

# Enrolling The People

## The Secret Ballot – not an Australian first

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### Abstract

Australian historical and political science academic accounts of the “secret ballot” often describe it as being designed in Australia and first used in Victoria in 1856. Narratives often focus on Chartists and radicals finding fertile ground in the New World for ideas that had met insurmountable resistance in the Mother Country. But this concentration on the “British story” has led to a misconception: that the secret ballot was first tried in Australia. This comes from conflating the “Australian ballot” with the “secret ballot.” Voting by ballot, in “secret” – that is, not by a show of hands, on the voices or signed voting paper – was in use in America and Europe well before being implemented in Australia. And after the Australian colonies of Victoria, Tasmania, South Australia, New South Wales and Queensland introduced the ballot, jurisdictions across the world continued for decades to use their own versions of the secret ballot.

What was an Australian first, and has become, with exceptions, the norm across the world, was the “Australian ballot”, which was a particular version of the secret ballot. While it had many unique characteristics – for example a private compartment in which to fill in the ballot slip - its central feature was government responsibility for the printing of official ballot slips that were then handed out by electoral officials. This was the revolution in design, but this was not the ballot called for by Chartists, Radicals and reformers, whose demands were generic: for vote by “secret ballot”, as many of their brethren enjoyed in America and France. Conflating the accounts of the *secret ballot* and the particular subset, the *Australian ballot*, has led to a misconception that the ballot – as long advocated by reformers - was first implemented in Australia, which in turn has seen some contortions in the work of Australian historians and political scientists.

## I Introduction

In many historical and political science academic narratives of colonial Australasian democratic innovations, the secret ballot assumes pride of place alongside reforms such as male (then universal) suffrage, payment for MPs and abolition of nomination on the hustings, all of which were implemented in Australia the five decades before the end of the nineteenth century. [1]

Like those other measures, no one has ever claimed that the *idea* of the secret ballot originated in the antipodes. “The ballot” (as it was often called [2]) had enjoyed a long tradition of advocacy reaching back to Greece and Rome [3]; more recently, the Englishman John Cartwright’s 1776 pamphlet *Take Your Choice* argued for the ballot, manhood suffrage, equal electoral districts, one person one vote and annual elections, recommendations which formed the basis of both the Radical’s Charter and the slightly later People’s Charter, both in the 1830s [4]. George Grote, a contemporary of the philosophers Jeremy Bentham and James Mill, who was elected to the House of Commons in 1832, advocated vote by secret ballot. It was a reform favoured by many democrats, progressives and liberals in the United Kingdom from the late eighteenth to late nineteenth centuries. Many accounts state that it was realised in Australia before anywhere else in the world.

Historians tell us that a combination of factors brought these ideas to our shores. The 1832 UK Reform Act, which widened the franchise, in one swoop gave political power to some middle class liberals (or “radicals”) while also embittering many of the working class males who remained without the vote, out of who grew the Chartist movement. Radicals and Chartists, both influenced by Bentham, agitated for many of the same reforms, and those who made their way to the colonies found that while their ideas had met fierce resistance in the Mother Country, fertile ground awaited in the New World.

Perhaps also, as has been suggested, “a country whose first colonisers were convicts is naturally somewhat radical.” [5] Other possible contributing factors include the American and French revolutions at the end of the 18<sup>th</sup> century, and the European upheavals of 1848. These may have come as warning signs to those in power in the United Kingdom and her colonies, and spurred a willingness to devolve power; “the elite were forced to extend the franchise because of the threat of revolution.” [6] And to the question of why the Antipodes saw these innovations first, we could say that when Australian colonial institutions were being built from the ground up, certain fashionable ideas were incorporated.

In summary, the secret ballot was an idea whose time had come, and when it came, according to many, it visited Australia first.

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If history is written by the victors, it is often also the case that decisions taken, however tenuously or with misgivings at the time, achieve greater perceived validity with time. So it is with the secret ballot, whose appropriateness is taken for granted across the world today. But the idea was controversial at the time, with some opponents considering it noble but unworkable, others believing it philosophically flawed, and still others simply viewing it with horror. The corresponding objections can be placed in three broad categories, at least the first two of which had validity. One was the fear of fraud: that, with the vote secret, people would impersonate other voters and take their vote, or vote more than once. Then there was the philosophical objection, that the ballot was ‘un-English’ – an effective term of abuse in the colonies as well as England.<sup>[7]</sup> It was also called ‘un-manly’. The vote was a public act, not a private privilege, and a man should be able to publicly defend his political choice. This was the view of John Stuart Mill in his later life.<sup>[8]</sup> And finally, the ballot was seen with alarm by some as part of a general move to widening democracy, that in the words of Robert Peel, England was democratic enough already.

## II

Australia’s first ballot legislation was enacted in 1856, by a Victorian Legislative Council preparing for the newly self-governing colony’s first elections for two houses: itself and the new Legislative Assembly. The legislation passed on March 13 and received royal assent on March 19. The first elections using secret ballot in Victoria were held in September and October of the same year.

Three men (all English-born) are generally associated with the introduction of the secret ballot in Australia.<sup>[9]</sup> One is William Nicholson (1816-1865), who had arrived in Melbourne from Cumberland in 1842 and found success in his grocery business, W. Nicholson and Company. Nicholson was Lord Mayor of Melbourne in 1850-51 and was elected to the Legislative Council in 1852.

Nicholson later became Victorian Premier, but his reputation as “father of the ballot”<sup>[10]</sup> stems predominately from his December 1857 success in moving a motion that “any electoral act should be based upon the principle of voting by ballot.”<sup>[11]</sup> However, Scott has presented evidence that Nicholson “had not the faintest idea of how the ballot would work”<sup>[12]</sup>, and after his achieving the support of his fellow Legislative Councilors, the design fell to the lawyer HS Chapman.

Henry Samuel Chapman (1803 to 1881), also in the Victorian Legislative Council in 1855-56, has been described as a “philosophical radical”<sup>[13]</sup> having had a long association with radical causes, including advocating the ballot, and running a radical newspaper in Canada.<sup>[14]</sup> Via New Zealand (where he returned in later years) and then Tasmania, he was a Melbourne lawyer when elected to the Council<sup>[15]</sup> in 1855.

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By the time of Victoria's first Legislative Assembly in October 1856, clauses based on its secret ballot had moved to the statute books of Tasmania[16] and South Australia. In South Australia it further evolved, so that in 1858 it had come to approximate that which we know today. It is in the South Australian capital, Adelaide, that we meet the third player, William Robinson Boothby (1829 – 1903). Unlike the other two men, he was a public servant, and details of his life are less well-known. Boothby was South Australian Returning Officer from 1856 until his death. [17] Near the end of his long career he was appointed South Australian Returning Officer for the first federal election in 1901. Boothby died in 1903 while preparing for that year's federal election; an electorate was then proclaimed in his honour that survives to this day.

There was and remains some state rivalry as to parentage of the ballot between Victoria and South Australia. Early last century, South Australian historian Frederick Johns was an advocate for his state, describing that “vastly improved electoral device invented by ... Boothby universally known as the Australian Ballot”:

I have never been able to understand why the authorship of the Australian ballot has been persistently claimed for the Sister State of Victoria... it was the South Australian statute... which Mr Boothby drafted, that gave Australia its reputation in respect of the Ballot[18]

But the Victorian historian Ernest Scott will have none of this: “When South Australia adopted the Ballot, it was already provided for in the Victorian Electoral Act of 1856, and the first South Australian ballot sections were in fact based upon the Victorian provisions.” [19]. Scott is correct about this, but South Australia's claims have always been about their 1858 changes, addressed below.

By the end of the decade New South Wales and Queensland had implemented ballot legislation, and notwithstanding robust opposition – a “vile system” and “dead failure”, suggested the *Times of London* as early as 1857[20]; “red tape” warned a UK politician twelve years later [21] - it was, before the century's end, exported to New Zealand (1870), the United Kingdom (1872), Canada (1874) and Belgium (1877). From 1888 onwards, many jurisdictions of the United States enacted “Australian ballot” legislation.

### **The “strike-through” and the traceable vote: two changes to Chapman's ballot**

We will take a brief detour here to sketch the development of two features of the Australian Ballot. One of them might be called trivial, while the other had important repercussions for the actual secrecy of the ballot.

The Victorian ballot, as noted, quickly spread, first to Tasmania and South Australia. But the

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copying of the procedure wasn't completely wholesale; it immediately underwent some changes. Importantly, the Victorian legislation didn't provide for one hundred percent secrecy in the vote; it made the ballot slips traceable. The electoral official was to "write upon each ballot paper ... the number corresponding to the number set opposite to the elector's name in the electoral roll" [22]. This was to be a safeguard against fraud and ballot-stuffing, a way of tracking wrongdoers. The next state to design secret ballot legislation, Tasmania [23], dropped this mechanism, making the ballot totally secret, as it remains (in Australia) today. South Australia also dropped the numbering/tracing for its first use of the ballot in 1857 [24], and after that no other Australian jurisdiction picked it up. Overseas, however, New Zealand and the United Kingdom did adopt it.

In 1858 another change came – this time from South Australia. It is this innovation that Johns, quoted earlier, sees as a defining feature of the Australian ballot and one of Boothby's accomplishments. Victoria's ballot slips contained, as they do now, a list of the candidates' names. But unlike usual practice today, Victoria's legislation (clause 36) stated that the "elector shall in the compartment or ballot room provided for the purpose *strike out the names of such candidates as he does not intend to vote for* ..." Tasmania picked this up, and its 1856 Act (clause 63) instructed the voter to "*strike through in ink the name or names of such candidate or candidates for whom he does not intend to vote*". And South Australia's 1856 legislation (clause 29) similarly dictated that the elector was to "*obliterate the name of the Candidate or Candidates for whom he does not intend to vote*"

But the 1858 South Australian Act (in clause 31) saw a change; it had the voter "*making a cross within the square opposite the name [of] the candidate for whom he intends to vote*".

This, of course, came to be the norm around the world - putting a tick, cross or mark [25] next to the person or party you wish to vote for [26]. For the Australian ballot's first trip abroad, to New Zealand, the Victorian strike through-method was retained. But after that, in the United Kingdom, Canada, Belgium and various jurisdictions of The United States, the Boothby method was used [27]. Meanwhile, back in the Australian colonies, the Victorian "strike out" method prevailed - including in Queensland and Western Australia [28], both of which adopted the ballot after 1858.

However, after the six Australian states had federated, and held the first elections for the House of Representatives and Senate in 1901 - conducted by the colonies using their own mechanisms and rules - a committee of the new parliament recommended that "the practice of striking out the names of the candidates on the ballot paper be discontinued [in favour of] a cross within a square printed on the ballot paper after the names of the candidates" [29], which was duly included in the Australian Electoral Act 1902.

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Meanwhile, changes to the colonies – then states - electoral systems that involved ballot slips requiring the voter to number candidates rendered the question moot [\[30\]](#) (See table in **Appendix A.**)

Apart from variations such as these, the Victorian secret ballot procedure was remarkably influential, and was adopted across much of the “liberal democratic” world.

### III

We need to take stock at this point. We have been describing the introduction of the secret ballot in Australia, and briefly mentioned the spread of this model – the Australian Ballot - to other countries. But this is where confusion seeps into much Australian writing, for the “Australian ballot” is not the same thing as the “secret ballot” *per se*. It is, instead, a particular version - a subset.

There is a tendency in Australian narratives to conflate the two, create a false dichotomy between open voting (on the voices, show of hands or signed ballot papers) and the Australian Ballot, and claim that the world’s first secret ballot legislation was enacted in Australia. For example, the Australian Electoral Commission’s website states with confidence that “Australia was the first country to use the secret ballot” [\[31\]](#). McKenna [\[32\]](#) describes the “secret ballot” as “a protean concept that was first realised in the [Australasian] colonial world”. And Hirst writes this of its introduction in the mid 1850s: “The ballot had been discussed in Britain for decades; now in Australia an actual plan to implement it had to be worked out.” [\[33\]](#)

But how do we reconcile these sentiments with the following information: That the Canadian colony of New Brunswick employed voting by secret ballot in 1855 [\[34\]](#), a year before Victoria? And, even earlier, from the late 1780s, the American state of New York, having reasoned in legislation that “voting at elections by ballot would tend more to preserve the liberty and equal freedom of the people than voting *viva voce* ...” was electing its governors, lieutenant governors, senators and assemblymen by that ballot? [\[35\]](#)

Massachusetts is reported to have used voting by ballot in the 1640s [\[36\]](#), and was certainly electing politicians by ballot by the time the Victorian Legislative Council members in December 1855 were debating its introduction. France had the ballot when it was introduced in Victoria. In fact, Legislative Council opponents of the ballot made specific and disparaging references to its use in America and France [\[37\]](#).

The statements by the two Australian historians can only be true if the “protean concept”, the “ballot being discussed in Britain for decades” was something other than which already existed in,

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for example, Massachusetts or New York, and that it was this which came to fruition in Victoria in 1856. But this, as we will see, is not sustainable, for the calls by Grote and others were for a generic secret ballot. What was first tried in Australia was – simply – the “Australian Ballot”, a version of the secret ballot.

What was so special about the Australian Ballot? What separated it from contemporary versions of the secret ballot?

## The Australian Ballot in America

We can tease this out with reference to the wave of “Australian Ballot” reforms that hit the United States in a few years from 1888. According to Fredman, during the 1800s “[t]he Franchise was becoming wider as state after state permitted full manhood suffrage” [38]. As well, more officials were being elected rather than appointed. The secret ballot at this time involved voters supplying their own paper, or taking them from candidates or third parties, and putting them in ballot boxes - in full view of anyone who wished to watch. [39] These ballot slips could be of various shapes, colours and sizes, and so, while the vote was in theory secret, a carrot or a stick could encourage a voter to make his vote public (by, for example, simply waving the candidate’s easily identifiable coloured ballot slip in the air before depositing it in the ballot box), and corruption and vote-buying was increasing as a problem.

There was much interest in electoral reform from Australia – of the “Australian system” and the “Australian ballot”. Henry George, who was to visit Australia in 1890, was an early advocate, lamenting in 1883 (in complaints similar to those arising from England’s open voting) that

The practice of "treating" by candidates has, in many parts of the country, grown into an evil of formidable magnitude. The old custom of a personal house-to-house canvass has, in our cities, degenerated into a visiting of liquor saloons and "corner groceries". The candidate is expected to visit each groggery in his district, to present his card, and leave on the bar a ten or twenty-dollar bill, for which no change is given, while all the loungers about the place are called on to take a drink. In some places the custom is for him to pay for a keg of beer [40].

George called for “radical reforms” [41], specifically, “what I conceive would be the greatest single reform ... adopting the Australian plan of voting” [42].

Others to call for the Australian system included Rice in 1886 - the “Australian system [has been] praised for having secured absolute secrecy of balloting and accurate returns”) [43] and, importantly, Wigmore in 1889. [44]

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Hoadley wrote in 1888:

The necessity of election reform is deeply impressed upon the American mind. Impatience with present conditions exists in both political parties. The Australian system, being simple, easily understood, and presenting possibilities, if not probabilities, of fruitful results, is approved by many[45].

And the following year the American *Century Illustrated Magazine* editorialised:

When the [US] State legislatures came together in January last, there was scarcely one of them which did not have before it in some form a measure for a change in existing ballot systems. The Australian method was the favorite everywhere, partly because it had stood the test of experience in Australia for 30 years, in England for 18 years, and in Canada for 16 years, and partly because discussion of it had made the public to some extent familiar with its principles[46]

These are just samples of the commentary; there is no doubt that many American political scientists, legislators and reformers were looking to something they called an “Australian” system.

The first jurisdiction to introduce the Australian Ballot was Louisville in Kentucky, the first state-wide enactment was Massachusetts. Both of these legislative changes took place in 1888. But in most states it was not a change from open voting, as most already had a form of ballot. In fact, "Kentucky clung to oral voting even after the Civil War, otherwise the [vote by ballot] had become general." [47] Hence the phrase “Australian Ballot”, not “secret ballot”. No-one at the time was confused, none called for the introduction of the “secret ballot” or the “ballot”; they were introducing the “Australian system” or the “Australian ballot”.

By 1892 – in time for that year’s Presidential election - the majority of American states had introduced Australian ballot legislation.

Ware has described this wave:

Before 1888 no state in the United States used the Australian system of balloting, but [b]y 1891 thirty-one of the thirty-three non-southern states had adopted some variant of the Australian Ballot law, and by 1893 the two remaining states (Iowa and Kansas) had followed suit[48]

And four years later, at the 1896 presidential election, the *Times of London* (27 October) reported that:

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It is a fact... that the Australian ballot, being secret, is an effectual protection against coercion, and the only [American] states in which *this* ballot does not obtain are Georgia, Louisiana and North and South Carolina. [My italics]

These advocates spoke of reform along the lines of the “Australian ballot”, because the “secret ballot” was already in use – it was just that its secrecy was compromised.

So if the Australian reform wasn't the secret ballot *per se*, what was it? To one contemporary American commentator the secret compartment was paramount: The Australian system's

first and most important feature is the fact that, at the moment just before casting his ballot, the voter must pass a brief but sufficient period of time alone in a room, booth or compartment, where he is exempt from espionage, and certain of solitary freedom long enough to prepare his ballot. [49]

But this feature was in fact a by-product of the most important aspect of the Australian Ballot: the government-printed ballot slip. This was the distinguishing, revolutionary feature. This was what the Victorian Legislative Council “invented”, the procedure in which a voter takes the ballot slip from the official, retires to a private room and, having chosen their candidate, places the paper in the ballot box under the eye of the official. [50].

Here was an American's 1889 [51] wish list:

- (1) The ballot should be printed and distributed at public expense.
- (2) The names of all candidates for the same office should be printed upon the same ballot.
- (3) The ballot should be delivered to the voters within the polling place on election day by sworn public officials, and only ballots so delivered should be counted.
- (4) The voter should be guaranteed absolute privacy in preparing his ballot, and the secrecy of the ballot should be made compulsory.

This was the radical change, one that transformed elections. This was the Australian ballot system designed by Chapman: it made coercion and/or corruption very difficult. [52]

Two decades earlier, Sir Charles Dilke, in advocacy of the Australian Ballot's introduction to the United Kingdom, explained to the House of Commons parliamentary committee in 1868-9 how contemporaneous non-Australian ballot was compromised:

The American and French systems... are secret [so far] as this: that they may be secret, but they need not in all cases be secret; and in that they differ entirely from the Australian system ..[which] is and must necessarily be secret. I mean this: that in Paris, if you follow a

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voter along the queue, along the string of voters, you can see him taking the voting paper of a particular candidate. He takes it open and you can see which he takes.. under the French or American system, if the voter wishes that other persons should know how he votes, he can ensure that they shall know. Under the Australian system the voter cannot make known for certainty .. how he votes, because if he tells you how he votes he may be telling you a lie[53]

This gives an indication of the rather undisciplined nature of the ballot as it existed then. And it also alludes to the central misunderstanding in many accounts of the ballot. America was not implementing its first secret ballot, and no one at the time thought they were. Most American states already had a secret ballot; they just moved to a better one. France also had the ballot – long before Australia - a fact referred to by many ballot advocates in the United Kingdom.

Hirst is correct when he writes that “the ballot had been discussed in Britain for decades [before 1856]”, but the call was for UK voters to enjoy what their brethren had in America and France. Take, for example, a *Times of London* account of an 1832 reformists’ meeting: “Mr Hitchins said he was convinced of the necessity of the ballot. .... France and America had the ballot; and why not the same measure to be adopted in England?”[54]

And in 1858, ballot sceptic Lord John Russell belittled, in the House of Commons, ballot advocates’ enthusiastic reports of the Australian experiment two years earlier, also referring to its use elsewhere:

.. after the ballot has been established in many countries of Europe, and nominally in the United States we find hon. gentlemen exhibiting excessive delight and rapture because in the colony of Victoria it is supposed to have succeeded. [Mr H. Berkeley: - "And in Tasmania as well."] (Laughter.) I cannot help thinking that if this contrivance, which has been adopted in other countries, had really been successful there.. we should not have had Victoria and Tasmania held up as such splendid examples for our imitation... We have examples before our eyes. In France there exists an Assembly, elected by universal suffrage and by ballot. We have a Congress and different Assemblies adopted by universal suffrage and by ballot in America ...[55]

There had been calls aplenty for the secret ballot in the United Kingdom, and in Australia before 1856, but none was for the defining feature of the Australian ballot – the government supplied ballot slip. Those calls were generic ones – for the ballot as voters in France and America then enjoyed.

This is not a semantic point or to split hairs: it goes to the heart of a contradiction of the particularly Australian account of the ballot. There is the generic secret ballot and the specific

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Australian ballot, and they possess different plotlines. In the 1830s, the secret ballot was used in France (and perhaps other European countries [56]) and many states in America. George Grote and others wished to see it introduced in the United Kingdom as well. Grote didn't believe he was advocating a world first. He too made reference, for example, in a speech to the House of Commons in 1833, to the Ballot's success in France. [57] He advocated a secret ballot for the United Kingdom, as some men already enjoyed in other countries. Furthermore, as far as I can tell, neither Grote nor any Radical or Chartist called for the government to supply ballot slips, let alone provide a private room. Their demands were generic.

The *Australian* ballot, if popularity is any guide, was the best version of the secret ballot ever invented, but it wasn't the first. It resides in the narrative of England and her colonies: from 1856 to 1858 every Australian colony had achieved what the Mother Country could not. It then spread across the globe, in some jurisdictions replacing secret ballots, in others replacing open voting. Neither Chapman, Nicholson nor anyone else involved in the Victoria legislation believed they were implementing the world's first secret ballot in 1856. Rather, they set out to create the world's best one, or perhaps the one best suited to Australian conditions.

The problems begin when attempts are made to marry the two, or perhaps to see only the particularly British story, in which Chartists' and radicals' demands for something new finally coming to fruition in the Australian colonies. But McKenna's "protean" was not first implemented in Australia.

I will mention Wigmore and Scott, because the latter's 1920 and 1921 writings on the ballot have been influential, and possibly contribute to the misconception. In 1889 a young Boston lawyer Henry Wigmore published a book *The Australian Ballot System as Embodied in the Legislation of Various Countries* [58]. This was on the cusp of the wave of Australian ballot reform in his country, which Wigmore enthusiastically endorsed.

In 1920, the historian Ernest Scott took Wigmore to task for, among other things, "stat[ing] that the Australian system was purely indigenous, its details having been prepared and marked out independently, and no other system being referred to or known by the framers of law. The truth of that", Scott continued, "will be clear when we examine the circumstances in which the ballot originated". [59]

But Scott's "truth" is the British-Australian account: of Chartist agitators among the gold diggers, convicts and others arriving from England and demanding democratic reform including the ballot. Scott is relating a convincing account how the ballot came to Australia. But Wigmore, many of whose countrymen had been voting by ballot for decades before Australia, was writing about the *Australian Ballot*, with all its unique features that distinguished it from the ballot in use elsewhere at the time. He was correct as seeing these characteristics as indigenous to Australia. If he *had* been referring to the secret ballot *per se*, New York's Constitution of 1777, referred to above,

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might have been a more fruitful starting point than England in the 1830s.

This is because, as noted, no Chartist or Radical, no Grote, Mill (junior or senior) or Bentham, advocated anything that was particular to the Australian Ballot that came into being in 1856. This cast of characters predominate in the Australian story; Scott wishes to unnaturally force them into the American one as well.

Fredman also muddied the waters in his *The Australian Ballot: the Story of an American Reform* (1967). A “historian and an Australian”<sup>[60]</sup>, Fredman understood the history of the ballot in the United States, but seemed to fall victim to the same contradiction. Claiming that, “[a]s now understood, the terms secret ballot and Australian ballot are interchangeable ”, he then wrote:

It is not possible to trace the precise origin of the *idea*. Some immigrants [to Australia] were undoubtedly familiar with its use in local elections in Britain before 1835. Others may have been familiar with the crusade of George Grote for ballot reform in the 1830's<sup>[61]</sup> [my italics]

And, later: “The *principle* of the ballot was old, even in Britain; what was new was a detailed measure applicable to modern conditions.”<sup>[62]</sup> [my italics]

Which “idea” and “principle” is Fredman referring to? If it is the generic secret ballot, then his readers in America (where the book was published) may have wondered at the ignorance of colonial Australians as to long-standing practice in some of the American states. But if Fredman means the particular Australian Ballot, he is mistaken, because none of those British precedents provided any anticipation of the Australian version of the ballot.

## IV Conclusion

[W]hen face to face with a demand for reforms from which well read but dawdling pedants in other countries shrink, [Australasian legislators] have the boldness to go forward and the knack of doing work that will serve its purpose.

William Pember Reeves, 1902.<sup>[63]</sup>

The Australian ballot, introduced in Victoria in 1856, triumphantly translated idealistic aspirations into practical design. The plan - for the government printed ballot slip, which an electoral official initialled before giving to the voter, who took it into a secret compartment to make his choice, and then placed it folded into a ballot box under the eye of an official <sup>[64]</sup> - has proved so durable as to remain familiar to many countries including Australia today. In seeing the state claim such active and detailed responsibility for the integrity of the voting procedure, it can reasonably be called

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“Benthamite”.

Was it, however, the world’s first secret ballot? There is of course a trivial refutation of that assertion: that the word “ballot” originates from an Italian word “balotta”, meaning “little ball” and the more recent word “psephology” comes from the Greek “phephos”, for pebble. Both of these refer to “secret” voting practices that date back to ancient Greece and Rome.

But this paper has taken to task a less ambitious assertion. The claim that, in the words of the AEC, “Australia was the first country to use the secret ballot”, and that in subsequent decades, according to another writer, “[t]he secret ballot became known in the United States as the ‘Australian ballot’”[\[65\]](#) has a specific context, which can perhaps be described as the relatively modern era of large numbers of people electing representatives to national or other legislatures, and of the replacement of “open voting” with vote by ballot.

We know that, before the ballot came to Australia in 1856, something called the “secret ballot” existed in France and America. Perhaps more importantly, we have seen that activists and others who advocated the ballot before 1856 in Australia and elsewhere - those who gave speeches to parliament, attended town meetings, signed petitions urging its adoption – believed that the ballot already existed at that time, in other countries. And opponents of the ballot’s introduction specifically pointed to what they saw as its shortcomings in the United States and France. This was the ballot that Grote had in mind; it was the ballot that public meeting after meeting in Australia called for. No-one, as far as I can tell, called for the government printed ballot slip.

So what of Australia’s “world first”? We can only believe that the secret ballot was first used in Australia if we define it specifically as the Australian model. That means we view the systems that existed before 1856 as not actually involving vote by “secret ballot”. But if we do this we disagree with the publicly stated opinions of Chartists, radicals, Grote, Cartwright et al. We are saying they were wrong, and the secret ballot did not in fact already exist. More importantly, as none of them called for what became the “Australian ballot” – government-printed, uniform ballot slips etc - any account that sees the ballot, *after decades of agitation*, being first tried in Australia, immediately collapses. No-one anywhere did actually call for the secret ballot, *as we have just defined it*. But if on the other hand we wish to see the arrival of the ballot in Australia as the culmination of arguments, meetings, popular action by Chartists’ etc, we must accept a generic definition of the secret ballot. Then we can’t claim this world first.

Perhaps the issue is just geographical, and we have seen the unnatural joining of two narratives. One narrative exists within the story of the British Empire and Australia’s place in it, and is of the introduction of the secret ballot in Australia after much fruitless agitation in the Mother Country. It involves the cast of Chartists, radicals and reformers, who put their ideals into practice in a land with few conservative institutions.

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The other narrative is of the remarkable spread of the Australian version of the secret ballot around much of the world, across Europe (including the United Kingdom) and America in the second part of the nineteenth century. In some destinations - in Australia, New Zealand and the United Kingdom - it replaced open voting. In others - parts of America and parts of Europe - it replaced older versions of the ballot.

That is the true story, of a particular subset of the “secret ballot” – the “Australian ballot”. It was invented, designed and put into practice in Australia in 1856, but in 1856 other countries were already voting by secret ballot.

## Appendix A

**Development of the traceable number and the mark in the square with the introduction of the Australian Ballot.**

<b>Jurisdiction</b>	<b>Year</b>	<b>Numbered/ traceable?</b>	<b>Strike-through (S) or Mark in square (M)?</b>
Victoria	1856	Yes	S
Tasmania	1856	No	S
South Australia	1858	No	M
New South Wales	1858	No	S
Queensland	1859?	No	S
New Zealand	1870	Yes	S
United Kingdom	1872	Yes	M
Canada	1874	No	M
Western Australia	1877	No	M
Belgium	1877	No	M
American states	1888	No	M
Commonwealth of Australia	1902	No	M

## Appendix B

But what do we mean by the secret ballot, or the Australian Ballot as it is still known in parts of the United States

### **Clause XXXVI of the Victorian Electoral Act 1856**

The returning officer or his deputy shall provide a locked box of which he shall keep the key with a cleft or opening in such box capable of receiving the ballot paper and which box shall stand upon the table at which the returning officer deputy returning officer or poll clerk and scrutineers preside And each elector shall having previously satisfied as herein provided the returning officer or his deputy that he is entitled to vote at such election then receive from the returning officer or deputy returning officer or poll clerk a ballot paper in the form in the schedule hereunto annexed marked F and which ballot paper shall be signed upon the back by the returning officer with his name and such elector shall in the compartment or ballot room provided for the purpose strike out the names of such candidates as he does not intend to vote for and shall forthwith fold up the same in such manner as will conceal the names of the candidates and display that of the returning officer written upon the back and deposit it in the ballot box in the presence of the returning officer or deputy returning officer or poll clerk and scrutineers and in case such elector shall be unable to read or shall be blind he shall signify the same to the returning officer or deputy returning officer or poll clerk who shall thereupon mark or strike out the names of such candidates as the elector may designate and no elector shall take out of such room any such ballot paper either before or after he has marked the same and any elector wilfully infringing any of the provisions of this clause or obstructing the polling by any unnecessary delay in performing any act within the ballot room shall be deemed guilty of a misdemeanour.

### **Clause XXXVIII of the Victorian Electoral Act 1856**

Before delivering the ballot paper to the elector as hereinbefore provided the returning officer or deputy returning officer or poll clerk shall write upon each ballot paper so delivered to such elector the number corresponding to the number set opposite to the elector's name in the electoral roll and shall thereupon check or mark off upon a certified copy of the electoral roll such voters name as having voted and such numbers so corresponding as aforesaid shall be sufficient prima facie evidence of the identity of the electors whose names shall appear on the roll and of the fact of their having voted at the election at which such ballot papers were delivered.

## **Appendix C**

**Wakefield on the New Zealand Ballot** [\[66\]](#)

But what do we mean by the secret ballot, or the Australian Ballot as it is still known in parts of the United States

The author of the passage below is "Edward Wakefield". As far as I can tell, it is Edward Jerningham Wakefield, son of Edward Gibbon Wakefield (after who the South Australian federal electorate is named). But Wakefield Junior died in 1879, a decade before this was published. Don't know whether it had been published previously. The piece is called 'The Australasian Ballot', presumably to include New Zealand in the story, but actually New Zealand waited until 1870 before adopting the ballot. Below is the section that describes the workings of the secret ballot.

Prior to the day appointed by the election, a sufficient number of conveniently-situated buildings or rooms are publicly announced as polling booths, and early on the morning of the election these places are taken possession of by the "returning officer" and his deputies, none of whom have a vote or are in any way concerned in the election. The returning officer (or deputy) seats himself at a table, with his poll clerk, and one scrutineer, appointed by each candidate if he choose, the scrutineer being a non-voter. Nobody else is allowed in the polling booth, which is thus absolutely private for the purpose of voting. The returning officer has before him the electoral roll, on which are registered the names and descriptions of all qualified voters, arranged and numbered from No. 1 upward, in alphabetical order. He also has a corresponding number of ballot papers, which are small sheets of printing paper, containing the names of the candidates in alphabetical order, and a direction to the voter, plainly printed, instructing him to draw a line through the names of the candidates whom he does *not* wish to vote for. The ballot box, which is simply a large wooden box with a slit in the top, stands on the table in front of the returning officer, who alone has the key of it. In another part of the room, but in view of the returning officer, there is a screen, behind which is a writing table or shelf, and a supply of blue pencils.

At the hour appointed for opening the poll (the polling hours differ in different colonies, but are generally from 8 A.M. to 6 P.M.), a constable opens the door of the polling booth, and the voting begins. The elector walks in, states his name in full, and answers any questions the returning officer may put to him for the purpose of identifying him for the electoral roll. The returning officer then ticks him off on the roll and gives him a ballot paper, having first written the elector's number, from the electoral roll, in the corner of the page, and gummed it down. I mention this detail for a reason which will appear later. [\[67\]](#)

The elector takes the paper, goes behind the screen, draws a blue pencil line through the names of the candidates whom he does not wish to vote for, comes out with the paper folded in his hand, drops it in the slit in the lid of the ballot box, and goes about his business. A constant succession of voters will repeat this process all day until the hour for closing the poll, when, on the stroke of the clock, the constable shuts and locks the door of the booth. Blind or otherwise physically

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incapable electors, or those who cannot read, are entitled to the assistance of the returning officer if they ask for it.

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[1] Not *all* of the Australian colonies, however, saw all of these reforms at that timeframe.

[2] In the paper, "ballot" and "secret ballot" are also interchangeable.

[3] There are reports of secret voting as far back as Greece and Rome, with balls, seeds and grain.

[4] Neale, R. S. (1967) 'H.S. Chapman and the 'Victorian' Ballot', *Historical Studies*, **Vol 12**, 506-521.

[5] Harris, H. L. (1926) 'The Influence of Chartism in Australia', *The Royal Australasian Historical Society: Journals and Proceedings*, **XI, Part VI**, 351-378p352

[6] Acemoglu D. and Robinson, J. A. (1999) 'Why Did the West Extend the Franchise? Democracy, Inequality and Growth in Historical Perspective', *Not sure*.

[7] One British visitor in the 1870s noted the power of the term 'un-English' in the Australian colonies. Wedderburn, S. D. (1876) 'English Liberalism and Australasian Democracy', *Fortnightly Review*, **No. CXV (New Series)**, pp43-59. Some years later Gavan Duffy wrote of the payment for MPs that "It was declared to be un-English, which no doubt it was; but as manhood suffrage, the ballot, members with no property qualification, and election expenses not levied off the candidates, which had already been adopted, were equally un-English at the time, this objection was not very persuasive". Duffy, C. G. (1893) 'Payment of Members: an Australian Example', *The Contemporary Review* **April 1893**, 480-484p482

[8] In a letter to HS Chapman in July 1858 he explained that "far from thinking [he] was wrong in supporting it formerly", circumstances had changed. Specifically, the dangers from bribery and coercion had so receded as to no longer outweigh the desirability of a person being able to publicly defend their political choices.

[9] Scott, E. (1920) 'The History of the Victorian Ballot', *The Victorian Historical Magazine*, **Vol VIII**, pp1-14, convincingly refuted the "fallacious and boastful claim" (p4) of a fourth, South Australian politician Francis S. Dutton. It was before the House of Commons in 1869 that Dutton asserted parentage, a misconception that carried through at least two American books on the Australian Ballot.

[10] Duffy, C. G., Sir, 1816-1903 (1898) *My Life in Two Hemispheres*, T. Fisher Unwin, London. For example. Also, in private correspondence to HS Chapman, JS Mill advised "The adoption of the ballot in Victoria has made some noise here, and has been a good deal appealed to by its advocates in parliament. You have heard, no doubt, of the dinner given Nicholson [who was visiting London]" (Mill, J. S. (1858) 'Private Correspondence to Henry Samuel Chapman').

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- [11] Serle, G. (1968) *The Golden Age: A History of the Colony of Victoria, 1851-1861* MUP, Melbourne. According to Serle (p208-9), Nicholson's motion was passed by 8 votes; the government leader Haines resigned.
- [12] Scott, E. (1920) 'The History of the Victorian Ballot' *The Victorian Historical Magazine*, Vol VIII, pp1-14. Scott's thesis, that Chapman was agnostic on the question of the ballot itself, and simply determined, once the Council had voted for it, to make it workable, has been rejected; see Neale (1967)
- [13] Writes Neale, R. S. (1967) 'H.S. Chapman and the 'Victorian' Ballot' *Historical Studies*, Vol 12, 506-521 p514 "Like most other Philosophical Radicals, Chapman felt himself to be something of a Philosopher King, fit to govern benevolently but cut off by taste and aspiration from the mass of the governed."
- [14] One part of his life that hasn't made it to any historical accounts I've found is what appears to be a bankruptcy in 1828. (*Times of London* May 20 1828)
- [15] Chapman had also been an a nominated member of the Legislative Council Tasmania
- [16] See Newman, T. (2003) 'Tasmania and the Secret Ballot' *Australian Journal of Politics and History*, 49, 93-101. which corrects a long-standing misconception that Tasmania introduced the Ballot in 1858. Newman discovered the 1856 Tasmanian Electoral Act which included secret ballot clauses apparently based on Victoria's. Furthermore, the Tasmanian Act was passed before either Victoria's or South Australia's. Prior to this, the 1858 Act had been thought to contain the first ballot legislation in the state. It seems the Tasmanian Supreme Court Library holds the only copy of the 1856 Act in Australia at least.
- [17] Two recent sources, Fort, C. (2001) *Electing Responsible Government: South Australia 1856* State Electoral Office, Adelaide, SA (2001; p11) and Prest, W. (Ed.) (2001) *The Wakefield companion to South Australian history / editor: Wilfrid Prest ; managing editor: Kerrie Round ; assistant editor: Carol Fort* Wakefield Press, Kent Town, S. Aust. (which Fort worked on) have Boothby assuming the position of returning officer in 1854. For the time being I assume 1856 as the correct, see for example *Public Service Review* (1893) In *SA Public Service Review* pp. 50. and the entry in Pascoe's *History of Adelaide and Vicinity* Pascoe, J. J. (Ed.) (1901) *History of Adelaide and vicinity : with a general sketch of the province of South Australia and biographies of representative men* Hussey & Gillingham, Adelaide.)
- [18] Johns, F. (1917) 'Leaves From My Notebook: Act 60 Years in Operation' *A Public Service Review* 496-498. Johns's *Australian Biographical Dictionary* (1934) declares Boothby "the father of what became known as the Australian Ballot" (p37) but HS Chapman receives credit in his entry too: Chapman drafted the machinery clauses for the [Victorian] Ballot Bill which became law 19 Mar. 1856.
- [19] Scott, E. (1920) 'The History of the Victorian Ballot' *The Victorian Historical Magazine*, Vol VIII, pp1-14. p2. According to Johns's (1934) entry for Scott (p311) he was born in England and lived in Victoria.
- [20] *Times of London*, 'The Ballot in Australia', January 13 1857
- [21] Quoted in Fredman, L. E. (1958) *The Australian ballot: the story of an American reform* Michigan State University Press. p15-6, and un-named speaker, sourced to *blansard Parliamentary Debates* third series, CCVII (June 26, 1871), 574-77 (Gathorne-Hardy), 594-604 (Hope).
- [22] See **Appendix B**, Clause XXXVIII. The information was kept private, and the public at large was not able to match voters with numbers
- [23] As Newman, T. (2003) 'Tasmania and the Secret Ballot' *Australian Journal of Politics and History*, 49, 93-101 points out, the Tasmanian legislation actually passed through parliament before the Victorian, although it almost certainly was based on the Chapman legislation. The Tasmanian, Victorian and South Australian acts containing secret ballot were passed, all in 1856, on 4 February, 19 March and 18 April respectively.
- [24] South Australian legislation was passed in 1856 but the first election using the secret ballot was in 1857
- [25] Or, as Florida made famous in 2000, to punch out a had
- [26] This "norm" needs some qualification. Some electoral systems today, such as our own preferential voting, require all boxes to be filled. Elsewhere, for example in the Solomon Islands, multiple ballot boxes— one for each candidate— are used. In Sweden the parties still hand out ballot slips, which the voter puts in a government-supplied, standardised envelope.
- [27] There were variations, beginning in Belgium, involving party tickets.
- [28] The WA situation is a little murky at this stage. Remembering that it didn't achieve self-government in 1890; there

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are several references to an 1877 introduction of the secret ballot, with one source (Wigmore, 1889) describing the Boothby method. However, the colony's 1895 Electoral Act certainly certainly (in clause 74) instructs that voters strike out the names they don't want.

[29] 'Report of the Conference Re Federal Elections Bill, 4 July 1901, Section 27 p6 in *Commonwealth Gazette 1901-2* Volume 2 page 203.

[30] Queensland moved to contingent voting in 1892; Tasmania to Hare-Clark in 1896; Victoria and WA to preferential voting in 1911; NSW flirted with proportional representation from 1918 to 1926; South Australia moved to contingent voting in 1928.

[31] [http://www.aec.gov.au/\\_content/when/history/history.htm](http://www.aec.gov.au/_content/when/history/history.htm) last checked July 13 2005

[32] McKenna, M. (2001) In *Elections: Full, Free & Fair* (Ed, Sawyer, M.) The Federation Press, Sydney p47

[33] Hirst, J. B. (2002) *Australia's democracy : a short history*, Allen & Unwin, Crows Nest, N.S.W. : p51

[34] Courtney, J. C. (2004) *Elections*, University of British Columbia Press, Vancouver p106

[35] New York 1777 Constitution

[36] Fredman, L. E. (1958) *The Australian ballot: the story of an American reform* Michigan State University Press p20

[37] For example, *The Argus*, 19 December 1855 p 6 column b; 'Mr C. Campbell' told the Council that "[i]n America, Massachusetts, one of the most enlightened States, had tried the ballot and it had failed: and he believed that the system would fail equally in the community of Victoria; and 20 December 1855 p4 column g; The Surveyor General [noted that ] [i]t was urged by one side that it- the ballot- had given happiness to France.. "

[38] Fredman, L. E. (1958) *The Australian ballot: the story of an American reform* Michigan State University Press p21

[39] There were variations from state to state as to who could attend polling places.

[40] George, H. (1883) 'Money in Elections' *North American Review*, CXXXVI, 201-11 p210

[41] *Ibid.* p205

[42] *Ibid.* p208

[43] Rice, A. T. (1886) 'Recent Reforms in Balloting' *ibid.* CXLII, 628-42. p632

[44] Wigmore, J. H. (1889) *The Australian ballot system as embodied in the legislation of various countries*. C.C. Soule, Boston.

[45] Hoadly, G. (1888-9) 'Methods of Ballot Reform' *The Forum*, Vol 7, 623-633 p623

[46] Editorial (1889) 'Topics of the Time: Ballot Reform Progress' *The Century Illustrated Monthly Magazine*, Vol XXXVIII, pp793-4 p794

[47] Fredman, L. E. (1958) *The Australian ballot: the story of an American reform* Michigan State University Press p20

[48] Ware, A. (2000) 'Anti-Partism and Party Control of Political Reform in the United States: The Case of the Australian Ballot', *British Journal of Political Science*, v30, p1-29 p9

[49] Hoadly, G. (1888-9) 'Methods of Ballot Reform' *The Forum*, Vol 7, 623-633 p625

[50] See **Appendix B** for relevant the Victorian Electoral Act clause

[51] Bernheim, A. C. (1889) 'The Ballot in New York' *Political Science Quarterly*, 4, 130-152 p140

[52] But see Cox, G. W. and Kousser, J. M. (1981) 'Turnout and Rural Corruption: New York as a Test Case' *American Journal of Political Science*, Vol. 25 no. 4, pp646-663. who provide evidence that parties paid voters to stay at home once the vote's secrecy was truly assured.

[53] Quoted in Bernheim, A. C. (1889) 'The Ballot in New York' *Political Science Quarterly*, 4, 130-152 p150

[54] *Times of London*, November 17, 1832, p1; Lincoln Reform Festival (Abridged from Drakard's Stamford News).

[55] *Times of London*, July 9, 1858, p6 House of Commons debate

[56] Wigmore, J. H. (1889) *The Australian ballot system as embodied in the legislation of various countries*. C.C. Soule, Boston. Has, by 1889, many continental countries using a form of secret ballot

[57] Bain, A. (1974) *The Minor Works of George Grote*, Lenox Hill, New York. paraphrases part of Grote's 25 April 1833 speech to the House of Commons: "In France, during the last ten years, the Ballot proved the single guarantee against an overwhelming government ascendancy

[58] Wigmore, J. H. (1889) *The Australian ballot system as embodied in the legislation of various countries*. C.C. Soule, Boston.

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[59] Scott, E. (1920) 'The History of the Victorian Ballot'*The Victorian Historical Magazine*, Vol VIII, pp1-14p3

[60] Fredman, L. E. (1958)*The Australian ballot: the story of an American reform*Michigan State University Presspx

[61] Ibid. p4

[62] Ibid.p9

[63] Pember Reeves, W. (1969)*State experiments in Australia and New Zealand*Macmillan.vol 1p73

[64] Instructions sent by the Chief Secretary's office to returning officers for the 1856 Victorian elections apparently contained a diagram of the polling booth, but no copy has yet been found.

[65] Wright, J. F. H. (1980)*Mirror of the Nation's Mind: Australia's Electoral Experiments*,Hale & Iremonger, Sydney. P30

[66] Wakefield, E. (1889) 'The Australasian Ballot'*The Forum*, Vol VIII, pp148-158.

[67] "This", Wakefield explains on page 153 is absolutely necessary to in order to prevent or detect personation or double voting', and apart from "some well-intentioned people who do not understand the subject" those who object to the measure are "demagogues and grievance-mongers" (pg154).