

## Virginia Election Returns

### *Gubernatorial and State Office Election Results at the Library of Virginia*

The Virginia Constitution of 1776 provided for the election of the governor and attorney general by a joint vote of both houses of the General Assembly. The General Assembly also elected the Council of State to assist the governor in the administration of government. From 1776 to 1830 the Council consisted of eight members, and from 1830 to 1851 of three. The senior member of the Council acted as president, or acting governor, with the courtesy title lieutenant governor in case of the death, inability, or absence of the governor. The Virginia Constitution of 1851 provided for the popular election of the governor (Article V, section 2), lieutenant governor (Article V, section 8), and the attorney general (Article VI, section 21), and abolished the Council of State.

Election returns for most statewide offices begin in 1851 when the first elections took place for governor, lieutenant governor, and attorney general, but constitutional changes first enlarged and later restricted the number of statewide elected officials.

### **Governor**

Prior to 1851, the journals of the House of Delegates record the joint vote of the General Assembly for the election of the governor. The first general election of a Virginia governor was held on 8 December 1851. The governor's term of office was four years with no eligibility for reelection, a restriction still in effect today.

During the Civil War, Virginia had two state governments, presided over by Governor John Letcher, elected in 1859, and Governor William Smith, elected in 1863. Residents of many western counties who opposed secession in 1861 elected representatives who met in Wheeling in a series of conventions that year and set in motion the creation of the new state of West Virginia. On 11 June 1861 they declared Virginia's state offices vacant and selected Francis H. Pierpont as governor. The federal government recognized him as chief executive of the Restored government of the Virginia counties that were controlled by the Union army. After West Virginia was admitted to the Union on 20 June 1863, Pierpont moved the Restored government of Virginia from Wheeling to Alexandria. At the end of the Civil War, President Andrew Johnson recognized Francis H. Pierpont as provisional governor of Virginia. He remained in office until 1868. By then Congress had placed the southern states under military rule and Virginia was governed by a succession of military commanders and provisional governors. In 1869, Virginians again voted for the offices of governor, lieutenant governor, and attorney general. Gilbert Carlton Walker, who prior to his election was provisional governor, took office in 1870 when military rule ended in Virginia.

Election records were initially filed with the secretary of the commonwealth until the State Board of Elections was created by an act of the General Assembly in 1946. The Library of Virginia has returns for the governor's office for 1851, 1855, 1859, 1862 (restored Virginia government under the United States of

America), 1863 (Virginia government under the Confederate States of America), 1869, 1873, and incomplete returns for 1877, but no returns for 1889 and 1893. At the date of this publication, the Library has a complete run of various election records for the governor's office from 1897 to 1997. The State Board of Elections retains the most recent election results.

### ***Lieutenant Governor***

During the colonial period a lieutenant, or deputy, governor administered the colony when the royal governor was not in the capital. From 1776 until adoption of the Constitution of 1851, if a governor was not in residence at the capital then the senior member of the governor's Council presided as acting governor, sometimes with the courtesy title of lieutenant governor. The Constitution of 1851 created the modern office of lieutenant governor to preside over the Senate of Virginia and succeed a governor who resigned or died in office. The lieutenant governor does not act as governor during the absence of the governor. The lieutenant governor is elected for a four-year term at the same time as the governor and is eligible for reelection.

Extant election returns for lieutenant governor begin with the 1851 election. The Library has returns for 1851, 1855, 1857 (a special election), 1859, 1862 (restored Virginia government under the United States of America), 1863 (Virginia government under the Confederate States of America), 1869, and incomplete returns for 1877 and 1881, but no returns for 1889 and 1893. At the date of this publication, the Library has a complete run of various election records for the governor's office from 1897 to 1997. The State Board of Elections retains the most recent election results.

### ***Attorney General***

Between 1776 and 1851 the General Assembly elected the attorney general, but the governors filled vacancies. There was no term limit. Since 1851, in accordance with the new state constitution of that year, voters elect the attorneys general for four-year terms. Attorneys general are eligible for reelection. Should the office become vacant, the General Assembly, if in session, is empowered to elect an attorney general to serve until the next general election; otherwise, the governor appoints a replacement to serve until the next session of the General Assembly or the next general election, whichever occurs first. At the time of this publication the Library has election records for this office from 1851 to 1897. The State Board of Elections retains recent election results.

### ***Other elected officials***

The Constitution of 1851 mandated that the Board of Public Works, which had been existence since 1816, consist of three members to be elected by popular vote from three districts. The Library has records for 1853, 1855, 1857, and 1859. The Constitution of 1869 reorganized the board to consist of the governor, auditor, and treasurer of the Commonwealth.

Prior to 1851 the General Assembly elected the judges of the Supreme Court of Appeals. The 1851 Constitution reorganized the judicial system in Virginia, provided for the creation of circuit courts, and provided for the election of all judges by popular vote. The Constitutions of 1864 and 1869 simplified the judicial system, and returned the election of judges to the General Assembly. Extensive records survive relating to the 1867 and 1869 votes on the state constitution. Only a few election records for the popular vote of the justices of the peace for county courts from 1851 to 1870 are extant.

The 1902 Virginia Constitution (Article V, sections 80-81; Article IX, section 131; Article X, section 145) provided that the secretary of the commonwealth, the state treasurer, the superintendent of public instruction, and the commissioner of agriculture and immigration be elected at the same time, for the same term, and in the same manner as the governor. The first popular election occurred in 1905, and the Library has the returns for the elections of 1905, 1909, 1913, 1917, 1921, and 1925. Constitutional amendments ratified on 19 June 1928 gave the governor the power to appoint all those officials.

### ***The General Assembly***

The Virginia Constitution of 1776 specified that the General Assembly should consist of a Senate, composed of twenty-four members, one-fourth to be elected each year, and a House of Delegates, composed of two members from each county and one from each incorporated city, all members elected annually. The Constitution of 1830 modified the districts and enlarged the number of delegates and senators but did not alter their terms of service. The Constitution of 1851 made additional modifications to the districts, changed the terms of the delegates to two years, and staggered senate terms so that one-half the members were elected every second year. The Constitution of 1864 required that all senators be elected at the same time, every fourth year, but the Constitution of 1869 again required elections for half the senate seats every second year. Since adoption of the Constitution of 1902, members of the House of Delegates serve two-year terms and members of the Senate serve four-year terms, with Senate elections occurring midway through the terms of governors.

The Library of Virginia has a variety of extant election records for the House of Delegates from 1776 to 1999. Included are depositions and poll lists for contested elections, which are housed with the General Assembly records. The Library holds a 1777 certificate of vote for the 6th District of the Senate, but does not have election records after that for the Senate until 1834, with records through 1999. The State Board of Elections retains recent election results.

### ***Accessing the Records***

A detailed in-house guide to election records is available in the Archives Research Room. Manuscript returns at the Library of Virginia generally consist of abstracts, certificates, poll books, and statements of vote. *Abstracts* originate in each county, city, or district and list the names of all candidates and the total vote each received. A *certificate of election* also originates in the county, city, or district and names the winning candidate, but usually does not list the opponent's name or a vote count. A *poll book* is a precinct record listing the names of the persons who voted and the candidate for whom they cast their vote. Sometimes a poll book simply lists eligible voters. A *statement of votes* is the final, official compilation of the votes cast for all candidates in each county, city, district, and in the state as a whole.

The election records in the Archives were initially filed with the records of the secretary of the commonwealth. The State Board of Elections was created by an act of the General Assembly in 1946. The State Board of Elections supervises and coordinates the work of county and city electoral boards and registrars, thereby assuring uniformity in election proceedings and legality in all elections. After an election, the State Board of Elections transfers returns and other relevant records of the previous election to the Library of Virginia. Although many of the records are available at the Library of Virginia in downtown Richmond, some are housed at the nearby State Records Center. Check with the Archives Research Services staff at 804-692-3888 for additional information on availability.

The State Board of Elections Web site (<http://www.sbe.state.va.us/>) shows statements of votes by locality and precinct. As of the date of this publication, the statements begin with 1995, but the agency is in the process of adding earlier years. The Geospatial and Statistical Data Center Web site at the University of Virginia (<http://fisher.lib.virginia.edu/collections/stats/valeg/index.html>) provides a helpful tabulation of election results.

In addition to election returns, the State Board of Elections collection at the Library includes ballots, correspondence, candidate qualification records, campaign contribution and expense accounts, Political Action Committee reports, and War Voter Records (a record of persons in the service who applied for or voted with an absentee ballot) for a variety of years. The Library also holds election returns for some county and city offices in the State Board of Elections collection or in the local records collection. Many of these records are unprocessed and have not been catalogued. Please consult with the Archives Research Services staff for further information.

To identify all of the statutes that govern elections and election districts, consult the *Index to Enrolled Bills of the General Assembly of Virginia, 1776 to 1910*; *Index of Acts of the General Assembly of the Commonwealth of Virginia, 1912–1959*; *Index of Acts of the General Assembly of the Commonwealth of Virginia, 1960–present*; and *Digest of Acts of the General Assembly of Virginia, 1980–present*. Sources for election laws include the 1950 *Code of Virginia* (see title 24.2, with major revisions in 1970 and 1993); *Extracts from the Election Law of the Commonwealth of Virginia, 1871–1912*; *Revision and Codification of Election Laws. Report of the Commission to Revise and Codify the Election Laws of the State, Primary and General* (1932); and *Report of the Election Laws Study Commission to the Governor and the General Assembly*, House Document 15 (1973). Changes in the Virginia constitution, the U.S. constitution, and decisions of the U.S. Supreme Court altered voter qualifications through the years. The two-volume *Commentaries on the Constitution of Virginia* by A. E. Dick Howard, published in 1974, and John Dinan, *The Virginia State Constitution: A Reference Guide*, published in 2006, are basic tools for understanding how the Constitution evolved and election changes were implemented. Other helpful publications containing election results include Ralph Eisenberg and Larry Sabato, *Virginia Votes* (covering the period 1924–1998), and *Statement of the Vote Cast in the Commonwealth of Virginia* (covering 1928 to the present, with title changes; for details, see *Virginia Election Records—Published Returns at the Library of Virginia*).

Researchers may also wish to consult with the Archives Research Services staff for information on election-related materials in the Library's collection of local records.

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