

ONLINE APPENDIX

The Dog That Did Not Bark: The Failed Attempts to Disenfranchise African Americans in Early Twentieth Century Maryland

Poe, Straus, and Digges Constitutional Amendments

Maryland (Referendum Election: November 7, 1905)

ELECTIVE FRANCHISE AMENDMENT TO THE CONSTITUTION (POE AMENDMENT)

The Poe Amendment proposes to substitute for Article I, Section 1, of the present Constitution of Maryland the following:

All elections by the people shall be by ballot. Every male citizen of the United States, whether native born or naturalized, of the age of twenty-one years or upwards, who has resided in this State for one year and in the Legislative District of Baltimore City, or in the County in which he may offer to vote for six months next preceding the election, and who, moreover, is duly registered as a qualified voter as provided in this Article, shall be entitled to vote in the Ward or Election District in which he resides. At all elections hereafter to be held in this State; and in case any County or City shall be so divided as to form portions of different electoral districts for the election of Representatives in Congress, Senators, Delegates or other Officers, then to entitle a person to vote for such officer, he must have been a resident of that part of the County or City which shall form a part of the electoral district in which he offers to vote for six months next preceding the election, but a person who shall have acquired a residence in such County or City, entitling him to vote at any such election, shall be entitled to vote in the election district from which he removed until he shall have acquired a residence in the part of the County or City to which he has removed. Every such male citizen of the United States having the above prescribed qualifications of age and residence shall be entitled to be registered so as to become a qualified voter if he be

First. A person able to read any section of the Constitution of this State submitted to him by the Officers of Registration and to give a reasonable explanation of the same; or if unable to read such section is able to understand and give explanation thereof when read to him by the registration officers; or

Second. A person who on the first day of January, 1869, or prior thereto, was entitled to vote under the laws of this State or of any other State in the United States wherein he then resided; or

Third. Any male lineal descendant of such last mentioned person who may be twenty-one (21) years of age or over in the year 1906.

No person not thus qualified by coming under some one of the above descriptions shall be entitled to be registered as a qualified voter, nor be entitled to vote.

Vote: 70,227 for the amendment; 104,286 against the amendment

Maryland (Referendum Election: November 2, 1909)

ELECTIVE FRANCHISE AMENDMENT TO THE CONSTITUTION (STRAUS AMENDMENT)

AN ACT to amend section one of article one, title "Elective Franchise," of the Constitution of this State, and to provide for the submission of said amendment to the qualified voters of this State for adoption or rejection.

Be it enacted by the General Assembly of Maryland, Three-fifths of all the members of each of the two Houses concurring, that the following section be and the same is hereby proposed as an amendment to section one of article one, title "Elective Franchise," of the Constitution of this State, and if adopted by the legal and qualified voters thereof, as herein provided, it shall supersede and stand in the place and stead of section one of said article one.

SECTION. 1. All elections shall be by ballot, and every male citizen of the United States of the age of twenty-one years or upwards, who has been a resident of the State for two years and of the Legislative District of Baltimore city or of the county in which he may offer to vote, for one year next preceding the election, and who, moreover, is duly registered as a qualified voter as provided in this article, shall be entitled to vote, in the ward or election district in which he resides, at all elections hereafter to be held in this State, and in case any county or city shall be so divided as to form portions of different electoral districts for the election of Representatives in Congress, Senators, Delegates or other officers, then to entitle a person to vote for such officer, he must have been a resident of that part of the county or city which shall form a part of the electoral district in which he offers to vote, for one year next preceding the election; but a person who shall have acquired a residence in such county or city, entitling him to vote at any such election, shall be entitled to vote in the election district from which he removed, until he shall have acquired a residence in the part of the county or city to which he has removed. Every male citizen of the United States having the above prescribed qualifications of age and residence shall be entitled to be registered so as to become a qualified voter if he be,

first: A person who, on the first day of January in the year eighteen hundred and sixty-nine, or prior thereto, was entitled to vote under the laws of this State, or of any other State of the United States, wherein he then resided; or

second: A male descendant of such last mentioned person;

or third: A foreign born citizen of the United States naturalized between the first day of January in the year eighteen hundred and sixty-nine and the date of the adoption of this section of this article;

or fourth: A male descendant of such last mentioned person;

or fifth: A person who, in the presence of the officers of registration, shall, in his own handwriting, with pen and ink, without any aid, suggestion or memorandum whatsoever, and without any question or direction addressed to him by any of the officers of registration, make application to register correctly, stating in such application his name, age, date and place of birth, residence and occupation at the time and for the two years next preceding, the name or names of his employer or employers, if any, at the time and for the two years next preceding, and whether he has previously voted, and if so, the State, county or city, and district or precinct in which he voted last, and also the name in full of the president of the United States, of one of the Justices of the Supreme Court of the United States, of the Governor of Maryland, of one of the Judges of the Court of Appeals of Maryland and of the Mayor of Baltimore city, if the applicant reside in Baltimore city, or of one of the County Commissioners of the county in which the applicant resides; and any person who is unable to comply with the foregoing requirements as to making application for registration in his own handwriting, solely because he is physically disabled from so doing;

or sixth: A person, or the husband of a person, who at the time of his application for registration is the bona fide owner of real or personal property in an amount of not less than five hundred dollars, is assessed therefor on the tax books of the city of Baltimore or of one of the counties of this State, has been such owner and so assessed for two years next preceding his application for registration; shall have paid; and shall produce receipts for, the taxes on said property for said two years, and shall at the time of his application make affidavit before the officers of registration that he is, or that he is the husband of the person who is the bona fide owner of the property so assessed to him or to her, as the case may be, and that he or she has been such owner for two years next preceding his application.

No person not qualified under some one of the above clauses shall be entitled to be registered as a qualified voter or be entitled to vote. Every written application to be registered, presented to the officers of registration by any person applying to be registered under the above fifth clause, shall be carefully preserved by said officers of registration and shall be produced in any court, if required, as hereinafter provided. The affidavit of any applicant for registration, duly made to the officers of registration or in court, that he, the applicant, is a person who was entitled to vote on or before the first day of January in the year eighteen hundred and sixty-nine, as aforesaid, or that he has become a naturalized citizen of the United States between the first day of January in the year eighteen hundred and sixty-nine and the date of the adoption of this section of this article, as aforesaid, or his affidavit upon information and belief that he is a descendant of a person who was entitled to vote on or before the first day of January in the year eighteen hundred and sixty-nine, or that he is a descendant of a person who has become a naturalized citizen of the United States between the first day of January in the year eighteen hundred and sixty-nine and the date of the adoption of this section of this article, shall be prima facie evidence of any of said facts so sworn to. A wilfully false statement upon the part of any applicant for registration in relation to any of the matters aforesaid shall be perjury, and punishable as perjury is punished by the laws of this State.

Any person who feels aggrieved by the action of any board of officers of registration in refusing to register him as a qualified voter, or in registering any disqualified person, may at any time, either before or after the last session of the board of officers of registration, but not later than the Tuesday next preceding the election, file a petition, verified by affidavit, in the circuit court for the county in which the cause of complaint arises, or, if the cause of complaint arises in Baltimore city, in any court of common law jurisdiction in said city, setting forth the grounds of his application and asking to have the action of the board of officers of registration corrected. The court shall forthwith set the petition for hearing and direct summons to be issued requiring the board of officers of registration complained against in said petition to attend at the hearing in person or by counsel, and where the object of the petition is to strike off the name of any person, summons shall also be issued for such person, which shall be served by the sheriff within the time therein designated; and said several courts shall have full jurisdiction and power to review the action of any board of officers of registration and to grant or withhold, as it may deem lawful and proper, the relief prayed for in the premises. In determining whether any person who applied to be registered under the above fifth clause of this section was or was not entitled to be registered under said fifth clause, the court shall require the board of officers of registration complained against to produce the written application prepared and submitted by such person at the time he presented himself for registration to said board of officers of registration, and upon said written application the court shall determine whether or not said person, when he presented himself for registration, complied with the requirements of said fifth clause; and if the court

shall determine that said written application, so prepared and submitted by said person, complied with the requirements of said fifth clause, and that said person was not disqualified under any other provision of this article of the Constitution to be registered upon the books of registry in question, then the court shall order said person to be registered as a qualified voter, but if the court shall determine that said written application of said person failed to comply with the requirements of said fifth clause, or that said person was in any other respect under this article of the Constitution disqualified to be registered upon the books of registry in question, then the court shall order that said person shall not be registered upon said books of registry. The court may enforce any order by attachment for contempt in said cases; neither party shall have any right of removal; exception may be taken to any ruling of the court at the hearing of said cases, and an appeal shall be allowed to the Court of Appeals, as in other cases; all such appeals shall be taken within five days from the date of the decision complained of, and shall be heard and decided by the Court of Appeals upon the original papers, or otherwise, as the Court of Appeals may by rule prescribe, as soon as may be practicable. The General Assembly shall have power to provide more fully by legislation not inconsistent with this section of this article, for the hearing and determination of all said cases.

SECTION. 2. *And be it further enacted by the authority aforesaid,* That the foregoing section hereby proposed as an amendment to the Constitution of this State shall be at the next general election for members of the General Assembly to be held in this State, submitted to the legal and qualified voters thereof for their adoption or rejection, in pursuance of the directions contained in article XIV of the Constitution of this State, and at said general election the vote on the said proposed amendment shall be by ballot, and upon each ballot there shall be printed the words "For the Constitutional Amendment" and "Against the Constitutional Amendment," as now prescribed by law, and immediately after said election due returns shall be made to the Governor of the vote for and against said proposed amendment, as directed by the said article XIV of the Constitution. (Approved April 25, 1908.)

Vote: 89,801 for the amendment; 106,512 against the amendment.

Maryland (Referendum Election: November 7, 1911)

ELECTIVE FRANCHISE AMENDMENT TO THE CONSTITUTION (DIGGES AMENDMENT)

AN ACT to propose an amendment to Article 1, of the Constitution of this State, by adding thereto a new section, to be known as Section 8, to follow Section 7, and to provide for the submission of said amendment to the qualified voters of this State for adoption or rejection.

SECTION 1. Be it enacted by the General Assembly of Maryland (three-fifths of all members of each of the two houses concurring), That the following section be and the same is hereby proposed as an amendment to Article 1, of the Constitution of this State, which said section, if adopted by the qualified voters of this State, shall stand as an additional section to said Article 1, to be known as Section 8, to follow Section 7, of said Article: SEC. 8. All State and municipal elections shall be conducted by the system commonly known as the Australian ballot system, and it shall be the duty of the General Assembly to provide by law for a form of ballot,

uniform throughout the State, for use at all State elections in this State, and to provide that on said ballot, after the name of each candidate thereon who may have been duly nominated as the candidate of any political party or organization, there shall be printed the legal name of said party or organization. Equal representation of the minority party among the judges and clerks of election, registrars, or other officers performing similar functions, shall not be abolished by the General Assembly unless by a vote of four-fifths of all the members of each house.

The right to be registered as a qualified voter and the right to vote at any State or municipal election in this State shall be limited to the following persons:

first, every male white citizen not disqualified by the Second or Third Section of this Article possessing the qualifications as to age and residence mentioned in Section 1 of this Article;

second, every other male citizen not disqualified by the Second or Third Sections of this Article possessing the qualifications as to age and residence mentioned in Section 1 of this Article, who at the time of his application for registration is the bona-fide owner of real or personal property, or both, in an amount of not less than five hundred dollars, is assessed therefor on the tax books of the City of Baltimore or of one of the counties of this State, has been such owner and so assessed for two years next preceding his application for registration, shall have paid and shall produce receipts for the taxes on said property for said two years, and shall at the time of his application make affidavit before the officers of registration that he is the bona-fide owner of the property so assessed to him, and that he has been such owner for two years next preceding his application.

If any persons other than those herein mentioned shall be or become legally entitled to be registered as voters at State elections in this State, then this section shall be null and void, and the General Assembly shall possess the same powers as if this section had never been adopted, and the laws of this State, including the local laws applicable to certain counties thereto, relating to the form of ballot to be used at elections, in force on the first day of July in the year nineteen hundred and ten, shall revive or continue in force until altered by the General Assembly, notwithstanding any acts to the contrary which may have been passed while the terms of this section shall have been in force or while the General Assembly shall have believed or assumed the provisions of this section to be valid.

SECTION 2. And be it further enacted, by the authority aforesaid, That the aforesaid section hereby proposed as an amendment to the Constitution shall be, at the next general election held in this State, submitted to the legal and qualified voters thereof for their adoption or rejection in pursuance of the directions contained in Article 14 of the Constitution of this State, and at the said general election the vote on the said proposed amendment to the Constitution shall be by ballot, and upon each ballot shall be printed the words, "For Constitutional Amendment" and "Against Constitutional Amendment," as now provided by law, and immediately after said election due return shall be made to the Governor of the vote for and against said proposed amendment as directed by said Fourteenth Article of the Constitution. (Approved April 11, 1910.)

Vote: 46,220 for the amendment; 83,920 against the amendment.