PROVISIONS

OF THE

NATIONAL AND STATE CONSTITUTIONS AND LAWS

RELATING TO THE

RIGHT OF SUFFRAGE.

PREPARED BY

THE SELECT COMMITTEE OF THE HOUSE OF REPRESENTATIVES OF THE FORTY-FIRST CONGRESS ON THE NINTH CENSUS.

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EXTRACTS FROM THE CONSTITUTION OF THE UNITED STATES.

ART. I, SEC. 2. (3.) Representatives and direct taxes shall be apportioned among the several States which may be included within the Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of 10 years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every 30,000, but each State shall have at least one representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three; Massachusetts, eight; Rhode Island and Providence Plantations, one; Connecticut, five; New York, six; New Jersey, four; Pennsylvania, eight; Delaware, one; Maryland, six; Virginia, ten; North Carolina, five; South Carolina, five, and Georgia, three.

(4.) When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

AMENDMENTS.

ART. XIV, SEC. 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the law.

SEC. 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, representatives in Congress, the executive and

judicial officers of a State, or the members of the legislatures thereof, is denied to any of the male inhabitants of such State, being 21 years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in such State.

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ART. XV, (now pending for adoption,) SEC. 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude.

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

EXTRACTS FROM STATE CONSTITUTIONS.

[N. B.—The following extracts from State constitutions are intended to exhibit only the qualifications of electors, and the causes specified for exclusion from the right of suffrage in the several States. They do not, therefore, embrace sections relating to the time and manner of holding and making returns of elections, the powers and duties of public officers, the punishment of frauds, nor the exemptions and privileges of electors.]

ALABAMA. (1867.)

ART. VII, SEC. 2. Every male person, born in the United States, and every male person who has been naturalized, or who has legally declared his intention to become a citizen of the United States, 21 years old or upward, who shall have resided in this State six months next preceding the election, and three months in the county in which he offers to vote, as hereinafter provided, shall be deemed an elector: *Provided*, That no soldier, or sailor, or marine in the military or naval service of the United States, shall hereafter acquire a residence by reason of being stationed on duty in this State.

SEC. 3. It shall be the duty of the general assembly to provide, from time to time, for the registration of all electors; but the following classes of persons shall not be permitted to register, vote, or hold office:

1. Those who, during the late rebellion, inflicted, or caused to be inflicted any cruel or unusual punishment upon any soldier, sailor, or marine, employé or citizen of the United States, or who in any other way violated the rules of civilized warfare.

2. Those who may be disqualified from holding office by the proposed amendment to the Constitution of the United States, known as Article XIV, and those who have been disqualified from registering to vote for delegates to the convention to frame a constitution for the State of Alabama, under the act of Congress "to provide for the more efficient government of the rebel States," passed by Congress March 2, 1867,* and the acts supplementary thereto, except such persons as aided in the reconstruction proposed by Congress, and accept the political-

* This act allowed constitutions to be formed by conventions of delegates "elected by the male citizens of said State, 21 years old and upward, of whatever race, color, or previous condition, who have been resident in such State for one year previous to the day of such election, except such as may be disfranchised for participation in rebellion or for felony at common law." The constitutions formed at such conventions were to provide that the elective franchise should be enjoyed only by such persons as had the qualifications above stated for electors of delegates.

equality of all men before the law: *Provided*, That the general assembly shall have power to remove the disabilities incurred under this clause.*

3. Those who shall have been convicted of treason, embezzlement of public funds, malfeasance in office, crime punishable by law with imprisonment in the penitentiary, or bribery.

4. Those who are idiots or insane.

[By article 1, section 34, it is declared that temporary absence from the State shall not cause forfeiture of residence once obtained.]

ARKANSAS. (1868.)

ART. VIII, SEC. 2. Every male person born in the United States, and every male person who has been naturalized, or has legally declared his intention to become a citizen of the United States, who is 21 years old or upwards, and who shall have resided in the State six months next preceding the election, and who at the time is an actual resident of the county in which he offers to vote, except as hereinafter provided, shall be deemed an elector: *Provided*, No soldier, or sailor, or marine, in the military or naval service of the United States, shall acquire a residence by reason of being stationed on duty in this State.

SEC. 3. The following classes shall not be permitted to register, or hold office, viz:

1. Those who during rebellion took the oath of allegiance, or gave bonds for loyalty and good behavior to the United States government, and afterwards gave aid, comfort, or countenance to those engaged in armed hostility to the government of the United States, either by becoming a soldier in the rebel army, or by entering the lines of said army, or adhering in any way to the cause of rebellion, or by accompanying any armed force belonging to the rebel army, or by furnishing supplies of any kind to the same.

2. Those who are disqualified as electors, or from holding office in the State or States from which they came.

3. Those persons who during the late rebellion violated the rules of civilized warfare.

4. Those who may be disqualified by the proposed amendment to the Constitution of the United States, known as Article XIV, and those who have been disqualified from registering to vote for delegates to the convention to frame a constitution for the State of Arkansas, under the act of Congress entitled "An act to provide for the more efficient government of the rebel States," passed March 2, 1867, and the acts supplemental thereto.†

5. Those who shall have been convicted of treason, embezzlement of public funds, malfeasance in office, crimes punishable by law with imprisonment in the penitentiary, or bribery.

6. Those who are idiots or insane: *Provided*, That all persons included in the 1st, 2d, 3d, and 4th subdivisions of this section, who have openly advocated or who have voted for the reconstruction proposed by Congress, and accept the equality of all men before the law, shall be deemed qualified electors under this constitution.

SEC. 4. The general assembly shall have the power, by a two-thirds vote of each house, approved by the governor, to remove the disabilities included in the 1st, 2d, 3d, and 4th subdivisions of section three, of this

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* This authority has been exercised in the form of a regular enactment, removing all disabilities, so that now all males 21 years of age, with the exception of convicted criminals, are allowed to vote.

† See note to Alabama.

article, when it appears that such person applying for relief from such disabilities has in good faith returned to his allegiance to the government of the United States: *Provided*, The general assembly shall have no power to remove the disabilities of any person embraced in the aforesaid subdivisions who, after the adoption of this constitution by the convention, persists in opposing the acts of Congress and reconstruction thereunder.*

[By article I, section 22, persons concerned in duels are forever deprived of the right of voting at any election.]

CALIFORNIA. (1849.)

ART. II, SEC. 1. Every white male citizen of the United States, and every white male citizen of Mexico, who shall have elected to become a citizen of the United States, under the treaty of peace exchanged and ratified at Queretaro, on the 30th day of May, 1848, of the age of 21 years, who shall have been a resident of the State six months next preceding the election, and the county or district in which he claims his vote, 30 days, shall be entitled to vote at all elections which are now, or hereafter may be authorized by law:† *Provided*, That nothing herein contained shall be construed to prevent the legislature, by a two-thirds concurrent vote, from admitting to the right of suffrage Indians or the descendants of Indians, in such special cases as such a proportion of the legislative body may deem just and proper.

SEC. 4. For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States,‡ nor while engaged in the navigation of the waters of this State, or of the United States, or of the high seas; nor while a student of any seminary of learning; nor while kept at any almshouse or other asylum at public expense; nor while confined in any public prison.

SEC. 5. No idiot or insane person, or person convicted of any infamous crime, shall be entitled to the privileges of an elector.

ART. XI, SEC. 19. Absence from the State on business of the State, or of the United States, shall not affect the question of residence of any person.

[By article XI, section 2, persons concerned in duels cannot be allowed to enjoy the right of suffrage.]

CONNECTICUT. (1818.)

ART. VI, SEC. 1. All persons who have been or shall hereafter, previous to the ratification of this constitution, be admitted freemen, according to the existing laws of this State, shall be electors.

ART. VI, SEC. 3. The privileges of an elector shall be forfeited by a

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* This power has not been exercised by the general assembly.

† C went to reside in a certain county on September 22, and an election was held there on the 21st of October following. *Held*, That he had not resided there 30 days, so as to entitle him to vote under the constitutional provision requiring a previous residence for such a length of time.—*People* v. *Holden*, 28 Cal., 123.

‡ A man is not disqualified from voting by reason of being a soldier in the army of the United States, but he will not acquire the right merely by residing in the country as a soldier.—*Orman* v. *Riley*. 15 Cal., 48.

The burden of proof is upon the party who contests the right of another to vote.—*Ib.*

Article 2, section 4, of the Constitution, declaring that no person shall be deemed to have gained or lost a residence by reason of his presence or absence in the service of the United States, does not preclude a person from acquiring a residence in the place where, and in the time while, he is present in such service. [SHAFTER J. dissenting.]—*Ib.*

conviction of bribery, forgery, perjury, duelling, fraudulent bankruptcy, theft, or other offense for which an infamous punishment is inflicted.

AMENDMENT: ART. VIII. *Adopted October*, 1845. Every white male citizen of the United States who shall have attained the age of 21 years, and who shall have resided in this State for the term of one year next preceding, and in the town in which he may offer himself to be admitted to the privileges of an elector at least six months next preceding the time he may so offer himself, [see 11th amendment,] and shall sustain a good moral character, shall, on his taking such oath as may be prescribed by law, be an elector.

AMENDMENT: ART. XI. *Adopted October*, 1855. Every person shall be able to read any article in the constitution, or any section of the statutes of this State, before being admitted as an elector.

[By an amendment adopted in August, 1864, (Art. XIII,) electors in the military service of the United States, during the rebellion then existing, were enabled to vote while absent from the State. A law had been previously passed for this purpose.*]

DELAWARE. (1831.)

ART. IV, SEC. 1. * * * * And in such elections, every free white male citizen of the age of 22 years or upwards, having resided in the State one year next before the election, and the last month thereof in the county where he offers to vote, and having within two years next before the election paid a county tax, which shall have been assessed at least six months before the election, shall enjoy the right of an elector; and every free white male citizen of the age of 21, and under the age of 22 years, having resided as aforesaid, shall be entitled to vote without payment of any tax: *Provided*, That no person in the military, naval, or marine service of the United States shall be considered as acquiring a residence in this State by being stationed in any garrison, barracks, or military or naval place or station within this State; and no idiot, or insane person, pauper, or person convicted of a crime deemed by law felony, shall enjoy the right of an elector; and that the legislature may impose the forfeiture of the right of suffrage as a punishment for crime.

FLORIDA. (1868.)

ART. XIV, SEC. 1. Every male person of the age of 21 years and upwards, of whatever race, color, or nationality, or previous condition, or who shall, at the time of offering to vote, be a citizen of the United States, or who shall have declared his intention to become such in conformity to the laws of the United States, and who shall have resided and had his habitation, domicile, home, and place of permanent abode in Florida for one year, and in the county for six months, next preceding the election at which he shall offer to vote, shall in such county be deemed a qualified elector at all elections under this constitution. Every elector shall at the time of his registration take and subscribe the following oath:

I —— do solemnly swear that I will support, protect and defend the Constitution and government of the United States, and the constitution and government of the State of Florida, against all enemies, foreign or domestic; that I will bear true faith, loyalty, and allegiance to the same, any ordinances or resolution of any State convention or legislature to the contrary notwithstanding: So help me God.

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* The act of December 24, 1862, which provides for taking, out of the State, the votes of persons in the military service of the United States, in the election of State and other officers, is, in respect to the election of State officers and members of the general assembly, unconstitutional.—*Opinion of Judges*, 30 Conn., 591.

SEC. 2. No person under guardianship, *non compos mentis*, or insane, shall be qualified to vote at any election, nor shall any person convicted of felony be qualified to vote at any election unless restored to civil rights.

SEC. 3. At any election at which a citizen or subject of any foreign country shall offer to vote, under the provisions of this constitution, he shall present to the persons lawfully authorized to conduct and supervise such election, a duly sealed and certified copy of his declaration of intention, [otherwise he shall not be allowed to vote; and any naturalized citizen offering to vote shall produce before said persons lawfully authorized to conduct and supervise the election his certificate of naturalization, or a duly sealed and certified copy thereof; otherwise he shall not be permitted to vote.

SEC. 4. The legislature shall have power and shall enact the necessary laws to exclude from every office of honor, power, trust, or profit, civil or military, within the State, and from the right of suffrage, all persons convicted of bribery, perjury, larceny, or of infamous crime, or who shall make or become, directly or indirectly, interested in any bet or wager, the result of which shall depend upon any election; or who shall hereafter fight a duel, or send or accept a challenge to fight, or who shall be a second to either party, or be the bearer of such challenge or acceptance; but the legal disability shall not accrue until after trial and conviction by due form of law.

SEC. 7. The legislature shall enact laws requiring educational qualifications for electors after the year 1880, but no such laws shall be made applicable to any elector who may have registered or voted at any election previous thereto.

[The Seminole Indians are, by Art. XVI, Sec. 7, allowed to elect one member of their tribe to each house of the legislature. This special representation is not to be a bar to the representation of any county by the citizens thereof, and whenever a tax may be imposed on these Indians, they are thenceforth to be entitled to all the privileges of citizens, and will be barred from special representation.]

GEORGIA. (1868.)

ART. II, SEC. 2. Every male person born in the United States, and every male person who has been naturalized, or who has legally declared his intention to become a citizen of the United States, 21 years old, or upward, who shall have resided in this State six months next preceding the election, and shall have resided 30 days in the county in which he offers to vote, and shall have paid all taxes which may have been required of him, and which he may have had an opportunity of paying, agreeably to law, for the year next preceding the election, (except as hereinafter provided,) shall be deemed an elector; and every male citizen of the United States, of the age aforesaid, (except as hereinafter provided,) who may be a resident of the State at the time of the adoption of this constitution, shall be deemed an elector, and shall have all the rights of an elector as aforesaid: *Provided*, That no soldier, sailor, or marine in the military or naval service of the United States, shall acquire the rights of an elector by reason of being stationed on duty in this State; and no person shall vote, who, if challenged, shall refuse to take the following oath:

I do swear that I have not given, or received, nor do I expect to give, or receive, any money, treat, or other thing of value, by which my vote, or any vote, is affected, or expected to be affected, at this election, nor have I given or promised any reward, or made any threat, by which to prevent any person from voting at this election.

SEC. 3. No person convicted of felony or larceny before any court of this State, or of or in the United States, shall be eligible to any office or appointment of honor or trust within this State, unless he shall have been pardoned.

SEC. 5. No person who, after the adoption of this constitution, being a resident of this State, shall engage in a duel in this State or elsewhere, or shall send or accept a challenge, or be aider or abettor to such duel, shall vote or hold office in this State; and every such person shall also be subject to such punishment as the law may prescribe.

SEC. 6. The general assembly may provide, from time to time, for the registration of all electors, but the following classes of persons shall not be permitted to register, vote, or hold office:

1. Those who shall have been convicted of treason, embezzlement of public funds, malfeasance in office, crime punishable by law with imprisonment in the penitentiary, or bribery.

2. Idiots or insane persons.

ILLINOIS.* (1847–'48.)

ART. VI, SEC. 1. In all elections, every white male citizen above the age of 21 years, having resided in the State one year next preceding any election, shall be entitled to vote at such election; and every white male inhabitant of the age aforesaid, who may be a resident of the State at the time of the adoption of this constitution, shall have the right of voting as aforesaid; but no such citizen or inhabitant shall be entitled to vote, except in the district or county in which he shall actually reside at the time of such election.

SEC. 5. No elector shall be deemed to have lost his residence in this State by reason of his absence on the business of the United States, or of his State.

SEC. 6. No soldier, seaman, or marine, in the army or navy of the United States, shall be deemed a resident of this State, in consequence of being stationed at any military or naval place within the State.

SEC. 8. The general assembly shall have full power to pass laws excluding from the right of suffrage persons convicted of infamous crimes.

INDIANA. (1851.)

ART. II, SEC. 2. In all elections, not otherwise provided for by this constitution, every white male citizen of the United States, of the age of 21 years and upwards, who shall have resided in the State during the

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* Whether the person offering to vote is an unnaturalized foreigner or a citizen, the judges of election have no right to investigate, under the laws of Illinois. If such person takes the oath prescribed by law, the duty is imperative upon the judges to receive his vote, unless the oath is proved to be false.—*Spragins* v. *Houghton*, 2 Scammon, 377.

Nor can the judges inquire whether the person offering to vote is an inhabitant and entitled to the right of suffrage within the meaning of the constitution. It is only where the judge of the election allows the exercise of the elective franchise by one whose right he suspects, or whose vote is challenged, without tendering the oath prescribed by statute, that the judge violates his duty.—*Ib.*

It seems that citizenship is not a necessary qualification of a voter in Illinois.—*Ib.*

Each State has the undoubted right to prescribe the qualifications of its own voters. And it is equally clear that the act of naturalization does not confer on the individual naturalized the right to exercise the elective franchise. The qualification which the voter is required to possess in a congressional election, depends entirely on the laws of the State in which the elective franchise is exercised, and is purely dependent on the municipal regulations of the State.—Per SMITH, J.—*Ib.*

six months immediately preceding such election; and every white male of foreign birth of the age of 21 years and upwards, who shall have resided in the United States one year, and shall have resided in this State during the six months immediately preceding such election, and shall have declared his intention to become a citizen of the United States, conformably to the laws of the United States on the subject of naturalization, shall be entitled to vote in the township or precinct where he may reside.*

SEC. 3. No soldier, seaman, or marine, in the army or navy of the United States, or of their allies, shall be deemed to have acquired a residence in the State in consequence of having been stationed within the same; nor shall any such soldier, seaman, or marine have the right to vote.

SEC. 4. No person shall be deemed to have lost his residence in the State by reason of his absence, either on business of this State or of the United States.

SEC. 5. No negro or mulatto shall have the right of suffrage.

SEC. 8. The general assembly shall have power to deprive of the right of suffrage, and to render ineligible, any person convicted of an infamous crime.

IOWA. (1857; AS AMENDED IN 1868.)

ART. II, SEC. 1. Every male citizen of the United States of the age of 21 years, who shall have been a resident of the State six months next preceding the election, and in the county in which he claims his vote 60 days, shall be entitled to vote at all elections which are now or hereafter may be authorized by law.†

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* By section 1 of the registry law, passed May 11, 1867, it is declared "That no person shall be deemed to have acquired a residence in any township, city, or ward, so as to entitle him to vote therein, until he shall have been a *bona fide* inhabitant of such township, city, or ward, at least 20 days before the day of election at which such person shall offer to vote."

The law above referred to was amended May 13, 1869. The following section defines the right of a person challenged upon offering his vote:

"SEC. 6. Any person offering to vote may be challenged by any voter in such township, precinct, or ward, (as the case may be,) and if the person so challenged insists upon voting, and the challenge be not withdrawn, said board of election, or some member thereof, shall administer to him the following oath: 'You do swear (or affirm, as the case may be) that you are a citizen of the United States; that you are over 21 years of age, to the best of your information or belief; that you have been a *bona fide* resident of this State for six months immediately preceding this election; that you are now, and have been for 20 days last past, a *boua fide* resident of this township, precinct or ward, (as the case may be;) that you are generally known by the name in which you now desire to vote; that you have not voted nor will not vote at any other precinct, township, or ward (as the case may be) in this election.' And in case of person of foreign birth, the oath relative to citizenship shall be dispensed with, and the following words used in lieu thereof: 'That you have resided in the United States one year, and have declared your intention to become a citizen thereof, in conformity with the laws thereof.' And in addition to such oath of such person proposing to vote, the following oath or affirmation of some freeholder who is a resident and voter of such township, precinct, or ward, (as the case may be,) in which the challenged person asks to vote, shall be required: 'You do swear, or affirm, (as the case may be,) that you are a freeholder, owning real estate in your own right, held by deed in your own name, and that the said real estate is situated in this election precinct; and that ——— ———, who now desires to vote, has resided in this State for six months immediately preceding this election, and has been a *bona fide* resident of this precinct for 20 days last past:' which oath shall be written or printed, and shall be signed by the person making such oath in the presence of such board of elections, which oath shall be administered by some member thereof, who shall affix his jurat thereto; which affidavits shall be attached to, and be returned with, the poll lists, to the office of the county clerk."

† Remaining in a township, with the intention of returning upon the accomplishment of some temporary purpose, is not sufficient to give a residence within the meaning of the elec-

SEC. 4. No person in the military, naval, or marine service of the United States shall be considered a resident of this State by being stationed in any garrison, barrack, or military or naval place or station within this State.

SEC. 5. No idiot or insane person, or persons convicted of any infamous crime, shall be entitled to the privilege of an elector.

KANSAS. (1859; AS AMENDED IN 1864 AND 1867.)

ART. V, SEC 1. Every white male person of 21 years and upwards, belonging to either of the following classes, who shall have resided in Kansas six months next preceding any election, and in the township or ward in which he offers to vote at least 30 days next preceding such election, shall be deemed a qualified elector:*

1. Citizens of the United States.

2. Persons of foreign birth who shall have declared their intention to become citizens, conformably to the laws of the United States on the subject of naturalization.

SEC. 2. No person under guardianship, *non compos mentis*, or insane; no person convicted of felony, unless restored to civil rights; no person who has been dishonorably discharged from the service of the United States, unless reinstated; no person guilty of defrauding the government of the United States, or any of the States thereof; no person guilty of giving or receiving a bribe, or offering to give or receive a bribe; and no person who has ever voluntarily borne arms against the government of the United States, or in any manner voluntarily aided or abetted in the attempted overthrow of said government, except all persons who have been honorably discharged from the military service of the United States since the first day of April, A. D. 1861, provided that they have served one year or more therein, shall be qualified to vote or hold office in this State, until such disability shall be removed by a law passed by a vote of two-thirds of all the members of both branches of the legislature.

SEC. 3. For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States, nor while engaged in the navigation of the waters of this State or of the United States, or of the high seas, nor while at any almshouse or other asylum at public expense, nor while confined in any public prison; and the legislature may make provision for taking the votes of electors who may be absent from their townships or wards, in the volunteer military service of the United States, or the militia service of this State; but nothing herein contained shall be deemed to allow any soldier, seaman, or marine, in the regular army or navy of the United States, the right to vote.

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tion laws of Iowa; there must be a *bona fide* intention to make it a residence.—*State* v. *Minnick*, 15 Iowa, (7 With.,) 123.

The constitution of the State of Iowa, as applied to the legislative department, is a limitation, and not a grant of power; and the legislature may provide who shall have the right of suffrage, and the time, place, and manner of exercising it, when not expressly or impliedly prohibited by the terms of the constitution.—*Morrison* v. *Springer*, 15 Iowa, (7 With.,) 304.

The act of September 11, 1862, authorizing legal voters in the military service to vote without the State limits is constitutional.—*Ib.*

* The district court has decided that a person more than half white shall be deemed "white," within the meaning of this section, and be allowed to vote. This question has never been carried to the supreme court, but the above construction has generally been acquiesced in, and the class of persons referred to vote without hinderance.

KENTUCKY. (1850.)

ART. II, SEC. 8. Every free white male citizen,* of the age of 21 years, who has resided in the State two years, or in the county, town, or city in which he offers to vote, one year next preceding the election, shall be a voter; but such voter shall have been, for 60 days next preceding the election, a resident of the precinct in which he offers to vote, and he shall vote in said precinct and not elsewhere.†

ART. VIII, SEC. 4. Laws shall be made to exclude from office, and from suffrage, those who shall thereafter be convicted of bribery, perjury, forgery, or other crimes or high misdemeanors.

SEC. 12. Absence on the business of this State, or the United States, shall not forfeit a residence once obtained, so as to deprive any one of the right of suffrage, or of being elected or appointed to any office under this Commonwealth, under the exception contained in this constitution.

LOUISIANA. (1868.)

TITLE II, ART. 25. At its first session under this constitution, the general assembly shall provide by law that the names and residence of all qualified electors shall be registered, in order to entitle them to vote; but the registry shall be free of cost to the elector.

ART. 26. No person shall be entitled to vote at any election held in this State, except in the parish of his residence, and at the election precinct in which he is registered: *Provided*, That no voter, in removing from one parish to another, shall lose the right in the former, until he has acquired it in the latter.

TITLE VI, ART. 98. Every male person, of the age of 21 years or upwards, born or naturalized in the United States, and subject to the jurisdiction thereof, and a resident of this State one year next preceding an election, and the last 10 days within the parish in which he offers to vote, shall be deemed an elector, except those disfranchised by this constitution, and persons under interdiction.

ART. 99. The following persons shall be prohibited from voting and holding any office: All persons who shall have been convicted of treason, perjury, forgery, bribery, or other crime punishable in the penitentiary, and persons under interdiction. All persons who are estopped from claiming the right of suffrage, by abjuring their allegiance to the United States government, or by notoriously levying war against it, or adhering to its enemies, giving them aid or comfort, but who have not expatriated themselves, nor have been convicted of any of the crimes mentioned in the first paragraph of this article, are hereby restored to the said right, except the following: Those who held office, civil or military, for one year or more, under the organization styled "the Confederate States of America;" those who registered themselves as enemies of the United States; those who acted as leaders of guerilla bands during the late rebellion; those who, in the advocacy of treason, wrote or published newspaper articles or preached sermons during the late rebellion; and those who voted for and signed an ordinance of secession in any State.

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* Foreigners who have resided in the State and precinct the prescribed time, are entitled to vote immediately upon being naturalized.—*Morgan* v. *Dudley*, 18 B, Mon., (Ky.,) 693.

† Foreigners who have resided in the State, county, and precinct the length of time required by the constitution, are entitled to vote immediately upon being naturalized. It does not require a residence after the alien becomes a citizen, or after he attains the age of 21, but only a previous residence next preceding the election, either before or after he acquires citizenship, or attains his majority.—*Morgan* v. *Dudley*, 18 B, Mon., 724.

No person included in these exceptions shall either vote or hold office until he shall have relieved himself by voluntarily writing and signing a certificate setting forth that he acknowledges the late rebellion to have been morally and politically wrong, and that he regrets any aid and comfort he may have given it; and he shall file the certificate in the office of the secretary of state, and it shall be published in the official journal: *Provided*, That no person who, prior to the first of January, 1868, favored the execution of the laws of the United States popularly known as the reconstruction acts of Congress,* and openly and actively assisted the loyal men of the State in their efforts to restore Louisiana to her position in the Union, shall be held to be included among those herein excepted. Registrars of voters shall take the oath of any such person as *prima facie* evidence of the fact that he is entitled to the benefit of this proviso.

ART. 134. No soldier, sailor, or marine, in the military or naval service of the United States, shall hereafter acquire a residence in this State by reason of being stationed or doing duty in the same.

MAINE. (1820.)

ART. II, SEC. 1. Every male citizen of the United States, of the age of 21 years and upwards, excepting paupers,† persons under guardianship, and Indians not taxed, having his residence established in this State for the term of three months next preceding any election, shall be an elector for governor, senators, and representatives, in the town or plantation where his residence is so established,‡ and the elections shall be by written ballot.§ But persons in the military, naval, or marine service of the United States, or this State, shall not be considered as having obtained such established residence by being stationed in any garrison, barrack, or military place, in any town or plantation; nor shall the residence of a student at any seminary of learning entitle him to the right of suffrage in the town or plantation where such seminary is established.

MARYLAND. (1867.)

ART. I, SEC. 1. All elections shall be by ballot; and every white male citizen of the United States, of the age of 21 years, or upwards, who has been a resident of the State for one year, and of the legislative district of Baltimore city, or of the county in which he may offer to vote, for six months next preceding the election, 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,

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* See note to Alabama.

† Persons who have received assistance from any town as paupers, or been disposed of in service as such by the overseers of the poor, may still vote for State officers, if otherwise qualified, provided they have not been paupers within three months next preceding the day of election.—*Opinion of Justices*, 7 Greenleaf, App., 497.

‡ To qualify a citizen to be an elector of State officers, he must have resided the three preceding months not only in the State, but in the town or plantation where he claims to vote.—*Opinion of Justices*, 7 Greenleaf, App., 492.

A person who supports his family in one town, and resides to transact business in another town, can vote for State officers only in the town where his family have resided for the three months next preceding the election.—*Opinion of Judges*, 7 Greenleaf, App., 497.

§ Printed ballots are within the meaning of this clause.—*Opinion of Judges*, 7 Greenleaf, App., 492.

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.

SEC. 2. No person above the age of 21 years, convicted of larceny or other infamous crime, unless pardoned by the governor, shall ever thereafter be entitled to vote at any election in this State; and no person under guardianship as a lunatic, or as a person *non compos mentis*, shall be entitled to vote.

SEC. 3. If any person shall give, or offer to give, directly or indirectly, any bribe, present, or reward, or any promise, or any security for the payment or the delivery of money, or any other thing, to induce any voter to refrain from casting his vote, or to prevent him in any way from voting, or to procure a vote for any candidate or person proposed or voted for as elector of President and Vice-President of the United States, or representative in Congress, or for any office of profit or trust, created by the constitution or laws of this State, or by the ordinances, or authority of the mayor and city council of Baltimore, the person giving, or offering to give, and the person receiving the same, and any person who gives or causes to be given an illegal vote, knowing it to be such, at any election to be hereafter held in this State, shall, on conviction in a court of law, in addition to the penalties now or hereafter to be imposed by law, be forever disqualified to hold any office of profit or trust, or to vote at any election thereafter.

MASSACHUSETTS.*

AMENDMENT. (1821.)—ART. III. Every male citizen of 21 years of age and upwards, (excepting paupers and persons under guardianship,)

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* Persons who have the requisite qualifications as to age and residence, but who have been for two entire years exempted from taxation by town assessors, not being exempted by law from taxation, are not entitled to vote for governor, lieutenant governor, senators, and representatives, under the third article of amendment to the constitution.—*Opinion of the Justices*, 11 Pickering, 538.

Persons who have the requisite qualification as to residence in Massachusetts, but who have been exempted from taxation on account of their poverty, for two successive years before their arrival at the age of 70 years, are not entitled to vote as above.—*Opinion of Justices*, 5 Metcalf, 591.

[The law of this State formerly imposed a poll-tax upon every male inhabitant between the ages of 16 and 70 years, whether a citizen of the United States or an alien, excepting those who, by reason of age, infirmity, and poverty, might, in the judgment of the assessors, be unable to contribute towards the public charges. The limitation of ages was, in 1843, fixed at from 20 to 70 years, and by further amendment of 1844 a poll-tax was imposed on every male over 70, excepting paupers and persons under guardianship, whether a citizen of the United States or an alien.]

Ratable polls of aliens may constitutionally be included in estimating the number of ratable polls, to determine the number of representatives any town may be entitled to elect.—*Opinion of the Justices of the S. J. C.*, 7 Mass., 523.

Payment of a State or county tax within two years next preceding the election of governor, &c., by one who is in other respects a qualified voter, entitles him to vote at such election, although such tax was illegally assessed upon him.—*Humphrey* v. *Kingman*, 5 Met., 162.

Though a tax which is assessed upon one person is paid for him by another, without his previous authority, yet, if he rocognizes the act, and repays or promises to repay the amount, on the ground that such person acted as his agent, he thereby acquires the same right to vote as if he had paid the tax with his own hand.—*Ib.*

Persons who reside on lands purchased by or ceded to the United States, for navy yards, forts, and arsenals, and where there is no other reservation of jurisdiction to the State than that of a right to serve civil and criminal process on such lands, do not, by residing on such

who shall have resided within the Commonwealth one year, and within the town or district in which he may claim a right to vote, six calendar months next preceding any election of governor, lieutenant governor, senators, or representatives, and who shall have paid, by himself or his parent, master, or guardian, any State or county tax, which shall, within two years next preceding such election, have been

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lands, acquire any elective franchise as inhabitants of such towns.—*Opinion of the Justices*, 1 Metcalf, 580. *Commonwealth* v. *Clary*, 8 Mass., 77. See *Mitchell* v. *Tibbetts*, 17 Pick., 298.

The inhabitants of a territory owned by the United States, and lying within this Commonwealth, have no jurisdiction, cannot exercise any civil or political privileges under the laws of the Commonwealth, because they are not interested in any elections made within the State, nor held to pay any taxes imposed by its authority, nor bound by any of its laws.—*Commonwealth* v. *Clary*, 8 Mass., 72.

In an action against the selectmen of a town for refusing to put the plaintiff's name upon the list of voters and rejecting his vote, the plaintiff may prove his own statements relating to his residence, made to the selectmen before offering his vote, not under oath, for the purpose of furnishing to them evidence of his having the legal qualifications of a voter ; and he may testify to his own intention in leaving the town for a prolonged absence previously to the time of acts complained of.—*Lombard* v. *Oliver*, 7 Allen, (Mass ,) 155.

It is a requisite qualification for an elector of a representative in Congress, that he shall have resided or had his home in the town where he votes, for the space of one year next preceding the election.—*Williams* v. *Whiting*, 11 Mass., 423.

A person having a right to vote for State officers in any town, even where a year's residence is necessary to qualify him as such voter, does not lose that right by a temporary absence, although during his absence he may have voted in another town.—*Lincoln* v. *Hapgood*, 11 Mass., 350.

Domicile.—The following decisions have been made in this State reltive to the domicile :

1. Every person must have a domicile somewhere.—*Abingdon* v. *North Bridgewater*, 23 Pick., 170, (1840.)

2. A person can have only one domicile, for one purpose, at one and the same time.—*Ib.*

3. Where the boundary line between the town of R. and N. B. passed through a dwelling-house, so that the portion of the house which was in N. B. was sufficient in itself to constitute a habitation, while the portion in R. was not sufficient for that purpose, t was held that a person, by occupying such house, acquired a domicile in N. B.—*Ib.*

4. It seems that if, in such case, the line had divided the house more equally, the fact that the occupant had habitually slept in that part which was in N. B. would be a preponderating circumstance to show that he was domiciled in that town, and, in the absence of other evidence, would be decisive of the question.—*Ib.*

5. Where a dwelling-house is so divided by the boundary line between the two towns as to leave that portion of the house in which the occupant mainly and substantially performs those offices which constitute his home, (such as sleeping, sitting, eating, and receiving visitors,) in one town, he is a citizen of that town, and has no right to elect to reside and be taxed for his personal property in the other town.—*Chenery* v. *Waltham*, 8 Cush., 327, (1851.)

6. Whether a person removing from one town to another intends to change his residence is a question of fact and not of law.—*Fitchburg* v. *Winchendon*, 4 Cush., 190, (1849.)

7. A domicile being once fixed, will continue, notwithstanding the absence of the party, till a new domicile is acquired.—*Jennison* v. *Hapgood*, 10 Pick., 77, (1827.)

8. The intention to abandon a domicile, and actual residence to another place, if not accompanied with the intention of remaining there permanently, or at least for an indefinite time, will not produce a change of domicile.—*Ib.*

9. It is difficult to give an exact definition of habitancy. In general terms, one may be designated as an inhabitant of that place which constitutes the principal seat of his residence, of his business pursuits, connections, attachments, and of his political and municipal relations. It is manifest, therefore, that it embraces the fact of residence at a place, with the intent to regard it and make it one's home. The act and intent must concur, and the intent may be inferred from the declarations and conduct. In a case of much doubt the mere declaration of the party, made in good faith, of his election to make one place, rather than another, his home, may be sufficient to turn the scale. But the question is one of fact for the jury to determine from all the circumstances of the case.—SHAW, C. J., in *Lyman* v. *Fiske*, 17 Pick., 234, (1835.)

10. If an inhabitant of a town removes to another town in this Commonwealth, not intending to remain there permanently, but with the intention of not returning to his former home, and does not so return, he loses his domicile in the former town.—*Mead* v. *Boxborough*, 11 Cush., 362, (1853.)

11. The fact that such person was taxed in the town to which he has removed is not com-

assessed upon him, in any town or district of this Commonwealth; and also every citizen who shall be by law exempted from taxation, and who shall be in all other respects qualified as above mentioned, shall have a right to vote in such election of governor, lieutenant governor, senators and representatives; and no other person shall be entitled to vote in such elections.

AMENDMENT. (1857.)—ART. XX. No person shall have the right

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petent evidence to show that he did not continue to be taxable in the town of his former residence.—*Ib.*

12. A citizen of this Commonwealth removing with his family to another State, and retaining no dwelling-place in this Commonwealth, though retaining his place of business here, and intending to retain his domicile here, and to return at some future indefinite period of time, has no domicile in this Commonwealth.—*Holmes* v. *Greene*, 7 Gray, 299, (1856.)

13. A student of a college does not change his domicil by his occasional residence at the college.—*Granby* v. *Amherst*, 7 Mass., 1, (1810.)

14. A seafaring man having lands occupied by himself, his servants, or hired people, although frequently absent on long voyages, has always been considered as having his residence on his lands, and as not losing his domicile by following his profession.—PARSONS, C. J.—*Ib.* See also *Arlington* v. *Boston*, 4 Mass., 312.

15. The domicile of a person *non compos mentis* and under guardianship may be changed by the direction and with the consent of the guardian, express or implied.—*Holyoke* v. *Haskins*, 5 Pick., 20, (1827.)

16. Evidence that the selectmen of a town decided that a person taxed there was an inhabitant, and put his name on the voting list, is not admissible for the purpose of showing that his domicile was in that town, without showing that they did it at his request.—*Fisk* v. *Chester*, 8 Gray, 506, (1857.)

17. In an action to try the question whether the plaintiff, who had left the country with his family, was liable afterwards to be taxed as an inhabitant of the place of his former residence, a letter from him to his agent in that place, expressing his intention to remain abroad permanently, is admissible in evidence, if written before he knew that a tax had been assessed upon him, though written after the assessment. Otherwise it seems, as to such letters written after he knew that he was taxed.—*Thorndike* v. *Boston*, 1 Met., 242, (1840.)

18. A citizen, having lived many years at W., purchased and furnished a house in B., and afterwards with his family continued to spend his summers at his house in W., where he continued to pay his taxes, and spent his winters at his house in B. It was held that he was an inhabitant of W.—*Harvard College* v. *Gore*, 5 Pick., 369, (1827.)

19. A person having a family domiciled in a town was occasionally absent in another town, engaged in his duties as clerk of courts and making arrangements for the removal of his family, and subsequently removed his family to such other town. It was held that his domicil did not change until the removal of his family.—*Williams* v. *Whiting*, 11 Mass., 424, (1814.)

20. The mere fact that a student who has a domicile in one town resides at a public institution in another town for the sole purpose of obtaining an education, and that he has his means of support from another place, do not constitute a test of his right to vote, and his liability to be taxed in the latter town; he obtains this right, and incurs this liability, only by a change of domicile, and the question whether he has changed his domicile is to be decided by all the circumstances of the case.—*Opinion of Justices*, 5 Metcalf, 587.

21. A residence at college, or any other institution, for the purpose of instruction, for a sufficient length of time, will give a right of voting in the town where such institution exists, if the student have no other fixed place of residence, notwithstanding it may be his expectation to change such residence.—*Putnam* v. *Johnson*, 10 Mass., 488.

22. A student in the theological institution at Andover, being of age, and making that town his home, and having no residence elsewhere, is entitled to vote in that town.—*Putnam* v. *Johnson*, 10 Mass., 488, (1813.)

By an act approved March 6, 1865, it was provided, that whenever any person should make application to be assessed a poll-tax for the then current year, and it should appear that such applicant was on the first day of May preceding a resident of the city or town and liable to pay a poll-tax therein, but was not assessed therefor, and that such applicant had been, during any portion of the two preceding years, engaged in the military or naval service of the United States, it was made the duty of assessors to assess such tax, and notify the treasurer of the city or town of the same. The person thus assessed was upon payment of said tax entitled to vote, the same as if his taxes had been assessed and paid in the manner heretofore provided by law.

Chapter 145 of the laws of 1861 thus defines the qualifications of voters for Representatives in Congress:

"In any election of representatives to Congress in this Commonwealth, no person shall be allowed to vote for the same until he shall have resided in the congressional district where he offers to vote six months next preceding such election, and shall be otherwise qualified according to the constitution and laws of this State: *Provided*, that when the

to vote, or be eligible to office under the constitution of this Commonwealth, who shall not be able to read the constitution in the English language, and write his name: *Provided, however*, That the provisions of this amendment shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any person who shall be 60 years of age or upwards at the time this amendment shall take effect.

MICHIGAN. (1850.)

ART. VII, SEC. 1. In all elections, every white male citizen,* every white male inhabitant, residing in the State on the 24th day of June, 1835; every white male inhabitant residing in this State on the first day of January, 1850, who has declared his intention to become a citizen of the United States, pursuant to the laws thereof, six months preceding an election, or who has resided in this State two years and six months, and declared his intention as aforesaid; and every civilized male inhabitant of Indian descent, a native of the United States and not a member of any tribe, shall be an elector and entitled to vote; but no citizen or inhabitant shall be an elector, or entitled to vote at any election, unless he shall be above the age of 21 years, and has resided in this State three months, and in the township or ward in which he offers to vote, 10 days next preceding such election: [*Provided*, That in time of war, insurrection, or rebellion, no qualified elector, in the actual military service of the United States, or of this State, in the army or navy thereof, shall be deprived of his vote by reason of his absence from the township, ward, or State in which he resides; and the legislature shall have power, and shall provide the manner in which such absent electors may vote, and for the canvass and return of their votes to the township or ward election district, in which they respectively reside, or otherwise.—*Amendment of* 1865–'66.]

SEC. 5. No elector shall be deemed to have gained or lost a residence by reason of his being employed in the service of the United States, or of this State; nor while engaged in the navigation of the waters of this State, or of the United States, or of the high seas; nor while a student of any seminary of learning; nor while kept at any almshouse or other asylum at public expense; nor while confined in any public prison.

SEC. 7. No soldier, seaman, or marine, in the army or navy of the United States, shall be deemed a resident of this State in consequence of being stationed in any military or naval place within the same.

SEC. 8. Any inhabitant who may hereafter be engaged in a duel, either as principal or accessory before the fact, shall be disqualified from holding any office under the constitution and laws of this State, and shall not be permitted to vote at any election.

MINNESOTA. (1857–'58. AS AMENDED IN 1868.)

ART. I, SEC. 17. * * * No religious test or amount of property shall ever be required as a qualification of any voter at any election in this State. * * * *

State shall be districted anew for members of Congress, he shall have the right so to vote in the district where he is located by such new arrangement; and *provided also*, that no voter residing in any city which now is, or hereafter may be divided by the line between congressional districts, shall be deprived of his vote in the district in which he was assessed, or liable to assessment, on the first day of May next preceding such congressional election, if he be otherwise qualified."

* Whether a person offering to vote at an election in Michigan has the requisite qualifications as to color and descent, (the constitution conferring the right to vote upon "white male citizens" only,) must, on challenge for the want of such qualification, be inquired into and determined by the inspectors of election.—*Gordon* v. *Farrar*, 2 Douglass, 411.

ART. VII, SEC. 1. Every male person of the age of 21 or upwards, belonging to either of the following classes, who shall have resided in the United States one year, and in this State four months next preceding any election, shall be entitled to vote at such election, in the election district of which he shall at the time have been for 10 days a resident, for all officers that now are, or hereafter may be, elected by the people:

1. Citizens of the United States.

2. Persons of foreign birth, who shall have declared their intention to become citizens, conformably to the laws of the United States upon the subject of naturalization.

3. Persons of mixed white and Indian blood who have adopted the customs and habits of civilization.

4. Persons of Indian blood residing in this State, who have adopted the language, customs, and habits of civilization, after an examination before any district court of the State, in such manner as may be provided by law, and shall have been pronounced by said court capable of enjoying the rights of citizenship within the State.

SEC. 2. No person not belonging to one of the classes specified in the preceding section; no person who has been convicted of treason or any felony, unless restored to civil rights, and no person under guardianship, or who may be *non compos mentis* or insane, shall be entitled or permitted to vote at any election in this State.

SEC. 3. For the purpose of voting, no person shall be deemed to have lost a residence by reason of his absence while employed in the service of the United States; nor while engaged upon the waters of this State, or of the United States; nor while a student of any seminary of learning; nor while kept in any almshouse or asylum; nor while confined in any public prison.

SEC. 4. No soldier, seaman, or marine, in the army or navy of the United States, shall be deemed a resident of this State in consequence of being stationed within the same.

ART. XV, SEC. 2. Persons residing on Indian lands within the State shall enjoy all the rights and privileges of citizens as though they lived in any other portion of the State, and shall be subject to taxation.

MISSOURI. (1865.)

ART. II, SEC. 3. At any election held by the people under this constitution, or in pursuance of any law of this State, or under any ordinance or by-law of any municipal corporation, no person shall be deemed a qualified voter, who has ever been in armed hostility to the United States, or to the lawful authorities thereof, or to the government of this State; or has ever given aid, comfort, countenance, or support to persons engaged in any such hostility; or has ever, in any manner, adhered to the enemies, foreign or domestic, of the United States, either by contributing to them or by unlawfully sending within their lines, money, goods, letters, or information; or has ever disloyally held communication with such enemies; or has ever advised or aided any person to enter the service of such enemies; or has ever, by act or word, manifested his adherence to the cause of such enemies, or his desire for their triumph over the arms of the United States, or his sympathy with those engaged in exciting or carrying on rebellion against the United States; or has ever, except under overpowering compulsion, submitted to the authority or been in the service of the so-called "Confederate States of America;" or has ever left this State, and gone within the lines of the armies of the so-called "Confederate States of America," with the purpose of adher-

ing to said States or armies; or has ever been a member of, or connected with, any order, society, or organization inimical to the government of the United States, or to the government of this State; or has ever been engaged in guerrilla warfare against loyal inhabitants of the United States, or in that description of marauding commonly known as "bush-whacking;" or has ever knowingly and willingly harbored, aided, or countenanced any person so engaged; or has ever come into or left this State, for the purpose of avoiding enrollment for or draft into the military service of the United States; or has ever, with a view to avoid enrollment in the militia of this State, or to escape the performance of duty therein, or for any other purpose, enrolled himself, or authorized himself to be enrolled, by or before any officer as disloyal, or as a southern sympathizer, or in any other terms indicating his disaffection to the government of the United States in its contest with rebellion, or his sympathy with those engaged in such rebellion; or, having ever voted at any election by the people of this State, or in any other of the United States, or in any other of their Territories, or held office in this State, or in any other of the United States, or in any of their Territories, or under the United States, shall thereafter have sought or received, under claim of alienage, the protection of any foreign government, through any consul or other officer thereof, in order to secure exemption from military duty in the militia of this State, or in the army of the United States; nor shall any such person be capable of holding in this State any office of honor, trust, or profit under its authority; or of being an officer, councilman, director, trustee, or other manager of any corporation, public or private, now existing or hereafter established by its authority; or of acting as a professor or teacher in any educational institution, or in any common or other school; or of holding any real estate or other property in trust for the use of any church, religious society, or congregation. But the foregoing provisions in relation to acts done against the United States shall not apply to any person not a citizen thereof, who shall have committed such acts while in the service of some foreign country at war with the United States, and who has, since such acts, been naturalized, or may hereafter be naturalized, under the laws of the United States; and the oath of loyalty hereinafter prescribed, when taken by any such person, shall be considered as taken in such sense.

SEC. 4. [Requires a registration of voters at least ten days before the day of election. Until a system of registration is established, every person offering to vote is required to take an oath and declaration of past and present loyalty, and of allegiance to the government of the United States and the State of Missouri.]

SEC. 15. Whoever shall be convicted of having, directly or indirectly, given or offered any bribe, to procure his election or appointment to any office, shall be disqualified for any office of honor, trust, or profit under this State; and whoever shall give or offer any bribe to procure the election or appointment of any other person to any office, shall, on conviction thereof, be disqualified for a voter, or any office of honor, trust, or profit under this State for ten years after such conviction.

SEC. 16. No officer, soldier, or marine, in the regular army or navy of the United States, shall be entitled to vote at any election in this State.

SEC. 17. No person who shall make, or become directly or indirectly interested in, any bet or wager depending upon the result of any election, shall vote at such election.

SEC. 18. Every white male citizen of the United States, and every white male person of foreign birth who may have declared his intention to become a citizen of the United States, according to law, not less than one year nor more than five years before he offers to vote, who is over

the age of 21 years, who is not disqualified by or under any of the provisions of this constitution, and who shall have complied with its requirements, and have resided in this State one year next preceding any election, or next preceding his registration as a voter, and during the last 60 days of that period shall have resided in the county, city, or town where he offers to vote, or seeks registration as a voter, shall be entitled to vote at such election, for all officers, State, county, or municipal, made elective by the people; but he shall not vote elsewhere than in the election district in which he is at the time a resident, or after a system of registration of voters shall have been established in the election district where his name is registered, except as provided in the 21st section of this article.

SEC. 19. After the first day of January, 1876, every person who was not a qualified voter prior to that time shall, in addition to the other qualifications required, be able to read and write in order to become a qualified voter, unless his inability to read or write shall be the result of physical disability.

SEC. 20. For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States, nor while engaged in the navigation of the waters of this State, or of the United States, or of the high seas, nor while a student in any seminary of learning, nor while kept at any poor-house or other asylum at public expense, nor while confined in any public prison.

[SEC. 21. Allows voters who are absent as volunteers in the army of the United States, or the militia of the State, to vote during their absence without registration.]

[SEC. 23. Allows persons disqualified under the third section to remove such disability by entering the military service of the United States.]

[SEC. 25. After January 1st, 1871, the general assembly shall have power to suspend or repeal any part of the 3d, 5th and 6th sections, so far as they may relate to the qualifications of voters, but no further. After the 1st day of January, 1875, it may wholly suspend or repeal the 3d, 4th, 5th, 6th, 8th, 9th, 10th, 11th, and 12th sections.]*

SEC. 26. The general assembly shall provide for the exclusion from every office of honor, trust, or profit within this State, and from the right of suffrage, of any person convicted of bribery, perjury, or other infamous crime.

NEBRASKA. (1867.)

ART II, SEC. 2. Every male person of the age of 21 years, or upwards, belonging to either of the following classes, who shall have resided in the State, county, precinct, and ward, for the time provided by law, shall be an elector:

1. Citizens of the United States.
2. Persons of foreign birth who shall have declared their intention to become citizens conformably to the laws of the United States on the subject of naturalization.†

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* It was decided in the case of *Blair* v. *Ridgely and Thompson*, that the oath prescribed in Article II, sections 2 and 6, of the constitution, as one of the qualifications for voting, does not violate any of the provisions of the Constitution of the United States. Missouri Reports, xli, 63.

† The constitution of this State, as adopted by the convention, restricted the privilege of voting to "whites." But Congress in an act for admitting the State into the Union, passed February 9, 1867, declared as a condition precedent, that there should be no denial of the elective franchise, or of any other right, to any person, by reason of race or color, excepting Indians not taxed. This condition was accepted by the Territorial legislature, in an act declaring its assent to the conditions of the act of Congress above cited.

Nevada. (1864.)

Art. II, Sec. 1. Every white male citizen of the United States not laboring under the disabilities named in this constitution, of the age of 21 years and upwards, who shall have actually and not constructively resided in the State six months, and in the district or county 30 days next preceding any election, shall be entitled to vote for all officers that now are or hereafter may be elected by the people, and upon all questions submitted to the electors at such election: *Provided*, That no person who has been or may be convicted of treason or felony in any State or Territory of the United States, unless restored to civil rights; and no person who, after arriving at the age of 18 years, shall have voluntarily borne arms against the United States, or held civil or military office under the so-called "Confederate States," or either of them, unless an amnesty be granted to such by the federal government, and no idiot or insane person, shall be entitled to the privileges of an elector.

Sec. 2. For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States, nor while engaged in the navigation of the waters of the United States, or of the high seas; nor while a student of any seminary of learning; nor while kept at any almshouse or other asylum at public expense; nor while confined in any public prison.

Sec. 3. The right of suffrage shall be enjoyed by all persons otherwise entitled to the same, who may be in the military or naval service of the United States: *Provided*, The votes so cast shall be made to apply to the county and township of which said voters were *bona fide* residents at the time of their enlistment: *Provided further*, That the payment of a poll-tax, or a registration of such voters, shall not be required as a condition to the right of voting.

Sec. 7. The legislature shall provide by law for the payment of an annual poll-tax of not less than two nor more than ten dollars from each male person resident in the State between the age of 21 and 65 years, uncivilized American Indians excepted, one-half to be applied for State and one-half for county purposes; and the legislature may, in its discretion, make such payment a condition to the right of voting.

[Art. XV, Sec. 3, excludes persons concerned in duels from the right of voting or holding office.]

New Hampshire. (1792.)

Part II, Sec. 28. * * * Every male inhabitant of each town and parish with town privileges, and places unincorporated in this State, of 21 years of age and upwards, excepting paupers and persons excused from paying taxes at their own request,* shall have a right, at the annual or other meeting of the inhabitants of said towns and parishes, to be duly warned and holden annually forever in the month of March to vote in the town or parish wherein he dwells, for the senator in the district whereof he is a member.†

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* If the abatement of taxes by the selectmen, at the request of the person against whom they are assessed, is to be considered as excusing from paying taxes, within the meaning of the clause of the constitution which excludes from voting paupers and persons excused from paying taxes at their own request, it operates only to disqualify him as a voter during the political year for which the taxes were assessed, and not as a perpetual disfranchisement.—*Ford* v. *Holden*, 39 N. H., 143.

† The Revised Statutes (Chap. XXVII) provide that none but native or naturalized citizens of the United States shall possess the right of voting, and aliens are expressly denied the

SEC. 30. And every person, qualified as the constitution provides, shall be considered as an inhabitant for the purpose of electing and being elected into any office or place within this State, in the town, parish, and plantation where he dwelleth and hath his home.

[Section 13 gives to voters for senators the right of voting for representatives.]

NEW JERSEY. (1844.)

ART. II, SEC. 1. Every white male citizen of the United States, of the age of 21 years, who shall have been a resident of this State one year, and of the county in which he claims his vote five months, next before the election, shall be entitled to vote for all officers that now are or hereafter may be elective by the people: *Provided*, That no person in the military, naval, or marine service of the United States shall be considered a resident in this State, by being stationed in any garrison, barrack, or military or naval place or station within this State; and no pauper, idiot, insane person, or person convicted of a crime which now excludes him from being a witness, unless pardoned or restored by law to the right of suffrage, shall enjoy the right of an elector.

SEC. 2. The legislature may pass laws to deprive persons of the right of suffrage who shall be convicted of bribery at elections.

NEW YORK. (1846.)

ART. II, SEC. 1. Every male citizen * of the age of 21 years, who shall

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right. No person can be considered a pauper within the meaning of the law, unless he has been assisted within 90 days prior to the meeting at which he claims the right to vote. If otherwise a legal voter, he cannot be deprived of his right to vote by reason of having been excused from paying taxes at his own request, if he shall, before he offers to vote, tender payment of all taxes assessed against him during the year prior to his offer to vote, to the moderator, collector of taxes, or one of the selectmen, and, at the time he offers to vote, presents evidence of such tender. Nor can a person be deprived of the right to vote by reason of having received assistance for himself or family, if he shall have tendered payment as aforesaid, of all reasonable expenses, which said town has incurred within 90 days, by reason of such assistance; but, upon making such tender, he must have his name placed upon the check list, when his vote must be received.

No person is considered as dwelling in a town for the purpose of voting, unless he shall have resided in such town six months next preceding the day of meeting. A residence, when acquired, is not interrupted or lost by a temporary absence therefrom, with the intention of returning.

By exercising the privilege of voting within a town, a person is deemed to have elected by such act to make the town his home, and is thereby disqualified from voting in any other town until he has gained a new residence as above provided.

By chapter 1, section 3 of the laws of 1868, any person who shall have been excused from paying taxes in any other town, or shall have received help for himself or family within 90 days, from the county, or any town other than that in which he offers to vote, shall, if otherwise qualified, be entitled to vote at any election, by tendering payment as provided in the section above cited. Paupers not chargeable to any town, cannot vote at any election, except upon tender of payment of all reasonable expenses of any assistance received from the town or county for himself or family within 90 days.

To establish the fact that the respondent was not entitled to vote in a certain ward, under the statute requiring six months' residence, evidence tending to show that he had not actually resided in such ward for the six months preceding the election, but had remained for several months in another ward, is legally sufficient, no evidence being given by the respondent to show that the absence was temporary.—*State* v. *Marshall*, 45 N. H., 281.

The provisions of the statutes of 1849 and of 1860, relating to the domicile of voters, are not unconstitutional.—*Davis* v. *School District*, 44 N. H., 398.

The unconstitutionality of the proposed act of the legislature of New Hampshire, entitled, "An act to secure the right of suffrage to the qualified voters of this State engaged in the military or naval service of their country," affirmed.—*Opinion of Justices*, 44 N. H., 633.

* A certificate of naturalization is the legal evidence of the judgment of the court, and is not to be collaterally impeached. [WILLIAMS, J., dissenting.]—*People* v. *Pease*, 30 Barber, (N. Y.,) 588.

The elector is made the judge of his own qualifications, and his conscience takes the place of the judgment of every other tribunal for that occasion. The inspectors may instruct and advise him, but they cannot decide upon his qualifications.—*Ib.*

have been a citizen for 10 days and an inhabitant of this State one year next preceding an election, and for the last four months a resident of the county where he may offer his vote, shall be entitled to vote at such election, in the election district of which he shall at the time be a resident, and not elsewhere, for all officers that now are or hereafter may be elective by the people; but such citizen shall have been, for 30 days next preceding the election, a resident of the district from which the officer is to be chosen for whom he offers his vote. But no man of color, unless he shall have been for three years a citizen of this State, and for one year next preceding any election shall have been seized and possessed of a freehold estate of the value of $250 over and above all debts and incumbrances charged thereon, and shall have been actually rated and paid a tax thereon, shall be entitled to vote at such election. And no person of color shall be subject to direct taxation unless he shall be seized and possessed of such real estate as aforesaid.

[In 1864 an amendment was added, allowing electors, in time of war, to vote while absent from the State, in the military or naval service of the United States, in such manner as the legislature might prescribe.]

SEC. 2. Laws may be passed excluding from the right of suffrage all persons who have been or may be convicted of bribery, larceny, or of any infamous crime; and for depriving every person who shall make, or become directly interested in, any bet or wager, depending upon the result of any election, from the right to vote at such election.

SEC. 3. For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States; nor while engaged in the navigation of the waters of this State, or of the United States, or of the high seas; nor while a student of any seminary of learning; nor while kept at any almshouse, or other asylum, at public expense; nor while confined in any public prison.

NORTH CAROLINA. (1868.)

ART. VI, SEC. 1. Every male person born in the United States, and every male person who has been naturalized, 21 years old or upward, who shall have resided in this State 12 months next preceding the election, and 30 days in the county in which he offers to vote, shall be deemed an elector.

SEC. 2. It shall be the duty of the general assembly to provide from time to time for the registration of all electors, and no person shall be allowed to vote without registration, or to register without first taking an oath or affirmation to support and maintain the Constitution and laws of the United States, and the constitution and laws of North Carolina not inconsistent therewith.

SEC. 5. The following classes of persons shall be disqualified for office: First, all persons who shall deny the being of Almighty God. Second, all persons who shall have been convicted of treason, perjury, or any other infamous crime, since becoming citizens of the United States, or of corruption or malpractice in office, unless such person shall have been legally restored to the rights of citizenship.

OHIO. (1851.)

ART. V, SEC. 1. Every white male citizen of the United States,* of the

* In *Jeffries* v. *Ankeny et al.*, 11 Ohio Rep., 372, the court in giving a construction to this word "white," in the constitution of 1802, held that a person the offspring of a white man

age of 21 years, who shall have been a resident of the State one year next preceding the election, and of the county, township or ward in which he resides such time as may be provided by law,* shall have the qualifications of an elector and be entitled to vote at all elections.

SEC. 4. The general assembly shall have power to exclude from the privilege of voting, or of being eligible to office, any person convicted of bribery, perjury, or otherwise infamous crime.

SEC. 5. No person in the military, naval, or marine service of the United States shall, by being stationed in any garrison or military or naval station within the State, be considered a resident of this State.

SEC. 6. No idiot or insane person shall be entitled to the privileges of an elector.

OREGON. (1857.)

ART. II, SEC. 2. In all elections not otherwise provided for by this constitution, every white male citizen of the United States, of the age of 21 years and upwards, who shall have resided in the State during the six months immediately preceding such election, and every white male of foreign birth, of the age of 21 years and upwards, who shall have resided in the United States one year, and shall have resided in this State during the six months immediately preceding such election, and shall have declared his intention to become a citizen of the United States one year preceding such election, conformably to the laws of the United States on the subject of naturalization, shall be entitled to vote at all elections authorized by law.

SEC. 3. No idiot or insane person shall be entitled to the privileges of an elector; and the privilege of an elector shall be forfeited by a conviction of any crime which is punishable by imprisonment in the penitentiary.

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and a half-breed Indian woman, was a lawful voter. This construction was followed in *Thacker* v. *Hawk et al.*, *Ib.* 376, where it was decided that the court of common pleas erred in holding that a man who had any negro blood in him, whatever, was not a lawful voter. The controlling idea of both cases is, that all men nearer white than black, of the grade between the mulatto and the white, were, so far as blood and color were concerned, entitled to vote as "white male" citizens.

READ, J., dissented in both cases, insisting that "white" meant "*pure white*—unmixed;" and that the constitution intended to exclude all persons from the privileges of the elective franchise except persons of pure white blood.

The act of April 13, 1863, "to enable qualified voters of this State, in the military service of this State, or of the United States, to exercise the right of suffrage," was intended to enable qualified voters of the State, in the military service, to vote, in accordance with its provisions, as well without as within the territorial limits of this State.—*Lehman* v. *McBride*, 15 Ohio St., 573.

Such act is constitutional. [RANNEY, J., dissenting.]—*Ib.*

The constitution of Ohio gives a right to vote to white male citizens. It having been decided that male citizens having a visible admixture of African blood, but in whom the white blood predominates, are white within the above clause; *held*, that a law imposing a heavy burden of proof on such citizens, providing that judges of elections should not be liable for damages for rejecting their votes, and otherwise unfavorably discriminating against them, was unconstitutional.—*Monroe* v. *Collins*, 17 Ohio St , 665.

Persons having a mixture of African blood, but a preponderance of white blood, or being more white than black, and being otherwise qualified, were, by the settled construction of the section of the constitution of 1802, regulating the exercise of the elective franchise, entitled to enjoy the right of an elector. No change was made in this respect by the corresponding section of the constitution of 1851. The same persons, being otherwise qualified, are not to be excluded on account of color, but are entitled, under the present constitution, to vote at all elections.—*Anderson* v. *Millikin et al.*, 9 O. St., R., 568.

* This time was limited by act of April 17, 1868, to 30 days in the county, and 20 days in the township, incorporated village, or ward, before election: except that heads of families may remove from one ward to another in the same city, and not out of the county, without losing the right of voting.

SEC. 4. For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of this State, or of the United States, or on the high seas, nor while a student of any seminary of learning, nor while confined in any public prison.

SEC. 5. No soldier, seaman, or marine, in the army or navy of the United States, or of their allies, shall be deemed to have acquired a residence in the State in consequence of having been stationed within the same, nor shall any such soldier, seaman, or marine have the right to vote.

SEC. 6. No negro, Chinaman, or mulatto shall have the right of suffrage.

SEC. 17. All qualified electors shall vote in the election precinct in the county where they may reside for county officers, and in any county in the State for State officers, or in any county of a congressional district in which such electors may reside for members of Congress.

PENNSYLVANIA. (1838.)

ART. III, SEC. 1. In elections by the citizens, every white freeman* of the age of 21 years, having resided in this State one year and in the election district where he offers to vote for 10 days immediately preceding such election, and within two years paid a State or county tax,† which shall have been assessed at least 10 days before the election, shall enjoy the rights of an elector. But a citizen of the United States,‡ who had previously been a qualified voter of this State, and removed therefrom and returned, and who shall have resided in the election district, and paid taxes as aforesaid, shall be entitled to vote, after residing in the State six months: *Provided*, That white freemen, citizens of the United States, between the ages of 21 and 22 years, and having resided in the State one year and in the election district§ 10 days as aforesaid, shall be entitled to vote, although they shall not have paid taxes.

[By a law passed July 2, 1839, citizens in actual military service, in any detachment of the military, or corps of volunteers under a requisition from the President of the United States, or by authority of the Commonwealth, were allowed to vote at places other than their usual residence. In 1864, an amendment was added to the constitution author-

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*A negro or mulatto cannot vote at a general election in Pennsylvania.—*Hobbs* v. *Fogg*, 6 Watts, 553. The word "white" was introduced into the constitution in 1837, subsequent to the above decision.

† To entitle a citizen, otherwise qualified to vote in Pennsylvania, for President and Vice-President, he must have paid, within two years next preceding the election, a State or county tax, assessed on himself individually, at least six months prior to such election.—*Catlin* v. *Smith*. 2 S. and R., 267.

‡ Where the naturalization results from the naturalization of the parent, the parent's certificate must be produced.—*Price* v. *Barber*, 13 Leg. Int., 140.

§ Election districts, within the meaning of the Pennsylvania Statutes, denote subdivisions of State territory marked out by known boundaries, prearranged and declared by public authority; though not defined by the constitution, they mean in it the same as in the statute, and are recognized as among the civil institutions of the State, which can neither be created nor controlled by the military power.—*Chase* v. *Miller* 41 Penn. State R., 403

"Residence," in the constitution, is the same as domicile, the place where a man establishes his abode, makes the seat of his property, and exercises his civil and political rights.—*Ib.*

The party must not only have actually resided in the State one year before tendering his vote, but such residence must have been with the intent to become a citizen of the State, and to abandon the citizenship the party may have previously had in another State.—*Snow*, Com. Pleas, Phila., 3 Nov., 1848, M. S., Sec. 2d, Par. A. D., 450. 1 Ash., 125. 1 Wall, jr., 217, 2d J., 365, P. L. J., 310.

The term "election district" signifies any part of a city or county having fixed boundaries, within which the citizens residing therein must vote.—3 P. L. J , 310; 5 Wright, 403.—

izing such persons to vote under such regulations as might be prescribed by law. An act was accordingly passed August 25, of that year, for carrying this provision into effect.*

RHODE ISLAND. (1842.)

ART. II, SEC. 1. Every male citizen of the United States, of the age of 21 years, who has had his residence and home in this State for one year, and in the town or city in which he may claim a right to vote six months next preceding the time of voting, and who is really and truly possessed in his own right of real estate in such town or city of the value of $134, over and above all incumbrances, or which shall rent for $7 per annum over and above any rent reserved, or the interest of any incumbrances thereon, being an estate in fee simple, fee tail, for the life of any person, or an estate in reversion of remainder, which qualifies no other person to vote, the conveyance of which estate, if by deed, shall have been recorded at least 90 days, shall hereafter have a right to vote at the election of all civil officers, and on all questions, in all legal town or ward meetings, so long as he continues so qualified.

And if any person hereinbefore described shall own any such estate within this State out of the town or city in which he resides, he shall have a right to vote in the election of all general officers and members of the general assembly in the town or city in which he shall have had his residence and home for the term of six months next preceding the election, upon producing a certificate from the clerk of the town or city in which his estate lies, bearing date within 10 days of his voting, setting forth that such person has a sufficient estate therein to qualify him as a voter, and that the deed, if any, has been recorded 90 days.

SEC. 2. * * * * From and after that time, [the end of 1843,] every such citizen, [male citizens of the United States, 21 years of age, two years resident in State and six months in town or city,] who has had the residence herein required, and whose name shall be registered in the town where he resides, on or before the last day of December in the year next preceding the time of his voting, and who shall show any legal proof that he has, for and within the year next preceding the time he shall offer to vote, paid a tax or taxes assessed against him in any town or city in this State, to the amount of $1; or that he has been enrolled in a military company in this State, been equipped and done duty therein, according to law, and at least for one day during such year, shall have a right to vote in the election of all civil officers, and on all questions in all legally organized town or ward meetings: *Provided*, That no person shall at any time be allowed to vote in the election of the city council of the city of Providence, or upon any proposition to impose a tax, or for the expenditure of money in any town or city, unless he shall, within the year next preceding, have paid a tax assessed upon his property therein valued at least at $134.

SEC. 3. The assessors of each town or city shall annually assess upon every person whose name shall be registered, a tax of $1, or such sum

* The law providing for the voting of soldiers away from home in actual service, covers the case of municipal elections held at the same time as the general election; hence the soldiers in camp, belonging to Philadelphia, at the time of the election of 1861, had the right to vote for their proper municipal officers, and have their votes counted and returned, and it was the duty of the judges of each ward to meet on the second Tuesday of November, to include the votes so returned in their enumeration.—*Hulseman* v. *Rems*, 41 Penn. State R., 396.

The right of a soldier to vote, under the constitution, is confined to the election district where he resided at the time of his entering the military service.—*Chase* v. *Miller*, 41 Penn. State R., 403.

as with his other taxes shall amount to $1, which registry tax shall be paid into the treasury of such town or city, and be applied to the support of public schools therein. But no compulsory process shall issue for the collection of any registry tax: *Provided*, That the registry tax assessed upon any mariner, for any year while he is at sea, shall, upon his application, be remitted; and no person shall be allowed to vote whose registry tax for either of the two years next preceding the time of voting is not paid or remitted, as herein provided.

SEC. 4. No person in the military, naval, or marine, or any other service of the United States, shall be considered as having the required residence by reason of being employed in any garrison, barrack, or military or naval station in this State; and no pauper, lunatic, person *non compos mentis*, person under guardianship, or member of the Narragansett tribe of Indians, shall be permitted to be registered or to vote.

Nor shall any person convicted of bribery, or of any crime deemed infamous at common law, be permitted to exercise that privilege, until he be expressly restored thereto by act of the general assembly.

SEC. 5. Persons residing on lands ceded by this State to the United States shall not be entitled to exercise the privilege of electors.

AMENDMENT: ARTICLE 4. (ADOPTED JUNE 3, 1864.)—Electors of this State, who, in time of war, are absent from the State in the actual military service of the United States, being otherwise qualified, shall have a right to vote in all elections in the State for electors of President and Vice-President of the United States, representatives in Congress, and general officers of the State. The general assembly shall have full power to provide, by law, for carrying this article into effect, and until such provision shall be made by law, any such absent elector, on the day of such elections, may deliver a written or printed ballot, with the names of the persons voted thereon, and his Christian and surname, and his voting residence in the State, written at length on the back thereof, to the officer commanding the regiment or company to which he belongs; and all such ballots certified by such commanding officer to have been given by the elector whose name is written thereon, and returned by such commanding officer to the secretary of state within the time prescribed by law for counting the votes in such election, shall be received and counted with the same effect as if given by such elector in open town, ward, or district meeting; and the clerk of town or city, until otherwise provided by law, shall, within five days after any such election, transmit to the secretary of state a certified list of the names of all such electors on their respective voting list.

SOUTH CAROLINA. (1868.)

ART. VIII, SEC. 2. Every male citizen of the United States, of the age of 21 years and upwards, not laboring under the disabilities named in this constitution, without distinction of race, color, or former condition, who shall be a resident of this State at the time of the adoption of this constitution, or who shall thereafter reside in this State one year, and in the county in which he offers to vote 60 days next preceding any election, shall be entitled to vote for all officers that are now, or hereafter may be, elected by the people, and upon all questions submitted to the electors at any elections: *Provided*, That no person shall be allowed to vote or hold office who is now or hereafter may be disqualified therefor by the Constitution of the United States, until such disqualification shall be removed by the Congress of the United States: *Provided further*, That no person, while kept in any almshouse or asylum, or of

unsound mind, or confined in any public prison, shall be allowed to vote or hold office.

SEC. 3. It shall be the duty of the general assembly to provide from time to time for the registration of all electors.

SEC. 4. For the purpose of voting no person shall be deemed to have lost his residence by reason of absence while employed in the service of the United States, nor while engaged upon the waters of this State or the United States, or of the high seas, nor while temporarily absent from the State.

SEC. 5. No soldier, seaman, or marine, in the army or navy of the United States, shall be deemed a resident of this State in consequence of having been stationed therein.

SEC. 8. The general assembly shall never pass any law that will deprive any of the citizens of this State of the right of suffrage, except for treason, murder, robbery, or duelling, whereof the persons shall have been duly tried and convicted.

SEC. 12. No person shall be disfranchised for felony, or other crimes committed while such person was a slave.

TENNESSEE. (1834.)

ART. IV, SEC. 1. Every free white man, of the age of 21 years, being a citizen of the United States, and a citizen of the county wherein he may offer his vote six months next preceding the day of election, shall be entitled to vote for members of the general assembly and other civil officers, for the county or district in which he resides: *Provided*, That no person shall be disqualified from voting in any election on account of color, who is now, by the laws of this State, a competent witness in a court of justice against a white man. All free men of color shall be exempt from military duty in time of peace, and also from paying a free poll-tax.

SEC. 2. Laws may be passed excluding from the right of suffrage persons who may be convicted of infamous crimes.

AMENDMENT. (1866.) SCHEDULE.—SEC. 9. The qualifications of voters, and the limitations of the elective franchise, may be determined by the general assembly which shall first assemble under the amended constitution.*

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*An act to limit the elective franchise was passed June 5, 1865. It restricted the right of voting to those white men (otherwise qualified under the constitution) who were publicly known to have entertained unconditional Union sentiments from the outbreak of the rebellion until that time, and who had not voluntarily given aid to the so-called "Confederate States."

This act was repealed by another, passed May 3, 1866, soon after the adoption of the amendment given in the text, and this was again further amended February 25, 1867. The existing provisions of these acts, so far as they admit or deny the right of persons to vote, are as follows:

SEC. 1. Every male inhabitant of this State, of the age of 21 years, a citizen of the United States, and a resident of the county wherein he may offer his vote six months next preceding the day of election, shall be entitled to the privilege of the elective franchise, subject to the following exceptions and disqualifications, to wit:

1. Said voter shall never have borne arms against the government of the United States, for the purpose of aiding the late rebellion, nor have voluntarily given aid, comfort, countenance, counsel, or encouragement to any rebellion against the authority of the United States government, nor aided, countenanced, or encouraged acts of hostility thereto.

2. That said voter shall have never sought or voluntarily accepted any office, civil or military, or attempted to exercise the functions of any office, civil or military, under the authority or pretended authority of the so-called "Confederate States of America," or of any insurrectionary State whatever, hostile or opposed to the authority of the United States government, with the intent and desire to aid said rebellion or insurrectionary authority.

3. That said voter shall never have voluntarily supported any pretended government, power, or authority hostile or inimical to the authority of the United States, by contributions in money or property, by persuasion or influence, or in any other way whatever: *Provided*,

VERMONT. (1793.)

PART I, ART. 8. That all elections ought to be free, and without corruption, and that all freemen, having a sufficient evident common interest with, and attachment to, the community, have a right to elect and be elected into office, agreeably to the regulations made in this constitution.

PART II, SEC. 21. Every man of the full age of 21 years, having resided in this State for the space of one whole year next before the election of representatives, and is of a quiet and peaceable behavior, and will take the following oath or affirmation, shall be entitled to all the privileges of a freeman of this State:

You solemnly swear (or affirm) that whenever you give your vote or suffrage touching any matter that concerns the State of Vermont, you will do it so as in your conscience you shall judge will most conduce to the best good of the same, as established by the constitution, without fear or favor of any man.

AMENDMENT. (1828.)—ART. I. No person who is not already a freeman of this State shall be entitled to exercise the privileges of a freeman, unless he be a natural born citizen of this or some one of the United States, or until he shall have been naturalized agreeably to the acts of Congress.

WEST VIRGINIA. (1861–'63.)

ART. III, SEC. 1. The white male citizens of the State shall be entitled to vote at all elections held within the election districts in which they respectively reside; but no person who is a minor, or of unsound mind, or a pauper, or who is under conviction of treason, felony, or bribery in an election, or who has not been a resident of the State for one year, and of the county in which he offers to vote for 30 days next preceding such offer, shall be permitted to vote while such disability continues.

AMENDMENT. (1866.)—No person who, since the 1st day of June, 1861, has given or shall give voluntary aid or assistance to the rebellion against the United States, shall be a citizen of this State, or be allowed to vote at any election therein, unless he has volunteered into the military or naval service of the United States, and has been or shall be honorably discharged therefrom.

WISCONSIN. (1848, AS AMENDED.)

ART. III, SEC. 1. Every male person, of the age of 21 years or upward, belonging to either of the following classes, who shall have resided in

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That the foregoing restrictions and disqualifications shall not apply to any citizen who may have served in and been honorably discharged from the army or navy of the United States since the 1st day of January, 1862, nor to those who voted in the presidential election in November, 1864, or voted in the election for "ratification or rejection," in February, 1865, or voted in the election held on the 4th of March, of the same year, for governor and members of the legislature, nor to those who have been appointed to any civil or military office by Andrew Johnson, military governor, or William G. Brownlow, governor of Tennessee, prior to June 5, 1865. all of whom are hereby declared to be qualified voters, upon their complying with the requirements of this act: *Provided*, That this latter clause shall not apply to any commission issued upon any election which may have been held.

[The second and third sections provide for the appointment of a commissioner of registration for each county in the State. He is required to issue certificates of registration to those entitled, upon production of sufficient documentary proofs, and personal evidence of unconditional Union men, and upon the oath of the person making application for registration, setting forth that he has not borne arms against the United States, nor willingly given aid to rebellion. Persons personally known to the commissioner to have always been unconditional Union men, or who may be proved to be such by two such witnesses, are excused from taking the oath. Citizens of Tennessee in the army of the United States are allowed to vote wherever located, and the votes are to be counted as of the counties in which such officers or soldiers might reside.]

this State for one year next preceding any election, shall be deemed a qualified elector at such election:*

1. Citizens of the United States.

2. Persons of foreign birth who shall have declared their intention to become citizens conformably to the laws of the United States on the subject of naturalization.

3. Persons of Indian blood, who have once been declared by law of Congress to be citizens of the United States, any subsequent law of Congress to the contrary notwithstanding.

4. Civilized persons of Indian descent, not members of any tribe: *Provided*, That the legislature may at any time extend by law the right of suffrage to persons not herein enumerated; but no such law shall be in force until the same shall have been submitted to a vote of the people at a general election, and approved by a majority of all the votes cast at such election.

SEC. 2. No person under guardianship, *non compos mentis*, or insane, shall be qualified to vote at any election; nor shall any person convicted of treason or felony be qualified to vote at any election, unless restored to civil rights.

SEC. 4. No person shall be deemed to have lost his residence in this State by reason of his absence on business of the United States or of this State.

SEC. 5. No soldier, seaman or marine in the army or navy of the United States, shall be deemed a resident of this State in consequence of being stationed within the same.

SEC. 6. Laws may be passed excluding from the right of suffrage all persons who have been or may be convicted of bribery or larceny, or of any infamous crime, and depriving every person who shall make, or become directly or indirectly interested in any bet or wager depending upon the result of any election, from the right to vote at such election. †

ART. XIII, SEC. 2. Any inhabitant of this State who may hereafter be engaged, either directly or indirectly, in a duel, either as principal or accessory, shall forever be disqualified as an elector, and from holding any office under the constitution and laws of this State, and may be punished in such other manner as shall be prescribed by law.

SEC. 5. All persons residing upon Indian lands within any county of the State, and qualified to exercise the right of suffrage under this constitution, shall be entitled to vote at the polls which may be held nearest their residence, for State, United States, or county officers: *Provided*, That no person shall vote for county officers out of the county in which he resides.

Constitutional provisions relating to the limitation of suffrage in States not restored to the right of representation in Congress.

MISSISSIPPI.

CONSTITUTION OF 1832.—ART. III, SEC. 1. Every free white male person of the age of 21 years or upwards, who shall be a citizen of the United States, and shall have resided in this State one year next pre-

* The words "any person not having all the qualifications of an elector," in this statute, mean any person disqualified, incapacitated, or disentitled, from any of the causes fixed by law, referring to his condition when his vote is received.—*Byrne* v. *State*, 12 Wis., 519.

† The question whether or not a voter had a wager depending upon the result of the election, is a question of mixed law and fact, upon which the inspectors act in a *quasi* judicial capacity, and for an obvious but honest mistake of the law or error of judgment in their decision they are not criminally responsible.—*Byrne* v. *State*, 12 Wis., 519.

ceding an election, and the last four months within the county, city, or town in which he offers a vote, shall be deemed a qualified elector. And any such qualified elector who may happen to be in any county, city, or town other than that of his residence at the time of an election, or who shall have moved to any county, city, or town within four months preceding the election, from any county, city, or town in which he would have been a qualified elector had he not so removed, may vote for any State or district officer, or member of Congress, for whom he could have voted in the county of his residence, or the county, city, or town from which he may have so removed.

ART. VII, SEC. 4. * * * Laws shall be made to exclude from office and from suffrage those who shall thereafter be convicted of bribery, perjury, forgery, or other high crimes or misdemeanors. * * *

CONSTITUTION PREPARED IN 1868 AND NOT ADOPTED.—ART. VII, SEC. 2. All male inhabitants of this State, except idiots and insane persons, and Indians not taxed, citizens of the United States, or naturalized, 21 years old and upwards, who have resided in this State six months and in the county one month next preceding the day of election at which said inhabitant offers to vote, and who are duly registered according to the requirements of section three of this article, and who are not disqualified by reason of any crime, are declared to be qualified electors.

SEC. 3. The legislature shall provide, by law, for the registration of all persons entitled to vote at any election, and all persons entitled to register shall take and subscribe the following oath or affirmation:

I, ———, do solemnly swear (or affirm) that I have resided in this State six months, and in ——— county one month; that I will faithfully support and obey the Constitution and laws of the United States and of the State of Mississippi, and will bear true faith and allegiance to the same; that I am not disfranchised in any of the provisions of the acts known as the reconstruction acts of the 39th and 40th Congress, and that I admit the political and civil equality of all men: So help me God.

Provided, That if Congress shall at any time remove the disabilities of any person disfranchised in the said reconstruction acts of the said 39th and 40th Congress, (and the legislature of this State shall concur therein,) then so much of this oath, and so much only, as refers to the said reconstruction acts, shall not be required of such person, so pardoned, to entitle him to be registered.

SEC. 6. In time of war, insurrection, or rebellion, the right to vote at such place and in such manner as shall be prescribed by law, shall be enjoyed by all persons otherwise entitled thereto, who may be in the actual military or naval service of the United States or this State, provided said votes be made to apply in the county or precinct wherein they reside.

ART. XII, SEC. 2. The legislature shall pass laws to exclude from office and from suffrage those who shall hereafter be convicted of bribery, perjury, forgery, or other high crimes or misdemeanors. * * *

TEXAS

CONSTITUTION OF 1845, AS AMENDED IN 1866.—ART. III, SEC. 1. Every free male person who shall have attained the age of 21 years, and who shall be a citizen of the United States, and shall have resided in this State one year next preceding an election, and the last six months within the district, county, city, or town in which he offers to vote, (Indians not taxed, Africans and descendants of Africans excepted,) shall be deemed a qualified elector; and should such qualified elector happen

to be in any other county situated in the district in which he resides at the time of an election, he shall be permitted to vote for any district officer: *Provided*, That the qualified electors shall be permitted to vote anywhere in the State for State officers: *And provided further*, That no soldier, seaman, or marine, in the army or navy of the United States, shall be entitled to vote at any election created by this constitution.

[The amendments proposed by the constitutional convention of 1867, define the qualifications of voters in two sections, and differently, as will be seen by the following quotations:]

"ART. III, SEC. 1. Every male person who shall have attained the age of 21 years, and who shall be (or who shall have declared his intention to become) a citizen of the United States, or who is, at the time of the acceptance of this constitution by the Congress of the United States, a citizen of Texas, and shall have resided in this State one year next preceding an election, and the last six months within the district or county in which he offers to vote, and is duly registered, (Indians not taxed excepted,) shall be deemed a qualified elector; and should such qualified elector happen to be in any other county situated in the district in which he resides, at the time of an election, he shall be permitted to vote for any district officer: *Provided*, That the qualified elector shall be permitted to vote anywhere in the State for State officers: *And provided further*, That no soldier, seaman, or marine in the army or navy of the United States, shall be entitled to vote at any election created by this constitution."

"ART. VI, SEC. 1. Every male citizen of the United States, of the age of 21 years and upwards, not laboring under the disabilities named in this constitution, without distinction of race, color, or former condition, who shall be a resident of this State at the time of the adoption of this constitution, or who shall thereafter reside in this State one year, and in the county in which he offers to vote sixty days next preceding any election, shall be entitled to vote for all officers that are now, or hereafter may be, elected by the people, and upon all questions submitted to the electors at any election: *Provided*, That no person shall be allowed to vote or hold office who is now, or hereafter may be, disqualified therefor by the Constitution of the United States, until such disqualification shall be removed by the Congress of the United States: *Provided further*, That no person while kept in any asylum, or confined in prison, or who has been convicted of a felony, or who is of unsound mind, shall be allowed to vote or hold office."

VIRGINIA.

CONSTITUTION AS AMENDED IN 1866.—ART. III, SEC. 1. Every white male citizen of the Commonwealth of the age of 21 years, who has been a resident of the State for two years, and of the county, city, or town where he offers to vote for 12 months next preceding an election, who has paid all State taxes assessed to him for the preceding year, shall be qualified to vote for members of the general assembly, and all officers elective by the people; but when a citizen of the State removes from one county, city, or town, to another in this State, he shall not, by reason of such change of residence, lose his right to vote in the county, city, or town from which he removes until he shall have acquired the right to vote in the county, city, or town to which he removes: *Provided, however*, That no person shall be allowed to vote who is of unsound mind, a pauper, or who has been convicted of bribery at an election, or of an infamous offense. No person in the military, naval, or marine service of the United States shall be deemed a resident of this State, by reason

of being stationed therein; but citizens of this State, when in the military service of the United States, shall be permitted to vote, under such regulations as may be prescribed by the general assembly, wherever they may be stationed, the same as if they were within their respective cities, counties, or districts.

CONSTITUTION PREPARED IN 1868, AND NOT YET ADOPTED.—ART. III, SEC. 1. Every male citizen of the United States 21 years old, who shall have been a resident of this State 12 months, and of the county, city, or town in which he shall offer to vote three months next preceding any election, shall be entitled to vote upon all questions submitted to the people at such election: *Provided*, That no officer, soldier, seaman, or marine, of the United States army or navy, shall be considered a resident of this State by reason of being stationed therein: *And provided also*, That the following persons shall be excluded from voting:

1. Idiots and lunatics.

2. Persons convicted of bribery in any election, embezzlement of public funds, treason, or felony.

3. No person who, while a citizen of this State, has, since the adoption of this constitution, fought a duel with a deadly weapon, sent or accepted a challenge to fight a duel with a deadly weapon, either within or beyond the boundaries of this State, or knowingly conveyed a challenge, or aided or assisted in any manner in fighting a duel, shall be allowed to vote, or hold any office of honor, profit, or trust, under this constitution.

4. Every person who has been a senator or representative in Congress, or elector of President or Vice-President, or who held any office, civil or military, under the United States, or under any State, who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. This clause shall include the following officers: governor, lieutenant governor, secretary of state, auditor of public accounts, second auditor, register of the land office, state treasurer, attorney general, sheriffs, sergeant of a city or town, commissioner of the revenue, county surveyors, constables, overseers of the poor, commissioner of the board of public works, judges of the supreme court, judges of the circuit court, judges of the court of hustings, justices of the county courts, mayor, recorder, alderman, councilmen of the city or town, coroners, escheators, inspectors of tobacco, flour, &c., clerks of the supreme, district, circuit, and county courts, and of the court of hustings, and attorneys for the Commonwealth: *Provided*, That the legislature may, by a vote of three-fifths of both houses, remove the disabilities incurred by this clause from any person included therein by a separate vote in each case.

SEC. 2. All elections shall be by ballot, and all persons entitled to vote shall be eligible to any office within the gift of the people, except as restricted in this constitution.

SUMMARY OF CLASSES,

*Of male citizens of the United States, being 21 years of age, whose right to vote at any election for the choice of electors for President and Vice-President of the United States, representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied, or in any way abridged, except for participation in rebellion or other crime.**

I.—On account of Race or Color.

Colored persons indirectly described by using the word "white" in the definition of voters—*California*, *Connecticut*, *Delaware*, *Illinois*, *Indiana*, *Kansas*, *Kentucky*, *Maryland*, *Michigan*, *Missouri*, *Nevada*, *New Jersey*, *Ohio*, *Oregon*, *Pennsylvania*, and *West Virginia*.

Negroes and mulattoes expressly excluded—*Indiana* and *Oregon*.

Chinamen expressly excluded—*Oregon*.

II.—On account of Residence.

Persons residing on lands ceded by the State to the United States—*Massachusetts*,† *Rhode Island*.

In State less than three years, being a colored citizen and freeholder to the value of $250—*New York*.

In State less than two years—*Kentucky*.

In State less than one year—*Connecticut*, *Delaware*, *Florida*, *Illinois*, *Louisiana*, *Maryland*, *Massachusetts*, *Missouri*, *New Jersey*, *New York*, *North Carolina*, *Ohio*, *Pennsylvania*,‡ *Rhode Island*, *South Carolina*, *Vermont*, *West Virginia*, and *Wisconsin*.

In State less than six months—*Alabama*, *Arkansas*, *California*, *Georgia*, *Indiana*, *Iowa*, *Kansas*, *Nevada*,§ *New Hampshire*, and *Oregon*.

In State less than four months—*Minnesota*.

In State less than three months—*Maine*, and *Michigan*.

In county less than six months—*Florida* and *Tennessee*.

In county less than five months—*New Jersey*.

In county less than four months—*New York*.

In county less than three months—*Alabama*.

In county less than sixty days—*Iowa* and *South Carolina*.

In county less than thirty days—*Georgia*, *North Carolina*, *Ohio*, and *West Virginia*.

In parish less than ten days—*Louisiana*.

In county or district less than six months—*Maryland* and *Nevada*.

In county or district less than thirty days—*California*.

In county, city, or town less than one year—*Kentucky*.

In county, city, or town less than sixty days—*Missouri*.

In town or city less than six months—*Rhode Island*.

In township or ward less than thirty days—*Kansas*.

In township or ward less than ten days—*Michigan*.

In town or district less than six months—*Massachusetts*.

In town less than six months—*Connecticut*, *New Hampshire*.

In township, incorporated village, or ward less than twenty days—*Ohio*.

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* The States of Mississippi, Texas, and Virginia are not included in this summary.

† By judicial decision, and not by the express terms of the constitution.

‡ If previously a resident of the State, a man may regain residence as a voter in six months after his return.

§ Six months of actual, not of constructive, residence.

In district or precinct, where they reside, less than sixty days—*Kentucky;* less than thirty days—*New York;* less than ten days—*Minnesota* and *Pennsylvania.*

III.—On account of Wanting Property Qualifications, or for Non-payment of Taxes.

Those who have not paid all taxes which may have been required of them, and which they have had an opportunity of paying within the preceding year—*Georgia.*

Those who have not paid a poll-tax, as law may require—*Nevada.*

Those excused from paying taxes at their own request—*New Hampshire.*

Those who have not paid any State or county tax assessed within two years next preceding, unless by law exempted from taxation—*Massachusetts.*

Those over 22 who have not within two years paid a county tax assessed at least six months before election—*Delaware.*

Those over 22 who have not within two years paid a State or county tax, assessed at least ten days before election—*Pennsylvania.*

Those who do not own real estate in the town or city, worth $134 over and above all incumbrances, &c.; also, those who have not paid a registry tax within either of two preceding years, unless remitted on account of absence at sea—*Rhode Island.*

Colored persons, not owning freeholds during one year next preceding election, worth $250 over all incumbrances, and on which taxes have been assessed and paid—*New York.*

IV.—On account of Want of Literary Qualifications.

Those unable to read an article in the constitution, or any section of the statutes of the State—*Connecticut.*

Those unable to read the constitution in the English language, and write their names, unless prevented by physical disability, or over 60 years of age when the amendment was adopted—*Massachusetts.*

V.—On account of Character or Behavior.

Those who do not sustain a good moral character—*Connecticut.*

Those who are not of a quiet and peaceful behavior—*Vermont.*

VI.—On account of Service in the Army or Navy.*

No officer, solder, or marine in the regular army or navy of the United States allowed to vote—*Missouri.*

VII.—On account of Poverty, Idiocy, or Insanity.

Those who are insane—*Alabama, Arkansas, California, Delaware, Florida, Georgia, Iowa, Kansas, Minnesota, Nevada, New Jersey, Ohio, Oregon, Rhode Island,* and *Wisconsin.*

Those who are idiotic—*Alabama, Arkansas, California, Delaware, Georgia, Iowa, Nevada, New Jersey, Ohio,* and *Oregon.*

Those "*non compos mentis,*" or of "unsound mind"—*Florida, Kansas, Minnesota, Rhode Island, South Carolina, West Virginia,* and *Wisconsin.*

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* In many of the States the constitution declares that no person shall gain a residence by reason of being stationed on duty, as an officer, soldier, or marine, in the service of the United States. In several instances the courts have decided that persons do not lose their right of voting when thus stationed, if otherwise qualified.

Those under guardianship—*Florida*, *Kansas*, *Maine*, *Massachusetts*, *Minnesota*, *Rhode Island*, and *Wisconsin*.

Those who are under guardianship as a lunatic, or as a person *non compos mentis*—*Maryland*.

Those who are paupers—*Delaware*, *Maine*, *Massachusetts*; *New Hampshire*, *New Jersey*, *Rhode Island*, and *West Virginia*.

Persons supported in an almshouse or asylum—*South Carolina*.

VIII.—On account of not taking Certain Oaths.*

Those not taking the oath of freemen—*Connecticut* and *Vermont*.

Those not taking oaths of loyalty and allegiance prescribed in the constitution—*Florida* and *Missouri*.

IX.—Other Classes Disqualified from Voting.

Those who have not been citizens ten days before election—*New York*.

Those disqualified as electors in States from whence they came—*Arkansas*.

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* The election laws of all the States prescribe forms of oaths to be taken where the right of a person to vote is challenged. In the States above mentioned an oath is required as an indispensable preliminary at first voting.