



The elections for the National Congress (1894-1930)

A contested process from voter registration to the formal certification of the winning candidates

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Voter registration, choosing electoral receiving boards, counting votes and formally recognizing winning candidates were the four fundamental stages of the holding of elections during the First Republic. As the Electoral Justice System did not yet exist, all the work was left in the hands of the various players, who were mostly politicians with an interest in the results of the elections. The level of detail created by the legislation ended up creating a *true bureaucracy, in charge of enabling the development of the electoral process*.

The geography of political representation

The geographical logic underlying the federal elections varied according to the position being contested. The whole of Brazil functioned as a single electoral constituency for the election of the president and vice-president of the Republic, who were elected by direct suffrage and by an absolute majority of the votes cast. Each voter could choose one name for president and another one for vice-president, written on different ballots.

The elections for the Senate, the states' house of representatives, were carried out by federal unit. The winning candidates were those who received an absolute majority of the votes, in a scenario where each voter chose just one name to replace the senator whose mandate had finished. When there was more than one vacancy to be filled at the same time, voters had to cast separate ballots to fill each of the positions. The constitutional text itself set the size of the Senate, composed of 3 senators per state and 3 for the Federal District. At the time, Brazil was divided into 20 states, as well as the Federal District, which meant a total of 63 federal senators.

The electoral geography changed when voting for the Chamber of Deputies, which followed an electoral system typical of the nineteenth century and one that was quite different from the current one where the rule of absolute majority was applied in the so-called multi-member districts. More than one deputy was elected





per electoral district, and the states did not necessarily coincide with the boundaries of the electoral districts, since the more populous states were sub-divided into smaller electoral districts.

The Constitution of 1891 established that the number of deputies should be set by law in a proportion never greater than *one per seventy thousand inhabitants*, subject to a minimum of 4 per state. In practice, it left it to the ordinary legislation to detail the number of representatives and to define the electoral districts. In the case of the districts, Law No. 35/1892 took responsibility for this and set the geography of the electoral contests: states that elected at most 5 deputies constituted one single district, while the others were divided into districts of 3 deputies each. Any fractions thereof were added to the district of the state capital. Thus, for example, where a state elected 7 federal deputies and was therefore divided into 2 districts, the capital district would elect 4 of its 7 representatives. Decree No. 1,542, of September 1st, 1893, which approved the instructions for the federal elections, limited the number of deputies to 212, and outlined, in line with Law No. 35/1892, 63 electoral districts.

Table 1 – Number of federal deputies and electoral districts per state (1892-1930)

States	Number of deputies	Number of districts set by law	
		Law No. 35/1892	Law No. 1,269/1904
Minas Gerais	37	12	7
São Paulo	22	7	4
Bahia	22	7	4
Rio de Janeiro	17	5	3
Pernambuco	17	5	3
Rio Grande do Sul	16	5	3
Distrito Federal	10	3	2
Ceará	10	3	2
Pará	7	2	1
Maranhão	7	2	1
Alagoas	6	2	1

(Continuation)

States	Number of deputies	Number of districts set by law	
		Law No. 35/1892	Law No. 1,269/1904
Paraíba	5	1	1
Piauí	4	1	1
Sergipe	4	1	1
Rio Grande do Norte	4	1	1
Paraná	4	1	1
Santa Catarina	4	1	1
Goiás	4	1	1
Amazonas	4	1	1
Espírito Santo	4	1	1
Mato Grosso	4	1	1
Total	212	63	41

Source: Authors' own drafting.

With the promulgation of the Rosa e Silva Law, it was decided that there would be a rearrangement of the electoral geography. States that elected up to 7 deputies would from now on become a single district—in other situations, districts would be made up of 5 deputies. The change reduced the number of districts from 63 to 41, but did not affect the number of deputies, which remained at 212 for the whole of the First Republic. Where the number of deputies was not perfectly divisible by 5, in order to form the districts, the remaining fraction was added to the district of the state capital and, occasionally, to the first and second districts, each of which would elect 6 deputies (Article 58). The state that elected the most representatives to the Chamber of Deputies was Minas Gerais, which had 37 seats. Next were São Paulo and Bahia with 22 deputies each, Pernambuco and Rio de Janeiro with 17, Rio Grande do Sul with 16, and other states with representations varying between 4 and 10 members. The following maps help to visualize this new reconfiguration of the electoral districts.



Figure 2 – Territorial division of Brazil into electoral districts according to Decree No. 1.542/1905



Source: drafted by Graça, Carlos H. from Graça and Daniel Galuch Jr. based on Electoral Law No. 35/1892.



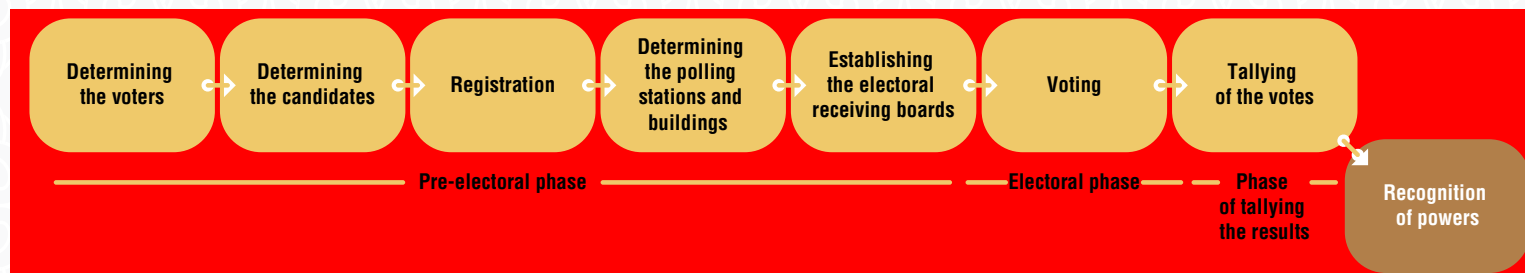
The electoral process from voter registration to the formal certification of the winning candidates

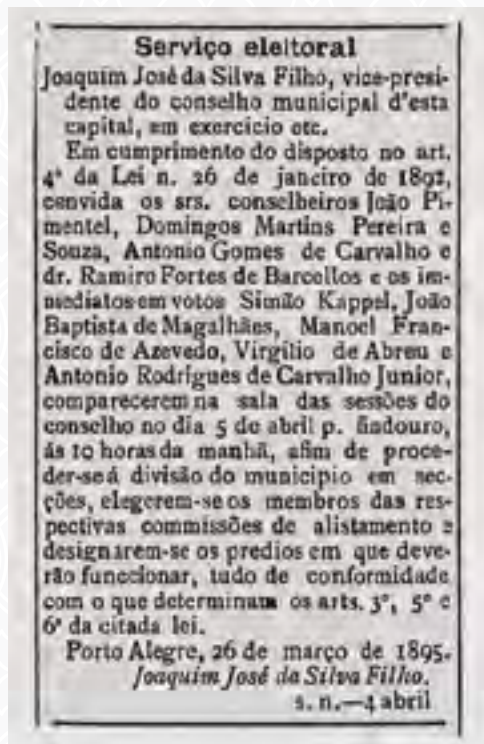
The electoral process can be understood as the set of stages that make up an election. During the First Republic, various actors and different institutions were involved in the federal electoral process, since the Electoral Justice System did not yet exist to take on all the work. In general terms, everything centered around three essential phases. The first of them was the pre-electoral phase, in which the territory was divided up into districts and the electoral receiving boards were established. Election day was the intermediary phase which triggered the tallying of the results. Finally, the last phase—also known as the *third count*—always remained in the hands of the federal legislators, appointed by the Constitution to formally recognize the powers of the winning candidates. In the case of the presidential elections, the Chamber of Deputies and the Senate were supposed to meet in a joint session in the National Congress to analyze them. As for the elections for the legislative houses of the Congress, it was up to each one exclusively to judge the election of its respective members. The following flow diagram summarizes the three stages.

Voter registration

Law No. 35/1892 assigned voter registration to the municipal sphere. It was established that each municipality would be divided into at least four electoral districts, where ward committees would be responsible for preparing the registration work, later reviewed by a municipal committee (Articles. 2 and 3). To start the process, the law set an annual date for the members of the municipal government (Chamber of Deputies, City Hall, or Council) to meet with those who had received fewer votes than them in order to divide the municipality into electoral districts and choose the ward registration committees (Article 3). It was up to the president of the municipal government to issue the call for his colleagues to meet with those who had received fewer votes. The meeting decided on the division of the municipality's territory into electoral districts, and chose, from among the voters of the municipality, five full members and two alternates to form the ward committees. At this time, a decision was also made about the place where the ward registration committees would be established. There were no specific criteria for this task, since the law merely suggested dividing the municipality into "convenient electoral districts" (Article 39), a very general notion that allowed for some discretion in identifying the areas. After this work was finished, it was enough to record the respective minutes in the book of the municipal government's ordinary sessions, signed by all those present. The conditions were thus created for the ward registration committees to be established, also annually, with each one choosing, on its first working day, a chairman and a secretary.

Figure 3 – The electoral process of the federal elections





Detail of the decree summoning the members of the electoral board to start the work of registration published in the newspaper *A Federação* of 3.26.1895, Rio Grande do Sul, page 3. Collection of the Fundação Biblioteca Nacional – Brazil.

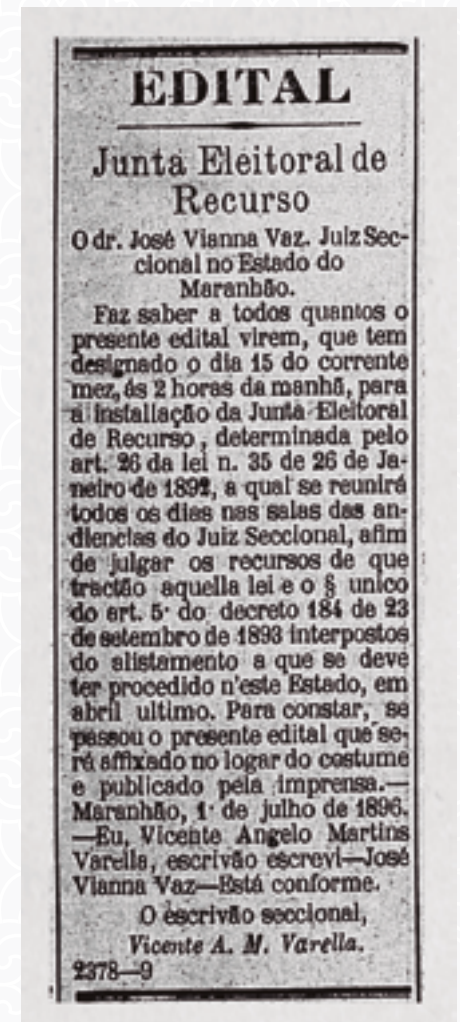
To conclude the voter registration process, each municipality would have the involvement of a municipal committee, *made up of the chairmen of the ward committees and chaired by the president of the municipal government*. The law established that this municipal committee would meet in the municipal government building. Its work would follow a similar logic to that of the ward committees, continuing for 20 calendar days in public sessions and with the daily making of official records in a special book belonging to the municipal government. Once the register had been entered in the municipal government's book, there would then be a period for the extraction of two copies of this register: one for sending to the *governor* and another one for the *ward judge*. All the books and electoral papers

In practical terms, the work of the ward registration committees would last 30 calendar days. Each would begin by reviewing the previous registration process in order to incorporate into the new one all the names of the voters who lived there, regardless of any requests. However, the ward committees could not register anyone without a request or unless they knew them personally, even if the citizen was well known to meet the criteria to be a voter. At the end of the work, it was expected that the chairmen of the ward committees would be able to report all those who were included and not included in the register, recorded in daily records, more specifically: the names of deceased voters; the names of those transferred to another electoral domicile (with a declaration of the new domicile); and of those who had lost political capacity. Organized thus, by wards, the general register would show voters' names in alphabetical order, numbered successively, with an indication of their age, their civil status, their profession and their parents.

of the ward committees and of the municipal committee were supposed to remain in the custody of the municipal government.

Appeals were allowed against the municipal committee's decisions on inclusions and non-inclusions of citizens in the registration, as well as eliminations. Appeals could be lodged within the pre-established deadline by any citizen not included or eliminated, and by any voter in the municipality, in the case of inappropriate inclusion or non-elimination. Then the chairman of the municipal committee was supposed to submit each appeal to the committee's decision, and if it upheld the appealed decision, it would send the appeal to an *electoral board*, by Registered Mail.

The central role of the Mail Service in the sending of the electoral documents, however, continued after the decisions on all the appeals, since all the papers went back to the municipal committee via this service. Acting in the state capital, the electoral board would consist of the ward judge, his substitute and the ward prosecutor; therefore, composed solely of judicial authorities. The ward judge was in charge of taking all the essential measures for the composition and establishment of the electoral board. The law established that the board's activities would take place on consecutive days and for the time necessary to decide on all the appeals submitted. If the board did not give its ruling on an appeal, it was considered automatically granted.



Detail of the decree summoning the members of the Electoral Appeals Board for the start of their work published in the weekly newspaper *A Pacotilha* of 07.04.1896, Maranhão, page 1, with the list of the citizens registered for the federal elections.



Finally, the end of the registration work took place after the meeting of all the municipal committees, when the decisions of the electoral board on the relevant inclusions and exclusions were taken into account. It concluded with the final publication of the register and the making of three copies: one for sending to the *minister of the Interior*; another one to the *state government*; and another one to the ward judge. The minister of the Interior, for his part, had to print the same copy and send the original to the secretariat of the Chamber of Deputies.



Cartoon making fun of the era's bureaucratic requirements for registering a voter, published in the magazine *Revista da Semana* of 4.9.1905, Rio de Janeiro, page 3.
Collection of the Fundação Biblioteca Nacional – Brazil.

At the request of each municipal committee, the list of the electors qualified according to the recently concluded registration would be transcribed in the register of the notary, who would give a receipt to whoever asked for one.

After the publication of the Rosa e Silva Law, in 1904, there were significant changes in the voter registration process. The first major change was the abolition of the ward committees, which prepared the register by electoral districts in the municipality. This task was transferred to a special committee, which took over the preparations for registration in each municipality. The criteria for choosing the members of these committees were the second crucial innovation triggered by the Rosa e Silva Law, which brought back the criteria for restricted suffrage, formally abolished by the Federal Constitution of 1891. According to the new electoral law, the wealthiest citizens were obliged to take part in the task of voter registration



Detail of a photograph showing citizens seeking to register as voters in Oliveira, Minas Gerais, published in *O Malho* of 8.5.1905, page 9.
Collection of the Fundação Biblioteca Nacional – Brazil.



In order to identify the wealthiest citizens, it was established that the *states' tax offices* should provide the books with the tax entries. Thus, the *tax collectors or officers in charge of public revenue* could list the *30 largest taxpayers in the municipality*, 15 of them payers of the urban property tax, and the other 15 payers of the tax on rural property or on industries or professions. Various provisions set out deadlines and conditions for sending the books with the tax data, the official records, the initials and other formalities necessary to ensure that there was enough information in time for the summoning of the voter registration committee.

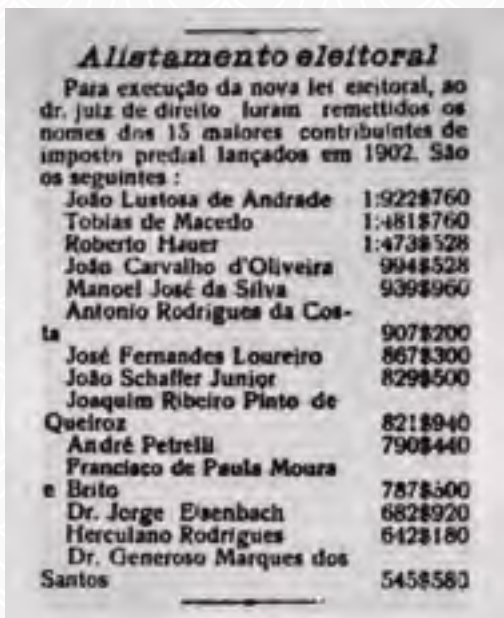
According to the Rosa e Silva Law, the voter registration committee would be composed

[...] at the county level, of the ordinary judge or of his acting legal substitute; in the municipalities that are not headquarters and counties, of the highest state judicial authority, and where there is no state judicial authority, of the assistant to the federal prosecutor, as chairman, with only a casting vote; of the four largest taxpayers resident in the municipality who are Brazilian citizens and know how to read and write, with two of them being payers of the urban property tax and two payers of the taxes on rural property, whatever their denomination, and of three citizens elected by the effective members of the municipal government and those with fewer votes than them, in an equal number. (Law No.1,269/1904, Article 9, our emphasis).

This was with the following caveat:

In the capitals and where there are no payers of taxes on rural property, the two largest payers of the tax on industries and professions (commercial establishments) would serve alongside a similar number of payers of the urban property tax. (Law No.1,269/1904, Article 9).

Detail of the fifteen largest payers of the property tax in 1902, published by the newspaper *Diário da Tarde* of 3.8.1905, Paraná, page 1. Collection of the Fundação Biblioteca Nacional – Brazil.

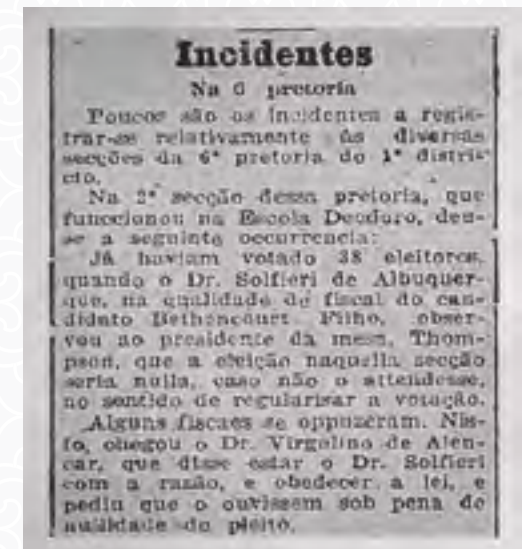


Alistamento eleitoral	
Para execução da nova lei eleitoral, ao dr. juiz de direito foram remetidos os nomes dos 15 maiores contribuintes de imposto predial lançados em 1902. São os seguintes:	
João Lustosa de Andrade	1:922\$760
Tobias de Macedo	1:481\$760
Roberto Hauer	1:473\$528
João Carvalho d'Oliveira	994\$528
Manoel José da Silva	939\$960
Antonio Rodrigues da Costa	907\$200
José Fernandes Loureiro	867\$300
João Schaffer Junior	829\$500
Joaquim Ribeiro Pinto de Queiroz	821\$940
André Petrelli	790\$440
Francisco de Paula Moura	
Brilo	787\$500
Dr. Jorge Eisenbach	682\$920
Herculano Rodrigues	642\$180
Dr. Generoso Marques dos Santos	545\$580

The difference from the procedure that had been followed previously is clear: the judicial authorities and the members of the municipal government continued to be involved in the process of voter registration, but economic power and the acknowledged variation therein between the city and the countryside came into play to share the work with the Judiciary and the political authorities. The 1902 financial year was set as the basis for the first voter registration after the publication of this electoral reform.

The working period of the voter registration committees was extended because the work was not supposed to continue being counted in calendar days and because the urban-rural dichotomy once again became a criterion. In the state capitals, the voter registration committees were to be established for 90 days, working 4 days per week, including on Saturdays. In the other municipalities, it was decided that the committees would operate for 60 days, 4 days per week, with weekends off. Only in the last 10 days would the work of the voter registration committees have to continue daily, both in the capitals and in the interior.

For the first time, the work of voter registration was to be audited. According to the Rosa e Silva Law, the voter registration committees were forbidden to reject, under any pretext, any citizen who qualified for registration and was resident in the municipality, and who, presenting themselves as a representative of any political grouping, asked to be accepted as an auditor of the work of registration. Moreover, the partial records of the work of each voter registration committee and the final records, in which the total number and names of included and excluded citizens were mentioned, were supposed to carry the signatures of the members of the committees and of



Detail of news item about the complaints made by overseers working for candidates in the elections in the Federal District published in the newspaper *Gazeta de Notícias* of 1.31.1909, Rio de Janeiro, page 5. Collection of the Fundação Biblioteca Nacional – Brazil.



the *auditors*. This meant that even the records of the voter registration committees came to declare differing votes, protests and complaints submitted by interested parties or by auditors. An acceptance that different political forces could contest the registration of voters formally entered the rules.

Regarding the electoral appeals around voter registration, there were also significant changes. The main innovation consisted in the involvement of more than one constitutional sphere in the processing of the appeals. According to the previous law, of 1892, this type of appeal could only be brought first to the voter registration committee itself and, if necessary, to the electoral board established in the state capital, which had the final word. With the Rosa e Silva electoral reform, however, there arose the possibility of questioning the decision of the board at the Federal Supreme Court (STF). Another novelty related to the safekeeping of the papers and documents relevant to the voter registration appeals, which previously remained in the hands of the municipal committee. This responsibility was passed to the secretary of the appeals board—in this case, *one of the clerks of the ward judge*. Additionally, a copy of the final voter register, *i.e.*, the one revised with the appropriate corrections, had to go to the Secretariat of the Senate.

As well as all the above-mentioned changes in the logic of the voter registration process, the Rosa e Silva Law also established that the first



Cover of the magazine *O Malho* of 2.23.1918 alluding to the positive reputation of the new electoral law in combating fraud. Design: K. LIXTO (Calixto Cordeiro – 1877/1957). Collection of the Fundação Biblioteca Nacional – Brazil.

voter registration conducted under its rules should become permanent. This significantly changed the way in which the revision of the register was viewed, a task that remained an annual one and followed the same stages as the first registration envisaged, but which due to the legislation itself came to take place during a period of only 30 days.

A new paradigm shift in the voter registration process occurred with the publication of Law No. 3,139, of August 2nd, 1916.

The law definitively broke with the *status quo* by concentrating the work of voter registration *only in the hands of the judicial authorities, excluding from this task the members of the municipal government and those who had received fewer votes, as well as the largest taxpayers in the municipality*. From that point on, citizens could request inclusion in the list of voters on any business day of the year. According to the new law, the registration request should be addressed:

In the States and in the Territories of Acre, to the ordinary judge of the municipality where the prospective voter lives and, where there is more than one ordinary judge, to that of the first court; in municipalities that are not the headquarters of a county, the voter registration process shall take place before the registration judges, where there are any, whatever their denomination in the organization of the State, it being up to the



ordinary judge to issue the definitive ruling on inclusion or non-inclusion in the register of voters. (Law No. 3,139/1916, Article 4).

The clerk of the court was in charge of receiving the request and the respective evidence attached. It was up to him to pass the case files to the competent judge who, if he decided to reject inclusion, needed to give grounds for his decision. Any citizen who was not included could, in turn, renew their request at any time—moreover, if they felt harmed by the clerk because the latter had created an obstacle to registration, that citizen had the opportunity to complain to the ordinary judge.

If the obstacle was created by the ordinary judge, it was possible to turn to the appeals board, established in the state capital. The composition of this board remained unaltered: the federal judge of the section (chairman), his substitute and the state prosecutor general. However, the logic of the process changed. As the appeals no longer had any deadline by which they had to be filed, the board was supposed to work on the first few days of every month. In addition, the STF departed the scene as the highest body of appeal, abolishing the initiative created by the Rosa e Silva Law. Thus, the new law centralized the process of voter registration in the hands of judges.

Where did voting take place? Polling stations and buildings

As envisaged, Law No. 35/1892 recommended dividing municipalities into districts for the voter registration process to start, which already occurred in the buildings where the election itself would take place, by polling stations. Each polling station was not supposed to contain more than 250 voters. Until then, no distinction was made between public and private buildings, it being possible for the election to take place in private buildings, even when there were public buildings that were vacant and capable of hosting it.

List of citizens registered for the federal elections by section and the place of voting, published by the official newspaper *Correio Oficial* of 1.26.1921, Goiás, page 4.

Collection of the Fundação Biblioteca Nacional – Brazil.

CORREIO OFFICIAL			Goiás - 1921	
1ª SEÇÃO - BACALHAU				
Eleitores públicos				
Eleitores				
1 Antonio Ribeiro Vaz	10 Argemiro da Fátima Pinto	83 Joaquim José da Conceição		
2 Amadeu Rodrigues de Moraes	11 Augusto de Sant'Anna e Silva	84 Joaquim Inácio Pereira		
3 Antonio R. do Nascimento	12 Antonio Netto Cerqueira Leite	85 Joaquim Lima da Cunha		
4 Alarim Lito de Sant'Anna	13 Alcylino Luiz Pereira	86 José Antonio Pereira		
5 Amiral Monteiro Amaral	14 Alvaro Dias de Oliveira	87 José Maria G. de Sousa		
6 Antonio de Souza Rego	15 Atalino Vicente Marques	88 Jacilino Gomes Barbosa		
7 Benigno Ferreira Adorno	16 Antonio Luiz Pereira	89 João Candido Leite de Souza		
8 Benedito Rodrigues de Moraes	17 Antonio José de Siqueira	90 João Ferreira Adorno		
9 Benedito Archaujo de França	18 Antonio Ferreira dos Santos	91 João Netto Cerqueira Leite		
10 Benjamin de Miranda	19 Aureliano José Oliveira Lobo	92 José Alves de Carvalho		
11 Caetano Alberto Godinho	20 Albino Cleogário de Assis	93 José Bueno de Sant'Anna		
12 Carlos Wolp	21 Antonio Luiz de Albuquerque	94 Joaquim Panchato da Cunha		
13 David Henriques do Nascimento	22 Antonio de Almeida Lara	95 José Lemes da Cunha		
14 Domício do Nascimento	23 Anastácio Carlos da Silva	96 Joaquim Caetano de Almeida		
15 Derval Leite de Sant'Anna	24 Antonio Martins de Araújo	97 Joaquim Lemes dos Santos		
16 Domingos Baptista do Carmo	25 Benedito Vicente de Almeida	98 Joaquim de Souza Arraes		
17 Elias Francisco Margarida	26 Benedito José Gonçalves	99 Joaquim Ferreira dos Santos		
18 Francisco José da Silva	27 Benedito Moreira da Cruz	100 João Guilhermino de Albuquerque		
19 Francisco de Assis Lopes	28 Benedito Jesus Dias de Sá	101 José de Souza Arraes		
20 Gregório Pinto Ferreira	29 Benedito Moreira da Cruz	102 João Caetano Fernandes		
21 Gregório Dantas do Nascimento	30 Benedito Pedro Assis	103 José de Paula Pereira		
22 Ignacio Gomes da Silva	31 Benedito Gregório de Paula	104 Jerônimo Braz Per. de Moraes		
23 Joaquim Bruno Pitanga	32 Bento Baptista Leite	105 João Baptista Per. de Moraes		
24 Joaquim A. do Nascimento	33 Benedito Alves de Castro	106 João Luiz Pereira Sobrinho		
25 José Zelenio Ramos Jobé	34 Bento Ferreira Adorno	107 João Antonio Alves		
26 João Evangelista Adorno	35 Benedito Cathurino de Carvalho	108 João Bueno Propheta		
27 João Antonio de Faria	36 Benedito Alino de Assis Lobo	109 José Caetano Linhares		
28 João Paulo do Nascimento	37 Claudio do Carmo O. Pereira	110 João Emigdio Barbosa		
29 José Gomes da Silva	38 Candido Peres Campello	111 Joaquim Marques S. Côté		
30 Joaquim Melchades França	39 Carmindo do Carmo O. Pereira	112 Joaquim Luiz de Paula		
31 Joaquim Pinto Ferreira	40 Cypriano Dias de Oliveira	113 Joaquim Ferreira de Brito		
32 Joaquim Lemes Pimentel	41 Domingos de Macedo e Silva	114 José Hypolito Simioni		
33 José Salomão do Nascimento	42 Domingos Caetano de Almeida	115 Joaquim Candido de Souza		
34 José Joaquim da Luz Arede	43 Edmundo do Carmo O. Pereira	116 João Carlos da Silva		
35 José Luiz de Oliveira	44 Ezequiel Lemes da Cunha	117 José Alves Elestão		
36 Joaquim Pereira Lemes	45 Edmundo Luiz Pereira	118 Jerônimo Vieira do Nascimento		
37 Joaquim Luiz de Carvalho	46 Elisário Alves de Carvalho	119 José Luiz Pereira		
38 José Xavier de Bastos	47 Edmundo Stenando Ferreira	120 José Rosendo Correia		
39 Joaquim Baptista dos Reis	48 Edmundo Luiz de Carvalho	121 Joaquim de Paula Bueno		
40 João Theodoro dos Santos	49 Francisco Pereira de Mello	122 Luiz Netto C. Leite		
41 José Leite Pereira	50 Frederico Alves de Sant'Anna	123 Lazaro Francisco Borges		
42 Luiz Pitanga	51 Francisco J. de Oliveira Lobo	124 Manoel Gonçalves da Silva		
43 Marinho Henri da Luz	52 Francisco de Paula Sobrinho	125 Manoel Benedicto de Paula		
44 Manoel Antonio de Bastos (1ª)	53 Francisco Nacionico Ferreira	126 Manoel Raymundo Arraes		
45 Manoel Marcelino Cordeiro	54 Francisco Caetano Fernandes	127 Miguel Francisco de Sá		
46 Manoel Antonio de Bastos (2ª)	55 Francisco Philimon Bernard	128 Moyses Luiz de Carvalho		
47 Medeiros Bento dos Santos	56 Francisco Oliveira Mattos	129 Manoel Ferreira da Silva		
48 Pedro Luiz de Carvalho	57 Francisco Pereira da Costa	130 Martinho Bol. de Mendonça		
49 Philegonio de Barros Guimarães	58 Francisco Bueno de Jesus	131 Manoel Caetano de Almeida		
50 Raphael A. do Nascimento	59 Francisco Ferreira Adorno	132 Manoel Lemes dos Santos		
51 Ricardo Rodrigues de Moraes	60 Francisco Dias de Oliveira	133 Manoel Isabel dos Santos		
52 Raymundo Monteiro de Amaral	61 Francisco Alves de Almeida	134 Moyses Moreira da Silva		
53 Sebastião Rodrigues de Bessa	62 Caudino Lemes dos Santos	135 Pedro Alves Barbosa		
54 Sebastião da Rocha Rende	63 Herculanio Alves de Castro	136 Pedro Ribeiro Casella		
55 Saturnino Luiz de Carvalho	64 Hermenegildo C. de Magalhães	137 Pedro Gomes de Souza		
2ª SEÇÃO - MOSSAMEDES				
Eleitores públicos				
Eleitores				
1 Antonio Alves de Almeida	71 João Manoel Baptista	141 Raymundo Caetano O. Pereira		
2 Alfredo Philimon Bernard	72 João Felix de Paula	142 Raphael Caetano da Cunha		
3 Antonio Lemes da Cunha	73 José Alves de Castro	143 Raymundo José Gonçalves		
4 Arthur Trifalães Bueno	74 João Pereira Pinto	144 Saturnino Caetano de Almeida		
5 Antonio Felix Ribeiro Camello	75 João Rodrigues Baptista	145 Tiborchi Luiz da Rosa		
6 Antonio Ribeiro Camello	76 João Lemes da Cunha	146 Theonildo das Orações e Silva		
7 Antonio Mattos da Rocha	77 Joaquim Francisco Gabriel	147 Thomaz Alves de Castro		
8 Antonio Joaquim Caetano Caetano	78 José da Macedo e Silva Sobrinho	148 Vicente de Macedo e Silva		
9 Antonio Francisco Pina	79 Joaquim Bueno de Jesus	149 Vicente de Paula Dias		
	80 José Caetano da Cunha			
	81 José Ribeiro Camello			
	82 Joaquim Alves dos Santos			

After the Rosa e Silva Law, both procedures were transformed. It was only after finishing the process of voter registration that the committees were supposed to proceed to the division of municipalities into electoral districts and to designate the buildings in which the elections would be held. This led to two related novelties. The first was the adoption of a criterion for making this division. This meant taking into account the number of registered voters, with no polling station exceeding 250 voters or containing fewer than 150. The rule was softened for municipalities that had few voters, since the law recommended that there should be at least 2 districts in each municipality, regardless of the number of registered voters. The second novelty related to the adoption of a criterion for designating the buildings that would host the elections. Public buildings became the primary legal option, and only in their absence was the choice of private buildings considered lawful.



Detail of the text box presented by the cover of the *Republica* newspaper of 1.6.1921, Santa Catarina, on the date for choosing the buildings and the organization of the receiving boards.
Collection of the Fundação Biblioteca Nacional – Brazil.

This preference for public buildings remained in place until the end of the republican regime. In 1916, however, designating the buildings became the sole prerogative of the ordinary judges, and the criterion of using the numbers of voters to decide the number of polling stations was abolished. It was established that in the capitals, there would be as many polling stations as there were judicial public servants; in the headquarters of each municipality, as many polling stations as there were Civil Registry notaries and officials; and in the headquarters of each district or judicial sub-division, just one polling station.



Detail of the headline of the cover of the newspaper *Gazeta de Noticias* of 2.25.1927, Rio de Janeiro, on the day before the election.
Collection of the Fundação Biblioteca Nacional – Brazil.



The electoral receiving boards and the poll workers

The legislation envisaged that one receiving board would operate in each polling station of the municipality to coordinate the electoral work, receiving the ballots and starting the process of vote counting as soon as the polls had closed. During the period of Law No. 35/1892, the appointment of the members of each electoral receiving board (the poll workers) took place in the same way as the voter registration committees of the time: by decision of the members of the municipal government and of those who had fewer votes than them, who would choose for the post the voters of the municipality. Each electoral receiving board had, therefore, five poll workers and two alternates.

There were significant changes in the criteria for organizing the receiving boards with the electoral reform brought about by the Rosa e Silva Law. The first innovation occurred with the transfer of this task to a board composed of the first alternate of the substitute of the ward judge, as non-voting chairman; of the assistant of the federal prosecutor, also non-voting; of the effective members of the voter registration committee; and of their respective alternates.

Another important measure that came into law at that time gave each group of 30 or more voters from the same polling station the opportunity to suggest names for poll workers of the respective polling station where they voted. In order to do this, it was enough for the voters to send an official letter signed by at least 30 of them to that board, with the respective signatures recognized by a notary public and the certificates that proved that they were voters of that polling station. When the board met to organize the receiving boards, it would review the official letters and choose, from among the voters of each polling station, the poll workers and alternates who were lacking, or the entire receiving board, if no official letter had been submitted.

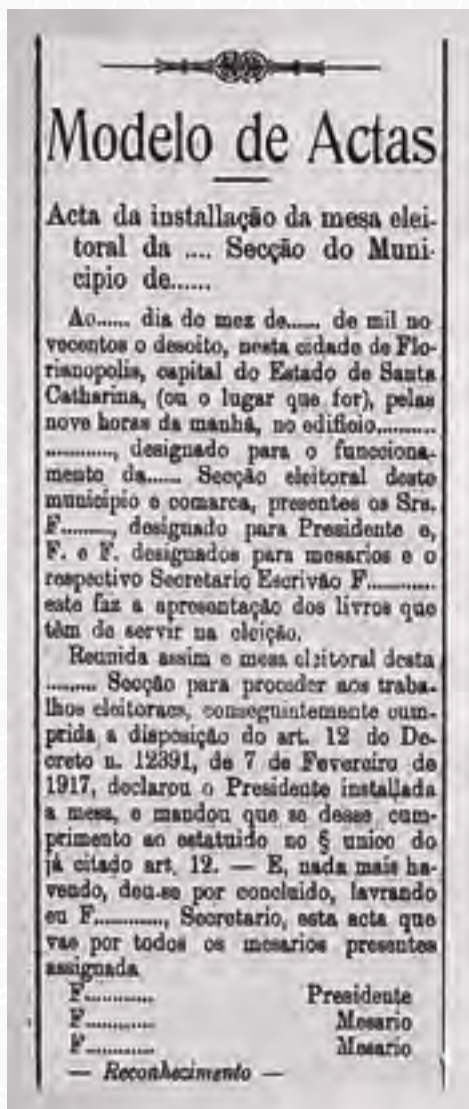


Photograph of a receiving board established in the National Library published by the newspaper Gazeta de Notícias of 1.31.1915, Rio de Janeiro, page 5. Collection of the Fundação Biblioteca Nacional – Brazil.

The last significant point altered by the Rosa e Silva Law on the issue of the formation of the receiving boards related to the increase in the number of alternates for the poll workers: from two to five.

In 1916, the composition of the receiving boards was revolutionized by the massive entry of judges as poll workers. Law No. 3,208, Article 9, established:

[...] In the headquarters of the county—by the ordinary judge, as chairman, by the 1st alternate of the substitute of the federal judge and by the chairman of the council, Chamber or City Hall; in the headquarters of the judicial districts—by the municipal judge, voter registration judge or substitute, according to their denomination, as chairman, by the 1st alternate of the substitute of the federal judge, by the president of the Municipal Council; in the headquarters of the other municipalities that are not judicial districts—by the 1st alternate of the substitute of the federal judge, as chairman, by the president of the Municipal Council and by a voter presented in an official letter to the ordinary judge by the voters polling station.



Model of minutes of the polling stations published by *Gazeta do Commercio* newspaper of 2.20.1918, Santa Catarina, page 1.
Collection of the Fundação Biblioteca Nacional – Brazil.

In the other polling stations of the headquarters of the municipalities and in the other polling stations of the judicial districts, by three voters suggested, in different official letters, to the ordinary judge, by the voters of the polling station, whose signatures must be recognized, up to 30 days before the holding of the election, with the chairmanship going to the voter who has been presented by the largest number of voters or to the oldest, if there is a tie.

Therefore, the possibility of voters in the polling station suggesting the receiving board members was maintained only in part. The judges and the members of the municipal government became the poll workers in the main towns and cities.

Voter cards

In the regulation of voter cards, Law No. 35/1892 gave a leading role to the chairman of the municipal committee, in charge of ordering the preparation of the special books from which the cards would be taken. It was decided that these documents would detail the state, the county, the municipality and the polling station that the voter belonged to, in addition to their name, age, civil status, parents, profession and voter registration number.

Once the cards had been signed and the card stubs had been initialed by the chairman of the municipal committee, the certificates were to be sent, *by the most secure means*,

to the chairmen of the voter registration committees. This did not necessarily have to be done via the Mail Service. The chairmen of the municipal committees were thus given the responsibility for delivering the voter cards to the voters or to their legal representatives, in the same place where the ward committee operated. Cards could not be handed over if the voter or their legal representative refused to sign a receipt, but the signature could be carried out by someone appointed by the voter if the latter did not know how to write. This was apparently to give some leeway for the delivery of voter cards to illiterate people.



Voter Card of João José Magliano No. 139489, voter registration number 997, issued around 1927 in the municipality of Bom Jardim (RJ). Collection of the Museu do Voto (Superior Electoral Court).



If the card was lost or a mistake was made, the voter could request another card, which would be granted with a declaration of a second copy. If the delivery of the cards by the chairmen of the ward committees was delayed, one was allowed to appeal to the municipal committee. If the problem persisted, an appeal could be made to the electoral board of the respective state.

Some changes instituted by the Rosa e Silva Law affected the voter cards. It was required that, from then on, the cards should contain the year the voter was registered and that the material to make them with should be provided by the appeals boards, no longer within the sphere of jurisdiction of the president of the municipal government. The chairmen of the appeals boards were in charge even of initialing the voter cards and sending them to the chairmen of the voter registration committees only via the Mail Service.

The voter registration committee itself was empowered to issue provisional voter cards if the appeals board did not do so by the stipulated deadline. The electoral receiving boards kept these provisional voter cards to send them to the auditing authority with the official election results. As regards the delivery of the cards to the voters itself, the new law slightly increased the bureaucracy for handing over the document claimed by legal representatives. From then on, the power of attorney had to be written and signed by the voter to whom it belonged, and the handwriting and signature had to be recognized by a local notary.

Finally, Law No. 3,139/1916 issued the last significant change in the voter cards. The new rule entrusted notaries with the responsibility of delivering these documents. They received a fee for each card delivered, paid for by the interested party. An unprecedented measure and one that was apparently in conflict with what was established by the provisions of the measure that succeeded it, in which the service of registration was considered *free*, and the processes, voter cards, identity cards and other papers used for registration were exempt from any charges and taxes, as was the postal service related thereto.

When he received the voter card, the voter needed to present it to the ordinary judge, who would sign it. Once again, therefore, there was a procedure whose carrying out did not depend only on the actions of the *colonel*. If he wished to influence the granting of the card, he would come up against various actors, such as the chairman of the voter registration committee, the official of the Mail Service and of the members of the judiciary.

How did voting take place?

During the whole of the First Republic, the electoral legislation failed to make provisions for ballot papers. Each political party manufactured its own ballots and took charge of delivering them to voters on the election day, normally distributed by party workers. Sometimes, the candidates themselves would approach voters to deliver the ballot papers to them.



Photograph of a colonel delivering the ballot paper to a voter published by *Careta* magazine of 1.23.1909, page 15.
Collection of the Fundação Biblioteca Nacional – Brazil.



The act of voting was quite different from how it is today. The legal provisions established a limited vote, allowing voters to vote more than once, but in a smaller number than the entirety of the seats to be filled. According to Law No. 35/1892, each voter would vote for two thirds of the number of deputies in the district.

Table 1 – Voting methods according to the electoral laws of 1892 and 1904

Electoral law of 1892	Electoral law of 1904
Limited vote (2 to 3 votes, depending on the size of the district).	Limited vote (3 to 6 votes, depending on the size of the district).
Cumulative vote not envisaged.	Cumulative vote (concentration of preferences on one single candidate).

In the smaller districts, with three deputies, the voter therefore had two votes. In larger districts, of between four and five deputies, the law set the number of votes at three. The Rosa e Silva Law (1904) introduced two innovations that were maintained until 1930. Having established districts with five deputies, the legislation ordered that each voter should vote for three names in the states who were represented by only four deputies; for four names in districts of five; for five names in that that had six and for six names in districts with seven deputies. The



Ballot box with opening at the top, for casting ballots, with a brass seal mechanism. Collection of the Museu do Voto (Superior Electoral Court). Photograph: Roberto Jayme

second innovation brought in by the Rosa e Silva Law was the cumulative vote, which allowed voters to concentrate the number of votes they were entitled to on only one candidate. This measure should be understood within the aim of increasing opportunities for minorities. In allowing voters to cast their preferences for just one candidate, the opposition parties would previously select just one candidate, to concentrate their votes on that person.

How were votes tallied?

The counting process of the elections during the First Republic took place in three stages. It started at the polling station itself, with the tallying of votes by the receiving board, and ended with the adding up of the total number of votes by a competent board.

The electoral law of 1892 established that, immediately after the end of voting in the polling station, the chairman of the receiving board (or whoever replaced them), assisted by the other poll workers, would open the ballot box and count the number of votes given to the candidates. Next, it was recommended that the result be transcribed in the *minutes of the polling station*, which should be signed by the receiving board members, by the auditors and by any voters who wished to do so. This was a document aimed at setting out the details of

General record of vote count published *Estado do Espírito Santo* newspaper on 3.24.1903, page 2. Collection of the Fundação Biblioteca Nacional – Brazil.

Junta apuradora
A Junta apuradora das eleições realizadas em todo o Estado, no dia 18 de Fevereiro findo, para Vice-Presidente da República, um Senador e quatro deputados Federais, tendo encerrado hoje os trabalhos da apuração geral dos votos das mesmas eleições, faz publico que foram votados os seguintes cidadãos: — Para Vice-Presidente da República, Dr. Afonso Augusto Moreira Penna, 13,100 votos; Dr. Luis Siqueira da Silva Lima, 9 votos; Manoel Ferreira de Mello Coutinho, 3 votos; Lauro Sodré, 2 votos; Barão do Rio Branco e general Francisco Glycerio, 1 voto cada um; em branco 27 cédulas: — Para Senador Cleto Nunes Pereira, 12,400 votos; Coronel Augusto Nogueira da Gama, 734 votos; Dr. José de Mello Carvalho Moniz Freire, 12 votos; Domingos Vicente Gonçalves de Sousa, 7 votos; Lauro Sodré, 2 votos; Dr. Afonso Claudio de Freitas Rosa, Barão de Monjardim, Augusto Raphael de Carvalho e Ignácio Doutor, um voto cada um; em branco 23 cédulas: — Para Deputados Dr. José Moreira Gomes, 11,136 votos; Pharmaceutico Bernardo Horta de Araújo, 11,131 votos; Dr. José Francisco Monjardim, 9,007 votos; Dr. Galvão Dias de Barros, Leão, 8,334 votos; Dr. José Gomes Pinheiro Junior, 215 votos; Dr. José Monjardim Francisco, 106 votos; Dr. Aristides Arminio Guaraná, 88 votos; Dr. José Espindula Batalha Ribeiro, 26 votos; Dr. João dos Santos Neves, 20 votos; Dr. José Coelho dos Santos, 16 votos; Dr. Torquato Rosa Moreira, 16 votos; Dr. Edoardo Monteiro de Carvalho 11 votos; Dr. Paulo Julio de Mello, 8 votos; Antero Pinto de Almeida, 8 votos; Antonio Pinto Aleixo, Dr. Olympio Corrêa de Lyrio, Dr. José Horácio Costa, Bernardo Horta, José Nunes Barbosa Sobrinho e Dr. Antonio Gomes Aguiar, 3 votos cada um; Dr. Julio Paulo de Mello, Francisco José dos Santos Sales, Sebastião Soares Nogueira, Manoel Henrique de Oliveira, Belarmino Vieira Cambetta e Guilherme da Rocha Piementel, 2 votos cada um; Tancredo Alves de Lima, Desidério Martyr, Antonio Araújo Aguiar, Dr. Jeronymo de Souza Monteiro, Dr. Manoel Sávio Monjardim, Dr. Sávio Vicente de Faria, Dr. Graciano Neves, Dr. Justiniano Martins de Assunção Meirelles, Francellino Faria da Motta, José João Ferreira e Manoel Joaquim Pereira Feo, 1 voto cada um; em branco 3 cédulas. E para constar, eu José A. Villas Bôas, Secretario do Governo Municipal, lavrei o presente aos 23 do mez de Março de 1903. — O Presidente, Joaquim Corrêa de Lyrio, Domingos Pinto Netto, Dalmacio da Silva Coutinho, Alfredo Americo Pinto Peres, Euzebio José dos Poços e Joaquim Agostinho Espindula.



Template of general record of vote count published by *Diário da Manhã* newspaper of 2.9.1924, Espírito Santo, page 3. Collection of the Fundação Biblioteca Nacional – Brazil.

the election day and any relevant events, such as the start time, the names of voters who did not appear, the reasons for disagreement between receiving board members during the vote, etc. Foreseeing disputes within the receiving board, the law allowed any of the receiving board members to declare themselves as outvoted in the official record, together with the alleged reasons for this; and if the majority of the board did not agree to sign it, the remaining members and auditors should do it, along with any interested voters.

After this official record was amended by a notary or any other Judicial official or even by an *ad hoc* notary, two copies would be made of it: one for sending to the Secretariat of the Chamber of Deputies or to that of the Senate, for the purpose of recognizing the powers, and another one to the vote counting board, responsible for the general counting of the election.

The board was established in the session room of the municipal government regarded as the headquarters of the district, bringing together, as well as the president



Photograph of transportation of ballot papers published by *Correio da Manhã* newspaper of 3.12.1930, Rio de Janeiro, page 3. Collection of the Fundação Biblioteca Nacional – Brazil.



of the government itself, the five members who had received the most votes and the five immediately behind them in sessions that were open to any interested auditors and voters. Its responsibility was only to add up the votes from the official records of the polling stations and to draw up the *general record of the vote count*, mentioning the electoral results, any suspicions they had about irregularities in the electoral process and a summary of the work of counting, with potential representations, complaints or protests submitted both to the receiving boards and to the vote counting board itself and the reasons alleged. Several copies would then be made of the general record of the vote count: one sent to the state governor; another one to the Secretariat of the Chamber of Deputies or of the Senate; and one *to each of the winning candidates, to serve as their official certificate of election*.



Photograph of a session of the vote counting board in Rio de Janeiro published in *Careta* magazine of 3.6.1915, page 16. Collection of the Fundação Biblioteca Nacional – Brazil.

Major changes to the counting process occurred with subsequent electoral reforms. The Rosa e Silva Law, of 1904, ordered that the overall counting of the election for federal senators, president and vice-president of the Republic, should move to the state capitals. The composition of the vote counting boards also changed, depending on their location. In the headquarters of the district, the board would be chaired by the first alternate of the substitute of the sectional judge, only with a casting vote, and also made up of the presidents of the municipal councils, the chambers or the city halls of the respective electoral constituency or of their acting legal substitutes. In the state capitals, the only position that changed was that of the chairmanship of the vote counting board, which was handed over directly to the substitute of the ward judge.

The sending of the copy of the general record of the vote count was now addressed to the ward judge (recipient), instead of to the governor. Moreover, the definition of the official certificate of election was revised, which came to refer to the copy of the general record of the vote count signed by the *majority* of the members of the vote counting board. On this point, the law incorporated a change implemented by an amendment to the Internal Regulation of the Chamber of Deputies (*Portuguese acronym: RICD*) in 1899, in order to deal with a serious reality: splits that led to the division of the vote counting board, creating parallel groups and, by extension, different overall results of the count. The recognition of the conflict even triggered the automatic definition of an electoral dispute in the case of an overall record signed by the minority of the board—once again, an important piece of reasoning imported directly from the RICD/1899 by the Rosa e Silva Law.

Another turning point in the counting process took place from 1916 onward. First of all, because the overall counting of all the federal elections (deputies, senators, president and vice-president of the Republic) migrated to the capital of each state. The second reason related to the radical change in the composition of the vote counting board: it became a space composed exclusively of judges, chaired by the federal judge and made up of his substitute and of the representative of the Federal Prosecution Service before the Superior Court of Justice. The third



novelty in the process of overall counting was the willingness of the board to allow the candidates or their respective legal representatives to monitor the task, which continued to take place in public sessions. On the list of striking innovations, there was also the entry of quite specific recommendations in cases where the board found duplicates of electoral papers at the level of the polling station, even envisaging an analysis by experts in order to distinguish the true documents. Finally, the copies of the general record of the vote count were now sent only to the Secretariats of the Chamber of Deputies and of the Senate, as well as being granted to the winning candidates for the purposes of electoral certification.

According to the Constitution of 1891, it was up to each of the chambers to certify and recognize the powers of their members. The parliamentary representatives themselves would give a final judgment on the certificates issued by the vote counting boards, as soon as they resolved any challenges and protests and, in general, any complaint submitted during the counting of the votes. This was the so-called *third count*, subsequent to the one carried out in the polling stations, which was the responsibility of the vote counting boards and which, in legal treatises, was known as the *process of verifying powers*.

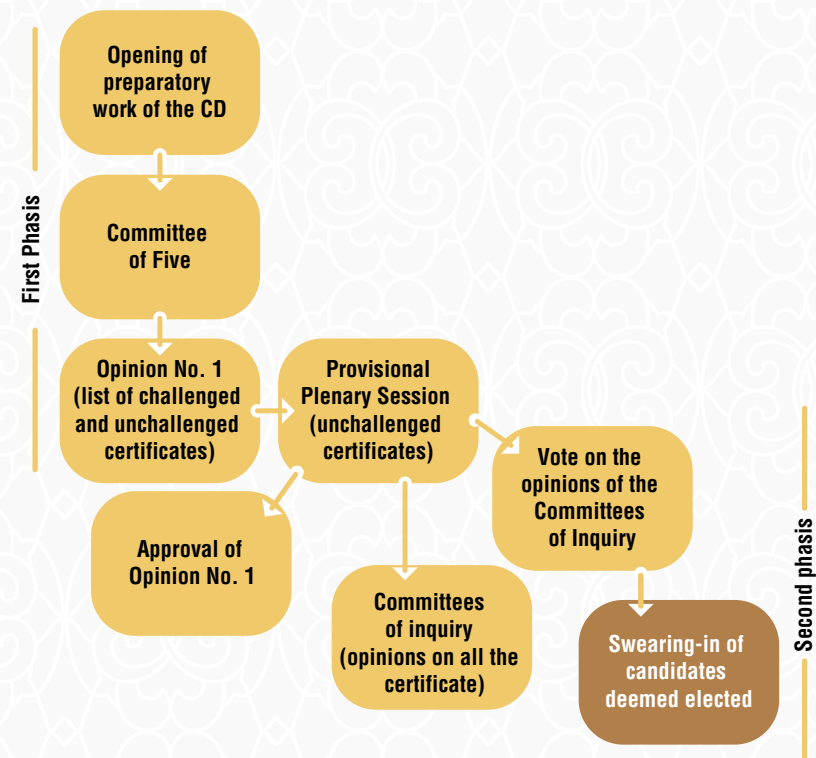
The third count was complex, being divided into two phases, as clarified below.

The electoral process of the federal elections

The certificates presented by the candidates were subject first to the scrutiny of the *Committee of Five*—called thus because it was made up of five members—appointed by the provisional president of the Chamber of Deputies (*Portuguese acronym: CC*), who would choose five names that would decide on the admissibility and the legality of the certificates submitted by the candidates. Based on the list of certificates submitted by the deputies themselves, the Committee of Five would organize a first list of certificates considered legitimate and that appeared to meet the legal conditions. The list, in order to be valid, had to be approved by the Plenary Session.

Since these were preparatory sessions, there was not yet a legally established Plenary Session. On this point, showing a certain Machiavellian spirit, the Chamber of Deputies' Regulation was very clear: only the candidates who appeared on the list submitted by the Committee of Five could take part in voting in the Plenary Session, in other words, it was the deputies previously recognized by the Committee of Five (*Portuguese acronym: CC*) who would approve their own certificates.

Phase of recognizing powers



These deputies not only sanctioned the validity of their certificates, but they also gained the right to take part in the second phase, in which debate was opened for the examination of the elections. Only these deputies had the right to vote, to discuss and to debate in the Plenary Session.



Cartoon from the cover of the magazine *O Malho* of 4.20.1912 on the composition of the Committee of Five in the Chamber of Deputies of that year. Collection of the Fundação Biblioteca Nacional – Brazil.

The second phase began when the parliamentarians legally recognized by the Committee of Five were drawn by lot to make up the Committees of Inquiry, whose functions were to list all the certificates by state, analyze the challenges and the complaints and, ultimately, to draft the opinions on the certificates issued by the vote counting boards, as well as, possibly, to dissent from the choice made by the Committee of Five.



Cartoon from the cover of the magazine *Careta* of 5.25.1912 on the *degola* of the opposition in the National Congress. Artist: J. Carlos (José Carlos de Brito e Cunha – 1884/1950). Collection of the Fundação Biblioteca Nacional – Brazil.



The final opinion was voted on by the Plenary Session, where voting by name was sometimes required. The process finished with the swearing in of the officially recognized winning candidates.

During the period of the First Republic, it was a common occurrence for opposition candidates to allege the non-recognition, during the process of verifying powers in the Chamber of Deputies, of their candidates who had legally been awarded certificates by the vote counting boards. This phenomenon became known the *degola* of the opposition.

Recommended further reading

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Photograph of a session of the vote counting board in Rio de Janeiro published in *Careta* magazine of 3.6.1915, page 16.
Collection of the Fundação Biblioteca Nacional – Brazil.