

## **Office of the Vermont Secretary of State Vermont State Archives**

### **Statewide Referendum 1916: The Direct Primary**

**Background/Issue:** See 1914 referendum on primary elections and the Archives' history of the [Direct Primary](#).

**Referendum:** Act 4 of 1916, An Act to Provide for Primary Elections was approved April 1, 1915. It created a direct primary system. A referendum provided voters a choice between effective dates; a yes vote meant that the law would take effect on March 20, 1916, while a no vote delayed the effective date to March 20, 1927. The vote was to be on town meeting day (March 7), 1916.

The early effective date passed by a 2,602 vote margin, 25,418 to 22,816. Essex, Orange, Rutland, Windham and Windsor Counties voted no, as did a majority of the towns.

**Result:** Vermont held its first primaries in 1916.

Thomas Martin of Brookfield was denied a vote in the referendum because he owed the town delinquent taxes. In *Martin v. Fulham*, 90 Vt. 163 (1916) the Vermont Supreme Court ruled Martin should have been allowed to vote since the referendum was a state, not town, election.

An effort to repeal the primary in the 1923 legislature failed.

The primary allowed nomination by a plurality of the vote, rather than a majority. This advantaged the larger communities. One early sign was that the larger municipalities began to dominate the election of state senators where previously senate seats had been passed around among the towns of a county (the county's population center being accorded one, but not all, of the seats). The plurality provision also opened state nomination to mavericks who could never have been nominated under the caucus system. A prime example was Percival Clement who had bolted the party in 1902 and 1906; in 1918 he captured the Republican

gubernatorial nomination with 37% of the primary vote.