fail to result in much good to the party, for they have made the System as perfect, in our opinion, as human ingenuity could make it."⁶ But, he went on to point out that it was, no doubt, impossible to devise a system that will give satisfaction when there are at least a dozen applicants on the average, for every office.

3 *Ibid.*, 23-24.

4 *The Crawford Democrat* (Meadville), Nov. 16, 1841.

5 *Ibid.*, Jan. 25, 1842.

6 *Ibid.*

The present plan, he concluded, "must give satisfaction to a majority of the voters, and will undoubtedly tend to harmonize the party more than any other that has yet been proposed."

The rules adopted by the committee were to be referred for consideration at a meeting of Democrats of Crawford County at the courthouse on the evening of February 15.⁷ It was an unusually large meeting. The committee made its report. Amendments 3, 4, 5, 7, and 8 were approved without any changes. Minor changes were made in the others; in amendment 1, the date for holding the convention was changed from the first Tuesday in August to the last Tuesday in June; in amendment 2, instead of two delegates from each township, every township and borough would have one delegate for every fifty Democrats according to the number who voted in the preceding gubernatorial election, but each township would have one delegate, even though it did not have fifty Democratic voters. Election of delegates would be held on the Tuesday preceding the last Tuesday in June by a majority of Democratic voters in each township. One new provision was adopted; it stipulated that the county convention should appoint each year seven persons to serve as a central committee to perform such duties as the convention might direct.

As June 24 approached, the date for the primary meetings to elect delegates to the county convention, *The Crawford Democrat* reprinted the rules which governed the convention, the number of delegates each township and borough might elect, and urged Democrats to attend the meetings so that the "results of their efforts will be more satisfactory than we have witnessed for many years."⁸

On June 28, 1842, the duly elected delegates under the new rules to the Democratic convention of Crawford County assembled at the courthouse at 2:00 P.M. for the purpose of nominating candidates for the General Assembly, prothonotary, register and recorder, sheriff, coroner, auditor, and county commissioner.⁹ Every township in the county was represented. After electing a chairman and two secretaries and verifying the credentials of the delegates, the convention voted for two candidates for the General Assembly. M. B. Lowry received forty-seven votes, J. B. Brawley, twenty-four, and W. P. Shattuck, twenty-three. Lowry and Brawley were declared the nominees. At that point a delegate rose and stated that there was some mistake in the vote as

⁷ *Ibid.*, Feb. 15, 22, 1842.

⁸ *Ibid.*, May 10, June 7, 14, 1842.

⁹ For a list of elected delegates from each township, see *ibid.*, July 2, 1842. For an account of the convention proceedings, see *ibid.*, July 2, 12, 19, 26, 1842.

there were forty-eight delegates in attendance, and that the vote should be reconsidered. On the other hand, it was contended that only forty-seven votes had been cast and that the nominations had been fairly made. After some discussion, the convention finally decided that the question should be postponed for the present and that they should proceed to nominate a candidate for prothonotary. James E. McFarland, the editor of *The Crawford Democrat*, was nominated. A delegate from Fallowfield Township then asked that the nomination for assemblyman be reconsidered "before any further nominations were made — that a mistake existed and the sooner it was rectified, the better." A delegate from South Shenango moved "that the convention do now adjourn." After an exciting and lively debate during which great confusion prevailed, a motion was made "that the whole proceedings of the convention be reconsidered"! The motion was finally adopted, and the convention proceeded to reconsider its whole proceedings!

For assemblyman, Lowry received forty-eight votes, Shattuck, twenty-five, and Brawley, twenty-three. Owing to a switch in votes, Shattuck had defeated Brawley. The delegate from Rockdale Township had been instructed to vote for Lowry and Brawley and voted accordingly in the first instance but on the reconsideration he violated his instructions.¹⁰ When the chairman announced the results, several angry delegates reached for their hats and stalked out of the room. Others followed, and the convention broke up without nominating a ticket. Exactly why the convention broke up is not known. Apparently, the party regulars claimed the nomination of their candidates, while the dissatisfied insurgents had reason to believe that this was not the will of the majority of the delegates.

The convention having failed to nominate a slate of candidates and the party now badly divided, every Democrat was asking: "What is to be done?" The situation seemed chaotic and hopeless. If the party expected to win the election in October, drastic steps would have to be taken to unite and harmonize the conflicting interests. Many Democrats believed that a county meeting should be called to consider the situation and devise some means to ensure the triumph of the Democratic party in the fall election. The Democrats of Spring Township met on the evening of July 8 to consider the divided state of the party.¹¹ As a result of their deliberations, they unanimously adopted a resolution recommending the holding of another county convention

¹⁰ *Ibid.*, July 2, 26, 1842.

¹¹ *Ibid.*, July 19, 1842.

to nominate candidates. Following informal consultation among county Democratic leaders, a call was finally issued in *The Crawford Democrat* on July 19 for Democrats to attend a general county meeting at the courthouse in Meadville on August 9, at 2:00 P.M.¹²

In spite of the busy harvest season, an unusually large number of Democrats, representing almost every township, met in the courthouse yard, inasmuch as court was being held in the courtroom.¹³ Colonel James Henry of Fallowfield Township was elected chairman, Colonel William M. King of Summerhill and J. Y. Gilmore of Woodcock, vice-presidents, and William McLaughlin of Meadville and John McArthur of South Shenango, secretaries. For the more convenient transaction of business, the meeting now adjourned to the Cumberland Presbyterian Church near the courthouse. Some Democrats attended the meeting for the express purpose of preventing any action which would tend to promote harmony but, according to *The Crawford Democrat*, "they could do no more than show their teeth."¹⁴ The large assembly seemed to be convinced of the necessity of taking measures to secure harmony and unity within the ranks of the Democrats. George Shellito of Sadsbury Township introduced a series of resolutions proposing a new plan for nominating candidates, but a resolution was offered to adjourn. It seemed as if the convention would break up at this point; many men were on their feet ready to leave the room but when an appeal was made to their reason — when the consequences of dispersing without accomplishing something constructive were realized — order was restored and the Shellito resolutions were reintroduced. Colonel John McArthur of South Shenango moved that a committee of five be appointed to review and report on the Shellito resolutions. McArthur served as chairman of the committee. After a period of deliberation, the committee made its report and the report was unanimously adopted. There was not a single dissenting vote. Even some of those who attended the convention for the avowed purpose of thwarting any action expressed satisfaction over the result.

The Shellito resolutions provided for the nomination of candidates by a direct vote of the people; they established the direct primary in Crawford County. The historic resolutions are as follows:

"Resolved, That a convention shall meet on the last Tues-

12 *Ibid.*

13 For an account of the proceedings, see *ibid.*, Aug. 16, 1842.

14 *Ibid.*, Aug. 30, 1842.

day of June in every year hereafter, at the Court House in the Borough of Meadville, at 1 o'clock P.M.; and that there shall be meetings held in the several districts in the county on the Friday preceding the meeting of the convention, between the hours of 3 and 6 o'clock, P.M., when the qualified voters shall choose one person for Chairman and two persons who shall act as Secretaries of the meeting. The democratic electors shall then proceed to vote by ballot for the different candidates for the various offices to be filled at the ensuing general election; and when counted up and certified by the officers of the meeting, one copy of the returns shall be left with the Secretaries, and the other copy shall be taken charge of by the Chairman, whose duty it shall be to make a return of the same to the county convention on the day above mentioned. Upon the meeting of the return judges, they shall choose out of their own number one person as President and two persons as Secretaries; and when the convention shall be so organized, they shall proceed to cast up the votes given, and the two highest in vote shall be declared duly nominated for members of the Assembly, and for all the other offices those having the highest number of votes shall be declared duly nominated. In case the Chairman of the township meeting cannot attend, one of the Secretaries shall take charge of the returns and act in his place in the county convention; and in the event of there being a tie between any two of the candidates, the convention shall choose one of them who shall be the candidate.

“Resolved, That all persons who wish to be candidates shall have their names published at least three weeks before the township meetings.

“Resolved, That for this year the democratic votes of each election district shall meet on Friday the 9th day of September next, and that the return judges shall meet in convention in Meadville on the second Tuesday of the same month (13th), at 1 o'clock P.M. of said day to perform the duties enjoined upon them.

“Resolved, That the result of the proceedings of the convention shall be signed by the officers and published in the democratic papers of the county.

“On Motion, Resolved, That the thanks of this meeting be tendered to the trustees of the church for the use of the same.

“Resolved, That the proceedings of this meeting, signed by the officers, be published in the *Crawford Democrat* and *Ameri-*

can Citizen. Adjourned."¹⁵

The new system was designed to unite the party, promote harmony, and win elections. In August 1842, the Democrats of Crawford County were invited to meet on September 9 between 3:00 and 6:00 P.M. to hold elections in the different townships and ballot for the candidates who had complied with the rules and make a return of the votes in Meadville on September 13.¹⁶ Those candidates having the highest number of votes would be declared duly nominated. "By this means," according to the editor of *The Crawford Democrat*,

every man's vote will act directly on the result — there will be no intermediate channels through which bargain and trickery can flow to prevent the will of the people from being honestly carried out. There will be no such thing hereafter as violating instructions — no "recruits" will be purchased to defeat the will of the majority. The people will now have the man of their choice nominated, without the interference of brawling meddlers in town, who have nothing at heart but the accomplishment of their own selfish and disorganizing ends.¹⁷

The Democrats of North Shenango held a meeting at Espyville on August 17 and declared that the candidates now before the public should submit to the will of the people as expressed on September 9.¹⁸ They pledged their support to those candidates who were nominated on that day. A committee was appointed to address each candidate as to whether or not he would run in opposition to the nomination made, receive their answers, and publish them in the county papers. By August 30, nearly every candidate had signified his intention of abiding by the result.

The more Democrats discussed the new plan for nominating candidates, the more they admired it. A few of them continued to oppose it, but the majority favored it. "What will be the result of an honest and general compliance with the rules laid down for the September convention?" asked the editor of *The Crawford Democrat*; "Union, Harmony and Victory!" he answered. "Are we to learn nothing by experience? Democrats, have you forgotten the disastrous effects of dissension in 1835? Will you soon forget the bitter lesson taught at that period? We hope not. Divest yourselves of every feeling but that of securing the success of democratic *principles* — attend the township meetings on the 9th of September, and assist in rescuing the noble bark of democracy from the breakers which now threaten to destroy her."¹⁹

¹⁵ *Ibid.*, Aug. 16, 1842.

¹⁶ *Ibid.*, Aug. 23, 1842.

¹⁷ *Ibid.*, Aug. 16, 1842.

¹⁸ *Ibid.*, Aug. 23, 1842.

¹⁹ *Ibid.*

Some candidates, opponents of the new plan for nominating candidates, were active and desperate; they were either unwilling or afraid to entrust the nomination to the people. They spread the impression throughout the county that the meeting held on August 9 adjourned previous to the passage of the Shellito resolutions.²⁰ Late in August, the opponents of the direct primary system became very active and used every means they could to divide the party. There were several reasons for their opposition.²¹ One, the Whigs openly asserted that they would not have any regular nominated candidates in the field, and they hoped the Democrats would pursue a similar policy. Since the Democrats usually triumphed in county elections because their convention nominated candidates, it was excellent strategy for the Whigs to urge that neither party designate its candidates. Two, many of the leaders of the opposition, it was alleged, were disappointed and disgruntled office seekers. Three, some Democrats seeking office were afraid to entrust the nomination of candidates to the people. They and their friends urged the people to remain at home and not attend the primary meeting on September 9. If they could keep a majority of the party from attending the township meetings, then the opponents could claim that the plan was unpopular and the convention unrepresentative.

Some opponents began spreading word throughout the county that the meeting of Democrats on August 9 adjourned previous to the passage of the resolutions providing for the direct primary.²² Even Colonel James Henry, the chairman, and John McArthur, one of the secretaries, joined the opposition and asserted the truth of the allegation. The editor of *The Crawford Democrat*, who had attended the meeting, had no recollection of the passage of the motion to adjourn. He supposed the motion failed to pass, for all the officers remained in their seats and assisted in completing the business of the meeting. William McLaughlin of Meadville, one of the secretaries of the meeting, asserted that the motion to adjourn did not pass.²³ Whatever the merits of the argument might be, it caused a bitter controversy and dimmed the prospects of having a united party on September 9.

A large number of Democratic citizens from North and South Shenango, and Fallowfield and Sadsbury townships met at the house of Martin Martzall on Saturday, August 27, and expressed their oppo-

²⁰ *Ibid.*, Aug. 30, 1842.

²¹ *Ibid.*, Sept. 6, 1842.

²² *Ibid.*, Aug. 30, 1842.

²³ *Ibid.*

sition to the August ninth meeting and their intent to ignore the direct primary in the following resolutions:

“Believing that private and secret juntas are aristocratic in their nature, and that the same has been practiced in our county by a certain set of office seekers . . . by assembling in cliques, in offices, and under Canal bridges, we give our opposition to such conclaves and will shun them.

“Believing that we have been imposed upon, year after year, by such men having the candidates cut and dried for us . . . we have resolved to denounce such a course and have a voice in choosing our own officers. . . .

“And we also denounce any individual who willingly submits to a pack horse, to carry the proceedings of meetings and the resolutions, even if they should be prepared by the Editor of a paper, or by a combined monopolizing faction and that before a meeting was called . . . we have viewed the claims of the several candidates and are determined to submit the decision of the whole matter to the people, on the second Tuesday of October.

“Resolved, That we will oppose any candidate for office who will attempt . . . to effect his nomination or election by employing persons to traverse the county to forestall public opinion, or to secure pledges to that effect.

“Resolved, That we, as democrats, are determined to make choice of the candidates now before the people regardless of any action that may be had on the subject of nominations, either on the 9th day of September or any other day prior to the second Tuesday of October.

“Resolved, That we deprecate the course of certain individuals in breaking up the June convention, and then insisting on a reorganization of the party, for no other purpose than forcing upon the democracy of Crawford County men of their own choosing regardless of the wishes of the people.

“Resolved, That the course pursued by the Editor of the *Crawford Democrat* at and after the meeting of the convention, manifests a greater regard for the spoils of office than for the true principles of Democracy.

“Resolved, That in the opinion of this meeting, it is expedient for the democratic voters of Crawford County to treat for the present, the meeting held in Meadville on the 9th of August as though it had never happened, and attend to their usual

avocations of life until the second Tuesday of October, and then meet at the ballot box and give a long pull, a strong pull, and a pull altogether for the men of their choice.”²⁴

The Democrats of Evansburg and vicinity convened on August 30, and drafted the following resolutions:

“Whereas, a difficulty has occurred in the Democratic party, which in common with our neighbors, we are anxious to settle; and having made every concession, and submitted to every plan that promised organization; and having seen all those plans fail, because particular nominations could not be effected, we are prone to believe that nothing will satisfy those who are harassing us with repeated solicitations to form conventions: therefore,

“Resolved, That we have been dictated to long enough in this county by one set of men, and that we will bear dictation no longer.

“Resolved, That, in our opinion, those who broke up the convention of June 28, are the cause of all our present difficulties, and that if there is to be no convention this year they alone are to blame. We have done as much as good citizens should be required to do, and to do more would be but to gratify a few office seekers and we have not time to spare from our business to wait upon them.

“Resolved, That our votes adjourned the meeting of August 9, and as we did not vote on any question that afterwards came up, we do not recognize the further proceedings of that meeting, nor will submit to its requirements.

“Resolved, That we believe that we are supported on our opinions by the good sense of the party generally, and we fear not that we shall be esteemed disorganizers while there is such a weight of disorganization upon the side of our opponents.

“Resolved, That we will go into conventions, when they are sure to be conducted fairly, and not until then.

“Resolved, That the second Tuesday of October is about as good a day to settle a political dispute as any day in September, and that we will, therefore, put off the settlement of this dispute until that day arrives.

“Resolved, That the Editor of *The Crawford Democrat* is fast losing ground in the good opinion of this district.

²⁴ *Ibid.*, Sept. 6, 1842.

“Resolved, That the above proceedings be published in the Democratic Republican and the Crawford Democrat.”²⁵

The editor of *The Crawford Democrat* was quick to point out the inconsistency of those who urged that they did not have time to spare from their business to attend a primary and convention and yet they could find ample time to attend meetings in different parts of the county and oppose the direct primary.²⁶ He also called attention to the fact that they had been engaged for weeks in electioneering all over the county but now they could not find time to spend a half day at the convention.

Despite the fact that the opposition had been scouring the county for weeks urging Democrats to remain at home and not participate in the direct primary meetings and the fact that the meetings were being held during a busy farming season, the attendance at the primary meetings on September 9 was most gratifying.²⁷

With the exception of the meeting in June, there was a larger attendance of Democrats at the polls on September 9 than ever before in Crawford County. In a number of townships — Spring, Beaver, Sadsbury, Rome, Oil Creek, Randolph, and Wayne — the attendance was as large, if not larger, than in June. Only five townships — Conneaut, Troy, Athens, Bloomfield, and Sparta — out of twenty-seven were unrepresented; there was evidence, however, to indicate that they would support the regularly nominated ticket when formed. The manner in which the Democrats responded and voted for candidates indicated their belief in this new instrument of democracy — the direct primary. Every Democratic voter was entitled to attend the township meeting. In each township meeting a chairman and two secretaries were elected by those in attendance. Then the electors voted by ballot for one candidate for each office to be filled at the next general election. Persons wanting to be considered as candidates at the primary meeting had to have that fact published at least three weeks before the meeting.

Acting in accord with the plan, the chairmen of the primary meetings in each township assembled at the courthouse in Meadville on September 13, each taking with him the tabulated results of the balloting in his township.²⁸ George Shellito was elected chairman and two secretaries were also elected. The credentials of the chairmen

²⁵ *Ibid.*

²⁶ *Ibid.*

²⁷ *Ibid.*, Sept. 20, 1842.

²⁸ *Ibid.*

from the townships were presented and approved. The returns of the direct primary election for assembly, register and recorder, prothonotary, sheriff, county commissioner, coroner, and auditor held in the townships on September 9 were then read. It was moved and the motion adopted that the two candidates with the highest number of votes should be declared duly nominated for the General Assembly and that the one who received the highest vote for the other offices should be declared the nominee.

Thus, the direct primary, or the Crawford County System, as it was commonly called from the beginning until about 1900 and later, came into existence in 1842 as a new method of nominating candidates for public office.²⁹

From Crawford County, the direct primary spread in time to York, Greene, Erie, and other Pennsylvania counties. At the same time, an increasingly large number of Democrats in Crawford County grew tired of the direct primary system and wanted to make a change. Experience indicated that no system could be adopted that would give general satisfaction. As long as there were more aspirants for public office than could be satisfied, there would be dissatisfaction with the direct primary or any other system. The general election in October 1849 proved disastrous for Democrats and added to the dissatisfaction with the direct primary.³⁰ The fact that in 1848 and again in 1849 a disproportionate number of candidates were elected from Meadville, the county seat, was another cause for dissatisfaction. On February 11, 1850, the Democratic county convention met at the courthouse in Meadville and with little debate or opposition, abolished the Crawford County System and restored the convention system of making nominations.³¹ The direct primary system in Crawford County was not allowed to die, however, for on June 20, 1860, the Crawford County Republican convention, meeting in Meadville, after a brief discussion and only two dissenting votes, abolished the convention system of

²⁹ No definitive study of the origin of the direct primary has been made but several short articles have been published. In addition to Smedley, see: F. P. Ray, "The Crawford County System," *The Tribune-Republican* (Meadville), Centennial Edition, May 12, 1888; James H. Booser, "Origin of the Direct Primary," *National Municipal Review* 24 (Apr. 1935): 222-23; Paul H. Giddens, "First Primary Election Held in Crawford County in 1842," *The Tribune-Republican*, Sept. 9, 1942; "Direct Primary Had Origins in County in 1842," *Tribune-Republican*, Mar. 24, 1943. The author gratefully acknowledges his indebtedness to an unpublished manuscript written by Robert E. Hunter as a senior comprehensive paper at Allegheny College in May 1948, on "The Origins of the Direct Primary."

³⁰ *The Crawford Democrat*, Sept. 18, Oct. 16, 1849.

³¹ *Ibid.*, Feb. 19, July 16, 1850.

making nominations and adopted the direct primary as used by the Democrats in 1842 and afterwards.³²

California was the first state to recognize the direct primary when it passed a law on March 26, 1866, to protect the elections of voluntary associations, such as political parties, and to punish frauds.³³ New York passed a similar law on April 24, 1866.³⁴ In 1871 Ohio and Pennsylvania followed the lead of California. The Pennsylvania law extended protection to voluntary political associations or parties in Lancaster County in holding elections for delegates and executive committees and for the nomination of candidates for public office.³⁵ It required that judges, inspectors, clerks, and other officers should be sworn that they would faithfully conduct such elections, protect them against all frauds and unfairness, and correctly count all the votes cast. The state legislature extended the law to Crawford and Erie counties in February 1872, and to Beaver County in 1879.³⁶

In 1903 Wisconsin and Alabama were the first states to enact legislation providing for the direct primary. In Wisconsin all candidates for elective public office were to be nominated either by (1) the direct primary held in accord with the new law or (2) by nomination papers signed and filed in accord with existing statutes.³⁷ Candidates for United States senator were to be nominated in the same manner as candidates for state offices. The new law did not apply to the office of state superintendent, or to town, village, and school district officers, except police justices and justices of the peace in cities.

The Alabama law provided rules for the conduct and regulation of direct primary elections.³⁸ It applied to the nomination of candidates for all public offices, but there was nothing in the law that obligated political parties to nominate candidates by the direct primary; they could use either the direct primary or the convention, but if they used the direct primary, then it must be held in accord with the law.

Ten years later, in 1913, Pennsylvania adopted a more comprehensive direct primary law, providing that all candidates for the office of United States senator and representative in Congress, for all

³² Smedley, "Direct Primary," 23.

³³ Charles Edward Merriam and Louise Overacker, *Primary Elections* (Chicago, 1928), 8-13.

³⁴ *Ibid.*

³⁵ *Ibid.*

³⁶ *Ibid.*

³⁷ No. 97, A: Chapter 451, *Laws of Wisconsin*, Biennial Session of 1903, 754-66.

³⁸ No. 417 (S. 333), *Acts of Alabama*, Session of 1903, 356-65; William J. Baxley, attorney general of Alabama, to the author, Feb. 19, 1976.

elective state, county, city, ward, borough, township, school district, and election division or district offices, and for all other elective public offices, except that of presidential elector, be nominated — and delegates and alternate delegates to national party conventions and state committeemen be elected — at primaries held according to the act's provisions.³⁹ It further provided that all party officers as were required by party rules to be elected by a vote of party electors were also to be elected at primaries, and that every qualified party elector was to have an opportunity (in presidential election years) to vote his preference at the primaries for one person to be his party's presidential candidate.

Today, the direct primary, which was originated by the Democrats in Crawford County in 1842, is used by every state in the Union in some form or other. Beginning in February and ending early in June 1976, twenty-nine states and the District of Columbia held presidential primaries.⁴⁰

39 No. 400, *Laws of Pennsylvania*, Session of 1913, 719-43.

40 *The Washington Post*, Jan. 5, 1976.