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Election Integrity

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There are many news stories in the media today questioning the integrity of elections. Election judges work hard to ensure elections run smoothly and properly in order to certify the proper victor in contested races. However, questioning election results is not a new phenomenon. Election losers may claim partisan politics or fraud resulted in their losses, but the United States boasts a system that ensures secure and fair elections.

In some cases, the judicial branch is involved to decide who won an election with *Bush v. Gore*, 531 U.S. 98 (2000) as perhaps the most famous example. Illinois has had similar cases, and the courts helped to determine if the results were tabulated properly.

In one Coles County case, Republican John Sargent ran against the incumbent Democrat Russell Newell for County Board of Supervisors to represent Hutton Township. At the April 6, 1937 election, Newell defeated Sargent with a vote of 327 to 304, winning 52 percent of the vote. Sargent complained of irregularities and requested a recount, which showed that Sargent had won the election by 3 votes. Several lawsuits ensued, and Circuit Court Judge Casper Platt consolidated all of the cases and allowed both sides to present arguments.

Testimony at the trial demonstrated that on the night of the election on April 6, the ballots were put in a bag that was secured with a wax seal and then delivered to the township clerk. On April 9, the township clerk delivered the bag to the county clerk. However, the seal was different on April 9 than on April 6; it was smoother according to the township clerk and others. Judge Platt ruled that Newell had won the election because “the manner in which the ballots were kept” destroyed the probative force of the ballots.

Sargent appealed the case to the Illinois Supreme Court. In *Sargent v. Newell*, 368 Ill. 479 (1938), Justice Norman Jones authored the opinion affirming the Coles County decision of Newell as the victor. Justice Jones wrote that because of the township clerk’s uncontradicted testimony noting the two different seals on the bag on April 6 and April 9, “the seal was removed, there can be no doubt that there was ample opportunity to tamper with the ballots.”

Jones added that the “rule is well established that in order for the recount of the ballots to overcome the returns of the election officials the contestant must prove that the ballots are those voted at the election and that they are in the same condition as they were when cast. The integrity of the ballots must be securely protected.”

Four years later in 1941, Sargent challenged Newell again for the County Board. Sargent won the election by one vote, 250-249. This time, Newell requested a recount, but Sargent was declared the winner of the election when several dozen ballots were not counted because an election judge failed to initial them. Sargent won the recount 242-221.