

THE MYSTERY OF OHIO'S MISSING PRESIDENTIAL ELECTION RETURNS, 1804-1848

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ABSTRACT: Many of the original voting records of early Ohio elections survive—but not those for presidential elections before 1852. Several copies of the election returns for all the various offices were made during the reporting process, but only those retained by county officials have survived the ravages of fire and neglect. The lack of presidential records in the county archives can be explained only by studying the election law in force at the time, which has had the unintended effect of making the careful identification and cataloging of the few extant township returns especially important for historians of Ohio elections.

Archivists are splendid at looking after the materials their depositories possess, but sometimes the humble historian can wish they were more aware of the material they do not and cannot possess. The ancient axiom that “the Archivist is not and ought not to be an Historian” may express an essential wisdom, but archivists still need to appreciate the ways in which men of the past handled their business and generated—or failed to generate—historical records. If archivists do so, they may not only prevent the overly keen, obsessive researcher from persistently pestering them with questions about non-existent source materials, but actually guide him or her toward the few relevant materials that do exist. Such at least are the thoughts of an historian who has spent many hours hunting for manuscript evidence curiously missing from the pertinent archives, and so found himself embroiled in the most interesting puzzle in the early archival history of the state of Ohio.¹

The object of the search was simply to find detailed results of the earliest presidential elections fought in that state. From 1836 onward the outcomes of such elections at the county level are reported in secondary sources,² and a little digging in contemporary newspapers provides comprehensive evidence of county returns for the elections from 1824 to 1832.³ But remarkably little is known of the five elections fought in Ohio prior to 1824, beyond the statewide total of votes cast for each Electoral College candidate; and not even that is known for the presidential election of 1816. In such circumstances the student of such things inevitably looks towards archival sources to find the original voting records.

One place to begin is at the center, where presidential returns were gathered and totaled. However, there is no point in looking to Washington or the National Archives, for federal officials were concerned to know only for whom

each state had decided to cast its Electoral College votes; the two Houses of Congress never inquired into the popular voting for electors, at least not until the disputes over elections in the Southern states during Reconstruction.⁴ The counting of the popular vote took place within the states, and in Ohio, from 1804 onwards, the secretary of state was responsible for gathering the results from the counties and for preserving the record of the votes. The 1804 law obliged him to keep the pollbooks sent to him, "subject to the inspection of any person who may choose to examine the same."⁵

Unfortunately, these manuscript records did not survive long. On the last evening of January 1852, three young firemen went up into the statehouse belfry, lighting their way with a candle, to ring the bell for a meeting of the Franklin Fire Company—and in the process managed to burn the statehouse down! Even as the roof burned out of control, "hazardous and heroic" efforts were made to save "the papers and furniture in the ground floor rooms." But, according to the Columbus *Ohio State Journal*, though "the clerk's papers were all secured,... a large mass of documents, journals, constitutional debates, etc., were consumed." There may be some doubt as to whether the voting records were kept there, since the secretary of state's office was in a separate building some fifty or sixty feet north of the old statehouse; this office building, which also housed the State Library, survived until 1857 when it was demolished.⁶ Significantly, however, when later secretaries of state began to publish the county-level results of earlier elections, they could publish presidential returns for 1852 and 1856 but not for any earlier presidential election.

Published election returns first appeared in 1860, when Secretary Addison P. Russell printed in his *Annual Report* the county and township results for the presidential election of that year, and the county results for all statewide elections from 1851 to 1860. These returns, he certified, had been "carefully compiled from the official abstracts on file in this office."⁷ In 1864 Russell's successor followed his precedent, and under the next secretary, future historian William Henry Smith, the table of county results of statewide elections dating back to 1851 began to be reprinted annually; on each occasion the reassurance that the official abstracts since 1851 still survived was repeated.⁸ In time the Election Statistics section of the *Annual Report* expanded until by 1889 it had evolved into a separate publication, *Ohio Election Statistics*, which continues to be published biennially as the official state bluebook. Presumably, publication made preservation of the originals seem less important, for at some point, probably after the turn of the century, the post-1851 abstracts disappeared. The only election materials to survive centrally were the thousands of soldiers' ballots from the election of 1864, but they have suffered cavalier treatment. While much of this potentially invaluable collection was transferred to the new State Archives in the 1960s, some ballots remained in the secretary of state's office where they were handed out as gifts to interested private individuals! Astoundingly, the earliest presidential election for which original abstracts of votes cast in Ohio survive in the State Archives in Columbus is that of 1960 (!)—which makes up a little for the fact that in that year no city in the United States gave John F. Kennedy (in his own words) "a warmer welcome and less votes."⁹

In this twentieth-century destruction of voting records, some early materials which had escaped the 1852 conflagration also disappeared. In 1891, apparently

for the first time, the secretary of state included in his *Annual Report* a table giving the final overall result of all statewide elections from the commencement of statehood, including the presidential results for the obscure years before 1824. Although he was somewhat less than precise in his ascription of party labels, the secretary (and he probably was directly involved in the publication, since he was another state historian, Daniel J. Ryan) incorporated in the table some details of early presidential election results which cannot now be retrieved from any original source. His table, which continued to be reprinted in *Ohio Election Statistics* until it was corrected in the 1985-86 edition, has therefore been important for preserving basic information, especially about the obscure presidential elections of 1816 and 1820.¹⁰ But otherwise the offices of state in Columbus have done little (and the State Archives were founded too late to do anything) to preserve the records of those elusive early presidential elections.

All is not lost, however. Ohio in recent years has established a network of local-government records depositories, now seven in number, which have been taking in and conserving the records that have survived at the county level. Some of these depositories boast rich veins of election material, by no means comprehensive but providing long runs of detailed information about the election results in some significant counties. This material falls into two categories: *pollbooks and tallysheets* recording the names of voters and the result in the township they refer to; and the county *Abstracts of Votes*, which tabulate both the total vote for each candidate in each township in the county and the total vote each received in the county as a whole. The pollbooks are useful for individual and local studies, and have been enterprisingly exploited by Kenneth Winkle to study the impact of social mobility;¹¹ it is the abstracts, however, which provide the political historian with the most comprehensive aggregate information in a most useful format. Records of both kinds survive, but on the whole only for elections other than the presidential: the local-government records centers possess a few, a very few, pollbooks and tallysheets relating to presidential elections, but not one possesses a single Abstract of Votes for such an election—nor do any of the offices of County Clerk or the Board of Elections in those few counties which still retain their own records.¹² Why on earth should it be that, among the relative richness of local voting records, there is a complete absence of county-level information about presidential elections?

The problem is sharpened when the timing of elections is understood. Under its first constitution, which operated from 1803 to 1850, the state held a general election early in October at which the governor, congressmen, state senators, state representatives, and county officers were all elected. The presidential election was held quite separately, usually in November, though in 1820 the date was fixed in Ohio as the fifth Friday preceding the first Wednesday in December, which could push it forward to the end of October.¹³ Pollbooks, tallysheets and Abstracts of Votes for the October general election have survived in large numbers and give archivists the impression that they have a representative range of election records. However, the records—and, above all, the Abstracts of Votes—of the later presidential election are missing, except for just a few isolated and scattered township pollbooks and tallysheets. But why should the records of October have been preserved, sometimes quite systematically, while the records of November are so exceedingly difficult to find?

Is the truth simply that people were less interested in presidential elections and so did not keep the record? Certainly presidential election turnouts in Ohio before 1824 were extraordinary low, never rising above 21 percent of adult white males compared with 35-40 percent in the October general elections. At the same time newspapers that were obsessed with state and local affairs usually carried few items reporting the presidential campaign or discussing the alternative candidates. This apathy did not arise from a lack of interest in elections to national office, since congressional elections regularly pulled out more voters than other elections, but rather from the fact that between 1804 and 1820 everyone knew the official Jeffersonian Republican presidential candidate would carry Ohio easily; the only concern was to identify the official Republican ticket clearly so votes would be concentrated on the right Electoral College candidates. Interestingly, press reports of the result down to 1820 showed the total vote each Electoral College candidate received rather than how the vote was distributed around the state. Only when uncertainty entered the contest, only when men could no longer be certain how Ohio would vote, did things change. Turnout in presidential elections rose in 1824 to a level unprecedented in Ohio and then in 1828 leaped hugely to over 82 percent, much higher than in that year's state election, and newspapers began to reveal the counties to which each candidate owed his support.¹⁴ But even if lack of interest explained the failure of newspapers to print detailed results before 1824, it could not explain the almost total disappearance of archival records for the presidential elections—especially as the records are still missing for the more exciting elections of 1824 and onwards.

Our archivist-turned-historian (or archive-hunting historian) might wonder about the significance of the dates 1851 and 1852, which recur as a turning-point in the story. Were the firemen of Columbus really the villains of the piece? After all, some materials—including the returns for the statewide elections of 1851—managed to survive the conflagration of 1852, as later secretaries of state confirmed.¹⁵ Of course, the answer could be that the 1851 returns may still have been in the secretary of state's office, awaiting transfer to the storage space in the statehouse where older records presumably were kept. Alternatively, there can be no doubt that after the state constitutional convention of 1850-51 the secretary of state was given clearer duties in collecting and publishing election statistics. Yet while this encouraged more conscientious record-keeping, the fact remains that the earlier constitution of 1803-1850 contained nothing which operated to prevent the keeping of proper records in November but not in October.

Close observation of how the original record was created and what was then done with it proves most instructive. The Ohio legislature laid down clear procedures for the conduct of elections, and these rules remained more or less the same from 1803-04 on, with minor amendments and occasional recodifications, as in 1820 and 1831.¹⁶ Throughout the period, the records of the October general election and the subsequent presidential election were generated in the same way, but the law then provided for the records to be handled according to different procedures.

The key officials were those who made the record at the polls, namely the township judges and clerks of elections. In 1803 the first General Assembly established that in all county, state and national elections the voters present at

the polling station one hour before the polls were due to open should elect *viva voce* three judges of election, and those judges should then choose two clerks. In 1809 the legislature made the three township trustees (who were elected in April) the judges of elections *ex officio* and the township clerk one of the clerks of elections; the other clerk of elections was chosen by the trustees. The judges were to ensure that only adult white male taxpayers who had resided in the state for twelve months were allowed to vote. They also received each voter's ballot slip and dropped it through the slit in the lid of the locked ballot box, "without inspecting the name or names written thereon." The two clerks each kept a pollbook (usually a large piece of paper folded in half to produce four sides), in which they wrote the name of every voter. After the poll closed, the box was opened and the judges read aloud the names of those who received votes. The clerks used an empty page of the pollbooks to keep their tallysheets, recording each vote as it was announced and finally totaling the votes for each candidate. After checking that the tally corresponded with the number of voters, the result of the vote in the township was announced to everyone present and recorded in the pollbooks, where it was duly signed by the judges and clerks of elections. Surviving pollbooks and tallysheets suggest that this procedure was followed scrupulously in almost every case, whether for the October general election or the later presidential election.¹⁷

What happened then to the two pollbooks? In both October and November elections the clerks of election deposited one of them with the township clerk, who had to present it for examination by anyone who wished. This first pollbook has usually failed to survive, and is presumably the copy which tends to turn up by chance, sometimes in the personal papers of a private individual who happened to have served as township clerk. The second pollbook was sealed and taken within two or three days by one of the judges to the county seat where he handed it over to a county official, usually the county clerk, who administered an oath to check the *bona fides* of the judge and the pollbook he proffered. Thereafter the fate of that second pollbook varied according to the type of election.

In the case of the October general election, the county clerk opened all the township pollbooks, in front of witnesses, and totaled the results of the various townships' ballots to calculate the result for the county. He then made out two returns (or Abstracts of Votes), each of which had to be carried to the state capital by the sheriff or a deputy. The first Abstract listed the votes received by each gubernatorial candidate in each township and in the county as a whole; this sealed return was delivered, by law, to the speaker of the state senate, and in due course the gubernatorial results for each county and the state as a whole were published in the *Journal of the Senate*.¹⁸ The second Abstract was more extensive, listing the township votes and county totals for all the other offices; this return was taken to the secretary of state, who issued certificates of election to the successful candidates. The county clerk made a copy of both Abstracts and preserved them at the county seat for examination by anyone who wished. The copies retained in the county offices have been the most likely to survive, and are now to be found sometimes in county clerks' offices but increasingly in the seven local-government records depositories.

In the case of the presidential election, however, the county clerk simply received the sealed township pollbooks from the judge of elections and handed

them over to the sheriff, without opening them and, therefore, without keeping a copy of their contents. Thus, there never was an Abstract of Votes kept in the county records; the clerk did not necessarily even know the result of the county's presidential voting. In this instance local newspapers had to obtain details of the township votes from the various township trustees who returned the pollbooks, and work out the county result for themselves.¹⁹ The sheriff, on pain of a fine of one thousand dollars, had to deliver the sealed pollbook to the secretary of state, who on the day appointed by law opened the pollbooks from all the townships in the state in the presence of the governor and such sheriffs as chose to attend. The governor then informed the successful candidates for elector, who met in the state capital on the day named by Congress and cast their votes for President. The governor then had the result printed in the newspapers published in the state capital, and sent formal notification of how Ohio's electors had voted to the president of the United States Senate. He in due course announced the result of the votes cast in the state's branch of the Electoral College—which never actually met as a single national body.

Thus, while three records were made of the township votes in the October state election, only two were made of the original vote in the townships in the November presidential election. The pollbooks and tallysheets kept by the Ohio secretary of state disappeared in the 1850s, presumably in the great conflagration which consumed all the voting records held in the state's single major depository. The pollbooks and tallysheets held by the township clerks tended to disappear as each new clerk, lacking an office building, decided what to do with the pile of paper passed on by his predecessor. What have proved more likely to survive are the county records—but the law ensured that no record of presidential voting was retained by county officers. As a consequence, the historian of Ohio presidential elections looks in the archives for the most part in vain, and has to rely on such returns as were reported in the press, supplementing them by such few township pollbooks as come to hand.²⁰ In the circumstances he should be grateful that at least the records of the October general election had to be retained by county clerks, and that so many of them have survived.

In the end, therefore, our detective work turns out to be worse than a wild-goose chase: the presidential-election records missing from the local-government records centers never existed. The story is still worth telling if only as a cautionary tale: at least Ohio archivists might now prevent their time from being wasted by researchers obsessed with finding the detailed results of early presidential elections.

Yet our saga also serves one or two other functions. It reminds us that the collection and cataloguing of records can be usefully influenced by an awareness of what the records do not and cannot contain, and such awareness can be fully cultivated only by studying the way in which the record was generated. In this instance the legal provisions laid down by the General Assembly prove a surprisingly useful guide to actual electoral practice, and reveal what records were created and which government offices were supposed to retain them.

More important for the researcher, such an understanding can in turn help archivists appreciate the significance of particular rare and scattered types of record, and so may encourage a more detailed cataloging of such records so that researchers may find them more easily. In this particular instance, Ohio archivists have not realized how relatively rare and, therefore, invaluable are the

few township pollbooks and tallysheets they possess relating to presidential elections. Only if they know to flag the presence of these apparently insignificant items can the researcher pick them out from the mass of other election material which survives. With such assistance historians are more likely to piece together what actually happened in presidential elections that, somewhat surprisingly, still remain a curiously obscure corner of early national political history.

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NOTES

1. The dictum is from Hilary Jenkinson, *A Manual of Archive Administration* (1937; second edition, London, 1966), 123; P.D.A. Harvey, "Archives in Britain: Anarchy or Policy?" *American Archivist*, 46 (Winter 1983), 22. The author would like to thank the innumerable archivists and librarians in Ohio who have helped him in his attempts to pursue the missing records. He is especially grateful to Gary Arnold and Stephen George of the Ohio Historical Society, and to P.D.A. Harvey of the University of Durham, for their constructive criticisms of this paper.
2. Walter Dean Burnham, *Presidential Ballots, 1836-1892* (Baltimore: John Hopkins Press, 1955). The final statewide result of Ohio's presidential elections from 1824 on may also be found in Svend Petersen, *Statistical History of the American Presidential Elections* (New York: Ungar, 1963), and in the *Congressional Quarterly's Guide to U.S. Elections* (Washington, D.C.: Congressional Quarterly, 1975).
3. The best newspaper sources for 1824 and 1828 are indicated in Donald J. Ratcliffe, "Voter Turnout in Early Ohio," *Journal of the Early Republic*, 7 (Fall 1987), 226-27, nn. 8 and 9, while the 1832 results are reprinted in Benjamin Matthias, *The Politicians' Register, Containing...Returns of the Votes Cast in the Last Elections* (Philadelphia: Key and Biddle, 1835).
4. [Samuel J. Tilden], *The Presidential Counts: A Complete Official Record of the Proceeding of Congress at the Opening of the Electoral Votes in All the Elections of President and Vice-President of the United States* (New York: D. Appleton and Company, 1877).
5. Act of 1804, reprinted in Salmon P. Chase, ed., *The Statutes of Ohio and of the Northwestern Territory* (3 vols., Cincinnati: Corey and Fairbank, 1833-35), I, 396-97.
6. *Ohio State Journal*, quoted in William T. Martin, *History of Franklin County* (Columbus: Foster and Company, 1858), 338. See also *ibid.*, 336-40, and Abbott Lowell Cummings, "Ohio's Capitols at Columbus" (M.A., Ohio State University, 1948; typescript at Ohio Historical Society), 19-21.
7. Fold-out supplement in *Annual Report of the Secretary of State to the Governor of the State of Ohio, For the Year 1860* (Columbus: State Printer, 1861).
8. *Annual Report of the Secretary of State for 1864-68, 1872-80, 1883*. By 1872 these voting returns appeared in a separate section of the report under the title "Election Statistics of Ohio"; the *Annual Report* itself was often bound with the *Statistical Report to the General Assembly* (which did not include voting statistics) in a volume described on its spine as "Ohio Statistics".
9. Theodore C. Sorensen, *Kennedy* (London: Hodder & Stoughton, 1965), 250. Some official materials disappeared in a fire at the Ohio Historical Society in 1951, but these were mainly some of the Governor's Papers, which had been transferred to the society in 1929, along with some routine business papers.
10. *Annual Report of the Secretary of State...for...1891*, and onwards. The new table, first published in *Ohio Election Statistics, 1985-1986* [Columbus, 1987], 171-84, incorporates corrections arising from my research into Ohio voting returns.

11. Kenneth J. Winkle, *The Politics of Community: Migration and Politics in Antebellum Ohio* (Cambridge and New York: Cambridge University Press, 1988).
12. For a guide to these Centers, see Karen L. Matusoff, comp., *Central Ohio Local Government Records at the Ohio Historical Society* (Columbus: Ohio Historical Society, 1978); *Guide to Local Government Records at the Ohio University Library* (Athens: The Library, 1989); Victor S. Wagher, ed., *Guide to Local Government Records at the Center for Archival Collections* (Bowling Green: Center for Archival Collections, Bowling Green State University, 1988); Nancy G. Leggett and Dorothy E. Smith, comps., *A Guide to Local Government Records and Newspapers Preserved at the Department of Archives and Special Collections, Wright State University Library* (Dayton: Wright State University, 1987). For a guide to county holdings, see *Abstract of County Records Inventory, 1803-1977* (Columbus: Ohio Historical Society, 1977), though I have been unable to find some records listed therein.
13. Chase, *Statutes of Ohio*, I, 364, 396, 583, II, 1111.
14. Ratcliffe, "Voter Turnout in Early Ohio," 240-47.
15. See above, at notes 7 and 8.
16. The following discussion draws heavily on a reading of the election laws in Chase, *Statutes of Ohio*.
17. For the main example of a pollbook that was not kept according to law, but recorded for whom each voter voted, see Ratcliffe, "Voter Turnout in Early Ohio," 240.
18. Hence the greater ease of finding early gubernatorial results. Congressional results were not published in the legislative journals until 1836; for advice on finding earlier Congressional results, see Ratcliffe, "Voter Turnout," 227 n.10, 244 n.45 and 47.
19. Warren, *Western Reserve Chronicle*, 8 Nov. 1836.
20. For examples of these stray township presidential ms. returns, see the pollbooks and tallysheets for: Wooster Township, Washington County, 1812, Dawes Memorial Library, Marietta College, Marietta; Canfield Township, Trumbull County, 1812, 1816, 1820, Western Reserve Historical Society, Cleveland; Painesville Township, Geauga County, 1820, Lake County Historical Society, Mentor; Sandusky Township, Huron County, 1824, VFM 13, Ohio Historical Society, Columbus.