

Party Conflict, Factionalism, and Extended Balloting in U.S. Senate Elections
before the Adoption of the 17th Amendment

Wendy Schiller
Brown University
Wendy_Schiller@Brown.edu

Charles Stewart III
The Massachusetts Institute of Technology
cstewart@mit.edu

January 29, 2007

Earlier drafts were presented at the History of Congress Conference, Yale University, May 12-13, 2006 and at the conference on Party Effects in the U.S. Senate, Duke University, April 6-9, 2006. The research in this paper was supported by NSF grant number 0518313. We thank the following research assistants for their unstinting work on this project: Kelly Bay, Keith Edwards, Amy Goins, Andrew Gordon, Adam Groce, Laura Hajj, Tony Hill, Jeremy Johnson, Allison C. Jones Jessica Karnis, Kevin McDonald, Ruth Miller, Sandy Naing, Andreea O'Connell, Gabriella Wakeman, and Rafaella Wakeman.

Party Conflict, Factionalism, and Extended Balloting in U.S. Senate Elections
before the Adoption of the 17th Amendment

Before the 17th Amendment went into effect in 1914, the election of United States senators by state legislatures was one of the most prominent features of American national politics. As important as these elections were, there has been surprisingly little direct analysis of U.S. Senate elections before direct election. George Haynes's 1906 Progressive Era monograph is now over a century old. Riker's classic 1955 article on the role of the Senate in American federalism is over half a century old and, in any case, delved very little into the direct evidence of how Senate elections were conducted. Rothman's (1966, chap. 6) account of post-Reconstruction Senate elections rests heavily on Haynes to frame his larger account and the victory boasts of party bosses to back up his particular claims. The past decade has seen a number of articles examine the consequences of switching from state legislative election to direct election of senators in the 1910s (Stewart 1992a, 1992b; King and Ellis 1996; Hibbing and Brandes Crook 1997; Wirls 1998). This literature has found a few significant direct effects of the 17th Amendment on subsequent national politics: after direct elections were instituted, the partisan composition of the Senate shifted after 1913 towards the Democratic Party and away from long a period of Republican dominance, senators had slightly longer average tenures in office, and incumbent senators were more likely to moderate their roll call voting behavior to appeal to the median state voter rather than to the majority party in the state legislature (Haynes 1938; Stewart 1992a, 1992b; King and Ellis 1996; Hibbing and Brandes Crook 1997; Wirls 1999; Bernhard and Sala 2006).

This paper is part of a project that takes a different tack from this existing body of work, by exploring electoral dynamics in the state legislatures prior to the implementation of direct popular elections in 1914. Specifically, we examine state legislative elections of senators during the period from 1870 to 1913. So far as we can tell, no prior research has done this systematically, even though *ad hoc* accounts of particularly exciting (and therefore probably unusual) Senate elections have found their way into print.

Conventional wisdom about Senate elections at this time is that they were already essentially popular and controlled by party machines at the state level. The canvass, which linked state legislators with specific candidates for U.S. Senate prior to state legislature elections, was thought to serve as a direct link between voters and U.S. senators (Riker 1955; Stewart 1992a). Rothman stated it this way:

Each state party nominated a Senate candidate in caucus, and the majority then elected its choice in formal session. This system compelled Senate hopefuls to exert wide influence. The more supporters in the caucus, the better the opportunity for nomination; the larger the numbers in the assembly, the greater the chance for election. . . . Constituents demanded that a candidate for the legislature declare his allegiances well in advance, and state laws often compelled him to respect the pledge. Invariably, the Washington contest entered every election district. (Rothman 1966, pp. 160-161).

Accounts such as these suggest that when state legislators met after the state election, conflict and uncertainty were minimal, because the party that was victorious in the state legislative election had made their candidate for U.S. Senate part of their platform, and thus all that was left to do was for the new legislature to ratify this choice once it convened.

As we have gathered the data for this project and subjected it to preliminary analysis, we have come to doubt this common characterization of Senate elections. While it is true that the party controlling the state legislature ended up controlling the election of the U.S. senator virtually all of the time from 1871 to 1913, the state legislative election rarely settled anything more than the party of the future senator. The entire set of viable candidates striving for a Senate seat generally emerged only *after* the state general election. It was in the interval between the election and the convening of the legislature that candidates would declare themselves, lobby among the new legislature, subject themselves to nomination by the (legislative) party caucus, and then endure the formal vote in the legislature. Incumbent senators may have already laid the groundwork for their reelection bids, but even they did not know if their party would hold the legislature, or if they would be challenged from within the party, or who would challenge them from other parties. Consequently, prognostications about the outcome of the subsequent U.S. Senate election, made immediately after state legislative elections, were often wrong.

To state that party bosses were the most important influences on the outcomes of Senate elections is not to say that they were the only influences or even determinative. The role of party leaders was highly variable. Party machine leaders were certainly critical, but even the “big boss” could lose. Rival factions might test the strength of top leaders. Short-term electoral setbacks might provide openings for insurgent elements within a party. Minority party legislators always had incentives to exploit divisions within the majority party, hoping for a fusion candidate.

The role of money is also a factor that has been much speculated about, and many claims have been made concerning its corrupting influencing on Senate elections. The common claim is that individuals seeking a Senate seat, frequently backed by major economic interests in their state, attempted to bribe individual state legislators to vote for them. In the process of collecting our data, we have already come across explicit investigations into corruption of Senate elections, but it is unclear whether the money paid to legislators actually bought consistent support, much less an actual victory. We have anecdotal evidence that vote buyers targeted all legislators, not just members of their own party.¹ We have also encountered examples, such as Wisconsin in 1909, where vitriolic charges were made that a Senate candidate had illegally bought an election, although the stipulated facts of the case were simply that the leading candidate had used his own money to wage a state-wide campaign in the party primary, not to bribe any voters or legislators. Amid common charges and counter-charges about the improper use of money in Senate elections, we have yet to discover a case where the use of money resulted in the majority party failing to elect one of their own to the U.S. Senate.

¹ For example, in the Montana Senate election of 1899, William Clark and his associates vigorously spent money to secure votes, and one of their targets testified before a House Select Committee investigating the charges that “They claimed to have bought an equal number of number of republicans and democrats, but they would not pay over five thousand dollars from republicans.” (Montana House Journal, January 8, 1899, p. 31)

In our early research, a regular fact framing U.S. Senate elections in most states was party infighting which was often unresolved by the state general election, and subsequently spilled over into the election of a senator. The U.S. Senate election in Minnesota in 1883 provides just one illustration of how majority party factionalism persisted even after the state elections were held and the majority party retained control. Senator William Windom, a Republican, sought reelection to a third full term that year. Republicans held a 37-10 advantage in the Senate and 72-28 advantage in the House, for an overall advantage of 109-38 in the joint assembly. On January 16, 1883, when the two chambers of the state legislature met to ballot for U.S. senator, ten candidates received votes in the Senate, eleven in the House. Both Republicans and Democrats were divided between two major candidates. Under the U.S. Senate election law (discussed below), joint sessions began the next day to break the deadlock.

The original voting blocs held steady for two weeks, until the field started to narrow on the 20th ballot, held on January 31. On that day, the Democratic caucus met and agreed upon a strategy intended to deny the election to Windom (*NYT* 2/2/1883, A1). The caucus decided that if any other candidate except Windom received 35 Republican votes, Democrats would be free to abandon their own co-partisans to vote for an anti-Windom Republican.

Also on January 31st, Dwight M. Sabin, a Republican, was entered into nomination, initially receiving 16 votes. The following day (February 1, 1883) the legislature held seven ballots votes. Between 1:30PM and 2:00PM, on the fifth ballot that day, Sabin managed to muster up votes from 56 Republicans. This induced Democrats to break ranks and rally behind Sabin. Democrats in this case were pivotal, allowing Sabin to win on the 29th overall ballot with 82 votes (69 were necessary to win).²

Minnesota is just one of many examples of *intraparty* conflict in contested Senate elections in state legislatures during this period of time. Episodes like the Minnesota election are intrinsically interesting, but we suspect they also hold important lessons for understanding party loyalty in the U.S. Senate during Reconstruction and beyond. It is true that roll call voting in the U.S. Senate during this period was heavily influenced, if not dominated, by party affiliation and the Senate displayed relatively strong party unity within each major party from 1870 through the turn of the century (Shade et al., 1973; Poole and Rosenthal 2001). Still, party loyalty varied considerably across individual senators, and we believe that much of this variability can be linked back to the electoral dynamics in the state legislatures. It is telling, for instance, that once Dwight Sabin entered the Senate from Minnesota in 1883, his first dimension D-NOMINATE placed him closer to the Democratic Party than nearly any other Republican senator.

We hope to contribute to the growing literature on the strength of political parties in the late nineteenth century Senate by connecting the ease or difficulty with which senators were elected in state legislatures to their propensity to support their party on the Senate floor. How did party control over nominations and balloting in state legislatures translate into Senate party loyalty? How did the high degree of turnover in state legislatures from one session to the next affect the behavior of U.S. senators who were trying to win reelection in these fluid legislatures?

² Six years later, Sabin was unable to secure his own party's nomination, and was replaced by William Washburn, a Republican.

Certainly an incumbent senator hoped that his party would continue to control the state legislature, but whether his favored faction would remain dominant was another issue altogether.

Because there was very high turnover in state legislatures from one session to the next, very few of the same legislators remained when a senator sought reelection. The only thing he could hope to rely on was keeping his party's control of the legislature. We believe that by understanding better the state factional dynamics that undergirded the election of senators in state legislatures, we may be able to better understand how senators modified their roll call voting records when they were facing reelection (See Bernhard and Sala, 2006).

Although it was rational for a senator to construct a career that appealed to the party median, he may not have been able to identify the median legislator in advance of his reelection. If intra-party conflict was common in these elections, supporting the party's platform was not enough to secure reelection. How much leverage party loyalty inside the Senate chamber gave senators in their reelection bids during this time period is something we hope to determine. Moreover, we intend to explore whether Democrats or Republicans were more prone to intra-party conflict during this time, and whether that spilled over to party behavior in the Senate. Lastly, we also hope to connect charges of "rigged elections" in state legislatures to party loyalty and actual Senate representation (roll call voting, bill sponsorship, committee work). In order to extend our research that far, we have to start by explaining the variation in Senate election conflict within legislatures across states and across time.

These are our ambitions. For the remainder of this paper, we discuss the data we have already gathered and the patterns that are beginning to emerge. We start with a description of the data gathering process and methods. We follow by describing some basic measures of how conflictual elections for the U.S. Senate were from 1870 to 1913. After illustrating patterns of conflict using some highly aggregated measures, we turn our attention to two cases, Florida and Kentucky, which illustrate variation in how party structured the election of U.S. senators in the states.

I. Data Collection and Methods

Our paper is part of a larger project in which we are examining Senate elections in all states from 1871 to 1913. The project involves collecting data at two levels, aggregate outcomes and individual voting behavior in state legislatures. Specifically, we are gathering all the actual individual ballots in each Senate election, the district and the political party of each state legislator voting for senator (where available)³ and election returns for each state legislator.⁴

³ Political party information for state legislators is often fugitive and variable in coverage. At one extreme, according to the archivist at the State Library, North Carolina has no existing compilation of the party affiliation of legislators who served in the state House and Senate for this time period. At the other extreme, the Kentucky State Library contains a typescript volume in which party labels have been entered for all state legislators back to the 1790s.

⁴ The state legislative election data augments data gathering efforts led by Samuel Kernell (UCSD) and Stephen Ansolabehere and James Snyder (MIT).

For aggregate outcomes, we are collecting data on the number of ballots recorded for each U.S. Senate election in all states during this time from the *Tribune Almanac*, *Appleton's Annual Cyclopaedia*, the online historical archive of the *New York Times*, and the actual state legislative journals.

At the individual level, we have collected the election ballots for 44 states thus far: Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming. We will eventually gather data from all 48 states that were in the Union during this period. The legislative journals are for the most part available for all the states in our sample, so we will eventually have a complete record of voting for senators during this period. There are several excellent collections of state legislative journals throughout the United States, including the Library of Congress, New York Public Library, New York State Library, Wisconsin Historical Society, and Yale University Law Library. For the other information in the data set, we have relied on official sources, local newspapers, and unpublished information provided by helpful archivists and librarians.

Although the focus of this project (and paper) is election to the U.S. Senate from 1870 to 1913 --- how it proceeded, how it changed, and how the election process influenced intra-chamber behavior --- both the data gathering and the process of puzzling through U.S. Senate elections bring into view a number of topics in American political history and American Political Development that can be addressed by the data we are gathering. Here are some examples that come immediately to mind.

Bias and responsiveness in U.S. Senate elections. It is well known that state legislatures in the nineteenth century were often apportioned in ways that favored small towns over the cities. This point has been made again recently by Kernell and Engstrom (2003), who also quantify the Republican bias in Senate elections that obtained before direct election of senators. This is just another mechanism by which the small-population bias in the Senate was used by national Republicans after the Civil War to mute the effects of a popular resurgence of the Democrats as the war receded into the past --- a mechanism that ultimately had significant consequences for the post-bellum industrial development of the country (Stewart and Weingast 1992b).

Kernell and Engstrom (2003) show nationally what we can show state-by-state, which is how the apportionment schemes in different states translated votes into state legislative seats and, ultimately, into elections to the U.S. Senate.⁵ Figure 1 illustrates the issue with respect to New York, showing the percentage of seats held by Republicans in each chamber of the state legislature on the y-axis and the percentage of votes received by Republican candidates for the chamber on the x-axis. Not surprisingly, both graphs show seats-votes relationships that are highly biased toward the Republicans (9.6% for the Senate and 7.7% for the Assembly) and very

⁵ Kernell and Engstrom have provided a tremendous service in gathering their data set of state legislative election returns. We are doing two things to build on their project. First, we are including *southern states* in our data set. Second, we are including the *names* of state legislative candidates in our data set.

responsive (swing ratio of 2.1 in the Senate and 2.8 in the Assembly). A high proportion of Republican majorities in the Senate (31%) and the House (35%) occurred in election years when Republicans candidates were out-pollled, in the aggregate, by Democratic candidates statewide.

[Figure 1]

Most relevant to our immediate interests, several of these instances when Republicans won control of the legislature after losing the aggregate popular vote coincided with years when the U.S. Senate seats from New York were open. In three cases Republican-controlled legislatures elected Republicans to the U.S. Senate, even though Democratic candidates had received a majority of votes cast in the state legislative races for both chambers --- William Evarts (1885), Frank Hiscock (1887), and Chauncey Depew (1899). The general point is this: much of the legislating that happened in Washington and in the state capitols for the fifty years after the Civil War occurred in chambers whose electoral responsiveness left much to be desired. The data gathering in this project will help to understand more precisely the consequences of these representational shortcomings.

Factionalism in state legislatures. The post-bellum period covered by our project includes the height of the “party period” in American state politics, but it also includes many instances in which party cleavages were confused. The introduction of third parties (Progressives, Prohibitionists, etc.) provided opportunities for what were essentially coalition governments to emerge in the various states. At the same time, the rise of the one-party South in the 1890s, which mirrored one-party Republican domination of many northern states, provided fertile ground for intra-party factions to flourish. This diversity of partisan experiences in the states was a major theme of V.O. Key’s research (Key 1949, 1956), but it is a topic that has virtually disappeared from modern political science, despite its occasional centrality to the politics in particular states.

As part of our data gathering we are accumulating all the organizational roll call votes of all the state legislatures from 1871 to 1920, which is one way of documenting intra-party splits and inter-party alliances during this period. We have just begun data entry for these roll calls, but even in the preliminary photocopying and data entry, we see that party politics in the state legislatures was regularly anything but straightforward. For instance, in Wisconsin there was significant factionalism⁶ in the organizational votes among Democrats in 1879, 1895, 1897, and 1913, and among Republicans in 1874. In 1913 it took the Illinois House 76 ballots (and three weeks) to elect a Temporary Speaker, and thus take the first step in the organization of that chamber. William McKinley (Democrat and no relation to the martyred president) was elected Speaker through a coalition of Democrats, Republicans, and Progressives, who then managed to arrange the election of a Democrat (James Lewis) and Republican (Lawrence Sherman) to fill the two U.S. Senate vacancies from Illinois.⁷

⁶ By “serious factionalism” we mean the presence of a second member who received five or more speakership votes among members of a party caucus, in defiance of the officially sanctioned party candidate.

⁷ Lewis was elected to the “long term,” while Sherman was elected to fill the vacancy caused by the unseating of William Lorimer (Rep.) over corrupt methods associated with his 1909 election. See *WP* 1/13/1913, p. 6; 1/15/1913, p. 1; 1/17/1913, p. 3; 1/30/1913, p. 1; 1/31/1913, p. 3; *BG* 1/13/1913, p. 10; 1/26/1913, p. SB7; 1/30/1913, p. 10; 1/31/1913, p. 10; *NYT* 1/30/1913, p. 2. At one point the *Washington Post* (1/13/1913, p. 6)

Modern political science has rediscovered the reality of “strong parties” in its national legislature, which seems to harken back to this earlier period of strong parties in Congress. Just as there is a question in the current age about whether party polarization at the national level extends throughout the federal system, our project will provide at least some starting evidence to allow this question to be pursued back in the earlier partisan era.

Legislative “careerism.” The rise of the “legislative career” is perhaps one of the most consequential developments in the history of the United States Congress. With greater seniority came a greater ability for both chambers of Congress to organize themselves into competent policymaking institutions. And, of course, with greater seniority came a greater ability to organize the chamber so that incumbents could use the tools of government to further their own seniority.

There are many accounts of why seniority blossomed in the 1890s and what the consequences were (Goodwin 1959; Abram and Cooper 1968; Polsby 1968; Polsby, Gallaher, and Rundquist 1969; Price 1971, 1975, 1977; Fiorina, Rohde, and Wissel 1975; Kernell 1977; Katz and Sala 1996). One of the most puzzling aspects about the literature on the causes and consequences of rising congressional careerism is that it has left out the congressional “minor leagues,” particularly, the state legislatures. Many of the arguments about why the longevity of the congressional career increased in the late 19th century would seem to pertain to other legislative bodies in the federal system, as well, as would arguments about what those consequences were. How far into the federal system these arguments actually travel is an under-tilled field of legislative research. One byproduct of our data gathering is that we are creating a comprehensive roster of the members of all state legislatures from 1870 to 1920. Doing that, we can measure the membership continuity of legislative chambers from session to session.⁸

As an illustration, using data from state legislative rosters, Figure 2 reports the session-to-session percentage of members who returned to the U.S. House and the lower houses of the state legislatures of Georgia, New York, Texas, and Wisconsin from 1871 to 1920. The secular rise in the continuity of legislative service is evident in each legislative chamber, though continuity was the greatest in the U.S. House compared to the four state legislative chambers displayed here.⁹ The absence in the states of many of the factors that are claimed to have caused longer careers in the U.S. House during this period (e.g., shifts in partisan competition, strong party whips, and professionalizing internal structures) raises interesting questions about the established accounts of the rise of careerism in Congress.

[Figure 2]

correspondent even speculated that a coalition of Republicans and Socialists would might form to keep the speakership out of the hands of the Democrats.

⁸ Merged with the election data mentioned above, we can also conceivably measure the reelection rate of state legislators (conditioned on re-nomination).

⁹ For each of the legislative chambers displayed in Figure 2, the correlation between year and the return rate is in the range of .74 to .89. When we regress the return rate of each chamber on the counter for year, the coefficients are all in the range of 0.003 to 0.007.

II. Basic Measures of Conflict in Senate Elections

For the period covered by this paper, Senate election procedures were covered by an 1866 law that was passed in response to controversies that arose in Senate elections prior to the Civil War.¹⁰ The framework enunciated in the 1866 act provided for a two-step process. As had been typical before 1866, each chamber was required to meet separately at noon on the second Tuesday after the state legislature had organized, to vote separately for senator. On the following day at noon, the two chambers were required to meet in “joint assembly” to canvass the votes. If a majority of members of each chamber favored the same candidate, he would be declared elected. If one or both chambers failed to elect a senator with a majority of votes, or if the two chambers produced different majority vote winners, then the joint assembly would vote to choose a winner, acting as a single body. If no candidate secured a majority of the joint assembly, House and Senate members were required to meet together and ballot at least once a day until a senator was chosen or their legislative session adjourned *sine die*.

As the description of the legal process suggests, having to go into joint assembly in order to elect a senator (rather than simply to canvass the results) should be a basic measure of the degree of conflict over the choice of senators, across time and space. Using our aggregate outcome data, Figure 3 graphs the percent of all Senate general elections that were resolved in joint session from 1871 to 1913.¹¹ Overall, 28% of the 566 Senate general elections we have data about went to a joint convention.¹² Notably, there is a temporal demarcation in the number of joint session Senate contests --- before 1901 34% of Senate elections were resolved in joint session, afterwards, the rate fell to 16%. There is also a notable upturn in joint assembly elections at the very end of the time period, in 1911 and 1913, a period when third parties were pivotal in organizing many state legislatures, and also a time when the 17th Amendment was proposed to the state and being considered by those very same legislatures.

[Figure 3]

We report the details of joint session elections for Senate in 44 states between 1871 and 1913 in Table 1.¹³ (We have yet to collect actual ballots for Georgia, Maryland, Oklahoma, and Oregon.) Perusing this table, we can see that protracted Senate elections occurred in varying types of party controlled chambers. Of the 178 joint session elections for which we currently have data, 49% were Republican controlled, 26% were Democratic controlled, 11% were split party controlled, and in 14% of the elections, there was no majority in one or both of the chambers. There is no clear geographic pattern that distinguishes East from West, although there does appear to be a greater tendency toward protracted elections in Northern versus Southern states. There also does not seem to be any pattern associated with the number of years a state

¹⁰See Haynes 1906, chapter 2, for the background on why the law was adopted. The law may be found at U.S. Statutes at Large, vol. 14, pp. 243-44.

¹¹The data set used here is mostly from annual additions of the *Tribune Almanac*, supplemented by our own independent research.

¹²We have omitted about 36 regular Senate elections during this period because the *Tribune Almanac* did not provide sufficiently detailed or reliable information about these races and we have not yet filled in the holes ourselves. We have also eliminated special elections from this calculation, that is, elections to fill a vacancy. We have thus far discovered 66 special elections during this period, 33% of which were resolved by joint ballot.

¹³ This table is preliminary and subject to change as we clean our roll call data.

had been in the Union --- “older” states were as likely to be deadlocked as “younger states” during this time period. Many protracted election episodes occurred when there were narrow majorities (or no majority) in the state legislatures, but there were many cases when elections went into joint sessions even though a single party held a large majority of seats in both chambers. This latter observation accords with one understanding of Riker’s “size principle” (Riker 1962), which is that when political coalitions are “too large,” conflict can arise as factions within the majority coalition attempt to increase the per capita value of the coalition to themselves by jettisoning “extra” coalition members.¹⁴

[Table 1]

Adjourning the annual session without electing a U.S. senator is the most extreme indicator of a legislature’s electoral conflict, since it indicates that a majority of the state legislators regarded the election of *no senator* to be preferable to electing a compromise candidate. This *New York Times* description of a California Senate election is indicative of the kind of factionalism that frequently produced deadlock:

California is hopelessly broken up and promises to adjourn with a dead-lock preventing an election, so tenacious are the partisans of different candidates and so reluctant are they to unite upon a man not yet named as a candidate.¹⁵

If we define a Senate election deadlock as the failure to choose a senator by the time the state legislature adjourns *sine die*, there were at least fifteen absolute deadlocks between 1871 and 1913. Table 2 reports these cases.¹⁶ Twelve of the 48 states that had been admitted by 1912 are implicated, although Delaware stands out as the only state with multiple deadlocks. All but four of the deadlocks occurred in the 1890s, (in particular 1893 and 1899), which was a time generally characterized by electoral upheaval in many regions of the country. Part of this upheaval was associated with ascendant minor parties and the fragmentation of the major parties. Below we will explore which of these factors—ascendant minor parties or fragmented major parties—were primarily responsible for the chronic Senate election deadlock during this decade.

[Table 2]

A third measure of Senate election conflict can be developed from the number of Senate candidates receiving votes in each election. The measure we developed is called the *Effective Number of Candidates*, which is a modification of the *Effective Number of Parties* measure—the inverse of the Herfindahl fragmentation index—that has often been used in comparative political

¹⁴ Martin Van Buren understood the principle’s power, as he worked nearly as hard to *exclude* people from the Democratic party as to include them (Remini 1959). And of course a major theme of V.O. Key’s *Southern Politics* (1948) was the operation of factional politics in the one-party South.

¹⁵ “Standing of the Senate,” *New York Times*, March 15, 1899, p.3.

¹⁶The deadlocks in Table 2 correspond with the instances of “no election” reported by Haynes (1906, pp. 38-39), plus the elections in 1882 in New Hampshire and 1887 in West Virginia. The 1882 New Hampshire case is open to dispute, since it involved a disagreement between the House and Senate about whether the state constitution provided that the vacancy coming open in 1883 should be filled by the legislature that sat in the summer of 1882 or the summer of 1883. In this case, the 1882 state senate balloted for U.S. senator, but the House refused to enter into balloting until 1883.

parties research (Laakso and Taagepera 1979). This measure allows us to take into account all the information about candidates who received votes for Senate without over-weighting candidates who received just a single vote.

The measure, *Effective Number of Candidates (ENC)* can be defined as follows:

$$ENC_{s,t} = \left(\sum_{i=1}^{C_{s,t}} f_{c,s,t}^2 \right)^{-1}$$

where $f_{c,s,t}$ = the fraction of votes received by candidate c in state s in year t and $C_{s,t}$ = the number of candidates receiving votes in a legislature in state s in year t .¹⁷

Of course, whether the ENC is “large” or “small” in any particular election can only be judged in reference to how closely the parties in the legislature are balanced and the degree to which there are third (and fourth) parties in the legislature. If the number of candidates equals the number of parties, it can be said that Senate elections were driven by inter-party competition. If the number of candidates exceeds the number of parties, then we might conjecture that intra-party factionalism had a larger role in producing multi-candidate Senate elections. So, to develop a reasonable comparison, we needed to compute the effective number of parties in each state legislative chamber for each year in which a state in our sample held a Senate election. The measure, *ENP*, can be defined as follows:

$$ENP_{s,t} = \left(\sum_{i=1}^{P_{s,t}} f_{p,s,t}^2 \right)^{-1}$$

where $f_{p,s,t}$ = the fraction of seats held by party p in state s in year t and $P_{s,t}$ = the number of parties represented in a legislature in state s in year t .

Figure 4 graphs the effective number of Senate candidates and parties in state House of Representatives in eleven states in our sample and Figure 5 does the same for the state Senates.¹⁸ Examination of these graphs reveals a rich variation in U.S. Senate election controversy during this period. The first pattern we note is the variation in the correlation between effective number of parties and effective number of candidates across states. Essentially, some states regularly saw many more effective candidates for Senate than one would predict based on the number of parties in the legislatures. California, Kansas, Kentucky, Florida, and to a lesser extent, Massachusetts, all had a higher number of effective candidates than we would predict; Iowa, Maine, New York and North Carolina generally had a one-to-one correspondence between parties and candidates; Minnesota had instances of being above and below the expected number

¹⁷ An alternative measure would be the effective number of factions in the legislature. As part of our project we are gathering the roll call votes held at the beginning of legislative sessions to elect presiding officers and patronage positions (clerk, sergeant-at-arms, etc.). These organizational roll call votes will allow us to measure the relative size of intra- and cross-party factions, at least in some years.

¹⁸ The eleven states reflected in the two figures are states for which we gathered a full set of roll calls and thoroughly cleaned the data at the start of this project.

of candidates; and Alabama was consistently below. What is unusual about Alabama is that we see a neighboring southern state, Florida, clearly yielding to factionalism on a regular basis, even though the Democratic Party was comparably dominant in both states. A second general observation about the graphs in Figures 4 and 5 concerns conflict before and after 1900. With the exception of North Carolina in 1903 and California in 1905, the major multi-candidate elections are confined to the period before 1900.

[Figures 4 and 5]

The pattern of single and two-candidate elections reflects an inverse trend to the pattern of multi-candidate elections over time. Table 3 reports the percentage of elections, in each legislative chamber of 22 states, in which precisely one or precisely two candidates received votes. One-candidate elections were typically associated with a single-party legislature united behind a single candidate, or alternatively a two-party legislature in which the minority party has chosen to absent itself from the senatorial elections, probably because of futility. A two-candidate election was most typically associated with two major parties, each united behind a single candidate.

[Table 3]

Before 1900, such tightly structured contests were unusual in state lower chambers, and only slightly more common in upper chambers. After 1900, one- and two-candidate elections became more common throughout the country. Where one party dominated, one- and two-candidate races were the rule but in more competitive states, it appears that the major parties were almost never cohesive enough to confine their ballots to a single candidate each.

There are two applicable theories that can be applied to explain this trend. Each theory centers on partisanship but from different vantage points: partisanship in the legislature, and partisanship in the electorate. The legislative partisanship explanation is derived from theories of legislative coalitions that predict stability as a function of their size. The electoral partisanship explanation focuses on how shifts in political movements external to the legislature affected the strength and cohesion of parties in the legislature.

III. Legislative Partisanship, Coalition Size, and Conflict over Senate Elections

Political scientists have long known, theoretically and practically, that political coalitions are the most fragile at the extremes of coalition size, that is, when they are narrowly small or exceptionally large. Narrowly small coalitions are more conducive to being undermined by the strategic behavior of the minority, since only a few majority coalition members need to be picked off in order to convert the previous minority into the new majority. Similarly, when the coalition sizes of two major blocs are nearly equal, smaller “third party” blocs can also create difficulty in building winning coalitions, or even block the formation of winning coalitions.

Conflict in legislatures can occur between parties and within parties. A narrow partisan majority in one chamber is often an indicator that electoral sentiments in the state are closely divided; if sentiments are closely divided, then the chances increase that party control of the two chambers is split. This was certainly true during the period covered here: when the state house’s

party majority margin of control was less than 5% of seats, the opposite party controlled the state senate in 33% of the cases. When the majority party had a larger margin of control, the incidence of split-party legislatures dropped to 6%. Similar trends appear in the cases where the majority party control of the state senate was razor-thin. We expect that the condition of divided state government with narrow majorities should produce increased conflict over U.S. Senate election contests.

At the other extreme of coalition size, outsized majorities are bountiful fodder for factionalism, which also intensified the conflict over Senate seats. Both of these observations suggest that the relationship between the ease of electing senators and the size of the largest legislative party should be curvilinear—more difficult at the extremes of majority party size and less difficult for intermediate ranges.

Three cuts at our aggregate data confirm a curvilinear relationship between majority party size and conflict over Senate elections in some cases, but not others. The first cut is simply the fraction of joint ballot elections associated with split-party control of state legislatures, compared to unified control. Using the twenty-two states where we thoroughly analyzed our roll call data, 75% of Senate elections under split party control required a joint ballot, compared to 29% of elections with unified control. Subsequently, when these elections went to joint ballots, they were also more protracted: divided control joint ballots required 37 ballots on average to resolve, compared to 20 ballots under unified control.

The second cut looks at the fraction of Senate elections that went to joint ballots as a function of the size of partisan majorities. The cell entries in Table 4 report the fraction of Senate elections that went to joint ballot as a function of the majority party sizes in the two legislative chambers. We have characterized each legislative chamber's partisan majority into three categories. The break points are at a 25% margin and 75% margin.¹⁹ Majorities narrower than 25% (i.e., a 62.5%-37.5% advantage to the majority) are deemed "close"; majorities larger than 75% (i.e., a 87.5%-12.5% advantage to the majority) are deemed "large."

[Table 4]

The data in Table 4 do not provide strong evidence of a curvilinear relationship between requiring a joint ballot and margin of majority party control, but it does show yet again that in many instances in which a party held an overwhelming majority, it was unable to translate the majority into easy victory. By far, the greatest proportion of joint ballot episodes occurred when at least one chamber was experiencing a tight partisan majority. Still, even in those cases where the majority party held comfortable majorities in both chambers, the fraction of joint ballot affairs hovered in the range of 1/4 of all Senate elections.

Another way of describing the relationship between the probability of going into joint ballot and the size of the majority is to conduct a probit analysis where the dependent variable is

¹⁹ Margin is defined as the percentage of seats held by the majority party minus the percentage of seats held by the minority. Close majorities are those where the majority held a 62.5%-37.5% advantage over the minority, or narrower. Large majorities are those in which the majority held a 87.5%-12.5% advantage over the minority, or greater.

equal to 1 if the election went to a joint ballot and the independent variables are the percentage of seats held by the largest party in each chamber of the legislature. Table 5 reports the results of this analysis. To capture the possibility of a curvilinear relationship between going into joint ballot and size of largest party, we also include the square of these two measures. Because of the high colinearity between the first- and second-order coefficients, all of the standard errors are relatively large. However, the correct statistical tests on the coefficients are joint tests; when we conduct the joint tests, it appears clear that there are in fact non-linear effects, particularly with the state senates.

[Table 5]

Figure 6 helps to illustrate the substantive interpretation of the coefficients reported in Table 5. There are two graphs in Figure 6. The solid line reports the estimated probability of going into a joint ballot for U.S. senator, as a function of the size of the largest party in the state senate, holding the size of the largest party in the state house at its mean (.71). The dashed line does the same, this time varying the size of the largest party in the state house, holding the size of the largest party in the Senate at its mean (.70). In the Senate particularly, the probability of going to a joint ballot when the largest party only holds a plurality of seats is very high (but not near certainty), drops off quickly as the size of the party grows, and then levels off as the size of the largest party approaches that of the entire chamber. Even here, however, when a single party holds all the seats in the chamber, there is a non-trivial probability that the election would be thrown into a joint ballot.

[Figure 6]

Using the same categories as Table 4 to characterize the degree of single-party domination of the joint convention, Table 6 presents the mean and median number of ballots needed to resolve protracted elections. Once a state legislature had to proceed to joint balloting, having a large majority in the joint convention did not necessarily produce quick elections. The average number of ballots needed to effect an election is roughly constant across all party majority sizes --- the median number of ballots is actually the greatest when party majorities were the largest.²⁰

[Table 6]

Our preliminary results, based on 22 states, indicate that holding a comfortable majority of the seats was a good starting point for a party to be confident that it could easily elect its preferred U.S. Senate candidate, but it was no guarantee.

²⁰ Another issue we intend to pursue here is the ability of the state House, as the more numerous chamber, to prevail in a joint convention. Although conventional wisdom is aligned with this prediction, along with some claims in the literature, our preliminary analysis casts doubt on this claim. First our analysis here suggests that large House majorities did not always reduce the number of joint ballots. Second, we also find that whenever different parties controlled state legislative chambers, the majority that controlled the House was no more likely to control the outcome of the joint convention than the majority that controlled the Senate. In order to make this argument more convincingly, we need to analyze the relationship between the winning candidates in separate chamber votes, compared to the winning candidate in joint ballots. This is analysis that awaits us in the future.

III. Contested Elections in Florida

In the previous section we looked at U.S. Senate elections at a very high level of aggregation. In this section and the next we shift focus and examine variable party dynamics in two states, Florida and Kentucky. These cases are illustrative of dynamics that attended Senate elections when party control ranged from being knife-edged to being comprehensive.

Florida has a history of extended joint session balloting, both in times of close party division and in times of super-majority control of both chambers. Given its standing as a pivotal state in recent Presidential elections, it should come as no surprise that Florida was a state plagued by conflictual U.S. Senate elections before 1900. Florida also exemplifies the power of the party caucus in legislatures dominated by a super-majority to serve as the gatekeeper for Senate nominations. Of the fourteen Florida elections in our data set, five were thrown to joint convention, and each election required at least twenty-one ballots to decide the winner. (The maximum was 30.) Below is a brief description of three of these multiple joint ballot elections, from 1873, 1887, and 1891.

Florida in 1873: Narrow Majority Control

The election of 1873 eventually sent S.B. Conover, the Republican Speaker of the Florida House, to the United States Senate with 43 votes, against five opponents who received 21, 5, 2, 1, and 1 votes, respectively. He replaced incumbent senator Thomas Osborn (R), who did not seek reelection.²¹ The Florida House was controlled by the Republicans by a margin of 28-26, and the state Senate was controlled by Republicans by a margin of 13-11. Notably, only two senators (8%) and eleven House members (21%) voted for Conover on the first ballot, and only one senator (4%) and ten House members (19%) voted for him on the first joint convention ballot. Figure 4 shows the ebb and flow of the number of joint ballot candidates in joint legislative session during this election.²²

[Figure 7]

The amount of vote shifting among legislators was also an important element of Senate elections in state legislatures. If factions were united, then we would expect coalitions, even small ones, to persist as voting proceeded. Instead, we find that legislators constantly shifted their votes from one candidate to another, and even in and out of coalitions during the joint session period. There is little evidence from this set of elections that legislators were under the control of any specific party boss or faction leader. There was a great deal of vote shifting across the joint ballots, especially among Republican members of the legislature. Table 7 shows the percent of the members of the chamber and the frequency with which they shifted their votes during joint session balloting. The median state senator changed his vote for U.S. senator between eight and nine times across the twenty-one ballots; the median House member changed his vote nine times.

[Table 7]

²¹ Nonetheless, Osborn received an early scattering of support in the early joint session balloting.

²² In the House, the number of candidates receiving votes ranged from four to fourteen, with an average of seven candidates per joint session ballot (s.d.=2); in the Senate an average of eight candidates received votes (s.d.=2).

The behavior of the two parties differed in that the Democrats (in the slim minority in the House and Senate) rallied behind several different candidates in an attempt to defeat the Republicans. In the House, a majority of Democratic members voted for a single candidate who was not Conover on the first eight joint session ballots, but on the ninth joint convention ballot, they start to defect to Conover. On the other hand, the Republicans did not rally behind a single candidate; in fact, for the first sixteen ballots, Republicans split their votes across a greater number of candidates than their Democratic colleagues did. Conover, the eventual winner, began to amass support among Democrats on the ninth joint session ballot before he amassed the same support among Republicans. Eventually, he lost the Democrats to another candidate who emerged on the 13th ballot (Westcott); at the same time, Conover faced a strong challenge by another Republican, Bisbee, who stayed in the race as a strong competitor until the very last ballot. On that ballot, Conover managed to eke out his victory with support from both Democrats and Republicans. Among senators, the Democrats for the most part stayed united behind a single candidate (which switched as the balloting progressed), with some support for one other minor candidate, while the Republicans split their votes across an average of six candidates. Senate Democrats did not begin to defect to Conover until the 19th ballot.

The specifics of the 1873 election of U.S. senator in Florida illustrate a common set of dynamics in Senate elections when the majority party's control in a state legislature was slim. In this case --- as was true more generally --- the overall pattern was conflict both between parties and between factions of parties which attempted to bid members of the other party away in order to elect a candidate of their own choosing. Of course, one distinctive feature about this 1873 election is that it was held during Reconstruction in the South, and thus party labels were in flux.

Florida in 1887: Super Majority Control

Samuel Pasco was eventually elected by a vote of 84-17 in the U.S. Senate election of 1887. It took 25 joint session ballots to secure Pasco's election, even though the Democrats held a 85-19 advantage in the joint convention (26-5 in the Senate and 59-14 in the House). Moreover, Pasco was the Speaker of the Florida House at the time.

The contest began as a two-way race between a former governor, W.D. Bloxham, and the incumbent governor, E.A. Perry. There were some other minor candidates but the bulk of the votes were split between these two men (Figure 8). In the joint session balloting, Speaker Pasco did not receive a single vote until the third ballot, and thereafter never received more than five votes (16%) until the very last ballot. Because he was that chamber's presiding officer, it is not surprising that Pasco had more support in the House. Pasco's support peaked in the early rounds of joint voting, with the support of at 16 members (23%), and declined thereafter until the last ballot. Competition from the Republicans was minimal. The few Republicans in the chamber voted for Goodrich, and the rest of the legislature split their votes across several other Democrats.

[Figure 8]

Parallel with the legislature's joint meetings to ballot for senator, the Democratic caucus met continually, from April 19 to May 19, where it voted a total of 89 times in search of a nominee. The Democrats split their support between Bloxham and Perry relatively evenly on

each party caucus ballot; the eventual winner, Pasco, did not receive any votes in the party caucus in the early going. It was not until the 89th ballot, held on May 19, that the party finally rallied around Pasco as a compromise choice.²³

Again, as in the prior elections, there was considerable vote shifting by legislators throughout the joint session balloting process (Table 8). However, unlike the 1873 election, the amount of shifting was reduced considerably, as coalitions tended to shift in larger blocs, less frequently than before. The median senator changed his vote five times, the median House member 3 times. By 1887, factions were slightly more stable than they had been in earlier elections, but they still managed to significantly divide the majority party.

[Table 8]

The larger question left unanswered here is why Pasco was not the front runner to begin with, and why he could not get a majority faction to cohere around his candidacy far earlier in the balloting. The 1887 election illustrates how precarious the control of “party leaders” was over their rank-and-file.

Florida 1891: Complete Party Dominance

Of all Florida Senate elections that went to extended joint balloting, the election of 1891 was the most contentious, and is most illustrative of the kind of factionalism that plagued super-majority parties in state legislatures, particularly in the South. Democrats held the Senate with a 31-1 margin, and held every seat (68) in the Senate. Wilkinson Call was a two-term senator, having been elected with little competition in 1879 and 1885, who headed a strong faction of the Florida Democratic Party. The other faction was headed by the Democratic Governor, Francis Fleming, who had a number of allies in the state legislature.

The extent of party in-fighting in this election drew the repeated attention of the national press, as reflected by this forecast by the *New York Times* in April 1891, entitled “Florida’s Next Senator – Mr. Call in the Race with Many Competitors:”

The legislative canvass in November last was prosecuted almost solely upon the Call and anti-Call issue. In almost every instance it became necessary, in order to secure a nomination to either branch, for the candidate to declare his position on the Senatorial question, and in this way, as soon as the election was over, the complexion of it was pretty well understood. Senator Call’s friends claim 67 votes, but a more conservative estimate places his strength at about 55 or 56. If the caucus plan is pursued a general caucus of the Democratic members of both branches will number 99. If strict Democratic precedent is followed the two-thirds rule will prevail, and it will therefore require a vote of 66 in caucus to secure the nomination.

²³ *Tribune Almanac*, 1888, p. 34. One element of this election that differs from the prior election is that the range of the number of candidates across ballots is the same – in each chamber, there was an average of 6 candidates per ballot (s.d.=1.5).

Until quite recently the members of the opposition to Call have given a scattered support to at least a half-dozen aspirants. Among these were John F. Dunn,..W.D. Bloxham,..E.M. Hammond,..Charles Dougherty,..J.P. Taliaferro, and...Francis P. Fleming. At a recent conference of the Call opposition, it was practically decided that the anti-Call votes should be centered upon Senator Dunn, and that no dark horses should be brought into the fight to embarrass Dunn's chances or to help Call. (*NYT*, April 7, 1891, pg. 1)

As it turned out, the *New York Times* could not have been more inaccurate in its predictions. None of the supposed challengers was able to amass sufficient support to defeat Call, and only two of those mentioned in the *Times* article (Dunn and Hammond) even received more than a few votes. The main challenger to Call turned out to be J.G. Speer, and he was the only other candidate to receive enough votes in the party caucus to deny Call the nomination. In fact, throughout most of the party caucus balloting that occurred in parallel with the joint session meetings, the race pitted Call against Speer one-on-one. The most notable thing about this long course of balloting is that Call was unable to garner the Democratic nomination even though he had a majority because he was unable to amass the required 2/3 vote in the caucus. The members of the caucus voted early on to spread their votes around in the joint session, among several candidates, in order to prevent a candidate who did not have the caucus endorsement from winning (Figure 9). Unable to choose a candidate within the caucus, the Democrats voted to disband it and did not send a nomination to the full legislature.²⁴

[Figure 9]

The pre-election *Times* article overestimated the degree of unity within both factions. Call did not have the kind of strong support that the article suggested, or at the very least, it was soft support. The anti-Call forces were only united by their opposition to Call, not in support for any particular alternative. There was no single anti-Call leader who was popular enough to attract widespread support or to organize support around a single opposition candidate. In terms of vote shifting, the Call supporters stayed relatively loyal, but again, there were not enough of them to give him an easy early victory. The anti-Call members shifted their votes quite a bit in search of a viable opponent, and they account for most of the outer tail of the vote shifts described in Table 9.

[Table 9]

In the end, Call was elected only because anti-Call members of the legislature refused to vote, leaving Call to receive almost all the votes in a joint session that barely contained a majority of the two chambers combined. (On the last ballot, the anti-Call members of the Assembly and Senate refused to vote, to the point where only 54% of the Assembly voted [all but one for Call] and 49% of the Senate voted [all for Call].)

Call's political nemesis, Governor Fleming, used the absence of a real quorum to suggest that the election was invalid. In a last ditch effort to prevent Call from returning to the Senate, Governor Fleming refused to acknowledge Call's victory, and appointed another man to Call's Senate seat. As the *New York Times* described it in a November 18 article:

²⁴ *Tribune Almanac*, 1892, p. 69.

The Florida case is clearly a faction contest in which a majority of the Legislature and the Secretary of State were on one side and the Governor and the Supreme Court of the State were on the other side....The Senate will have to decide between them, and it will be surprising if it does not make short work of the claim of Gov. Fleming's Senator.²⁵

The U.S. Senate did seat Call, and he served out his term until 1897, when Stephen Mallory was elected senator in another extended election (25 joint session ballots). In that case, Mallory beat the legislative leader of the anti-Call faction, W.D. Chipley. One interesting epilogue is that J.P. Taliaferro, a potential opponent to Call in 1891 and a state party leader, was elected to the Senate in 1899 by beating Samuel Pasco.

The history of Senate elections in Florida reveals a great deal about the *actual* control that party organizations had over the Senate election process in state legislatures. As witnessed by the public nature of the 1891 Senate race, state legislative elections were influenced by the prospect of choosing a U.S. senator, but even when state legislators ran on tickets or platforms specifically stating their preference for senator, it was no guarantee that such promises would hold once balloting began. Party control of chambers certainly meant a senator from that party would be elected, but not because a party's members could be counted on to rally behind the same nominee from the start.

IV. Party in Kentucky

Florida is just one example of the large variation in the degree of certainty associated with predicting the winner of a Senate election in the months following the state legislative elections, and even at the outset of the actual Senate election itself. The history of Senate elections in Kentucky also provides instructive examples of how protracted elections took different paths, depending on the narrowness of the party majorities.

Kentucky in 1876: Super-Majority Control

James Burnie Beck (Dem.) was elected to the Senate in 1876, replacing John W. Stevenson (Dem.). The state election of 1875 had returned a heavily Democratic legislature, standing at 32-6 in the Senate, 89-11 in the House, making the joint session party margin 121-17. When the legislature convened in Frankfort, five Democrats were actively in the running: Sen. Stevenson; Beck (a member of the U.S. House); Isaac Caldwell, John Stuart Williams (former Kentucky state representative and gubernatorial candidate, later U.S. senator), and Preston H. Leslie (the governor) (*LCJ* 1/4/1876, p. 1). The Republicans, holding out the possibility that they might be able to capture the seat if the Democrats cannibalized themselves, agreed to combine their efforts around a single candidate, initially William Cassius Goodloe, a state senator from Lexington.

In the week preceding the ballot, legislators were "singularly uncommittal" about whom they were supporting (*LCJ* 1/8/1876, p. 3). The newspaper correspondent for the Louisville *Courier-Journal* who reported on the proceedings was willing to characterize the personalities of

²⁵ *New York Times* – "The Florida Senatorship" Nov 18, 1891 pg 4.

the candidates and their supporters as they canvassed for votes, but wrote virtually nothing about the political forces aligned behind the various candidates. The *New York Times* account of Caldwell's withdrawal before the balloting began suggested that his supporters would probably go over to Stevenson (*NYT* 1/10/1876, p. 1).

Although the Republicans caucused before balloting began, the Democrats did not, so on the day of separate balloting in the two chambers (January 12, 1876), five men received votes: Williams led in the House (25 of 98 votes) and Beck led in the Senate (15 of 37 votes). Sixty-eight votes were needed for election. When the joint ballot was held the next day, positions within the two chambers held, placing Beck (40 votes) and Williams (35) neck-and-neck, with Leslie (27), Stevenson (19), and Goodloe (15) trailing behind. Five ballots were held over the next two days, and yet no caucus of the Democrats was called to resolve the battle. The explanation put forward by the *Courier-Journal* correspondent is intriguing: Apparently the caucus rule provided that in balloting for nominations within the caucus, the bottom vote-getter was dropped in each succeeding round, until the race was reduced to two candidates if necessary. Supporters of Beck (for instance) were reluctant to call a caucus because supporters of Stevenson (for instance) would recognize this as a move to knock Stevenson out of the race, thus causing Stevenson's supporters to jump to Williams. Supporters of second-tier candidates regarded the caucus as certain death for their candidates; supporters of first-tier candidates regarded a caucus as something that would only antagonize other factions whose votes were needed. (*LCJ* 1/14/1876, p. 1).

On the third day of the joint ballot, Stevenson dropped out. This left support for the remaining candidates as follows: Beck 47, Williams 45, Leslie 28, and Wadsworth (Rep.) 14.²⁶ A Democratic caucus was finally called that night, whereupon "filibustering commenced at the outset" (*LCJ* 1/15/1876, p. 1). Tied in parliamentary knots, the caucus adjourned for the weekend. With the withdrawal of Stevenson, the Democratic caucus was in a bind. It was clear by this time that Leslie's support was coming from legislators who were simply trying to ingratiate themselves with the governor, but that Leslie was never going to garner enough support from either the Williams or Beck factions to win. But there was a real possibility that if Leslie simply withdrew, his support might redistribute to Beck and Williams haphazardly, putting the Republicans in a position to choose the senator.

Governor Leslie withdrew after two more ballots failed to give him a victory; the joint session was immediately adjourned, and the Democratic caucus got to work. After battling for five straight hours through parliamentary obstacles, the caucus finally voted to endorse Beck, adjourning at 2am. The next morning Beck was elected with 106 votes to the Republican Wadsworth's 14.²⁷

This may seem like a complicated affair, and it was. But, it is important to note that at no time in the proceedings was there ever any doubt that a Democrat would eventually be elected. The problem was that the balloting involved a host of up-and-coming stars of Kentucky politics, and no one wanted to needlessly insult a range of candidates, all of whom might one day rise

²⁶The Republican practice during the balloting was to shift support to a different single Republican each day.

²⁷In Haynes's (1906, pp. 88–92) terms, this was a "stampeded election," that is, a protracted election that, *from the perspective of the Journal*, was transformed instantly from a multi-candidate fracas to a majority party cake walk.

further. Once the balloting became tricky, with two equally-balanced Democrats, the protracted balloting simply became a method to allow the Democrats to get all their ducks in a row—to make sure the Leslie faction would all shift in the same direction.

Kentucky in 1896: Narrow Majority Control

Twenty years later, a very different kind of conflict emerged in the Senate election held in January 1896. Unlike 1876, both chambers of the Kentucky legislature were closely divided in 1896. The election of 1895 had been disastrous for Kentucky Democrats, as Kentucky voters rejected growing free silver sentiment within the Democratic Party, and Democrats lost the governorship for the first time since the Civil War. Republicans controlled the state house for the first time ever, with a six-seat majority (46-52). Democrats were able to hold onto a small majority in the senate (22-16) only because half the senate was not up for election in 1895. The result was a 68-68 tie in the joint convention.

Compared to 1876, when it took seven calendar days to resolve the Senate election, the 1896 Kentucky legislature balloted 51 times for nearly two full months and then adjourned *sine die* without choosing a senator. The contest began with Sen. Joseph C.S. Blackburn, who had previously been elected to the Senate in 1890, deciding to stand for reelection. However, with the anti-silver sentiment that swept the state in the 1895 election, Blackburn's chances looked slim. Not only was there a virtual tie in the joint convention, but a small number of "sound money Democrats" refused to support Blackburn's nomination.²⁸ Yet all was not lost. The Republicans themselves had enough Populist elements that their ranks were not perfectly unified. It might be possible for Blackburn and his forces to simply wait out the Republicans, and then sweep in at the right moment and claim victory.

Such was not to be the case, however. In the initial balloting, Blackburn was put up against W. Godfrey Hunter, who at the time was a two-term member of the U.S. House. For the first six weeks of balloting, Blackburn and Hunter's combined voted account for at least 90% of the ballots cast. Both parties held fault lines, and party leaders tried to find formulas that would bring the reluctant onboard. The most visible of these efforts occurred on the Democratic side, as leaders appealed to the most prominent Kentuckian in national politics, Treasury Secretary John Carlisle (himself a former U.S. Senator from Kentucky), to use his influence to bring six recalcitrant sound money Democrats back on board. Carlisle refused, making deadlock the best result for the Democrats (*NYT* 2/17/1896, p. 1; 2/20/1896, p. 4).

As the deadlock continued, attention turned to the possibility that the election could be decided by unseating members of the two chambers. The Republican majority in the House unseated a Democratic House member, and the Democratic majority in the Senate unseated a Republican senator. This, in turn, led to the first report of seriously threatened violence, as partisans rushed to block entrances to the legislative chambers, and pistols were drawn. "Crowds of angry and excited men surrounded the halls of both branches, and bloodshed was several times threatened." (*NYT* 3/12/1896, p. 1) It was apparent at this point that if a majority of votes were to settle the senatorial contest, it would be resolved in favor of the Republicans, whereupon mobs of Blackburn supporters swarmed into Frankfort, intent upon ensuring that the legislature

²⁸ Blackburn was endorsed by the joint Democratic caucus with 37 votes, to 13 for J.B. McCreary and 6 for John Y. Brown. *NYT*, 1/11/1896, p. 2.

could not meet. The Frankfort correspondent of the Louisville *Courier-Journal* described the situation this way:

There was not a score out of the 132 members at Saturday's session who did not have one or two pistols concealed, to say nothing of knives and other weapons . . . James Walton, whose presence was obnoxious to the Democrats, was placed among Republican associates, and one of the most fearless of the party, well armed, was deputed to open fire on any one who attempted to molest them. The Democrats had several trustworthy men in a position to cover this Republican in case of a signal for close action. (quoted in Haynes 1906, p. 50)

The Republican governor eventually called out the state militia, which occupied the hall of the House of Representatives. The following was the *New York Times* account of the closing of the 1896 session:

The ballot began. Not a man, Republican or Democrat, answered to his name during the call of the Senate roll. Mr. Burnham asked for a call of the Senate absentees, but got no second. There were no votes in the House until Burnham's name was called, and he voted for Boyle. Garrett also voted for Boyle. No other persons answered, and the ballot resulted: Boyle, 2.

Mr. Howard moved that the session be dissolved "everlastingly, eternally, and forever."

His motion was carried with a wild yell. A member started up the Doxology, and the crowd in the lobby joined in.

Senator Blackburn sat in the Senate cloakroom, and he and his friends professed satisfaction at having prevented the election of a Republican Senator. . . The silver Democrats, whose candidate he was, certainly are chagrined, while the sound-money Democrats are contended at the thought that they have prevented the election of a free-coinage Senator. (*NYT* 3/18/1896, p. 2)

In 1897, the Kentucky governor called the legislature back into special session, with the nation watching. The Republicans in the meantime had netted two more seats in joint session due to deaths and resignations (*NYT* 3/12/1897, p. 3). It was therefore assumed that a Republican would prevail this time. But Blackburn refused to go down without a fight, and his supporters tried at every turn to filibuster a choice. The Republicans themselves were not perfectly unified either. Blackburn's parliamentary skills and Congressman Hunter's failure to unite the Republicans behind his candidacy were no match for the true surprise this time around. After a month of balloting, a grand jury indicted Hunter and a host of other officials for bribery in connection with attempting to secure votes for Hunter's election (*NYT* 4/18/1897, p. 1). Although this move was greeted by Republican leaders as being motivated by partisanship, it also produced a rift within the Republican ranks. The administration had lost confidence in Hunter and asked him to step aside. Hunter refused at the time, but as balloting continued on, Hunter finally withdrew. The Republicans rallied behind state senator William Deboe who was

finally elected on the 112th ballot, and then knifed in the House gallery as he received the applause of the assembly.

As the 1876 and 1896 cases of Kentucky suggest, protracted Senate elections often took one of two paths, depending on whether the conflict was fundamentally intra-party or inter-party. In intra-party conflict, a desire to keep the minority party from playing a pivotal role in choosing a senator kept the party factions working to find an intra-party solution. In inter-party conflict, two dynamics came into play. First, political and personal sensibilities were often tender enough that neither party could assume it could get precisely all of its adherents to rally behind its official candidate. With elections requiring a majority of a quorum, only one or two holdouts could keep the balloting going. Second, a party that suffered from being the (slight) minority could take advantage of minority rifts through a number of tactics, including disappearing quorums, to string out the balloting.

IV. Implications and Future Research

The conventional historical story about Senate elections in state legislatures prior to the adoption of the 17th amendment was that they were “popular” in nature because of the practice of the public canvass. The public canvass was where candidates for the state legislature announced their support for a party candidate for Senate prior to their election to the statehouse, and if a candidate got a majority of pledged votes in the election, he was expected to win his seat easily.

The facts refute conventional wisdom. Senate elections prior to 1913, and especially between 1870 and 1900, were fraught with intense and extended conflict in state legislatures. A single candidate did not always go into the election with a majority of pledged votes in his pocket at the start of the legislature’s session. Frequently there were multiple candidates from the majority party who vied for a Senate seat. Additionally, different majority party candidates could attract majority support in the state House and Senate, forcing the legislature to meet in joint session to resolve the contest. Even in joint session, coalitions would form and shift their support to different candidates the longer the ballot process continued

In this paper we identified some general trends in state legislative behavior when electing senators. Using a newly collected data set from state legislative journals, we measure conflict in three ways: the effective number of candidates who received votes in the legislature, the tendency for the state legislature to meet in joint session to resolve the election, and the number of joint session ballots the legislature had to take to elect a senator. We found evidence that the effective number of candidates exceeded the effective number of parties in the legislature in half our cases. Most states had to resort to joint balloting for at least 10 percent of their elections, and more than half of states had to use joint balloting in 30 percent or more of their Senate elections. When states did go to joint balloting, it took an average of 10 ballots to elect a senator.

There are two possible explanations for these trends centering on legislative coalition size and partisanship in the electorate. We find more support for the effect of coalition size on electoral conflict: majority parties had narrow margins or oversized margins of control, conflict

ensued. For states with more even partisan balance in the legislature, it appears the majority party stayed more cohesive and cooperative in electing their U.S. Senators.

There is a distinct temporal demarcation in the extent of joint session balloting in Senate elections in state legislatures. We have noted a significant dropoff in the number of extended ballots after 1900 (although there are states that had conflict up and through 1913). Prior to 1900, there was a great deal more intraparty conflict over Senate elections. It seems somewhat surprising that in the decade of progressive reforms, partisan cohesion seems to have increased in state legislatures, at least when it came to voting for U.S. senator.

The second installment of our research will address the questions posed early in this paper about the relationship of conflict in Senate elections in state legislatures to senators' levels of partisan cohesion and loyalty in the Senate chamber. This third installment of the project is to collect electoral returns in state legislative races, as well as archival contextual data on state elections. These state elections data will allow us to provide a sharper assessment of the importance of Senate elections to state elections and party politics during this era. If we can establish that the choice for U.S. Senator was a key issue in state party politics during some legislative election years, that may be an explanation for joint session ballots and deadlocks across states. If the choice for U.S. Senator was not an issue in state legislative elections, it may be that the causes for joint session conflicts lay in internal party factionalism, rather than more public conflict over Senate elections.

Citations

Note: Citations to the New York *Times* are abbreviated “NYT.” The Louisville *Courier-Journal* is abbreviated “LCJ”.

Abram, Michael and Joseph Cooper. 1968. “The rise of seniority in the House of Representatives.” *Polity* 1:53-85.

Bernhard, William, and Brian R. Sala. 2006. “The Remaking of an American Senate: The 17th Amendment and ideological responsiveness.” *Journal of Politics* 68:345:357.

Biographical directory of the American Congress 1774-1996. 1997. Alexandria: CQ Staff Directories, Inc.

Brady, David W. 1988. *Critical elections and congressional policy making*. Stanford, Calif.: Stanford University Press.

Brandes Crook, Sara and John R. Hibbing. 1997. “A not-so-distant Mirror: The 17th amendment and congressional change.” *American Political Science Review* 91:845-853.

Burnham, Walter Dean. 1965. “The changing shape of the American political university.” *American Political Science Review* 59: 7–28.

Chambers, William Nisbet and Walter Dean Burnham. 1967. *The American party systems; stages of political development*. New York: Oxford University Press.

Engstrom, Erik and Samuel Kernell. 2003. “The effects of presidential elections on party control of the Senate under indirect and direct elections.” Presented at the History of Congress Conference, University of California at San Diego.

Fiorina, Morris P. David Rohde, and Peter Wissel. 1975. “Historical change in House turnover.” In Norman J. Ornstein, ed., *Congress in change: evolution and reform*. New York: Praeger.

Galderisi, Peter F. and Benjamin Ginsberg. 1986. “Primary elections and the evanescence of third party activity in the United States”. In *Do elections matter?* Benjamin Ginsberg and Alan Stone eds. Armonk, N.Y.: M.E. Sharpe.

Goodwin, George. 1959. “The seniority system in Congress.” *American Political Science Review*. 53:412-436.

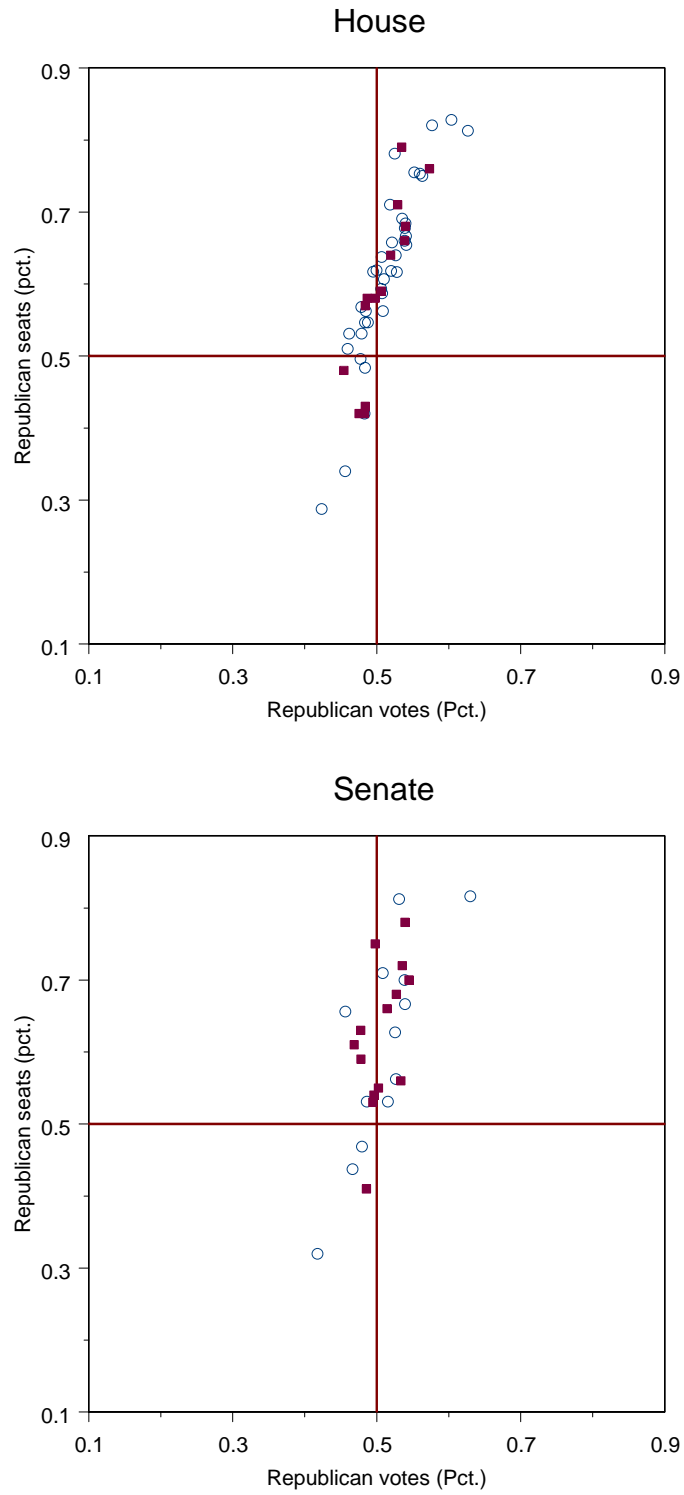
Haynes, George. H. 1906. *The election of senators*. New York: Henry Holt.

_____. 1938. *The Senate of the United States*. Boston: Houghton Mifflin .

- Katz, Jonathan N. and Brian R. Sala. 1996. "Careerism, committee assignments, and the electoral connection." *American Political Science Review* 90: 21–33.
- Kernell, Samuel. 1977. "Toward understanding nineteenth century congressional careers: ambition, competition, and rotation." *American Journal of Political Science* 21: 669-693.
- Kernell, Samuel and Erik J. Engstrom. 2003. "The effects of presidential elections on party control of the Senate under indirect and direct elections." Paper prepared for delivery at the History of Congress Conference, University of California at San Diego.
- Key, V.O. 1949 (1970). *Southern politics in state and nation*. Knoxville: University of Tennessee Press.
- _____. 1955. "A theory of critical elections." *Journal of Politics* 17: 3–18.
- _____. 1956. *American state politics*. New York: Knopf.
- _____. 1959. Secular realignment and the party system. *Journal of Politics* 21: 198–210.
- King, Ronald F. and Susan Ellis. 1996. "Partisan advantage and constitutional change: The case of the Seventeenth Amendment." *Studies in American Political Development* 10: 69-102.
- Laakso, Markku and Rein Taagepera. 1979. "Effective number of parties: A measure with application to West Europe." *Comparative Political Studies* 12: 3–27.
- Mayhew, David R. 2002. *Electoral realignments : a critique of an American genre* New Haven : Yale University Press.
- Polsby, Nelson W. 1968. "The institutionalization of the U.S. House of Representatives." *American Political Science Review* 62:144-168.
- Polsby, Nelson W., Miriam Galliher, and Barry S. Rundquist. 1969. "The growth of the seniority system in the U.S. House of Representatives." *American Political Science Review* 63:787-807.
- Price, H. Douglas. 1971. "The congressional career---then and now." In *Congressional behavior*, ed., Nelson W. Polsby. New York: Random House.
- _____. 1975. "Congress and the evolution of legislative 'professionalism.'" In *Congress in change*, ed. Norman J. Ornstein. New York: Praeger.
- _____. 1977. "Careers and committees in the American Congress: The problem of structural change." In *The history of parliamentary behavior*, ed. William Aydelotte. Princeton: Princeton University Press.
- Remini, Robert V. 1959. *Martin Van Buren and the making of the Democratic Party* New York: Columbia University Press.

- Riker, William H. 1955. "The Senate and American federalism". *American Political Science Review* 49: 452-69.
- _____. 1962. *The theory of political coalitions*. New Haven: Yale University Press.
- Rothman, David J. 1966. *Politics and power: The United States Senate, 1869-1901*. Cambridge: Harvard University Press.
- Rusk, Jerrold G. 1970. "The effect of the Australian ballot reform on split ticket voting, 1876-1908." *American Political Science Review* 64: 1220-1236.
- Schattschneider, E.E. 1960. *The semi-sovereign people*. New York: Holt, Reinhart, and Winston.
- Stewart, Charles H. III. 1992a. "Responsiveness in the upper chamber: The Constitution and the institutional development of the Senate," in *The Constitution and American Political Development*, Peter F. Nardulli ed. Urbana: University of Illinois Press, pp. 63-96.
- _____ and Barry R. Weingast. 1992b. "Stacking the Senate, changing the Nation: Republican rotten boroughs, statehood politics, and American political development." *Studies in American Political Development* 6: 223-71.
- Sundquist, James. 1983. *The dynamics of the party system*. Washington: Brookings.
- Wirls, Daniel. 1998. Regionalism, Rotten Boroughs, Race, and Realignment: The Seventeenth Amendment and the Politics of Representation. *Studies in American Political Development* 13: 1-30.

Figure 1. Seats-votes relationship in New York state legislative elections, 1871-1920



Dark squares indicate election years in which the state legislature would then elect a United States senator.

Figure 2. Percentage of lower-house members who had served in the previous session of the legislature. (U.S. House of Representatives plus the lower houses of Georgia, New York, Texas, and Wisconsin.)

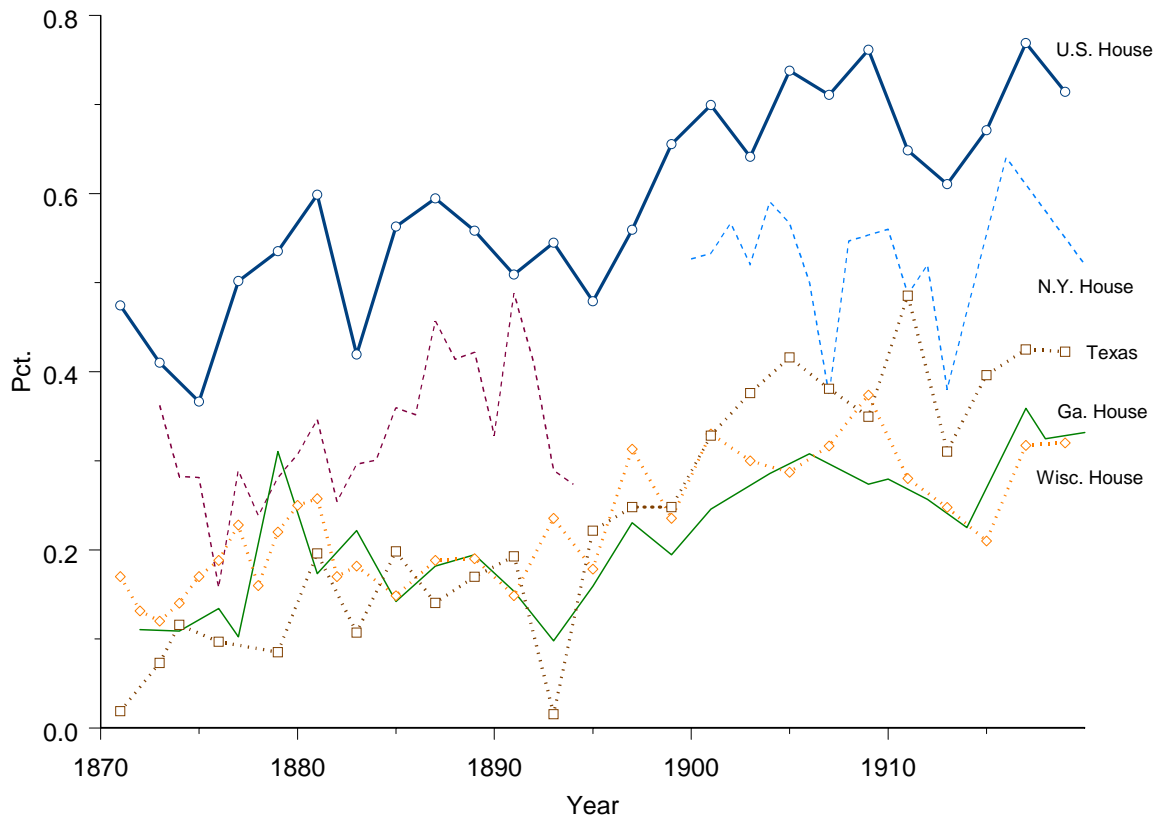


Figure 3. Percentage of Senate general elections requiring joint ballot, 1871–1913.

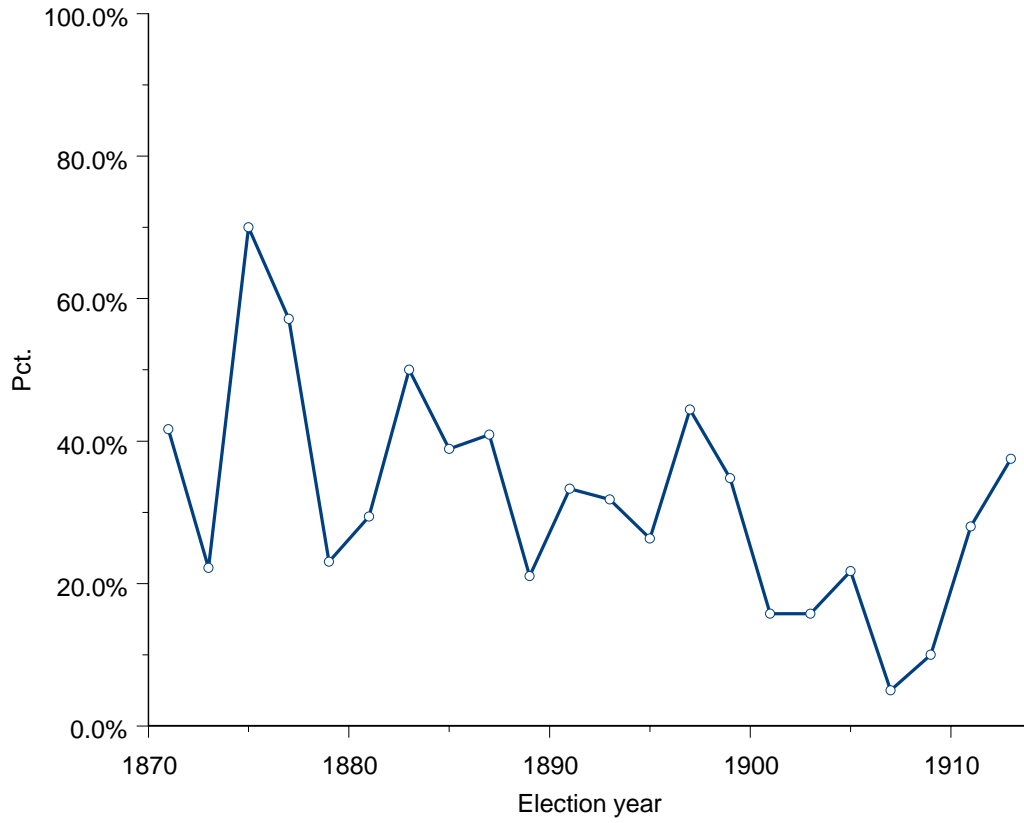


Figure 4. Effective number of Senate candidates in selected state Houses of Representatives, 1871-1913.

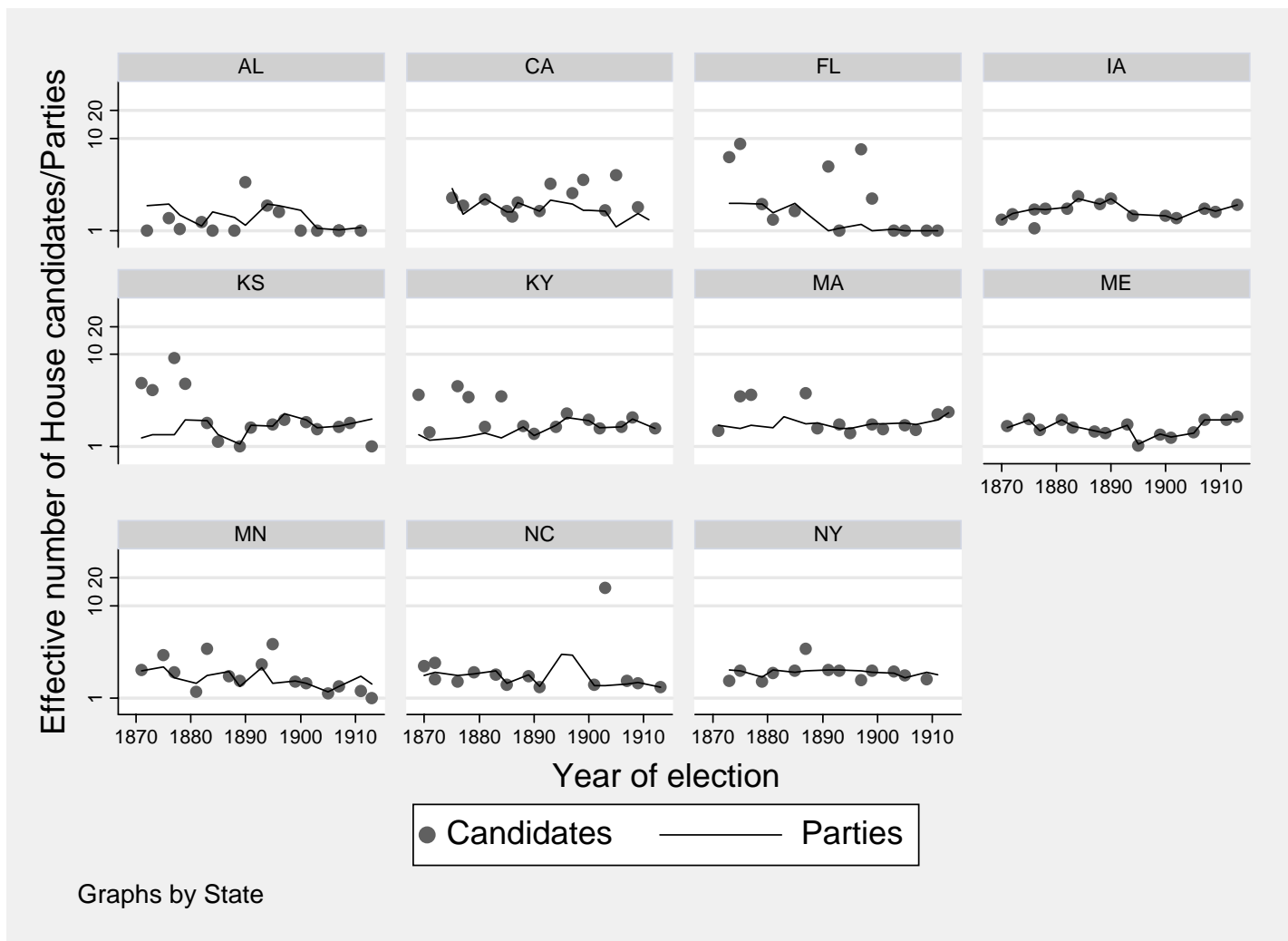
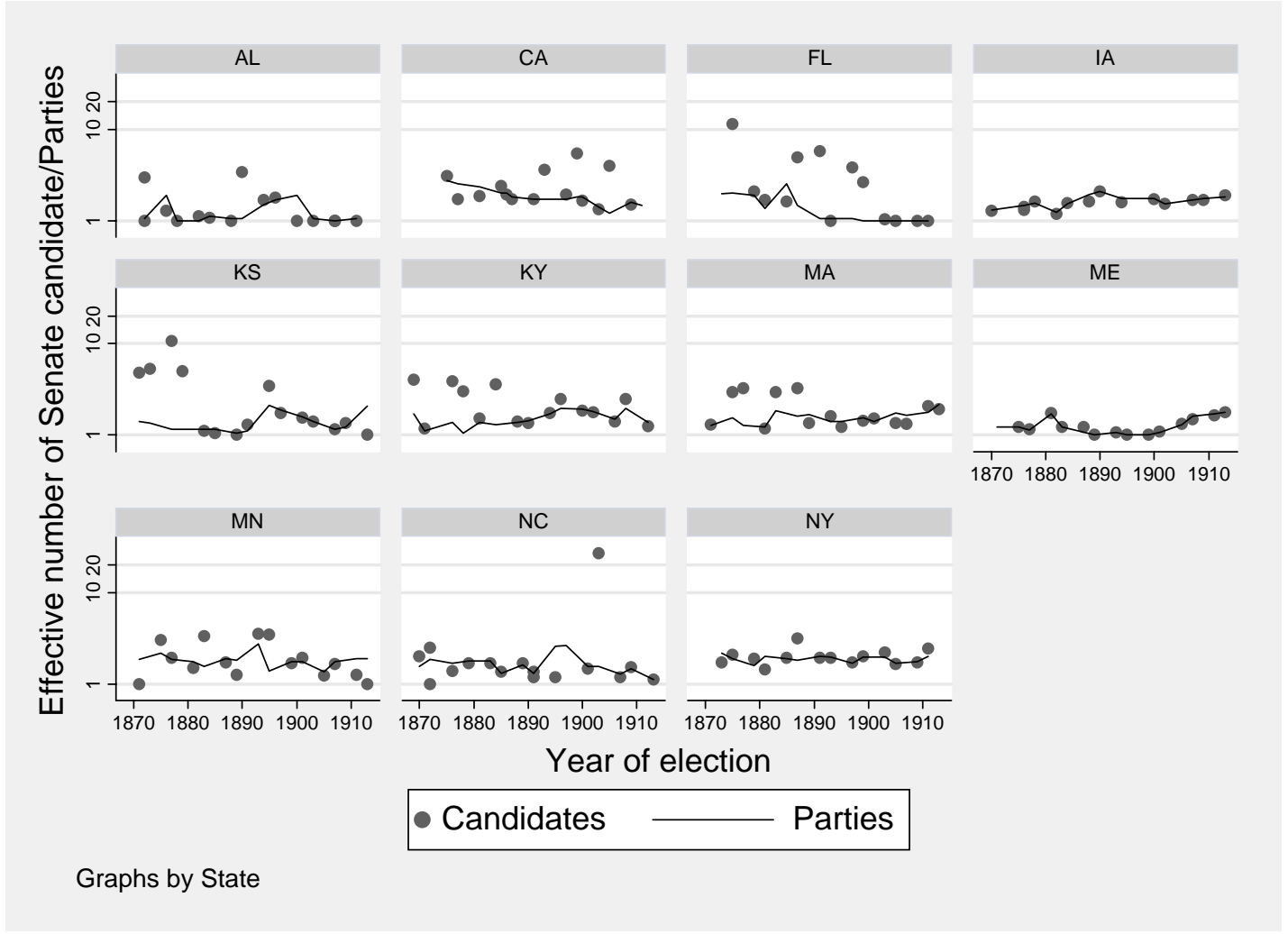


Figure 5. Effective number of Senate candidates in selected state Senates, 1871-1913.



Graphs by State

Figure 6. Estimated probabilities of going into a joint ballot, as a function of the size of the largest party in each chamber. (Note: graphs drawn by setting the largest party size in the other chamber to its mean value and then varying the size of the target chamber.)

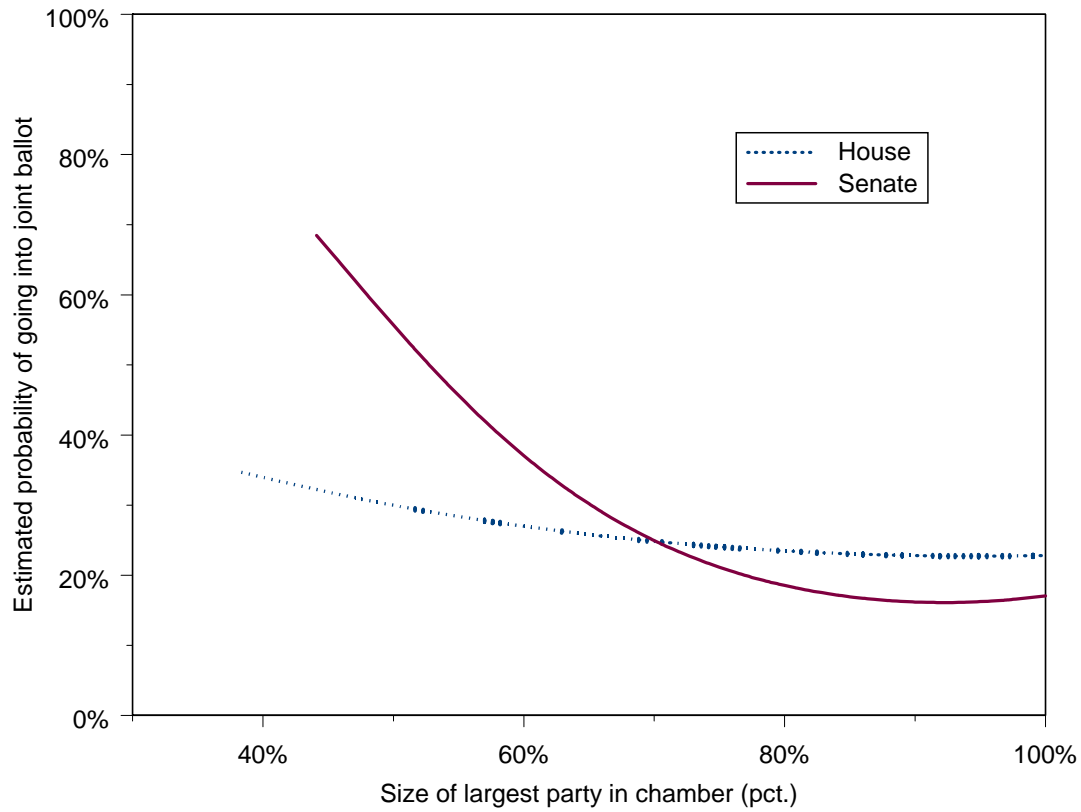


Figure 7. Number of U.S. Senate candidates on each joint ballot, Florida, 1873.

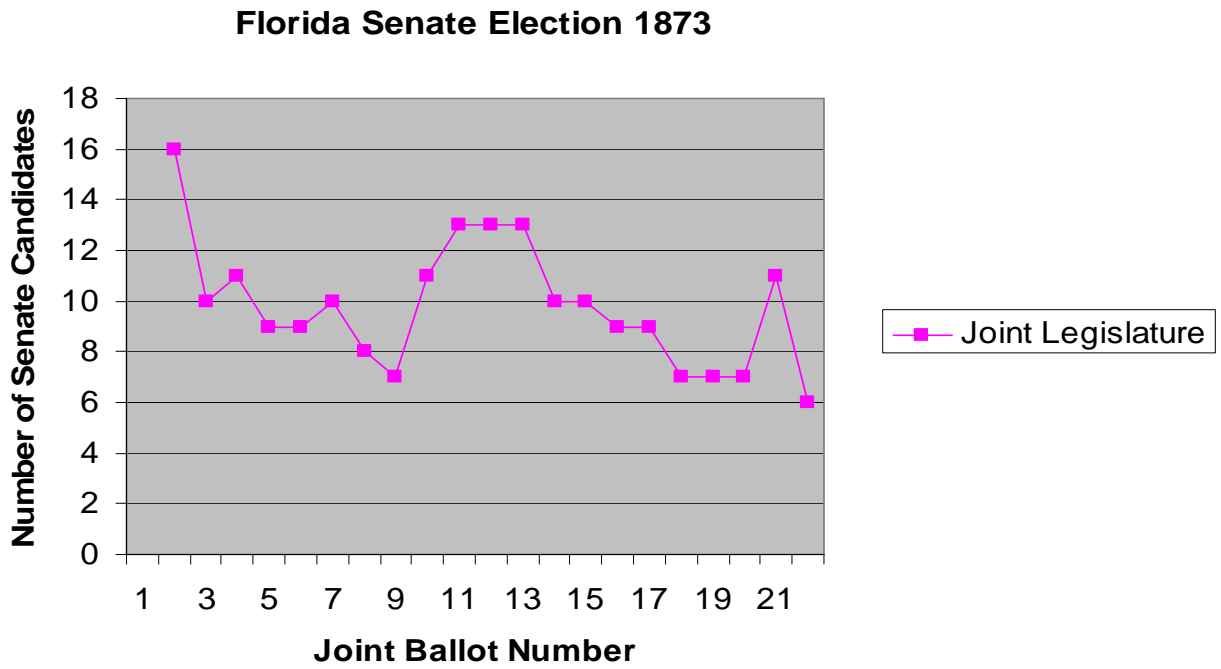


Figure 8. Number of U.S. Senate candidates on each joint ballot, Florida, 1887

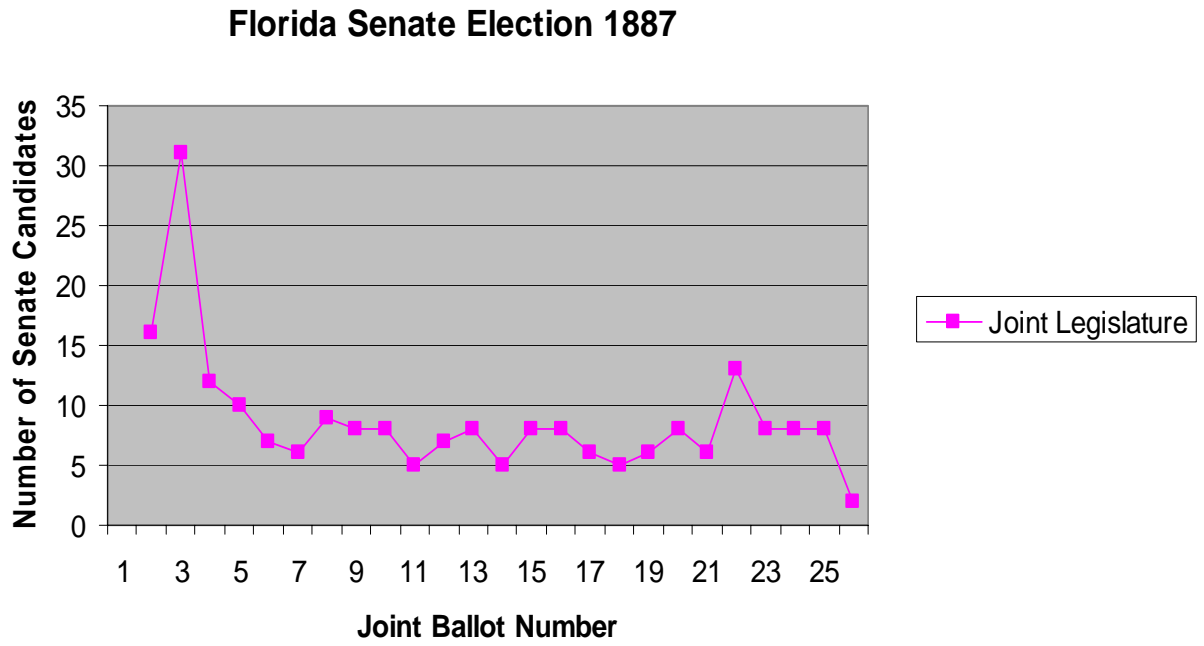


Figure 9. Number of U.S. Senate candidates on each joint ballot, Florida, 1891

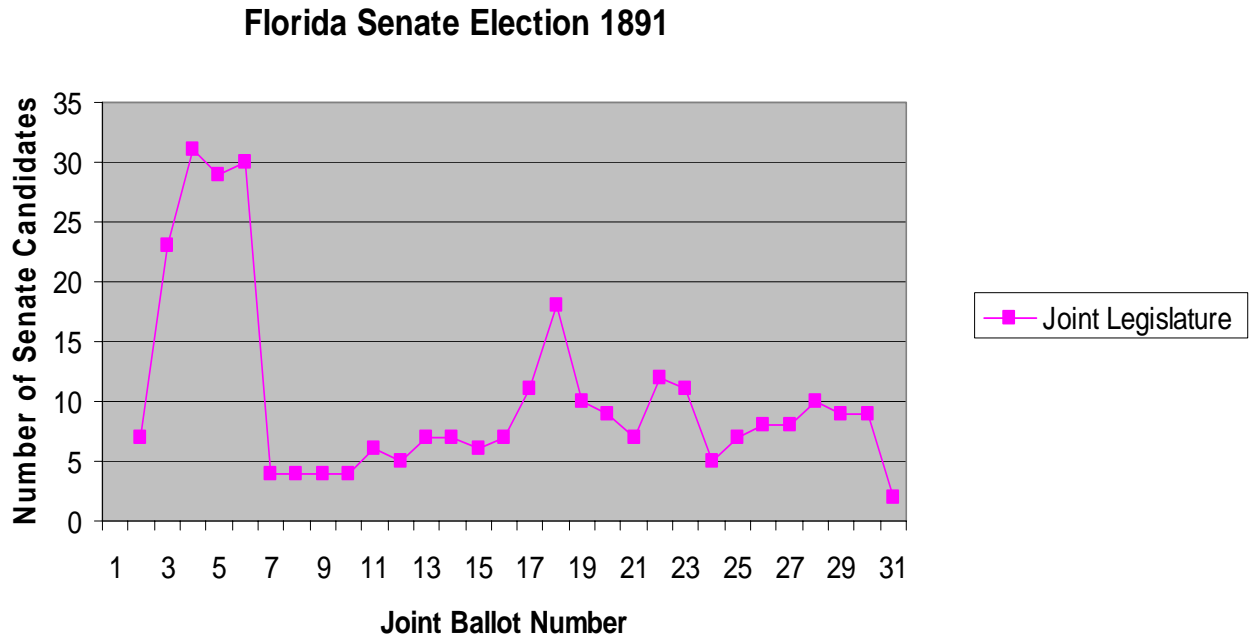


Table 1. Joint session ballots in sampled states, 1871-1913.

State	Total number of elections, 1871-1913	Years of joint session ballots	Number of ballots	Percent Senate Majority Margin	Percent House Majority Margin	Party Control ^b
Alabama	18	1872 ^a	3	R (27)	R(7)	R
		1876	1	D (100)	D(60)	D
		1890	2	D(100)	94(D)	D
Arizona	2	None	---	---	---	---
Arkansas	14	1879	7	D(93)	D(86)	D
		1883	5	D(93)	D(71)	D
		1885	30	D(94)	D(68)	D
California	15	1873	11	No Maj.	No Maj.	No Maj.
		1895	3	R (25)	R (62.5)	R
		1899	103	R (30)	R (49)	R
Colorado	17	1885	1	R(46)	R(55)	R
		1895	1	R(88)	R(100)	R
		1903	Unknown	D(37)	R(11)	S
Connecticut	16	1891	1	R(42)	R(6)	R
		1893	1	No Maj.	R(6)	No Maj.
Delaware	21	1889	1	D(55)	R(33)	S
		1895	209	D(11)	R(33)	S
		1899	113	D(53)	R(66)	S
		1901	46	R(53)	R(57)	R
		1903	36	R(59)	R(60)	R
		1905	50	R(59)	R(60)	R
		1911	1	R(53)	R(63)	R
		1913	10	R(53)	R(60)	R
Florida	14	1873	21	R(8)	R(8)	R
		1875	24	No Maj.	D(8)	No Maj.
		1887	25	D(63)	D(55)	D
		1891	30	D(94)	D(100)	D
		1897	25	D(94)	D(86)	D
		1899	1	D(100)	D(100)	D
Idaho	10	1895	51	R(22)	R(44)	R
		1897	22	Opmaj	opmaj	Opmaj
		1907	1	R(42)	R(52)	R
		1909	1	R(14)	R(66)	R
		1913	30	R(75)	R(86)	R
Illinois	17	1877	40	D(4)	R(3)	S
		1883	1	R(22)	R(1)	R
		1885	188	R(2)	R(1)	R
		1891	154	R(6)	D(3)	S
		1909	95	R(49)	R(16)	R
		1913lt	15	No Maj.	No Maj.	No Maj.

State	Total number of elections, 1871-1913	Years of joint session ballots	Number of ballots	Percent Senate Majority Margin	Percent House Majority Margin	Party Control ^b
		1913st	14	No Maj.	No Maj.	No Maj.
Indiana	16	1881	1	No Maj.	R(17)	No Maj.
		1887	16	D(24)	R(10)	S
Iowa	19	1911	67	R(36)	R(30)	R
Kansas	16	1871	1	R(68)	R(78)	R
		1873	1	R(60)	R(60)	R
		1874	5	R(27)	R(52)	R
		1877	16	R (85)	R(70)	R
		1879	3	R(85)	R(35)	R
		1891	1	R(94)	opmaj(71)	S
		1893	1	opmaj(35)	R(4)	S
		1895	1	opmaj(20)	R(72)	S
Kentucky	17	1869	5	D(89)	D(84)	D
		1876	11	D(68)	D(78)	D
		1878	11	D(94)	D(74)	D
		1884	19	D(74)	D(77)	D
		1890	4	D(64)	D(72)	D
		1896	51 (no election)	D(16)	R(6)	S
		1897	60	D(42)	D(44)	D
		1908	29	D916)	D(2)	D
Louisiana	17	1877	45	R(16)	R(12)	R
		1879	15	D(72)	D(58)	D
		1888	6	D(72)	D(86)	D
		1892	33	D(96)	D(57)	D
		1894	1	D(94)	D(96)	D
		1896	6	D(75)	D(61)	D
Maine	17	None	---	---	---	---
Massachusetts	18	1875	2	R(54)	R(52)	R
		1877	5	R(75)	R(42)	R
		1883	1	R(28)	R(19)	R
		1887	1	R(55)	R(38.75)	R
		1889	3	R(50)	R(33)	R
		1899	1	R(55)	R(41)	R
		1911	1	R(35)	R(16)	R
Michigan	18	1875	2	R(6)	R(8)	R
		1877	1	R(44)	R(50)	R
		1883	1	R(19)	R(24)	R
Minnesota	15	1875	32	R(18)	R(22)	R
		1883	28	R(55)	R(42)	R
		1889	1	R(32)	R(84)	R
		1893	1	R(22)	R(30)	R

State	Total number of elections, 1871-1913	Years of joint session ballots	Number of ballots	Percent Senate Majority Margin	Percent House Majority Margin	Party Control ^b
		1895	1	R(68)	R(66)	R
		1901	2	R(39)	R(61)	R
Mississippi	18	1880	49	D(94)	D(76)	D
Missouri	15	1905	66	D(35)	R(15)	S
Montana	12	1893	53	R(22)	D(4)	S
		1899	16	D(50)	D(62)	D
		1901st	58	D(16)	No Maj.	No Maj.
		1901lt	1	D(16)	No Maj.	No Maj.
		1905	6	R(24)	R(2.5)	R
		1907	1	R(33)	R(56)	R
		1911	79	R(14)	D(14)	S
Nebraska	15	1871	2	R(54)	R(54)	R
		1875	5	R(38)	R(48)	R
		1877	3	R(43)	R(47)	R
		1881	17	R(80)	R(84)	R
		1883	17	No Maj.	11	No Maj.
		1887	3	R(52)	R(40)	R
		1893	18	No Maj.	No Maj.	No Maj.
		1899	43	R(9)	R(10)	R
		1901	54	R(10)	R(6)	R
Nevada	15	1881	1	R(12)	D(72)	S
		1905	1	R(1)	R(2)	R
New Hampshire	17	1883	42	R(42)	R(22)	R
		1913	43	No Maj.	R(3)	No Maj.
New Jersey	16	1877	1	R(14)	R(10)	R
		1883	1	R(14)	D(14)	S
		1887	15	R(14)	R(24)	R
		1907	6	R(33)	R(33)	R
		1911	1	R(16)	R(14)	R
New Mexico	2	1912st	8	R(42)	R(35)	R
		1912lt	8	R(42)	R(35)	R
New York	16	1875	1	R(25)	R(12)	R
		1881	56 (Conkling vacancy)	D(6)	D(4)	D
			48 (Platt vacancy)	D(6)	D(4)	D
		1887	2	R(32)	R(12)	R
		1911	63	D(6)	R(36)	S
North Carolina	15	1871	1	D(28)	D(25)	D
		1872	2	D(28)	D(8)	D
		1883	1	D(36)	D(13)	D
		1903	8	D(56)	D(68)	D

State	Total number of elections, 1871-1913	Years of joint session ballots	Number of ballots	Percent Senate Majority Margin	Percent House Majority Margin	Party Control ^b
North Dakota	10	1889st	10	R(81)	R(89)	R
		1891	17	R(68)	R(64)	R
		1893	61	R(61)	R(50)	No Maj.
		1899	2	R(71)	R(91)	R
Ohio	17	1872	1	No Maj.	R(8)	No Maj.
		1898st	1	No Maj.	R(14)	No Maj.
		1898lt	1	No Maj.	R(14)	No Maj.
Pennsylvania	14	1881	35	R(28)	R(23)	R
		1899	79	R(36)	R(41)	R
		1899	79	R(48)	R(25)	R
Rhode Island	19	1875	28	R(28)	R(66)	R
		1889	8	R(40)	D(8)	S
		1907	81	R(38)	R(18)	R
		1911	1	R(32)	R(24)	R
South Carolina	17	1876	1	R(16)	No Maj.	No Maj.
		1890	5	D(100)	D(100)	D
		1908	15	D(100)	D(100)	D
South Dakota	10	1891	39	R(3)	R(3)	R
		1897	27	Other?(18)	Other?(9)	Other?
Tennessee	15	1875	55	D(84)	D(87)	D
		1877	73	D(60)	D(52)	D
		1881	30	D(20)	D(1)	D
		1887	6	D(76)	D(64)	D
		1898	7	D(85)	D(73)	D
		1911	11	D(85)	D(75)	D
Texas	16	1874	Unknown	D(73)	D(76)	D
		1887	30	D(100)	D(91)	D
Utah	9	1895	53	R(22)	R(38)	R
		1899	114	D(78)	D(27)	D
		1901	1	D(11)	R(29)	S
Vermont	17	1900	3	R(100)	R(60)	R
Virginia	17	1875	1	D(72)	D(61)	D
Washington	10	1891	1	R(66)	R(56)	R
		1893	101	R(48)	R(40)	R
		1895	28	R(52)	R(38)	R
		1899	24	No Maj.	R(80)	No Maj.
		1903	13	R(63)	R(48)	R
West Virginia	19	1905	13	R(81)	R(92)	R
		1875	Unknown	D(65)	D(61)	D
		1877st	5	D(58)	D(51)	D
		1877lt	4	D(58)	D(51)	D
		1887	Deadlock	D(8)	D(11)	D

State	Total number of elections, 1871-1913	Years of joint session ballots	Number of ballots	Percent Senate Majority Margin	Percent House Majority Margin	Party Control ^b
		1887	5	D(8)	D(11)	D
		1889	45	No Maj.	D(5)	No Maj.
		1895	1	R(8)	R(38)	R
		1899	1	R(31)	D(6)	S
		1911st	1	No Maj.	D(47)	No Maj.
		1911lt	1	No Maj.	D(47)	No Maj.
		1913	50	No Maj.	R(23)	No Maj.
Wisconsin	16	1875	Unknown	R(27)	R(7)	R
		1879	Unknown	R(51)	R(43)	R
		1881st	n.a.	R(51)	R(43)	R
		1893	3	D(58)	D(17)	D
		1899	5	R(88)	R(62)	R
		1907	Unknown	R(69)	R(58)	R
		1909	23	R(75)	R(63)	R
Wyoming	10	1890st	7	R(63)	R(64)	R
		1893	31	R(38)	No Maj.	No Maj.
		1913	Unknown	R(30)	R(9)	R

^aIn 1872, two bodies met claiming to be the Alabama state legislature. One body, controlled by Democrats, took three ballots in joint convention to elect Francis Sykes. The other body, controlled by Republicans, elected George Spencer without entering into a joint convention.

^bD = Democratic control of both chambers; R = Republican control of both chambers; S = Democratic control of one chamber and Republican control of the other; No Maj. = at least one chamber did not have a majority party.

Sources: *Tribune Almanac*, various years; state legislative journals, various years, ICPSR 0016.

Table 2. Deadlocked Senate elections, 1871–1913.

State	Year
New Hampshire	1883
West Virginia	1887
Louisiana	1892
Montana	1893
Washington	1893
Wyoming	1893
Delaware	1895
Kentucky	1896
Oregon	1897
California	1899
Delaware	1899 ^a
Pennsylvania	1899
Utah	1899
Delaware	1901
Delaware	1905

^a2 seats.

Note: New Hampshire's deadlock in 1883 and West Virginia's in 1887 are not noted by Haynes.

Table 3. Percentage of elections with precisely one or two candidates receiving votes, before and after 1900.*

State		Before 1900			After 1900		
		Exactly 1	Exactly 2	1 or 2	Exactly 1	Exactly 2	1 or 2
Alabama	House	30	20	50	100	0	100
	Senate	30	40	70	100	0	100
California	House	0	30	30	0	0	0
	Senate	0	40	40	0	20	20
Delaware	House	na	na	na	na	na	na
	Senate	na	na	na	na	na	na
Florida	House	10	10	20	100	0	100
	Senate	11	11	22	100	0	100
Idaho	House	0	0	0	0	33	33
	Senate	0	0	0	0	33	33
Iowa	House	0	36	36	0	100	100
	Senate	0	60	60	0	100	100
Kansas	House	10	0	10	0	60	60
	Senate	20	10	30	20	80	100
Kentucky	House	0	2	20	0	80	80
	Senate	0	50	50	0	80	80
Massachusetts	House	0	38	38	0	20	20
	Senate	0	50	50	0	40	40
Maine	House	0	60	60	0	80	80
	Senate	40	40	80	0	100	100
Minnesota	House	0	10	10	20	20	40
	Senate	10	20	30	40	20	60
Montana	House	0	0	0	14	0	14
	Senate	0	0	0	11	0	11
Nebraska	House	0	0	0	20	40	60
	Senate	10	0	10	40	40	80
Nevada	House	11	67	78	40	60	100
	Senate	11	44	55	40	60	100
New Jersey	House	0	88	88	0	67	67
	Senate	0	89	89	0	50	50
New York	House	0	70	70	0	75	75
	Senate	0	50	50	0	50	50
North Carolina	House	0	36	36	0	67	67
	Senate	8	50	58	0	80	80

State		Before 1900			After 1900		
		Exactly 1	Exactly 2	1 or 2	Exactly 1	Exactly 2	1 or 2
Ohio	House	0	50	50	0	50	50
	Senate	17	58	75	0	75	75
Pennsylvania	House	0	25	25	0	33	33
	Senate	0	13	13	0	50	50
Rhode Island	House	9	18	27	0	40	40
	Senate	9	36	45	20	40	60
Washington	House	0	0	0	0	50	0
	Senate	0	0	0	0	0	0
Wisconsin	House	0	20	20	0	43	0
	Senate	na	na	na	na	na	na
Total	House	3	28	32	14	43	57
	Senate	8	33	41	19	47	66

*As of yet the data for Delaware has not been fully analyzed and the ballots for the Wisconsin Senate have not been completely gathered.

Table 4. Prevalence of joint ballots, given size of majority party control

House majority margin	Senate majority margin			
	<25%	25%-75%	>75%	Total
<25%	51% (94)	32% (60)	---	44% (154)
25%-75%	58% (26)	21% (189)	20% (61)	24% (276)
>75%	100% (2)	17% (30)	13% (89)	16% (121)
Total	53% (122)	23% (279)	16% (150)	28% (551)

Source: (Senate election data) and ICPSR study 0016 (party control of legislatures).

Table 5. Probability of going into joint ballot for U.S. senator, as a function of the size of the largest party in the state House and Senate, 1871-1913. (Probit coefficients; robust standard errors)

Variable	Coefficient
Size of largest Senate party (%)	-13.57 (4.60)
Size of largest Senate party, squared	7.46 (3.09)
Size of largest House party (%)	-0.97 (4.85)
Size of largest House party, squared	0.43 (3.32)
Constant	5.67 (1.66)
N	551
llf	-295.87
Pseudo R ²	.09

*Joint test that both coefficients are equal to zero: $\Pi^2 = 24.8$ (d.f. = 2), $p < .00001$

**Joint test that both coefficients are equal to zero: $\Pi^2 = 0.33$ (d.f. = 2), $p = .85$

Table 6. Average and median number of ballots needed to resolve joint ballots, 1871-1913.

Joint session majority Margin	Mean ballots	Median ballots	N
<25%	21.8	8	78
25-75%	21.3	9.5	30
>75%	18.0	16	12
Total	21.8	8	120

Table 7. Frequency of vote shifting in the 1873 Florida senate election (21 joint session ballots).

Senate (n = 24)			House (n = 53)	
Number of vote shifts	% of chamber		Number of vote shifts	% of chamber
1	4		0	4
2	8		2	9
3	13		3	2
7	8		6	8
8	17		7	11
9	17		8	13
10	13		9	11
11	4		10	8
12	4		11	13
13	4		12	9
14	8		13	8
			14	2
			15	2

Table 8. Frequency of vote shifting in the 1887 Florida Senate election (25 joint session ballots).

Senate (n = 32)			House (n = 73)	
Number of vote shifts	% of chamber		Number of vote shifts	% of chamber
1	3		0	14
2	16		1	3
3	7		2	11
4	16		3	23
5	16		4	18
6	19		5	6
8	7		6	8
9	7		7	6
10	3		8	3
12	3		10	3
13	7		11	3
			13	3
			17	1

Table 9. Frequency of vote shifting in the 1891 Florida Senate election (30 joint session ballots).

Senate (n = 32)			House (n = 65)	
Number of vote shifts	% of chamber		Number of vote shifts	% of chamber
0	28		0	5
1	4		1	1
2	4		2	11
4	6		3	12
5	16		4	20
6	10		5	5
7	6		6	5
8	6		7	16
9	6		8	3
10	6		9	5
13	4		10	3
16	4		11	2
			12	3
			14	2
			15	2
			17	3
			21	2