

## FAQ on the 1876 Disputed Election

### **What was the popular vote count?**

- Tilden (Democrat) 4,288,546
- Hayes (Republican) 4,034,311

### **What was the final electoral vote count?**

- Tilden (Democrat) 184
- Hayes (Republican) 185\*
  - \*185 electoral votes were necessary for victory

### **What was the initial electoral count?**

- Tilden 184
- Hayes 165
- Disputed 20 Florida (4), Louisiana (8), Oregon\*(1), South Carolina (7)

### **Why is Oregon included in the controversy?**

- One Republican Oregon elector was a government employee. Technically this made him ineligible to serve as an elector. Oregon had a Democratic governor who claimed the right to appoint a Democrat to replace the elected Republican.

### **What was the unofficial vote result in the three southern states in dispute?**

- Florida Tilden 24,434 / Hayes 24,340
- Louisiana Tilden 83,723 / Hayes 77,174
- South Carolina Tilden 90,896 / Hayes 91,870

### **What was the dispute?**

- Electors representing both parties appeared before the state returning boards claiming to be the winners.

### **What were the powers of the returning boards?**

- The boards had the power to decide which votes were valid and which were not. The Republicans controlled the returning boards in the three contested states.

### **What was the basis for disallowing certain ballots in these states?**

- "Repeaters" were used to stuff the ballot boxes.
- Fraudulent ballots were printed in order to trick illiterate blacks into voting for Democratic candidates.
- Ballot boxes were held back in some areas so that more votes could be added later.
- There was evidence that Blacks were intimidated away from the polling places keeping the Republican vote count low.

### **Why would Blacks vote for a Republican candidate over a Democrat in 1876?**

- The Republican Party stood for equal rights while the Democrats preferred the subjugation of Blacks.

## **Did Republicans also perpetrate frauds during and after the election?**

- Yes. Partisans on both sides employed legal and illegal methods in order to gain the presidency for their party.

## **What did returning boards of Florida, Louisiana, and South Carolina decide?**

- All three boards certified the Republican electors.

## **Why wasn't Hayes declared the winner when the disputed electoral votes were awarded to the Republican slate?**

- The electoral votes still had to be certified by the President of the Senate. During the certification process electors from both the Republican and Democratic parties claimed to represent Florida, Louisiana, and South Carolina (the Oregon elector was also a complication). The certification process stopped pending resolution of the disputed electors.

## **Why didn't the President of the Senate decide which were the legitimate electors?**

- The Vice-president is the President of the Senate, however Henry Wilson died in 1875. Senator Thomas Ferry, a Republican from Michigan, took his place as President of the Senate, however he was not the Vice-president. Ferry chose not to make this difficult decision on his own, citing lack of direction from the Constitution.

## **Which party controlled the U.S. Congress in 1876?**

- The Democrats had the majority in the House of Representatives. The Republicans had the majority in the Senate.

## **What roles did Rutherford B. Hayes and Samuel Tilden play during the maneuvering?**

- Both candidates distanced themselves from the fray, leaving it to their representatives to do the work. They were informed of developments as they unfolded.

## **How was the electoral dispute resolved?**

- In December 1876 the House and Senate passed resolutions creating a fifteen man Electoral Commission charged with resolving the electoral crisis. The Electoral Commission was comprised of five senators, five house members, and five Supreme Court justices.

## **What was the political make-up of the Electoral Commission?**

- Eight Republicans and seven Democrats served on the panel.

## **How did the Electoral Commission proceed?**

- Hearings started on February 1, 1877. The panel decided on each state separately. All decisions were made on a party-line vote:
  - February 9, Florida to Hayes 8 to 7
  - February 16, Louisiana to Hayes 8 to 7
  - February 23, Oregon to Hayes 8 to 7
  - February 27, South Carolina to Hayes 8 to 7

## What were the certified vote counts for the three disputed states?

- Florida Tilden 22,927 Hayes 23,894
- Louisiana Tilden 70,508 Hayes 75,313
- South Carolina Tilden 90,896 Hayes 91,870

## Did the Electoral Commission's decisions concluding on February 27 make Rutherford Hayes President?

- No. The Senate still had to confirm the electoral votes. After long and contentious debate, Hayes was confirmed at 4:10 AM on March 2, 1877.

## When was Rutherford B. Hayes sworn in as the Nineteenth President?

- Inaugurations took place on March 4 in the Nineteenth Century. However when March 4 fell on a Sunday (as it did in 1877) the swearing-in would take place on Monday. President Grant and Secretary of State Hamilton Fish suggested that there be a private swearing in on Saturday, March 3, 1877. They were concerned that dissidents could take advantage of the one-day gap between presidents and attempt to install Tilden instead of Hayes. The private ceremony took place in the White House on the 3rd. The public ceremony proceeded without problems on Monday, March 5, 1877.

## What was "the Compromise of 1877?"

- Historian C. Vann Woodward coined the phrase in his 1951 book Reunion and Reaction. Professor Woodward outlines the agreement below:
  - Troops will be recalled from the statehouse property in the three states.
  - Funds will be provided to build the Texas and Pacific Railroad.
  - A southerner will be appointed as Postmaster General.
  - Funds will be appropriated to rebuild the economy in the South.
  - The solution to the race problem will be left to the state governments.

## Who negotiated this "Compromise?"

- Advocates of this theory believe that representatives of both parties met at the Wormley Hotel in Washington, DC on February 26, 1877. The terms of the agreement were negotiated at this meeting.

## What are the arguments made by historians who say there was no "compromise?"

- Hayes stated during the campaign that the remaining southern states would be returned to local rule if they would uphold the rights of all citizens.
- There was no appropriation made for the Texas and Pacific Railroad.
- During the campaign Hayes promised to appoint a southerner to his cabinet as move toward unification and bipartisan cooperation.
- The south did not receive a large influx of money to rebuild its economy.
- As stated in number 1, Hayes pledged in advance to restore local rule in the south.

- [Disputed Election of 1876](#)

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