

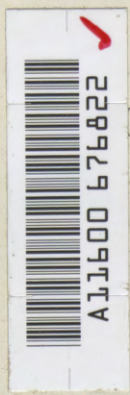
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NOMINATION AND ELECTION OF PRESIDENT
AND VICE PRESIDENT AND QUALI-
FICATIONS FOR VOTING

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HEARINGS
BEFORE THE
SUBCOMMITTEE ON
CONSTITUTIONAL AMENDMENTS
OF THE
COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE
EIGHTY-SEVENTH CONGRESS
FIRST SESSION
ON

S.J. RES. 1, S.J. RES. 2, S.J. RES. 4, S.J. RES. 9,
S.J. RES. 12, S.J. RES. 16, S.J. RES. 17, S.J. RES. 23,
S.J. RES. 26, S.J. RES. 28, S.J. RES. 48, S.J. RES. 96,
S.J. RES. 102, S.J. RES. 113, AND S.J. RES. 114
PROPOSING AMENDMENTS TO THE CONSTITUTION RELATING
TO THE METHOD OF NOMINATION AND ELECTION OF THE
PRESIDENT AND VICE PRESIDENT
AND
S.J. RES. 14, S.J. RES. 20, S.J. RES. 54, S.J. RES. 58,
S.J. RES. 67, S.J. RES. 71, S.J. RES. 81, AND
S.J. RES. 90
PROPOSING AMENDMENTS TO THE CONSTITUTION RELATING
TO QUALIFICATIONS FOR VOTING

AUGUST 25, 30, AND SEPTEMBER 8, 1961

PART 5
SUPPLEMENTARY HEARINGS ON S.J. RES. 58 AND S.J.
RES. 81 CONCERNING POLL TAXES (INCLUDING VOTING
QUALIFICATIONS LAWS OF ALL STATES

Printed for the use of the Committee on the Judiciary

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NOMINATION AND ELECTION OF PRESIDENT AND VICE
PRESIDENT AND QUALIFICATIONS FOR VOTING

FRIDAY, AUGUST 25, 1961

U.S. SENATE,
SUBCOMMITTEE ON CONSTITUTIONAL AMENDMENTS,
OF THE COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10:15 a.m., in room 457, Senate Office Building, Hon. Estes Kefauver (chairman of the subcommittee) presiding.

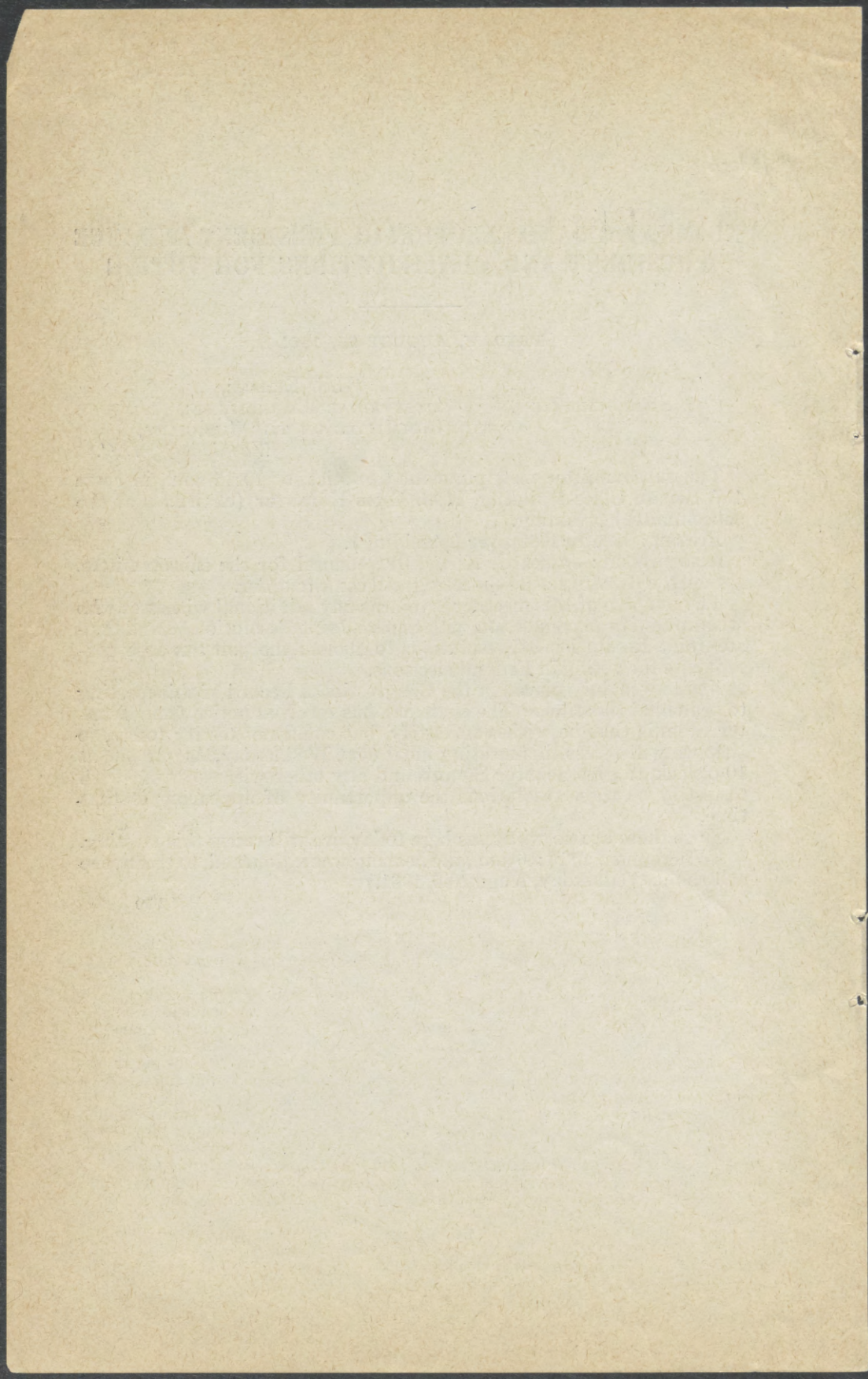
Present: Senator Kefauver (presiding).

Also present: James C. Kirby, Jr., counsel for the subcommittee.
Senator KEFAUVER. The meeting will come to order.

The purpose of this meeting is to hear any additional witnesses who wish to testify in connection with Senate Joint Resolution 58 and Senate Joint Resolution 81, resolutions to abolish the poll tax as a prerequisite for voting in Federal elections.

Notice was duly placed in the Congressional Record of this meeting to be held at this time. The chairman has received notice from Senator Stennis that he wishes to testify, but could not testify today, so that we will recess this meeting until next Wednesday, August 30, at 10 o'clock, to give Senator Stennis and any other witnesses who wish to testify on these resolutions the opportunity of appearing at that time.

Since there are no witnesses here today, we will recess this meeting. (Whereupon, at 10:16 a.m., the hearing was adjourned, to reconvene at 10 a.m., Wednesday, August 30, 1961.)



NOMINATION AND ELECTION OF PRESIDENT AND VICE PRESIDENT AND QUALIFICATIONS FOR VOTING

WEDNESDAY, AUGUST 30, 1961

U.S. SENATE,
SUBCOMMITTEE ON CONSTITUTIONAL AMENDMENTS
ON THE COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met, pursuant to recess, at 10:10 a.m., in room 457, Old Senate Office Building, Hon. Estes Kefauver (chairman of the subcommittee) presiding.

Present: Senator Kefauver (presiding).

Also present: James C. Kirby, Jr., counsel for the subcommittee.

Senator KEFAUVER. The committee will come to order.

We have met again today particularly to hear any witnesses who want to testify in connection with Senate Joint Resolution 81 and Senate Joint Resolution 58, which would remove the poll tax as a prerequisite for voting in Federal office elections.

Senator Stennis was supposed to be with us today but, because of an urgent situation, he is not able to be here. So we will endeavor to determine another date with him to give him a chance to appear in person.

Now, Mr. Kirby, you have a number of statements to offer for the record, I believe.

Mr. KIRBY. Yes, sir.

Senator Sparkman has submitted a statement for inclusion in the record.

Senator KEFAUVER. Let it be made a part of the record.

(The statement of Senator Sparkman follows:)

STATEMENT OF HON. JOHN SPARKMAN, A U.S. SENATOR FROM THE STATE OF ALABAMA

Mr. Chairman, I appreciate this chance to oppose these antipoll tax measures, Senate Joint Resolution 81 and Senate Joint Resolution 58, which would take away right belonging to the States.

These Senate resolutions would prevent all States from levying a tax as a prerequisite for voting. While I realize a constitutional amendment would have to be ratified by three-fourths of the States, the passage of this amendment would inevitably result in further restricting the rights of States and the granting of more power to the Federal Government. There is a strong tide of grassroots sentiment against further Federal encroachments, and this sentiment is not limited to the South.

These resolutions seek the usurpation of the rights of Alabama, Mississippi, Arkansas, Texas, and Virginia. While these are the States at which they are obviously aimed, the truth of the matter is that they would affect other States directly and all 50 States indirectly. The Library of Congress informs me that should the proposed constitutional amendment become effective it would nullify certain voting laws in Florida, South Carolina, New Hampshire, and Rhode Island.

There is some question as to whether Maine has a poll tax. I want at this point to insert a portion of an editorial relating to that State's situation.

"PLACE FOR THE POLL TAX

"A correspondent in the Christian Science Monitor drolly requests Congress to make the poll tax illegal in Maine as well as in the Southern States that still retain it.

"Maine's poll tax, he writes, is not exacted as a requirement of voting; in fact, it was originally imposed as a church assessment to pay the preachers. Today the poll tax is simply a source of revenue, the same as it is in most of the Southern States that impose it.

"But whereas the South attaches it to voting, Maine makes it a prerequisite to buying drivers' licenses and getting some hunting and fishing permits. The poll tax applies to males only; women get a driver's license at the regular price.

"The poll tax in Alabama * * * contributes several thousand dollars a year to education. Should the proposed antipoll tax amendemnt to the Constitution be ratified, Alabama might at least save the revenue by the Maine method. Driving a car is as much a privilege as voting, but it doesn't have the same box office appeal to the Constitution tinkers.—Montgomery (Ala.) Advertiser, March 10, 1960."

While I have mentioned only a few States specifically affected, of course, all 50 States would be affected simply because a right is a right whether it is used or not.

Tampering with the right of the States to levy poll taxes can result in revenue losses to the States. The poll tax is a form of revenue collection used in the five Southern States to help operate their State governments. As we know so well, the Federal Government has moved steadily into many tax fields. Today there is little left for the States. It is possible that at some time in the future other States may want to levy a poll tax in order to meet financial needs.

My own State of Alabama charges a small poll tax, only \$1.50 per year, and no one can be charged more than \$3, or 2 years' tax, as a voting prerequisite.

We hear much about balancing the Federal budget, but we should not forget that the States are also having budget troubles. Although the revenue derived from the poll tax may seem to some to be small, it is of substantial importance to Alabama in the support of our public schools.

I wonder why there is so much concern over the payment of a poll tax as a prerequisite for voting in five States. It is simply a tax on voting. In America people have the right to travel as they please, but they have to pay transportation taxes. Children have the the right to an education, but the parents have to pay taxes to support it. Many devices are used to raise tax money. In some States certain property prerequisites are required for voters.

While Alabama has a poll tax, a great part of the population is exempt from it. Veterans of World War I, World War II, and the Korean conflict, and members of the National Guard are exempt from the poll tax. All persons over 45 years of age are exempt, as well as the blind, the deaf, and totally disabled persons owning taxable property not in excess of \$500. These exemptions apply to all races.

The Constitution clearly provides that voting qualifications are within the jurisdiction of the State and gives to the several States the right and the power to set up election machinery and to hold elections. I do not believe the Federal Government has any business taking part in it. We must remember that under our Constitution we have a dual system of government—the Federal Government and the State government. This field of voting qualifications and holding elections belongs solely to the States.

I am not in favor of giving the Federal Government any control over it. It does not matter to me whether it is my State or some northerner's State, or some westerner's State, I am opposed to it. I think it belongs to the State.

I believe in our dual system of government. I believe it is the best way to get good government. It is the best way to keep government close to the people by keeping powers lodged in our sovereign States.

I want to continue that system. In my opinion, approval of the amendment before you would impair that system.

Mr. KIRBY. Senator Hill has also submitted a statement.

Senator KEFAUVER. We will make that a part of the record.

(The statement of Senator Hill follows:)

STATEMENT OF HON. LISTER HILL, A U.S. SENATOR FROM THE STATE OF ALABAMA

Mr. Chairman and members of the subcommittee, I appreciate this opportunity to appear before your Subcommittee on Constitutional Amendments in opposition to Senate Joint Resolution 58, which would abolish the poll tax as a qualification for electors.

Proposals to abolish the poll tax, either by legislation or by constitutional amendment, have been under consideration in Congress for almost a quarter of a century. During that time, a number of States through their own initiative have abolished the poll tax.

I believe that if Congress should undertake at this time to establish the precedent of enacting into the Constitution itself the personal predilections of a temporary majority, then it shall have opened up a veritable Pandora's box of evils that might well come back to haunt it again and again. If the Congress shall now seek by a constitutional amendment to impose upon the States and the people its own qualifications for suffrage, then it shall have openly invited future Congresses to dictate with respect to other vital areas of the management of our State and local governmental affairs.

Since the adoption of our Constitution, all of our States at one time or another have carried in their constitutions or on their statute books a poll tax or some form of a property qualification for voting. During that time these requirements have been deleted from their constitutions and statute books by the people of the States themselves, and it is altogether fitting and proper that these actions be taken by the people of the States rather than by the Federal Government.

It was never intended by the Founding Fathers that the Federal Government should whittle away the rights of the people and of the States either by legislative fiat or by constitutional amendment. They recognized in that great convention in Philadelphia in 1787 that in constructing the basic document of our American Government they were making an almost irretrievable decision. They had fought through eight long, bloody, desperate years of war to win the independence of the States and of the people from the British Crown. They knew that they represented States that were absolutely independent and free from any other sovereignty on this earth. The sovereignty of the States was full, complete, boundless, and absolute. Whatever portion of that sovereignty they as the delegates to the Constitutional Convention yielded and gave up to the Federal Government, they gave it up carefully, deliberately, painstakingly, and reluctantly.

They carefully wrote into the Constitution section 2 of article I, which provides:

"The House of Representatives shall be composed of Members chosen every second Year by the People of the Several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature."

This provision of the Constitution means that once the qualifications and the status of the voters have been determined by the States, then the voters' right to cast their votes for Congressman or for Senator is a right dependent upon and guaranteed by the Constitution.

That the States alone have the power to determine the qualifications of their voters has been well established in the law by numerous Supreme Court decisions.

In the case of *Breedlove v. Suttles* (302 U.S. 277, p. 238 (1937)), the Court passed on the validity of a Georgia statute making a poll tax a voting prerequisite to Federal and State elections. The Court, in holding that the poll tax was not prohibited by the privileges and immunities clause of the 14th amendment and was a proper qualification for voting for the States to impose, said:

"To make payment of poll taxes a prerequisite of voting is not to deny any privilege or immunity protected by the 14th amendment. Privilege of voting is not derived from the United States, but is conferred by the State and, save as restrained by the 15th and 19th amendments and other provisions of the Federal Constitution, the State may condition suffrage as it deems appropriate (*Minor v. Happersett*, 21 Wall. 162, 170 et seq.; *Ex parte Yarbrough*, 110 U.S. 651, 664-665; *McPherson v. Blacker*, 146 U.S. 1, 37-38; *Guinn v. United States*, 238 U.S. 347, 362). The privileges and immunities protected are only those that arise from the Constitution and laws of the United States and not those that spring from other sources (*Hamilton v. Regents*, 293 U.S. 245, 261)."

Thus far in our history only two limitations on the right of the States to fix the qualifications for electors have been written into the Constitution by way of amendment. The 15th amendment took away the power of the States to exclude persons from participation in elections on account of race, color, or previous condition of servitude. The 19th amendment took away the power of the States to exclude persons from participation in elections on account of sex.

I strongly oppose the principle contained in Senate Joint Resolution 58 on the ground that favorable consideration of the resolution would further limit the right of the States to determine the qualifications of their electors. This is a right of the States that ought to be preserved for their exclusive determination.

When the Founding Fathers gave up a portion of the sovereignty of the States to the Federal Government, they did so with a great deal of trepidation and they did so only with the firm conviction that it was unity alone—unity of purpose, unity of resolve, and unity in their mutual dedication to human liberty—that could enable the people of our country to long endure and abound in the joy of the priceless legacy which a heroic young Nation had won at the cost of much sacrifice and loss of life.

At this momentous hour in the history of America and of the world, the objective for which we must strive with all of our fervor and determination is unity.

Let us be done, Senators, with Senate Joint Resolution No. 58. Let us reject it and other such measures, which can only distract and misguide our people, which separate and divide us, and which open the way for the destruction of fundamental rights of the States and the fundamental rights of the people of all the United States. Let us stand squarely upon the Constitution of the United States—rock of freedom, ageless and enduring foundation of our rights, our hopes, and our democratic faith.

Mr. KIRBY. Senator Robertson has requested that the statement which he submitted for the hearings on this subject in 1959 be reprinted in the record of these hearings.

Senator KEFAUVER. Very well. We will reprint Senator Robertson's statement.

(The statement of Senator Robertson is as follows:)

STATEMENT SUBMITTED BY A. WILLIS ROBERTSON, A SENATOR FROM VIRGINIA

(Originally prepared for delivery on the floor of the U.S. Senate)

POLL TAX AND THE CONSTITUTION

Mr. President, about this time each year there is much talk about the need for Congress to pass so-called civil rights legislation.

I do not recognize any such need. On the contrary, I feel there is an urgent need for relief from efforts to impose on the Southern States legislation designed to capture votes of potent minority groups in other parts of the country.

Some bills of the type to which I am referring are comparatively harmless political gestures. Some are sincerely proposed by idealists who lack knowledge and understanding of local problems in an area of the country with which they are not familiar. But these well-intentioned bills may do serious harm by increasing tensions and disrupting existing programs aimed at correcting the very things which they purport to remedy.

My greatest concern, however, has been with bills which, regardless of their direct impact for good or evil, undermine the foundation of our inherited form of government. These bills contain high-sounding promises to protect the rights of individuals, but they would do so by invading the rights of the States and their political subdivisions which were recognized by the Constitution as a first line of defense for the liberties of the people.

It is inconceivable to me, for example, that the cause of real civil rights would be promoted by the proposal in title III which was eliminated from the bill passed in 1957, to select certain individuals and give them a privilege denied to others, of calling on the Attorney General of the United States to handle civil suits for them at the expense of the United States and to obtain on their behalf court orders under which other citizens might be sent to jail without the constitutional right of a trial by jury. My views on the importance of the right of trial by jury and the dangers of tampering with that right were outlined at some length on this floor in June and July of 1957 and I hope these statements,

and others made during the same period will be reviewed and considered if there is any effort to revive the iniquitous title III.

My purpose today is to put on the record objections to an equally, though possibly less obvious, threat to our constitutional liberty. This threat is contained in proposals to nullify article I, section 2 of the Constitution, which gives to the States the power to fix qualifications of voters, and the 10th amendment which says powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

The type of proposal to which I am referring varies from a form which would prohibit the imposition of a poll tax as a prerequisite to voting to the broad form of a bill which would prohibit use of any tax, property, educational, or intelligence test as a qualification for voting.

The straight anti-poll-tax bills may seem unimportant to some, because so few States are involved. It may be said those States can adjust to the prohibition, just as have other States which once used the tax as a voting qualification and then abolished it, but the important point to be observed is that if we establish, by congressional action, the principle that Congress has the right to determine any qualification of voters in all elections, that principle can be applied to every form of qualification unless the Supreme Court protects the constitutional rights of the States. Thereafter a temporary majority in the Congress will be in a position to broaden or restrict the electorate to serve its own ends; and States rights, which were the great balancing factor in our constitutional system, will cease to function.

Because I am so deeply concerned about the possibility of that ultimate result, I want to take no chance that a poll tax provision will be thoughtlessly inserted as part of the "flesh" which proponents have said they would use to clothe their "skeleton" civil rights bill. And because the subject is a technical one, which requires reference to debates in the Constitutional Convention and State ratifying conventions, contemporary comments by the authors of the Constitution and later interpretations by the courts, I want to place some pertinent material on record now with the hope that Members of the Senate will study it before any proposal of this kind actually is brought up for action.

I may say that what I shall offer today is merely a brief summary of the material I have assembled on this subject, but I hope the outline will indicate so clearly the trend of all the authorities that it will not be necessary to present it in full.

During recent years there has been a definite trend to encroach upon the rights of the States but nowhere is the infringement of powers reserved to State governments more direct than in the area of voting qualifications. Since 1939 there have been varying attempts at such encroachment made by anti-poll-tax bills. These proposals, by seeking to outlaw the poll tax, restrict State authority to defining voting qualifications. An early example was based on the assumption that the poll tax requirement resulted in fraudulent political practices. The most extreme bill, introduced in the Senate last month, forbids a State to impose a qualification of any poll or property tax, or even a literacy or intelligence test.

The following analysis uses S. 2000, a less extreme measure, merely as a typical example on which to base a study of the fallacies of such legislation generally.

This analysis will supplement the complete discussion of earlier bills which I made on the floor of the Senate on August 2, 1948, recorded on pages 9753-9773, Congressional Record. My conclusion now, as it was then, is that, in view of the unconstitutional nature of anti-poll-tax legislation, the only proper course for abolition of the tax would be by State action or constitutional amendment.

THE THEORY OF S. 2000

S. 2000, one of the proposed Federal anti-poll-tax bills, would make it unlawful to collect any tax as a prerequisite to voting in a national election or to interfere with a person's voting in a national election because of his failure to pay a poll tax. The bill states that any such action "shall be deemed an interference with the manner of holding such elections, an abridgment of the right and privilege of citizens of the United States to vote for such officers, and an obstruction of the operations of the Federal Government." The bill would authorize application to a district court for an injunction against a violation or for an order compelling compliance.

In my judgment, S. 2000 would be unconstitutional because it would conflict with the constitutional provision that the qualifications for electors are to be

prescribed by the States. Here are the provisions of the Constitution of the United States which are involved:

"ARTICLE I

"Section 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

* * * * *

"Section 4. The Times, Places, and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators."

If the imposition of a poll tax is a matter of the qualifications of a voter, it is controlled exclusively by the State under article I, section 2, and the Federal Government cannot under article I, section 4, prohibit the imposition of a poll tax under the guise of regulating the manner of the election. Accordingly, article I, section 4, of the Constitution is not a proper basis for S. 2000.

Section 3 of this bill defines the imposition of a poll tax as an interference with the manner of holding elections and also states that poll taxes shall be deemed an abridgement of the right and privilege of citizens of the United States to vote for such officers, meaning Federal officials. This may be a reference to the 14th, 15th, and 19th amendments.

Court decisions have held that the 14th and 19th amendments do not preclude the imposition of a poll tax. Moreover, since the case of *Butler v. Thompson*, below, has held that the Virginia poll tax is a valid exercise of the State's authority under article I, section 2, of the Constitution, neither in its terms nor its application violating the 15th amendment, S. 2000 would be clearly unconstitutional.

Fortunately, the framers of the Constitution left us in no doubt on that subject, as the exclusive control of the States over voter qualifications is clearly shown in the "Constitutional Debates" and "Federalist Papers."

DIFFERING QUALIFICATIONS OF THE STATES

A. *The Constitutional Convention*

At the outset, we should take note of the fact that in 1789 the States had rigorous and widely differing requirements for voting. These were summarized by Chief Justice Waite in his opinion in *Minor v. Happersett* (21 Wall, 162 (1874) at p. 172).

For example, the general requirement was ownership of property, usually real estate. In 1789 Georgia liberalized its requirements by extending the vote to those who had prepaid taxes, even though they did not qualify by property ownership. Other States followed suit. As the usual course men of 21 years of age enjoyed the franchise. Residence restrictions sometimes existed.

These differences occasioned many debates in the Constitutional Convention on the possibility of uniform qualifications for voters. The dispute centered on whether the Constitution should limit the franchise to landowners or whether limitations should be left to the individual States. James Madison and Gouverneur Morris of Pennsylvania favored the former position. The argument was that landowners would be the safest depository of republican liberty. Moreover, they feared making qualifications dependent on the will of the States not because the States would unduly restrict the electorate but because they would be too generous in extending the privilege.

As presented by Oliver Ellsworth of Connecticut, James Wilson of Pennsylvania, and George Mason of Virginia, the argument on the other side related to the diversity of existing State qualifications. They warned that the right of suffrage was a tender point carefully guarded in the State constitutions, and that tampering with it might wreck the new Government. They pointed out that it would be difficult to settle on a uniform rule for all States and that it would be awkward if the electors of the State legislatures and Congress were not the same (vol. 5, Elliott's Debates, 385 (1866)).

In addition, they argued that a power to alter the qualifications of voters would be a dangerous power in the hands of the National Legislature. Once the principle is established that the Congress can make such changes, the power used at one time to expand the electorate might be used at another to

restrict it, and, theoretically at least, the restriction could be carried so far that there would result a depotism.

At the conclusion of the debate advocates of a ballot limited to freeholders were defeated by a vote of 7 States to 1, and the plan of the committee on detail was adopted without a dissenting vote. Its language was changed only slightly and it became that part of section 2, article I, of the Constitution which reads:

"The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature."

The words "qualifications of the electors shall be the same from time to time," etc., had been omitted from the recommendation of the committee (vol. 5, Elliott's Debates, 377).

It has been argued that this omission was for the purpose of preventing exclusive control over qualifications by the State legislatures, rather than by the people of States; and that the inclusions of "most numerous branch" of the State legislature was to assure a broad popular base. Undoubtedly this purpose was a real one, but the fact remains that as finally worded, section 2 of article I leaves to the States the choice of deciding the qualifications for the Federal electors, and for the reason that a uniform national requirement was found unworkable.

As has been indicated, the members of the Constitutional Convention were conscious of the need to satisfy the people of the various States sensitive on the subject of suffrage rights. It was therefore one of the subjects which received close attention in the "Federalist Papers" written at the time to convince State conventions to adopt the Constitution.

B. The Federalist

In No. 52 of the Federalist, it was pointed out that the Constitution made the qualification for Federal electors the same as those of the electors of the most numerous branch of the State legislature.

"The definition of the right of suffrage is very justly regarded as a fundamental article of Republican government."

The Federalist author continued:

"It was incumbent on the convention, therefore, to define and establish this right in the Constitution. To have left it open for the occasional regulation of the Congress would have been improper for the reason just mentioned. To have submitted it to the legislative discretion of the States, would have been improper for the same reason; and for the additional reason that it would have rendered too dependent on the State governments that branch of the Federal Government which ought to be dependent on the people alone."

The following words of the paragraph should be noted:

"To have reduced the different qualifications in the different States to one uniform rule would probably have been as dissatisfactory to some of the States as it would have been difficult to the Convention.

"The provision made by the Convention appears, therefore, to be the best that lay within their option. It must be satisfactory to every State, because it is conformable to the standard already established, or which may be established by the State itself. It will be safe to the United States because, being fixed by the State constitutions, it is not alterable by the State governments, and it cannot be feared that the people of the States will alter this part of their constitutions in such a manner as to abridge rights secured to them by the Federal Constitution."

Then in the 54th Federalist, it was remarked:

"The qualifications on which the right of suffrage depend are not, perhaps, the same in any two States. In some of the States the difference is very material."

C. Ratifying conventions

Later, at the Massachusetts Ratifying Convention, in answer to a query as to whether Congress may prescribe a property qualification for voters, Mr. Rufus King, a member of the Federal Convention, said:

"The idea of the honorable gentleman from Douglass transcends my understanding; for the power of control given by this section extends to the manner of elections, not the qualifications of the electors."

And James Wilson, who had warned in the Constitutional Convention of the difficulty that might result if qualifications of State and national electors were different, had this to say in the Pennsylvania Convention:

"In order to know who are qualified to be electors of the House of Representatives, we are to inquire who are qualified to be electors of the legislature of

each State. If there be no legislature in the States, there can be no electors of them; if there be no such electors, there is no criterion to know who are qualified to elect Members of the House of Representatives. By this short, plain deduction, the existence of State legislatures is proved to be essential to the existence of the general government."

Those familiar with the Virginia Ratifying Convention know that Patrick Henry opposed the ratification of the Constitution on the ground that it gave the Federal Government too much power. One issue was whether the Federal Government could pass on the qualifications of the voters or whether Virginia, as in the past, could fix those qualifications. If the latter, the Federal Government would merely determine the times, places, and manner, if it wished to do so, of holding those elections, but those who had the right to vote under the State law would then freely participate.

Wilson Nicholas, a member of the Philadelphia Convention, came to Richmond and explained what had been done in Philadelphia. He gave the members of the Richmond Ratifying Convention positive assurance that the Federal Government could not and never would undertake to pass upon and fix the qualifications of voters.

Virginia agreed to ratify only on the assurance that the first session of the Congress would propose bill-of-rights amendments to the Constitution, and even went a step further when the convention named a committee, headed by Governor Edmond Randolph, and including James Madison and John Marshall, to draft a form of ratification that would include certain reservations as to States rights.

The resolution reported by that committee and adopted by the convention said: "The powers granted under the Constitution being derived from the people of the United States, be resumed by them whensoever the same shall be perverted to their injury or oppression, and at their will * * *"

In explaining the voting plan to the North Carolina Convention, John Steel, like Wilson Nicholas, said:

"* * * Can they, without a most manifest violation of the Constitution, alter the qualifications of the electors? The power over the manner of elections does not include that of saying who shall vote. The Constitution expressly says that the qualifications are those which entitle a man to vote for a State representative. It is then, clearly and indubitably fixed and determined who shall be the electors; and the power over the manner only enables them to determine how these electors shall elect—whether by ballot, or by vote, or by any other way."

The significance of this history is reinforced by the fact that as late as 1912, when the 17th amendment was proposed by Congress, providing for popular election of Senators, language was used identical to that of article I, section 2. This amendment says:

* * * * *

"The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature."

* * * * *

It should be noted that these words were adopted after more than a century of experience with the suffrage provisions contained in the Constitution and also after there had been ample time to observe operations of the newer poll taxes which were imposed between 1875 and 1908.

D. Federalist interpretation of "manner"

The fourth section of article I reads:

"The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators."

The main purpose of this section was to enable both the State and Federal Governments to preserve themselves by the regulation of elections. See Nos. 59 and 60, Federalist Papers.

Also, discussing article I, section 4, in the Virginia Ratifying Convention, Mr. Madison explained:

"It was found impossible to fix the time, place, and manner of the election of Representatives in the Constitution. It was found necessary to leave the regulation of these, in the first place, to the State governments, as being best acquainted with the situation of the people, subject to the control of the general government, in order to enable it to produce uniformity and prevent its own dissolution."

"And, considering the State governments and general government as distinct bodies, acting in different and independent capacities for the people, it was thought the particular regulations should be submitted to the former and the general regulations to the latter. Were they exclusively under the control of the State governments, the general government might easily be dissolved. But if they be regulated properly by the State legislatures, the congressional control will very probably never be exercised."

This, it should be remarked, deals only with the times, places, and manner of holding elections and not with qualifications of voters since, under the provision of article I, section 2, a State could not attempt to dissolve the general government by disqualifying voters without automatically dissolving its own government. It is essentially a distinction between substance and procedure. This distinction was made by a concurring opinion in *Newberry v. U.S.*, 256 U.S. 232, 280 (1920).

Arguments have been made that "manner" does not refer merely to procedure of elections; but to accept that premise is to agree to what the entire thrust of the constitutional debates refute, that the central government could impose uniform franchise qualifications. Rather, Hamilton argues that once the States set up a qualification, the central government could insist that it be carried out, i.e., that elections be held. Hamilton's analysis was reinforced by the majority opinion in *Newberry v. U.S.*, where Justice McReynolds states that "manner" of holding elections does not mean power broadly to regulate them (at 256).

Moreover, this clause has been used as the author foresaw, to protect a Federal election from corruption, later referred to.

The foregoing history is convincing evidence that the members of the Constitutional Convention and the ratifying conventions intended the Constitution to give to the States and to the States only the authority to prescribe qualifications for voters. The courts have consistently followed this interpretation.

COURT INTERPRETATION OF SECTIONS 2 AND 4 OF ARTICLE I

In *Ex parte Yarbrough*, 110 U.S. 651 (1884), the Court said, after quoting section 2, article I:

"The States in prescribing the qualifications of voters for the most numerous branch of their own legislatures, do not do this with reference to the election for Members of Congress. Nor can they prescribe the qualifications for voters for those *eo nomine*. They define who are to vote for the popular branch of their own legislature, and the Constitution of the United States says the same persons shall vote for Members of Congress in that State. It adopts the qualification thus furnished as the qualification of its own electors for Members of Congress" (at 663).

See also *Swafford v. Templeton*, 185 U.S. 487 (1902), following *Yarbrough* and pointing out once more that it is the Constitution, not Congress, that adopts the qualifications of State electors. *McPherson v. Blacker*, 146 U.S. 1, 27, 35 (1892) reaches the same conclusion.

State power over definition of voter qualification was again affirmed by the Supreme Court as recently as June 8, 1959. In *Lassiter v. Northampton County Board of Elections*, upholding a North Carolina illiteracy test, Justice Douglas said:

"The States have long been held to have broad powers to determine the conditions under which the right of suffrage may be exercised" (at page 6).

The main discussion of the Court in *Yarbrough* was interpretation of section 4, article I, Congress power over the "manner" of holding elections. The theory of protection against corruption of qualified voting was fully developed in this case.

Yarbrough and others were prosecuted for interfering by physical attack with the exercise of the right to vote of certain qualified voters in an election of a Member of Congress from Georgia. After holding that Congress under the quoted section could pass an act prohibiting such violence, Justice Miller wrote:

"Can it be doubted that Congress can by law protect the act of voting, the place where it is done, and the man who votes from personal violence or intimidation and the election itself from corruption and fraud?" (at 661).

Or a suppression of voting rights by electors who refuse to accept payment of a poll tax prerequisite may be protected by congressional action under section 4, article I, *U.S. v. Munford*, C.C.E.D. Va., 16 Fed. Rep. 223, 228 (1883).

It is here in the realm of protection that *United States v. Classic*, 313 U.S. 299, 320 (1941) is appropriate. It points out that section 4 of article I is supplemented by Congress power to pass implementing legislation under the

"necessary and proper" clause, article I, section 8, clause 18. The case does not stand for a general regulation of qualifications, for the holding of the case was that a primary was part of a general election.

The foregoing authorities demonstrate that the Federal Government may protect the purity of its elections—but to equate all poll tax statutes with corruption is to miss the point. Those who believe corruption is the result have power to pass Federal legislation specifically outlawing such abuses as the purchase of poll tax receipts.

I have endeavored to show that the purpose of the two sections of the Constitution when written and as judicially interpreted does not admit of any restriction on State power to define voter qualifications. Nowhere in the body of the original Constitution will be found a restriction on the discretion of the States in fixing the qualifications of voters. However, restrictions were later added by the 14th, 15th, and 19th amendments. I point out that they were made effective by amending the Constitution, which is the only proper approach that should be taken by those who seek to eliminate the poll tax requirement.

What is the nature of these restrictions? Do they forbid a poll tax qualification?

THE MEANING OF THE 14TH AND 19TH AMENDMENTS

The 14th amendment provides :

"Section 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 laws."

* * * * *

In *Minor v. Happersett*, 21 Wall. 162 (1874), following the adoption of the 14th amendment, a woman argued that a Missouri law which limited the franchise to men deprived her of citizenship rights which the amendment gave her. The Court denied her claim, because the right to vote before the amendment was not necessarily one of the privileges or immunities of citizenship, and the amendment did not add to them. "It simply furnished an additional guarantee for the protection of such as (s)he already had" (at 171). The Court concluded with the statement that it was "unanimously of the opinion that the Constitution of the United States does not confer the right of suffrage upon anyone, and that the constitutions and laws of the several States which commit that important trust to men alone are not necessarily void" (at page 178).

See also *U.S. v. Cruikshank*, 92 U.S. 542, 554 (1875).

In the case of *Breedlove v. Suttles* (302 U.S. 277, 238 (1937)), a Georgia statute making a poll tax a voting prerequisite to Federal and State elections was attacked on the ground that it violated the 14th and 19th amendments. The tax in question applied to all inhabitants of Georgia between the ages of 21 and 60, with an exception for females who did not register for voting. The Court held that the classification of the law, not being an invalid discrimination, did not violate the equal protection clause of the 14th amendment. The Court also held that the exemption for women who did not vote was not in violation of the 19th amendment. In the course of its opinion the Court also stated clearly that the poll tax was not prohibited by the privileges and immunities clause of the 14th amendment and was a proper qualification for voting for the States to impose.

"To make payment of poll taxes a prerequisite of voting is not to deny any privilege or immunity protected by the 14th amendment. Privilege of voting is not derived from the United States, but is conferred by the State and, save as restrained by the 15th and 19th amendments and other provisions of the Federal Constitution, the State may condition suffrage as it deems appropriate (*Minor v. Happersett*, 21 Wall. 162, 170 et seq.; *Ex Parte Yarborough*, 110 U.S. 651, 664-665; *McPherson v. Blacker*, 146 U.S. 1, 37-38; *Guinn v. United States*, 238 U.S. 347, 362). The privileges and immunities protected are only those that arise from the Constitution and laws of the United States and not those that spring from other sources (*Hamilton v. Regents*, 293 U.S. 245, 261)."

There have been attempts to distinguish the *Breedlove* case on the grounds that the voting registration was for both State and Federal elections, and thus the necessity for a State to control its own election dictated the result.

But the distinction appears without merit since a later case solely involved a Federal election, *Pirtle v. Brown* (C.A. 6 (1941) 118 F. 2d 218, Cert. Den. 314 U.S. 621). A citizen of Tennessee otherwise qualified was refused the right to vote in a special election to fill a vacancy in the House of Representatives because he had not paid the poll tax. The reasoning of *Breedlove* was followed, and the Supreme Court denied a petition for review.

These two cases also serve to destroy the notion, sometimes advanced, that a poll tax is a tax on a national function, that of voting, and hence unconstitutional.

THE MEANING OF THE 15TH AMENDMENT

The restrictions of the 14th and 19th amendments have been studied. I should now like to examine that of the 15th, which reads:

"SECTION 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."

In *United States v. Reese* (92 U.S. 214 (1875)), the Court construed a statute passed under Congress' power of section 2 to enact appropriate legislation. The act was invoked by the applicant because his failure to pay a poll tax enabled the inspectors to prohibit his voting in a municipal election. In the opinion of Chief Justice Waite the following statement is made:

"Rights and immunities created by or dependent upon the Constitution of the United States can be protected by Congress. * * *

"The 15th amendment does not confer the right of suffrage upon anyone. It prevents the States, or the United States, however, from giving preference, in this particular, to one citizen of the United States over another on account of race, color, or previous conditions of servitude. Before its adoption, this could be done. It was as much within the power of a State to exclude citizens of the United States from voting on account of race, etc., as it was on account of age, property, or education. Now it is not. * * *

See also *Guinn and Beal v. United States* (238 U.S. 347, 362 (1915)), where Chief Justice White stated for the Court that the States retained the power under article I, section 2, to establish qualifications of voters, "except of course as to the subject with which the amendment (15th) deals and to the extent that obedience to its command is necessary."

VIRGINIA POLL TAX HELD VALID

The question of Virginia poll tax as a prerequisite to voting was reviewed by a special three-judge court as recently as 1951 in *Butler v. Thompson*, D.C.E.D. Va., 97 F. Supp. 17, affirmed, 341 U.S. 937. Judge Dobie quoted from an earlier opinion in the case of *Saunders v. Wilkins*, 152 F. 2d 235, 237, as follows:

"* * * the decisions generally hold that a State statute which imposes a reasonable poll tax as a condition of the right to vote does not abridge the privileges or immunities of citizens of the United States which are protected by the 14th amendment. The privilege of voting is derived from the State and not from the National Government. The qualification of voters in an election for Members of Congress is set out in article I, section 2, clause 1 of the Federal Constitution which provides that the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature. The Supreme Court in *Breedlove v. Suttles*, 302 U.S. 277, 283, 58 S. Ct. 205, 82 L. Ed. 252, held that a poll tax prescribed by the constitution and statutes of the State of Georgia did not offend the Federal Constitution."

Then followed the quotation from *Breedlove v. Suttles*, which I quoted earlier.

The latter part of *Butler v. Thompson* discussed the general principle that a statute may be administered in such a fashion as to be unconstitutional even though it is fair on its face, under the 14th amendment, as in *Yick Wo v. Hopkins*, 118 U.S. 356 or under the 15th amendment as in *Lane v. Wilson*, 307 U.S. 268. Judge Dobie reviewed the administration of the poll tax in Virginia and came to the conclusion on the basis of the evidence presented to him that it was being fairly administered, without discrimination on the basis of race.

Accordingly, Judge Dobie, speaking for the unanimous three-judge court, held that the Virginia poll tax statute did not violate either the 14th amendment or the 15th amendment, and was valid under article I, section 2 of the Constitution of the United States.

ENABLING LEGISLATION OVER POLL TAXES PREEMPTED BY COURT DECISION

S. 2000 and similar bills would make unlawful all poll taxes as a prerequisite for voting, presumably as a violation of the 14th or 15th amendments. On its face, S. 2000, would prohibit the Virginia poll tax as a prerequisite for voting. But the case of *Butler v. Thompson*, above, has held that the Virginia poll tax is a valid exercise of the State's authority under article I, section 2, of the Constitution, and neither in its terms nor in its application violates the 14th or 15th amendments. S. 2000 purports to make a congressional finding of a fact which the Supreme Court has held not to be a fact. It exceeds the power of the Congress under the 14th and 15th amendments to enforce those amendments by appropriate legislation.

REPUBLICAN FORM OF GOVERNMENT

Not more than passing attention need be given to argument based on section 4, article IV. This section provides:

"The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened), against domestic violence."

Under this section it is contended that Congress may pass appropriate legislation under the "necessary and proper" clause to outlaw the poll tax because it reduces the size of the electorate, therefore denying a republican form of government. It is added that this legislation will not be unconstitutional since the Supreme Court historically has refused review of such a political question.

The short answer to this approach is that the definition of a republican form of government may only be found by examining those of the States when they adopted the Constitution. Among the qualifications which prohibited universal suffrage were tax statutes including poll taxes. See the explanation of this section by Madison in No. 43, *Federalist*. Moreover, such is the judicial interpretation, *Minor v. Happersett*, above, at 175-176.

Any attempt of the Congress to invade the rights of the States to fix the qualifications of their electors would be a serious threat to constitutional government.

Senator KEFAUVER. Are there any other requests?

Mr. KIRBY. I should like to offer, Mr. Chairman, to be appended to this portion of the hearings, three studies by the Library of Congress: one entitled "Qualifications for Voting, Constitutional and Statutory Provisions of the States," another, "Changes in Poll Tax in Certain States During the Past 20 Years," and also "Poll Taxes as Levied in New England States."

Senator KEFAUVER. We will let them be printed as an appendix to the record of this hearing.

Mr. KIRBY. That is all I have, sir.

Senator KEFAUVER. We will stand in recess subject to further call of the Chair.

(Whereupon, at 10:15 a.m., the committee adjourned, subject to the call of the Chair.)

NOMINATION AND ELECTION OF PRESIDENT AND VICE PRESIDENT AND QUALIFICATIONS FOR VOTING

FRIDAY, SEPTEMBER 8, 1961

U.S. SENATE,
SUBCOMMITTEE ON CONSTITUTIONAL AMENDMENTS
OF THE COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met, pursuant to recess, at 10 a.m., in room 357, Old Senate Office Building, Hon. Estes Kefauver (chairman of the subcommittee) presiding.

Present: Senators Kefauver (presiding) and Keating.

Also present: James C. Kirby, Jr., counsel for the subcommittee.

Senator KEFAUVER. The committee will come to order.

This is the last scheduled meeting during this session of the Senate of the Subcommittee on Constitutional Amendments.

We have up to this point heard everybody who has expressed a desire to testify and to give their views on the various resolutions to amend the Constitution which are pending before this subcommittee and have been the subject of these hearings on the Federal elections system.

I want to say that we have had some very thoughtful and helpful testimony from Members of the Senate, political scientists, lawyers, and other persons interested in the Government, also from representatives of the executive branch of our Government.

The chairman of the committee wishes to express his appreciation for the very fine work done by Jim Kirby, the counsel for the subcommittee, and for the arrangements made by him for the conduct of the hearings.

The subcommittee is honored this morning to have with us Senator John Stennis of Mississippi, whom the chairman knows to be a very able, thoughtful Senator, and a fine lawyer and jurist who has had much experience and who has good knowledge and ideas of the Constitution of the United States.

It is my understanding that Senator Stennis will testify in connection with Senate Joint Resolution 58 and Senate Joint Resolution 81, which have previously been made a part of the record, and which have to do with qualifications of voters in Federal elections insofar as the poll tax is concerned.

We will be glad to hear from you, Senator Stennis.

STATEMENT OF HON. JOHN STENNIS, A U.S. SENATOR FROM THE
STATE OF MISSISSIPPI

Senator STENNIS. Thank you very much, Mr. Chairman, for your words of welcome and greeting. I appreciate being here before the subcommittee and I appreciate your arranging the time, too, from last week when I was unable to be here due to the pressure of many other matters that we all have had in these last days.

Senator KEFAUVER. We were glad to arrange a date so as to make it possible for you to come.

Senator STENNIS. I appreciate it.

Mr. Chairman, with reference to the application now of the payment of a poll tax as a prerequisite for voting, this is a subject that is as old as my memory, because my State has had this minimum amount as a requirement during my lifetime, and I don't treasure any privilege and thrill any more than I do the first time that I voted and the first time it was my privilege to pay a small token amount, \$2, the first tax I ever paid. And that was all that I was assessed with the first year, just a poll tax. I felt that it qualified me to take part in a privilege, not a right but a privilege of choosing our officers, from constable to Governor and President of the United States. I wouldn't swap for anything the exhilaration of that moment a good many years ago.

Senator KEFAUVER. Are poll taxes a requirement of the Mississippi constitution?

Senator STENNIS. That is correct. The provision is for the payment of \$2 per year, and it is noncumulative beyond 2 years. In other words, if you become delinquent or did not pay it you can requalify by paying only \$4, even though it might have been 10 years since you had been on the list. It does not apply to anyone just becoming 21 years of age, and does not apply to anyone who has attained the age of 60 years.

Senator KEFAUVER. Does it apply to women?

Senator STENNIS. Yes, all alike. But no one beyond the age of 60 years. And it goes exclusively into the common school fund and is used exclusively for school purposes.

Senator KEFAUVER. How much does it bring in in the way of revenue a year?

Senator STENNIS. I don't have those figures with me, but it brings in enough to make a difference.

We had something like 400,000 votes cast in one primary election I remember recently, over that many. And all of those, of course, did not pay a poll tax, those just becoming 21 did not pay, and those 60 or above did not pay, but most all between did.

Mr. Chairman, I want to say that I am in agreement with the legal theory of the sponsors of these measures to the extent that I, too, feel that if the Federal Government is to be injected into the matter of prescribing voter qualifications, it is necessary that it be done by the constitutional amendment process.

The constitutional language pertaining to election of so-called national offices is clear and explicit in vesting this power in the States. It provides, in article I, section 2, and in the 17th amendment, that electors for the offices of Representative and Senator, respectively,

shall have the "qualifications requisite for election of the most numerous branch of the State legislatures."

Therefore, Mr. Chairman, it is my opinion that any bill purporting to accomplish this purpose or to circumscribe the State's power to prescribe qualifications for voters must take the form of a constitutional amendment. This was true in the case of the 15th amendment and was also true in the case of the 19th amendment, relating to suffrage. We may conclude, therefore, that from a strictly legal and historical standpoint the constitutional amendment is the only constitutional route to follow in matters concerning enfranchisement or matters concerning qualifications for electors.

Senator KEFAUVER. We have had some discussion before the committee—and in past years some efforts have been made, particularly in the House of Representatives—to eliminate the poll tax as a prerequisite for voting for Federal officials by statute rather than by constitutional amendment, on the theory, I believe, that a poll tax is not technically a qualification within the meaning of the Constitution. But you disagree heartily with that?

Senator STENNIS. I certainly do. We have debated those matters before the Senate many times, as the Senator will recall. And I think, when you get right down to the practical side of this matter, that the payment of a poll tax or some small tax is nothing more than a reasonable regulation. And some regulation is certainly necessary—a reasonable regulation of the exercise of the privilege of voting. We all agree, I think, that voting is a privilege and not a right. Most all States exclude a large segment of their very finest citizens from voting at all because they are not 21 years of age.

Others preclude them from voting if they are less than 18. But there is direct prohibition, they don't let them vote under any circumstances unless they have attained that age.

So I think that conclusively shows that it is not a right that goes with citizenship—because citizenship starts long before a person is 21—it is a privilege.

And these matters of registering, requirements to live in an area for some specified time, the payment of a small token of contribution to the operation of government, all are very, very reasonable regulations of this privilege. And that is the way it is used in these States that have the poll tax.

I want to say, Mr. Chairman, with emphasis that though I agree with the theory supporting the procedure proposed here, I most emphatically disagree that there is either necessity for or desirability for enactment of a constitutional amendment on this subject, or a statutory amendment, as mentioned by the chairman. I think if you are going to the vitals of the rights and privileges of the States, and it does not make any difference whether you use a stiletto or a dirk, you are killing one of their privileges and one of their rights whichever method you use so far as the practical end result is concerned.

The push for elimination of the poll tax is more an emotional question than a practical consideration of political life. Actually, the poll tax lists provide a most usable and convenient list for county and local government affairs. In addition it provides a small source of revenue for operation of schools in my State of Mississippi. It is fairly operated and administered, and there is no substantial, creditable

evidence to the contrary. It does not serve to deprive any group of the right to vote. And I speak with practical knowledge on those matters. In days when the economy is as vigorous as it is now, any person with any earning capacity at all can certainly get the means together to pay this small token of taxes for this privilege. Of course, the tax does not apply under our law to certain persons who are disabled.

The poll tax has been abandoned voluntarily by several States who previously had employed it as one of their constitutional rights. In each instance, it was the privilege of the State to require such a tax or not to require it. Actually, the right of my State to make its own decision on this subject is all that I am asking. The people of the States affected themselves should decide whether or not this tax should be abolished. The States who have never had such a tax, together with those who have chosen to eliminate it, should grant to States who have the tax the same right of choice which they themselves have experienced.

Mr. Chairman, a great deal has been said about the poll tax. A great deal is misunderstood about the poll tax. It is thought of, in some circles, as being a tax on the right to vote, or is loosely called that. A poll tax is a tax on the person. Like other taxes such as a tax on a piece of property, or a tax on income, it is a head tax. The word "poll" comes from the word meaning people. That is the basis of the taxation. It is based on the simple proposition that everyone who enjoys the fruits of the government should pay some tax. That is the origin of the tax—that there should be a tax upon each person. It is nothing new in American history.

Other States as well as Southern States have employed a form of poll tax. I understand that several New England States use the poll tax for very much the same purpose as is employed in the South. This system provides a list of adult residents, those who are eligible to vote. It can also provide valuable statistical data necessary for the operation of local government.

I don't mean to say, Mr. Chairman, that I understand that any New England State now uses a poll tax as an absolute prerequisite for voting, but it has been a long time intermingled with the poll list and other procedures. I understand that according to the interpretations of their present law, payment of a poll tax is not an outright and essential requirement for voting. I discussed this years ago with Senator Bridges of New Hampshire, and would not attempt to say just what points he made about it, except I recall that that was his conclusion. And I do not mean to contradict his views. But it has been a part of their system with reference to their list of the citizens, and the like.

Senator KEFAUVER. Yes, I think the record shows that in times past there have been a great many States, and most of the New England States do have either some poll tax or property tax.

Senator STENNIS. Yes.

In addition, it provides a stable source of local revenue, usually earmarked for a specific purpose such as schools or similar community affairs. Further, it serves as a method of identifying persons appearing and asserting that they are qualified to vote at a given election.

Now, that is a common problem throughout the United States, as I understand it, as a qualification or identification at the time of

actual voting. Our laws require the person to bring with him his poll tax receipt. The date that he voted is stamped on the back of that receipt. That not only identifies him, but it certifies that he actually voted in the particular election.

Mr. Chairman, the payment of any lawful tax could be made a prerequisite to voting at the present time. Certainly the poll tax is a lawful tax. If it operates fairly, it cannot be an instrument of discrimination. In my State, it is fairly administered, and perhaps more people are disenfranchised because they forget to pay the tax than because of any financial burden it imposes upon them. It is an emotional and unfounded claim that this tax operates to disenfranchise a large number of otherwise eligible voters.

Senator KEFAUVER. The committee's chairman is delighted that Senator Keating, who has always been very diligent in attendance here, is with us for the hearing now.

Senator STENNIS. I am glad to see you, Senator.

Actually, the problem is of small proportions. It does not deserve the attention it has been given, nor deserve the dignity of passage as an amendment to our organic charter. It is doubtful that it will enfranchise anyone. It is doubtful that a single additional qualified voter would be registered as a result of the passage of this constitutional amendment. I do not say that it would be illegal, but I do say that it is unwise. It would have effects outside five States in which it is primarily aimed, and would cause a major readjustment in the method of conducting local affairs in New England States where the charge has never been made that it operated to discriminate against any group of voters.

Enactment of these resolutions would prescribe, for the first time, restrictions on the State's power to qualify presidential electors. Nothing in the Constitution requires the State to adhere to any formula in its "appointment of presidential electors." The only reservation is that no Senator or Representative or person holding an office of trust or profit under the United States shall be appointed an elector. Thus, for the first time, the method of the State's determining its representation in the electoral college would be affected by constitutional language.

Mr. Chairman, and members of the committee, it has always been characteristic of our Government to require every person to pay some tax. Many States and many of the colonies at the time of the American Revolution, and afterward, required the payment of a property tax or poll tax, or some kind of a contribution to the costs of government, before citizens could enjoy the privileges of government.

I want to add another use of the poll tax list that has been practiced for a long, long time; namely, the selection of our jurors, in both the Federal and the State courts. It is the list of voters that is used by the local authorities in drawing these names.

I have never believed otherwise than that the poll tax involves a sound principle of government. I do not know that I have had many greater thrills in life than that which I felt at the time I cast my first vote. I had the thrill of knowing that I was participating in the Government directly, and I was also paying some tax, and therefore was sharing a part of the privileges and had a part in carrying some of the responsibility.

I have never believed otherwise, especially in view of the fact the right to vote is a privilege. Voting is a privilege; it is not a right. It has never been a right. I hope in our form of government it never will be a pure right. The casting of a vote is a privilege, and that privilege arises from the States of the Union, not from the Federal Government. The Federal Government has never had the power to confer the privilege of voting upon anyone. That privilege arises from the States, and not from the Federal Government. There is written into the basic law of the Federal Government itself the direct provision that the Congress shall never—shall never—undertake to create the qualifications of electors. The privilege of voting comes from the States, and therefore, the Federal Government adopts the qualifications the States prescribe.

Mr. Chairman, and members of the committee, I have just been reading a brief book entitled "George Mason, Reluctant Statesman," by Robert A. Rutland. As you recall, this Virginian lived next door to George Washington. His old home has finally been restored and is now open down on the highway just beyond Alexandria. I recommend to anyone that he go down and walk around. You remember, he was the author of the Virginia Bill of Rights that predated the Declaration of Independence. It was the basis for the Declaration of Independence and the first 10 amendments to the Constitution of the United States. George Washington said of him that he had the most superior mind of his generation, or words to that effect. There is nothing in this book regarding Mason's views on electors, the qualifications of electors. But his basic, fundamental views on government are presented there clearer than I have ever before read. Reading the book impressed me with just what did give birth to this Nation and where the power came from.

Senator KEFAUVER. George Mason's part in the creation of our basic form of government and our Constitution has never been fully appreciated as it should have been until recent years.

Senator STENNIS. Correct. I remember two things that he said—he did not sign the Constitution, and thereby missed a chance to be far better known and his contribution to be better known—among other things, he said that it did not make clear the reservation of the State's powers. Of course, that was before the 10th amendment. And he said further that it did not do anything about slavery, and, therefore, left within itself the germs of secession. Mind you, George Mason said that, now, in 1789.

And, by the way, he passed away in 1791. He was offered a place in the U.S. Senate, but declined on account of his health.

Senator KEFAUVER. It was also because he never held a Federal office that he is not as well known as Jefferson, Washington, and some others.

Senator STENNIS. Yes.

I think, Mr. Chairman, with all deference to anyone's name that is on this resolution, I think when we get right down to the fundamentals of it, it is unintentional, but at the same time an assault on the States and the reserve powers of the States. That is the practical effect of it. It is probably due in part to conditions of the times, but there is no state in the world now, so far as I know, that is shown as little consideration as is a State of the United States.

Here in such a vital, fundamental function as passing on who shall be State electors, the resolution before this committee would just sweep away a valuable State prerogative. It is ironical to me that the very States which created the United States of America, this Government which has risen in such short time to assume responsibilities and powers in world leadership, that those States who are the mothers and crators of this Nation should find themselves so forgotten and so trod upon and spurned and under attack here. Even though it is by legal method, it is an assault upon the States themselves and their reserved privileges.

As I say, I just think about it in comparing our own States with new states throughout the world, all these new states and small states and weaker states throughout Asia, the Middle East, Africa, or anywhere else. They are given more consideration—there is nobody here trying to take any of their powers away; we are trying to help them, strengthen them. We send them aid, we have given them all kinds of privileges in the United Nations, we have given them a Peace Corps, we are giving them technicians. And at the same time we are sponsoring matters here that cut the jugular vein of the States of the United States on fundamental reserve powers.

I just cannot reconcile the two approaches on these two matters; even though I say this is a legal method, a legal way of going at it, it nevertheless strikes at the very vitals of States' powers.

Senator KEATING. It would be difficult for us in an amendment to the Constitution to take any rights away from these other smaller nations in the United Nations; would it not?

Senator STENNIS. I know, we would not have any jurisdiction. But I say the attitude, the approach, is different. It is to help them with their problems and encourage them and give them United Nations membership. And we are a bountiful Nation and generous with them, whereas with our own States the trend is to cut them down and hit at their vitals.

Senator KEATING. It is difficult for me to understand, Senator, how the distinguished Senator from Florida, Senator Holland, the chief sponsor of this amendment, would have the attitude of cutting at the vitals of our States. That would be out of keeping with his record on other issues.

Senator STENNIS. Well, I make no reference to any sponsor—any man's name that is on the resolution. But this is a practical matter and a matter of judgment. Sometimes we are swept away by our own argument.

Senator KEATING. But the Senator is contending that we are taking the vitals out of the States.

Senator STENNIS. Yes, sir.

Senator KEATING. That we are trying to attack certain States.

Senator STENNIS. I say that with emphasis. And I say this with great humility.

I think that my lifelong years in Mississippi, along with 30 years of public experience and responsibility, qualify me at least as well to know what is vital and what is reasonable there and what is best, certainly as well as the Senator from Florida. And I speak on my own responsibility as a U.S. Senator, I am not making a comparison with him. You are making the comparison. But I do not know that he

has ever been in Mississippi. I hope he has. But he certainly does not speak for our problems in this matter. And I have told him so. And he understands my attitude.

Senator KEATING. The Senator realizes that there did come a time when we decided that States should not be permitted to disenfranchise women, and we did pass a constitutional amendment with regard to that.

Senator STENNIS. That is correct.

That was more in the nature, though, of creating a new group and extending to it this privilege.

Senator KEATING. The women are a pretty old group; they have been with us for a long time.

Senator STENNIS. I mean creating a new group that was eligible to exercise this privilege.

You were a little quick on the last there, and I was slow in talking. We were creating a new group of people eligible for this privilege. And that is quite a distinction here from an affirmative act of that kind and the sweeping away of a regulation.

I explained before the Senator from New York came in that the practical effect of this poll tax is merely a regulation, and a very, very reasonable one, of keeping a list of those that are qualified to exercise this privilege of the franchise.

Now, in the first place, some token of contribution to the Government is mighty good evidence of good citizenship, and of attending to it and being willing to is a part of it.

Another is, as I said after you came in, the identity of the person. And we use this list with reference to jurors, a responsibility under our Government. We start with the list in my State, and I think many States have additional qualifications. But the poll tax is a token of responsibility, a token of meeting the requirements of citizenship.

Senator KEATING. How much is the poll tax in Mississippi?

Senator STENNIS. \$2 in my State. I recited this in the beginning. Two dollars. It does not apply to those who are 60 or above. It does not apply to a person voting in his 21st year. But then it does apply to all alike without any exception but for certain disabled ones.

Senator KEFAUVER. I have the Mississippi constitution here.

Senator STENNIS. There are a few exceptions in the constitution.

Senator KEFAUVER. It is people who are deaf and dumb or blind or maimed by the loss of a hand or foot. It is also expressed that it is not cumulative more than 1 year.

Senator STENNIS. If a person is off the list, say, for 10 years, he would not have to pay the back taxes beyond \$4.

Senator KEATING. In other words, in order to get onto the list, if they were more than 2 years in arrears, they would only have to pay for 2 years?

Senator STENNIS. That is right.

Now, as I said, I do not know whether the Senator was here or not, the people bring poll tax receipts with them. When one votes in an election it is stamped on the back of the tax receipt.

Gentlemen, I ask you to consider this matter just on the merits. There are several names on this resolution. I do not know to what extent, but I know it was circulated on the floor of the Senate, just like one would circulate a resolution to honor Mr. X or the like. And I think it was thought at that time that it was being sponsored by

Senator Mansfield. I do not know just how far that went. I mentioned it to him and we talked about it in the early part of the session.

But this proposal is cutting at the very vitals of a fundamental principle expressly reserved to the States.

As I have said, there is no nation in the world in which we would try to regulate and control their internal affairs. And I ask you not to do this to these States of the United States.

Senator KEFAUVER. Senator, you are talking about nations. Is it applicable to talk about nations in the United States, for instance, as distinguished from states of those nations?

Senator STENNIS. States of those nations; you mean states within the nation?

Senator KEFAUVER. I mean, you were talking about states in the United Nations, as analogous to States of the United States.

Is not the difference that they are each a sovereign nation rather than just a state?

Senator STENNIS. Well, there is some difference there, of course. The States of the United States do not have complete sovereignty. They did have it; they gave up a portion of it. But they expressly reserved all other powers they did not give up.

Now, I say for the Federal Government to turn around and attempt to go into the reservoir of reserve powers, is not a small thing to do; it is a very serious thing to do. It is in effect an assault on the State itself.

As I said, we just would not think of turning upon our fellow members in the United Nations and attempting to restrict them in vital local matters whereas some rather glibly say, "We do not like the power this state has; take it away from them." And that is what this resolution does.

There is nothing unreasonable about the poll tax and there is no penalty connected with it. It is regulation of a privilege of exercising one of the most sacred rights in our form of government. And the practical operation of it is just that. It is a reasonable regulation.

Senator KEFAUVER. I do not know how it is in Mississippi, but in Tennessee when we had the poll tax it was quite true, as you said here, that more people probably—that more people were disenfranchised because they forgot to pay their tax than because of the financial burden.

Senator STENNIS. That happens sometimes.

Senator KEFAUVER. I noticed in the Mississippi Constitution that it is required to be paid on or before the 1st day of February; is that right?

Senator STENNIS. That is right.

Senator KEFAUVER. And then when are the primary elections?

Senator STENNIS. The primaries for Federal offices are in June, and for Governor and county officers in August. All taxes are delinquent after the 1st of February, taxes for the preceding year.

Senator KEFAUVER. So when you go to pay your taxes you should pay them all?

Senator STENNIS. That is right. That was the original idea. But as a prerequisite for voting, only the payment of a poll tax applies. You could have land taxes, a tax on your automobile, or anything else and be delinquent in that, it would not affect your right to vote.

But February 1 was set as the day on which the books are closed for voting list purposes, you might say.

I want to mention one other thing.

I have heard it charged that some would pay the poll taxes of others, and use it as a means to control votes. And I suppose that does happen sometimes. But it is certainly not a general practice. It is not on a large scale. It was an abuse that, to whatever extent it was ever true, has gone on out with time. It is not the practice at all now.

Senator KEFAUVER. Is that legal to do?

Senator STENNIS. Well, it is not strictly illegal, but it is irregular. The idea behind it was that a fixer could go out and get up poll tax receipts and have 40 or 50 votes in his pockets. It just does not happen that way.

Those who pay the poll tax pay their own tax, and they are proud to have their poll tax receipts. The receipt is a badge of approval, of citizenship, and it is a passport for them, of course, in all elections, not just Federal elections.

Senator KEFAUVER. Mr. Kirby, do you have any questions of Senator Stennis?

Mr. KIRBY. Just one or two brief questions, Mr. Chairman.

Senator Stennis, I notice that the constitution authorizes an increase of the tax by any counties to \$3 for local school purposes.

Senator STENNIS. Yes.

Mr. KIRBY. Do you know of any county which has done that?

Senator STENNIS. No, I am almost certain that no county has ever increased it beyond the \$2.

Mr. KIRBY. I notice also the constitution provides that the delinquent poll tax is not enforceable by criminal proceedings. Is it a lien on land?

Senator STENNIS. I think not.

Of course, the other taxes are. But my recollection is that it is not a lien on anything. And it is for exercising the privilege. No one goes out and tries to force payment of it, not in my State. And I do not think there is any way to collect it at all. It is the person who decides whether or not to pay it. That is a good point.

Senator KEFAUVER. It says no criminal proceeding shall be allowed to force the payment.

Senator STENNIS. That is right, no proceeding of any kind against the person. It is up to him.

We have another regulation, I suppose most States have it, that you have to live a certain time in the district or county of the State.

I notice the discussions of that here in the new election law in the District of Columbia. It is another regulation, reasonable regulation of the privilege of voting.

Senator KEFAUVER. I am looking at the Mississippi constitution. The residence requirement is 2 years except for a minister of the gospel, and he is entitled to vote after 6 months' residence. I guess that would take care of the Methodists who have to move.

Senator STENNIS. I was going to say, I guess that is to take care of the Methodists and the presiding elders who have to move away.

But those things have a good purpose; they are written in there by the hearts of the people as well as the minds.

Senator KEFAUVER. There must have been some Methodists at the Mississippi constitutional convention.

Senator STENNIS. Yes.

Well, I had an older brother who said that the people of the South owed more to the Methodist circuit riding preacher than any other person following the War between the States during reconstruction, that he ministered to the people, and preached to them, and prayed with them, he encouraged them and gave them hope more consistently than any other one. And he said that when the time came for him to move he seldom had enough money to pay the freight on his furniture to the next assignment. But, nevertheless, as a man of faith he kept trying.

Senator KEFAUVER. Thank you very much. You have made a very carefully prepared and reasonable statement.

Senator STENNIS. Thank you.

Senator KEFAUVER. That completes all of the witnesses for this session. We will, however, leave the record open for 5 days to receive any other statements or pertinent material from anyone who wishes to submit them.

We stand adjourned.

APPENDIX TO PART 5

PLATE OF PLANTS

CHANGES IN POLL TAX REQUIREMENTS IN CERTAIN STATES DURING THE PAST
20 YEARS

(By Mollie Z. Margolin, legislative attorney, American Law Division, Library
of Congress)

As of this date five States still require the payment of a poll tax as a prerequisite for voting: Alabama, Arkansas, Mississippi, Texas, and Virginia. However, in recent years these States have made some liberal changes in their laws regarding such poll tax.

Alabama (Unless otherwise designated, references are to code of Alabama, 1940, recompiled 1958)

1940.—As the law existed in 1940, a poll tax payment of \$1.50 was required of every person over the age of 21 years and under the age of 45 years, who was not exempted by law from paying same (Title 51, § 237; Constitution, § 194).

Exemptions.—The following persons were exempted from paying a poll tax:

1. All persons permanently and totally disabled from following any substantially gainful occupation with reasonable regularity, and whose taxable property does not exceed \$500 (Title 51, § 238).

2. Veterans who served honorably in the military or naval service of the United States between January 1, 1917, and November 11, 1918, from all poll taxes which have accrued or may hereafter accrue (Title 51, § 238; Amendment 14 to Constitution).

3. Every officer and enlisted man of the national guard or naval militia of Alabama, during his active membership and forever, after he has actively served an aggregate of 21 years (Title 51, § 238; Title 35, § 11).

Elections.—To entitle a person, otherwise qualified, to vote at any election, he shall have paid on or before the first day of February next preceding the date of the election at which he offers to vote, all poll taxes due from him for the year 1901 and for each subsequent year (Constitution, § 178).

Since the poll tax is \$1.50 per year, a person who had not voted before and wished to vote in 1940 could conceivably have to pay a tax as high as \$36 for 39 years would have elapsed since 1901 and in that period a person could have become 21 years old and already passed his 45th birthday, a period of 24 years. Of course \$36 would be the maximum that could possibly be required of anyone. The fact remains, however, that anyone offering to vote at an election would have to make up his back poll tax of \$1.50 for each year since he attained the age of 21 even though he had not voted before.

1944.—In 1944 the exemption of veterans from the poll tax requirement (of taxes which have accrued or may thereafter accrue) was extended to cover all persons who served honorably in the military service of the United States at any time, past, present, or future, when the United States was, is, or shall be at war with a foreign state (Amendment 49 to the Constitution).

1945.—In 1945, exemption from the poll tax requirement was extended to every officer and enlisted man of the Alabama state guard during his active membership, and forever, after he has actively served an aggregate of 21 years (Title 35, § 214).

1951.—In 1951, the exemption of veterans from the poll tax requirement (of taxes which have accrued or may thereafter accrue) was extended to veterans who served honorably in the military services of the United States when the United States is engaged in hostilities whether as a result of declared war or not (Amendment 90 to the Constitution).

1953.—In 1953, an amendment to the Constitution was approved requiring, as a prerequisite for voting, the payment of poll taxes for the 2 years preceding the election. Thus the maximum requirement at any election could only be \$3 (Amendment 96 to the Constitution).

1954.—In 1954 a constitutional amendment exempted blind and deaf persons from the payment of poll taxes (Amendment 109 to the Constitution).

1960.—As of today, \$1.50 poll tax payment is required as a prerequisite for voting. The maximum such requirement, including arrears, is a payment of \$3. Exempted from payment of poll tax, including arrears, are all veterans who served honorably in the military service of the United States whenever the United States is engaged in hostilities whether as a result of declared war or not. Also exempted from payment of poll tax are blind and deaf persons, all persons permanently and totally disabled from following any substantially gainful occupation and whose taxable property does not exceed \$500, and every officer and enlisted man in the service of the national guard, the naval militia, or the Alabama state guard during his active membership, and forever, after he has actively served an aggregate of 21 years.

Arkansas (Unless otherwise designated, references are to Arkansas Statutes 1947, Ann., 1956 Replacement and to 1957 Supplement thereto)

1940.—As the law existed in 1940, a poll tax payment of \$1 was required of every person as a prerequisite for voting, except of those who reached the age of 21 after the period of assessment (Const. Art. 3 § 1; as amended by Amendment No. 8; Ark. Rev. Stats. § 3-103, since then repealed and superseded by § 3-104.2; § 3-123).

1941.—In 1941, a law was enacted prohibiting the collecting of penalties for delinquent poll tax assessments (§§ 3-110.3-111).

1943.—In 1943 a law was enacted permitting men and women discharged from the armed services after the period for poll tax assessment has expired, to pay the \$1 tax without the additional penalty (1957 Supp. § 3-113).

1944.—In 1944 Arkansas adopted a constitutional amendment permitting members of the armed services, if otherwise qualified, to vote in any election without having paid a poll tax (Amendment No. 36 to the Constitution).

1960.—As the law exists today, a poll tax payment of \$1 is required as a prerequisite for voting, but members of the Armed Forces of the United States, while in service, are exempted from this requirement. A person who has become 21 years old after the assessment may vote that year without paying the poll tax. *Mississippi* (Unless otherwise designated references are to Mississippi Code, 1942, Recomp. 1956, and to 1958 Supplement)

1940.—In 1940, as a prerequisite for voting, a person was required to pay on or before February 1 of that election year poll taxes due for the 2 preceding years (Const. § 241; Code § 3160). The poll tax is \$2 per year (Const. § 243).

Exempted from this poll tax requirement are persons over 60 years old, persons who are deaf, dumb, or blind, or who are maimed by loss of hand or foot (Const. § 243; Code § 3163).

1944.—In 1944 Mississippi repealed the poll tax requirement for persons in the armed services, and allowed them to vote by absentee ballot without payment of such poll tax (§ 3196-07).

1952.—In 1952, a law was enacted permitting any member of the Armed Forces or any honorably discharged member of the Armed Forces to vote at any election without payment of any poll taxes which they have not had the opportunity to pay (§ 3163-02).

1960.—Today the law is the same as it was in 1940 but includes the exemptions enacted in 1952.

Texas

1940.—As the law existed in 1940 and *as it exists today*, the payment of a poll tax paid before February 1 of the year, is a prerequisite for voting (Const. Art. 6 § 2; Election Code Arts. 5.02, 5.09).

All officers and men of the active militia of the State are exempted from payment of this poll tax except the poll tax prescribed for support of public schools (Ann. Statutes, Art. 5840).

The poll tax required is \$1.75 of which \$1 goes to the support of the schools (Const. Art. 6 § 2, Interpretive Commentary).

1945.—Article 6, § 2a of the Constitution was adopted in 1945 which waived the poll tax of any citizen of Texas who within 18 months prior to election has served in the Armed Forces (including the maritime service and merchant marine). It applied "during the time the United States is engaged in fighting a war or within one year after the close of the calendar year in which said war is terminated."

1954.—On November 2, 1954, Article 6, § 2a, above, was repealed.

Exemptions

1951.—As the law read in 1951, the following persons were exempted from payment of poll tax: Persons over 60 years old, Indians not taxed, persons insane, blind, deaf or dumb, those who have lost a hand or foot, those permanently disabled, and all disabled veterans of foreign wars, where such disability is 40 percent or more (Election Code 1952, Art. 5.09).

1959.—Art. 5.09 of the Election Code was amended, omitting deaf or dumb persons from the above exemption (Election Code, 1960 Supp. Art. 5.09).

Virginia

1940.—As the law provided in 1940, and *as it is in effect today*, a person, as a prerequisite for voting shall pay, at least 6 months before election his State poll taxes assessed against him during the 3 years next preceding the year of the election at which he offers to vote (Constitution § 21; Code of Virginia, 1958 Supp. § 24-120).

Exempted from this requirement are persons who served in the Army or Navy of the United States or the Confederate States during the War Between the States, and the wife or widow of such person (Constitution § 22), and those pensioned by the State for military services (Constitution § 173).

The amount of the tax is \$1.50 per annum (Code of 1950, § 58-49).

1944.—In 1944 Virginia created the "Armed Services Poll Tax Fund" to be drawn upon for paying a poll tax for an individual in the armed services who applies for such payment at least 6 months before election. The Act expired on July 1, 1946 (Laws, 1944, Ch. 287).

POLL TAXES AS LEVIED IN NEW ENGLAND STATES

(By Norman J. Small, legislative attorney, American Law Division, Library of Congress)

MAINE

Upon whom levied.—Males, whether citizens or aliens who are inhabitants of the state who are above the age of 21 years (Rev. Stat. (Supp. 1955), ch. 91-A, § 2).

Exemptions.—(1) No person shall be considered an inhabitant of a place on account of residing there as a *student in an educational institution*. (2) Indians, blind persons, and persons under guardianship. (3) Persons in active service in the armed forces. (4) Persons aged 70 and over; persons who are veterans of World Wars I and II and the Korean War; and persons who by reason of age, infirmity, or poverty are in the judgment of assessors unable to contribute toward the public charges. (5) Veterans of the Civil War; veterans receiving a state pension; veterans of the Indian and Spanish Wars; veterans of the Philippine insurrection; disabled veterans of World Wars I and II (Rev. Stat. (Supp. 1955), ch. 91A, § 10 (iii, iv)).

Rate.—\$3.00 ((Supp. 1955), ch. 91A, § 2).

Payment a prerequisite.—Payment is a prerequisite to: (1) granting of a motor vehicle operator's license and registration of a motor vehicle; (2) issuance of a resident hunting or fishing license (Rev. Stat. (1954), ch. 22, §§ 15, 61; ch. 37, § 39 (viii Supp. 1955), ch. 91A, § 2).

Collection.—The tax is collected principally by local officers from each taxable person in the place where he is an inhabitant on April 1 in each year. With certain exceptions, proceeds of this tax are paid into the state treasury. Remedies for collection include the imposition of interest and the levy by distress and sale upon the real and personal property of the delinquent as well as arrest of the latter. Delinquent taxes also may be sued for in an action of debt against the party liable (Rev. Stat. (1954), ch. 5, §§ 60, 64; ch. 16, § 104; (Supp. 1957), ch. 91A, §§ 27-34, 37-41, 47-48, 56-58, 63-64, 67, 69-70, 74-76, 81-82, 98-104, 107-108).

Relation of payment of poll tax to voting.—Boards of registration entrusted with the function of preparing lists of eligible voters are assisted in this task by the receipt annually from tax assessors of lists compiled by the latter by house-to-house canvass and containing the names, age, addresses, and occupations of males aged 21 and over and liable to pay a poll tax and of females eligible to vote. The boards in completing their voting registers rely upon such lists; but any eligible voter whose name did not appear on the lists thus transmitted may be registered by applying in person to such boards. However, the registration boards exchange information with the tax assessors, and supply to the latter the names of all registered voters which did not appear on the voting lists submitted by the assessors. The assessors are thus apprized of persons liable to pay the poll tax whose names hitherto have been omitted from the tax lists (Rev. Stat. (1954), ch. 3, §§ 5-9, 35-39; ch. 5, §§ 60, 64; ch. 16, § 104; Laws 1959, ch. 204, §§ 19-20).

MASSACHUSETTS

Upon whom levied.—On every male inhabitant above the age of 20, whether a citizen or an alien (Gen. Laws Ann. (West, 1958), ch. 59, § 1).

Exemptions.—(1) Male inhabitants who are 65 years of age or over, or who, during the preceding calendar year, were recipients of old age assistance or of aid furnished by municipalities from funds appropriated by them for the relief, support, maintenance, and employment of the poor shall be assessed for, but shall be exempt, at their request, from the payment of a poll tax. Such request, when filed in any year, shall continue in effect with respect to poll taxes assessed in subsequent years, unless such inhabitant in writing shall otherwise direct. (2) Persons who by reason of age, infirmity, and poverty are in the judgment of the assessors unable to contribute fully toward public charges. In the event that a person so relieved of poll taxes dies leaving a net estate in excess of all his debts, said estate shall be charged with the amount of taxes from which he is so relieved with interest at 6 percent from the date when such taxes, except for such relief, would have been due. (3) Veterans of the Civil War, Spanish War, Philippine Insurrection and Chinese Relief Expedition shall be assessed for, but shall be exempt at their request from payment of a poll tax. (4) Members of the armed forces are unconditionally exempt during their services (Gen. Laws Ann. (West, 1958), ch. 59, §§ 5 (17A, 17B, 18, 23), 5A).

Rate.—\$2.00 (Gen. Laws Ann. (West, 1958), ch. 59, § 1).

Collection.—Poll taxes are assessed by local assessors on each person liable thereto in the town of which he is an inhabitant on January 1 in each year. Minors liable to taxation are assessed to and in the place of residence of the parents or guardians. If a person liable to a poll tax, who is in a town on January 1, refuses to state his legal residence, he shall be deemed a legal inhabitant thereof. If he designates another town as his legal residence, the assessors of the latter town are notified and thereupon complete the assessment.

Bills for poll taxes are distributed not later than October 1 of the year in which they are assessed, and are dated January 1 of the year to which the tax relates. Poll taxes are due and payable at the expiration of 30 days from the date upon which the bill was distributed. Remedies available to the local collectors to enforce collection include the seizure and sale of real and personal property sufficient to pay the taxes including the fees chargeable upon delinquency; or, in the event that the debtor has not tangible assets, imprisonment in jail for not more than seven days. On poll taxes unpaid when due, interest shall be paid at the rate of 4 percent per annum, computed from the date when such taxes become due. The receipts including interest are paid over to the city or town treasurer (Gen. Laws Ann. (West, 1958), ch. 59, §§ 9-10, 57; ch. 60, §§ 2-5, 29, 35; (Supp. 1959), ch. 60, § 15A).

Relation of payment of poll tax to voting.—As an aid in determining the residents of cities and towns who are entitled to vote, town and city registrars, by a house-to-house canvass, compile annually in January and February lists containing the name, age, occupation, citizenship, and residence on January 1, in the preceding and current year of every person, 20 years of age and older, residing in their respective cities and towns. On or before April 15 in each year, they transmit to the assessors from the lists thus compiled the names of all male persons, 20 years of age and older; and thereafter they furnish promptly to the assessors notice of any subsequent addition to or correction of their lists insofar as such changes relate to male persons aged 20 or over.

The registrars compile their annual registers of qualified voters by transferring thereto from the aforementioned lists of residents the names of all per-

sons whom they can identify as having been included in the voting lists employed in the election held during the previous year. Persons omitted from registration lists thus prepared must appear in person and petition the registrars to correct the omission, and, if necessary, prove to the satisfaction of the registrars that the applicants are qualified and entitled to be registered. A male applicant may offer, as proof of his residence, a tax bill or notice from the assessor showing that he was assessed as a resident of his city or town. Tax assessors are apprized of all changes made in correcting the registration lists (Ann. Laws (1953), ch. 51, §§ 5-6, 8-9, 11, 34-35, 37-39, 42-43; (Supp. 1955), ch. 51, §§ 1, 4, 7; Gen. Laws Ann. (West, 1953), ch. 51, §§ 1-6, 8-9, 11, 34-35, 37-39, 42-43; (Supp. 1959), ch. 51, § 7).

NEW HAMPSHIRE

Upon whom levied.—On every inhabitant of the state, from 21 to 70 years of age, whether a citizen of the United States or an alien. A husband shall be liable for the payment of his wife's poll tax if, when it was assessed, they were living together as man and wife (Rev. Stat. Ann. (1955), ch. 72, §§ 1, 5).

Exemptions.—Paupers, insane persons, the widow of any veteran who served in the armed forces in wars which the United States was engaged, the widow of any citizen who served in the armed forces of an ally, veterans of any war in which the United States has been engaged, and veterans of any ally, provided such veterans record with the selectmen or assessors of the town in which they live their pension certificates or their certificates of honorable discharge. The term "veteran" includes members of any woman's auxiliary service which was subject to and under military law (Rev. Stat. Ann. (1955), ch. 72, §§ 1-4; (Supp. 1957), ch. 72, § 1-a).

Rate.—\$2.00 (Rev. Stat. Ann. (1955), ch. 72, § 1).

Collection.—Poll taxes are assessed before June 1, unless the time is extended, by town selectmen or city assessors and are payable to the collector on demand and without previous notice. Interest at 6 percent is charged on all taxes not paid on or before December 1 after assessment. The proceeds of such taxes are retained by the respective towns, cities, or counties. Remedies for collection include the seizure and sale of personal property sufficient to pay said taxes, or, if no personal property can be found, the arrest and commitment of the delinquent taxpayer to the county jail or house of correction. When any person is so committed to the county jail or house of correction where there is a workshop connected, he shall be credited for his labor therein at the rate of \$1.50 per day, to be applied on the amount of his tax and costs of commitment. He shall be required to pay the jailor of the institution board at the rate of \$2.50 per week, the same to be earned in the employ of said institution. Suit may also be instituted against a delinquent taxpayer for the amount of any taxes owed; and wages may be attached for payment (Rev. Stat. Ann. (1955), ch. 54, § 6; ch. 73, § 1; ch. 74, § 1; ch. 76, §§ 2-5, 13; ch. 80, §§ 1-2, 8-11, 13-15, 50; (Supp. 1957), ch. 76, § 12; ch. 80, § 12).

Payment a prerequisite.—Every applicant for a permit to register a motor vehicle or for a hunting, fishing, or trapping license must first submit an affidavit that he has paid his poll tax for the preceding year or was relieved of payment by exemption or abatement; but the permit or license may be issued if the selectmen or assessors certify that the same should be granted notwithstanding failure to pay said tax.

The tax collector, after making demand of a delinquent by a registered letter and receiving no payment within 14 days thereafter, shall identify the delinquent taxpayer on a form provided by the commissioner of motor vehicles or the director of the fish and game department; and upon receipt thereof the commissioner or the director shall revoke the registration or the license of the delinquent taxpayer and refuse to restore the same until the delinquent tax has been paid (Rev. Stat. Ann. (1955), ch. 80, § 3; ch. 214, §§ 10, 12; (Supp. 1957), ch. 214, § 11; ch. 266, §§ 4-8).

Relation of payment of poll tax to voting.—A person excused from paying taxes at his own request is disqualified from voting; but he may become qualified as a voter by tendering payment, of all taxes assessed against him during the year prior to his offer to vote, to the moderator, collector of taxes, or to one of the selectmen of the town in which he lives and has his home; and, at the time he offers to vote, present evidence of such tender (Rev. Stat. Ann. (1955), ch. 54, §§ 1, 4-5; Const., Art. 28).

RHODE ISLAND

By Laws 1952 ch. 2898 the Legislature repealed Laws 1951 ch. 2809 whereby a proposal was submitted to the voters to annul Amendment 7, § 2 of the Rhode Island Constitution and was approved by the voters at a special election held June 28, 1951. By the terms of Amendment 7, § 2 towns and cities annually are to assess on qualified, registered voters resident therein a tax of \$1 for the support of schools. However, on August 2, 1951, the Rhode Island Tax Administrator, in a letter to Commerce Clearing House, Inc., stated that the poll tax would not be assessed after 1951. Whether this tax in fact is being collected as the result of the above mentioned repeal cannot be determined with certainty at this time.

VERMONT

Upon whom levied.—Upon all inhabitants of the state, citizens and aliens, over 21 and under 70 years of age.

A husband living with or supporting his wife shall be held liable for the payment of a poll tax and an old age assistance tax assessed against his wife. A wife who is supporting her husband shall be held liable for said taxes assessed against her husband (Stat. Ann. (1959), Tit. 32, §§ 3601, 5011).

Rate.—\$1.00 plus an additional levy of \$5.00 for old age assistance (Stat. Ann. (1959), Tit. 32, §§ 3601, 5012).

(2) Incorporated villages are empowered, by vote, to levy additional poll taxes of their own (Stat. Ann. (1959), Tit. 24, § 1309).

Exemptions.—(1) Veterans of the Civil War, Spanish War, Philippine Insurrection, Boxer Rebellion, World Wars I and II, the Korean War, or Federal Emergency Service and their wives and widows, and the wives and widows of members who died in such service, if the veteran is receiving disability compensation and if application for such exemption is made on or before May 1 of each year and a Veterans Administration certificate is offered. Receipt of retirement pay defeats the exemption; (2) members of state militia or of fire companies, if the town wherein they reside so votes; (3) persons actually poor; (4) persons receiving old age assistance; (5) persons serving in the armed forces during their period of service (Stat. Ann. (1959), Tit. 32, § 3801).

Collection.—Poll taxes and old age assistance taxes are collected locally in the same manner as other state and local property taxes. Receipts from the poll tax are retained by the town treasurers; but 90 percent of the proceeds of the old age assistance tax is remitted to the state. Towns and their municipalities, by vote, may fix dates of payments, and may allow a discount, up to 4 percent, on payments made in advance. Similarly, by vote, a town may collect interest at the rate of $\frac{1}{2}$ percent per month on poll taxes that are delinquent as of December 1. Remedies to enforce collection include the following: (1) distraint and sale of personal property, (2) arrest and commitment to jail, until the costs and taxes are paid, of a delinquent taxpayer who has no personalty available for seizure and sale, (3) suit in court for delinquent taxes, with attachment of assets in the hands of the delinquent taxpayer's debtors or of salary exceeding \$10.00 in the hands of his employer. If wages in excess of \$10.00 are attached, only \$2.00 per week shall be withheld therefrom to be applied toward payment of the delinquent taxes (Stat. Ann. (1959), Tit. 32, §§ 4004, 4082, 4111, 4152-4153, 4646, 4731, 4734, 4771-4774, 4791-4793, 5011, 5023, 5071-5073, 5091-5093, 5136-5141, 5161-5164, 5191-5194, 5221-5227).

Payment a prerequisite.—(1) The commissioner of motor vehicles, on written notice from the collector of taxes of any municipality, including school districts, shall suspend, for the unexpired term of the license, the operator's license of any person who fails to pay all taxes for previous years, excepting property taxes, for which he is liable.

(2) Payment of poll and old age assistance taxes, unless a person is otherwise exempt, is a prerequisite to voting in town elections. Payments must be made prior to January 1 preceding the town meeting. A person who is qualified to vote in a town meeting shall be qualified to vote in all other municipal meetings.

The collector of town, town school district, or incorporated village taxes, annually on January 15, shall make a list of taxpayers whose poll taxes are unpaid and deliver same to the clerk to be used by the board of civil authority at an annual or special meeting to determine who are not legal voters in such meetings (Stat. Ann. (1959), Tit. 17, § 207; Tit. 23, § 604; Tit. 24, § 701; Tit. 32, § 5161).

Relation of payment of poll tax to voting.—See subsection 2 of the preceding section.

QUALIFICATIONS FOR VOTING (SUMMARIES OF STATE LAWS GOVERNING VOTER QUALIFICATIONS, REGISTRATION, AND PENALTIES FOR VIOLATIONS), CONSTITUTIONAL AND STATUTORY PROVISIONS OF THE STATES

(By Mollie Z. Margolin, legislative attorney, American Law Division, Library of Congress)

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TABLE I.—*Residence requirements*

State	Years in State	Time in county	Time in precinct or ward
Alabama	2	1 year	3 months.
Alaska	1		30 days.
Arizona	1	30 days	30 days.
Arkansas	12 months	6 months	1 month.
California	1	90 days	54 days.
Colorado	1	90 days (30 days in city or town).	15 days.
Connecticut	1	6 months	
Delaware	1	3 months	30 days.
Florida	1	6 months	
Georgia	1	6 months	
Hawaii	1 by election	3 months	
Idaho	6 months	30 days	
Illinois	1	90 days	30 days.
Indiana	6 months	60 days in township	30 days.
Iowa	6 months	60 days	
Kansas	6 months		30 days.
Kentucky	1	6 months	60 days.
Louisiana	1	6 months in parish	3 months.
Maine	6 months	3 months in city, town, etc.	
Maryland	1	6 months	6 months.
Massachusetts	1	6 months in city or town	
Michigan	6 months	30 days in city or township	
Minnesota	6 months		30 days.
Mississippi	2	1 year in city or town	1 year.
Missouri	1	60 days	
Montana	1	30 days	
Nebraska	6 months	40 days	10 days.
Nevada	6 months	30 days	10 days.
New Hampshire	6 months	6 months in town	
New Jersey	6 months	60 days	15 days (in city of 4th class).
New Mexico	12 months	90 days	30 days.
New York	1	4 months	30 days.
North Carolina	1		30 days.
North Dakota	1	90 days	30 days.
Ohio	1	40 days	40 days.
Oklahoma	1	6 months	30 days.
Oregon	6 months		
Pennsylvania	1		60 days.
Rhode Island	1	6 months in town or city	
South Carolina	2	1 year	4 months.
South Dakota	1	90 days	30 days.
Tennessee	12 months	3 months	
Texas	1	6 months	
Utah	1	4 months	60 days.
Vermont	1	3 months in town (to vote for representatives to General Assembly or justices).	
Virginia	1	6 months	
Washington	1	90 days	30 days.
West Virginia	1	60 days	
Wisconsin	1		10 days.
Wyoming	1	60 days	10 days.

TABLE II.—Other requirements

State	U.S. citizenship required	Age	Literacy required	Poll tax prerequisite for voting	Loyalty oath
Alabama	X	21	X	X	X
Alaska	X	19	X		
Arizona	X	21	X		
Arkansas	X	21		X	
California	X—At least 21 90 days before election.		X		
Colorado	X	21			
Connecticut	X	21	X		X
Delaware	X	21	X		
Florida	X	21			X
Georgia	X	18	X		
Hawaii	X	20	X		
Idaho	X	21			X
Illinois	X	21			
Indiana	X	21			
Iowa	X	21			
Kansas	X	21			
Kentucky	X	18			
Louisiana	X	21	X		
Maine	X	21	X		
Maryland	X	21	X		
Massachusetts	X	21	X		
Michigan	X	21			
Minnesota	X—At least 3 months before election.	21			
Mississippi	X	21	X	X	X
Missouri	X	21			
Montana	X—By election	21			
Nebraska	X	21	Sign name ¹		
Nevada	X	21			
New Hampshire	X	21	X		
New Jersey	X	21			
New Mexico	X	21			
New York	X—At least 90 days before election.	21	X		
North Carolina	X	21			X
North Dakota	X	21			
Ohio	X	21			
Oklahoma	X	21			
Oregon	X	21	X		
Pennsylvania	X—At least 1 month	21			
Rhode Island	X	21			
South Carolina	X	21	X		
South Dakota	X—Must have resided in United States 5 years.	21			
Tennessee	X	21			
Texas	X	21		X	
Utah	X—For 90 days	21			
Vermont	X	21			X
Virginia	X	21	X	X	
Washington	X	21	X		
West Virginia	X	21			
Wisconsin	X	21			
Wyoming	X	21	X		

¹ See body of report for details.

TABLE III.—Persons disqualified from voting

State	Idiots, insane, under guardianship	Commission of felony or infamous crime	Paupers	Others
Alabama	X	X		Vagrants and others.
Alaska	X	X ¹		
Arizona	X	X ¹		
Arkansas	X	X		
California	X	X		Aliens ineligible to citizenship.
Colorado	X	X		While in prison.
Connecticut	X	X ¹		
Delaware	X	X	X	Convicted of election offenses; disfranchised 10 years.
Florida	X	X ¹		Interested in election wager.
Georgia	X	X ¹		
Hawaii	X	X		
Idaho	X	X ¹		Chinese or Mongolian descendants not born in United States.
Illinois	X	X ¹		
Indiana	X	X ¹		While imprisoned.
Iowa	X	X		
Kansas	X	X ¹		Dishonorably discharged soldier, bribery.
Kentucky	X	X ¹		In prison for penal offense.
Louisiana	X	X ¹		Inmates of prison or charitable institution, deserters, and those dishonorably discharged from armed services unless reinstated.
Maine	X		X	
Maryland	X	X ¹		
Massachusetts	X		X	Corrupt election practices—disfranchise for 3 years.
Michigan				
Minnesota	X	X ¹		See body of report under "Qualifications for Voting" regarding Indians.
Mississippi	X	X		Indians not taxed.
Missouri	X	X ¹ (connected with election).		While in prison or poorhouse.
Montana	X	X ¹		
Nebraska	X	X ¹		
Nevada	X	X ¹		Duel.
New Hampshire	X	X ¹	X ¹	Violation of election law. ¹
New Jersey	X	X		Do. ¹
New Mexico	X	X ¹		
New York	X	X ¹		Election offenses—shall not vote at such election.
North Carolina	X	X ¹		
North Dakota	X	X ¹		
Ohio	X	X ¹		Second offense under election laws.
Oklahoma	X	X ¹		While in poorhouse or prison
Oregon	X	X ¹		
Pennsylvania				Election offense—disfranchised 4 years. Bribery at election— . . . for such election.
Rhode Island	X	X ¹	X	Residing on lands ceded by Rhode Island to United States.
South Carolina	X	X ¹	X	While in prison.
South Dakota	X	X ¹		
Tennessee		X ¹		
Texas	X	X ¹	X	
Utah	X	X ¹ (Treason or election offense).		
Vermont				Bribery for vote—disfranchised for such election.
Virginia	X	X	X	Duel.
Washington	X	X ¹		Indians not taxed; subversive activities.
West Virginia	X	X (While under conviction).	X	Bribery in election (while under conviction).
Wisconsin	X	X ¹		Bribery ¹ ; duel; election wager—disfranchised for such election.
Wyoming	X	X ¹		

¹ Unless civil rights have been restored.

ALABAMA

Unless otherwise designated, references are to Code of Alabama, Recomp. 1959, and to the 1959 Supplement thereto—Title 17.

Voters' qualifications (Constitution of Alabama 1901, Amendment XCI to Section 181)

Age.—21 years.

Citizenship.—Must be citizen of the United States.

Residence.—2 years in State, 1 year in county, 3 months in precinct or ward immediately preceding election (Const. of 1901, Amendment XCVI to Section 178).

Literacy.—Must be able to read and write in English any article of the Constitution of the United States which may be submitted to him by board of registrars (also Code § 32).¹ Those persons who were registered as voters before 1903 are still qualified and need not register again (Const. of Alabama, Amendment XCI to Section 181).

Character.—Must be of good character and embrace the duties and obligations of citizenship under the Constitution of the United States and Alabama (also Code § 32).

Poll tax.—Must have paid by February 1, next preceding election, all poll taxes due from him for last 2 years (Const. of 1901, Amendment XCVI to Section 178).

Exemption.—Blind and deaf persons and persons who honorably served in the military service of the United States during hostilities, are exempt from the poll tax payment as a prerequisite to voting (Const. of 1901, Amendments XC (90) and CIX (109)).

Disqualified from voting (Const. of 1901, § 182)

1. Idiots and insane persons.
2. Those who by reason of conviction of crime were disqualified at the time of ratification of Constitution of 1901.
3. Those who shall be convicted of treason, murder, arson, embezzlement, malfeasance in office, larceny, receiving stolen property, obtaining property or money under false pretenses, perjury, subornation of perjury, robbery, assault with intent to rob, burglary, forgery, bribery, assault and battery on wife, bigamy, living in adultery, sodomy, incest, rape, miscegenation, crime against nature, or any crime punishable by imprisonment in the penitentiary, or of any infamous crime or crime involving moral turpitude.
4. Any person who shall be convicted as a vagrant or tramp, or of selling or offering to sell or buy his vote or the vote of another, or of making or offering to make a false return in a general or primary election to procure the election or nomination of any person to office, or of suborning any witness or registrar to secure the registration of any person as an elector.

Registration

Registration is permanent (Code § 36) and must be made in person only (Supp. § 31; Code § 27(1)).

Registration application.—Applicant shall fill out a questionnaire in his own writing, duly signed and sworn to, in the presence of the board of registrars, without assistance unless physically handicapped. Application is not a public record. If denied, must be preserved by board for 30 days, after which, if no appeal has been taken, they shall be kept with the records of the board or disposed of in such manner as the board may direct (Supp. § 31).

Contents.—The form and contents of the questionnaire shall be prescribed by the Supreme Court of Alabama and filed with the secretary of state and shall be so worded that the answers will give the board of registrars the information necessary to pass upon the qualifications of the applicant (Const. 1901, Amendment XCI; Code Supp. § 31).

Loyalty oath.—Questionnaire shall contain an oath to support and defend the Constitutions of the United States and of Alabama, and a statement dis-

¹ Prior provision, Amendment No. 55, was declared to be unconstitutional—*Davis v. Schnell*, 336 U.S. 933 (1949). Present provision, Amendment No. 91, was adopted in 1951.

avowing belief in or affiliation at any time with any group which advocates the overthrow of the Federal or State Government by unlawful means (Const. 1901, Amendment XCI; Code Supp. § 31).

Other data.—Applicant may be required to state under oath his name, addresses, and employers for the past 5 years (Code, 1940, § 43).

Penalty for violations

Perjury.—Any person, in registering, who willfully makes a false statement as to his name, address, or employment for the last 5 years, or who falsely takes the registration oath, shall be guilty of perjury and shall be imprisoned in the penitentiary for not less than 1 year nor more than 5 years (Code, Title 17, §§ 309, 323, 334; Title 14, § 378).

Illegal voting.—A vote cast at a place other than the voting place at which the voter is entitled to vote shall be illegal (§ 90(3)). Any person who votes more than once at any election, or deposits more than 1 ballot for the same office, or knowingly attempts to vote when he is not entitled to do so, or is guilty of any kind of illegal or fraudulent voting, shall be imprisoned in the penitentiary for not less than 2 nor more than 5 years, at the discretion of the jury (§ 302).

Voting without registration and oath.—Any person voting at any county or State election who has not registered and subscribed to the registration oath shall be fined from \$100 to \$1,000 or imprisoned in the county jail, or sentenced to hard labor for the county for from 1 to 6 months (§ 303).

Unlawful registration.—Any person who registers for another, or who knowingly registers or procures the registration of any person not possessing the qualifications of a voter, or who registers more than once shall be guilty of a felony punishable by imprisonment in the penitentiary for from 1 to 5 years (§ 308).

ALASKA

Unless otherwise designated, references are to Alaska Election Code, being chapter 83 of the Laws of 1960.

Voters' qualifications (Const. Art. V, § 1)

Age.—At least 19 years.

Citizenship.—Must be citizen of the United States.

Residence.—1 year in Alaska, 30 days in election district, immediately preceding election.

Literacy.—He shall be able to read or speak the English language, unless he is prevented from complying with this requirement because of physical disability only, or unless he has legally voted at the general election of November 4, 1924 (Election Code § 1.01).

Disqualified from voting (Const. Art. V, § 2) (Election Code § 1.03)

1. Persons convicted of felony involving moral turpitude unless their civil rights have been restored.

2. Persons judicially determined to be of unsound mind unless the disability has been removed.

Registration

Although the Constitution of Alaska authorizes the legislature to provide a system of permanent registration of voters (Art. V, § 4) Alaska does not yet have such a system.

At present the clerks of the District Court provide each polling place with an "original" and "duplicate" register. Each voter, before voting, is required to sign the "original" register, signing his name, together with his resident and marking address, if he is able to do so; otherwise his name shall be signed by the judge of election. The signing of the register by the voter himself, or for him, at his request, in his presence by the judge of election, shall constitute a declaration by such voter that he is legally qualified as an elector in the precinct in which he offers to vote (Election Code §§ 3.18, 3.24).

In the "duplicate" register, the clerks shall write the names of the persons who vote, the names of the persons who offer to vote but are refused, and a brief statement of the basis of the refusal (Election Code § 3.19).

Penalty for violations

Voting in false name.—Any person who votes or attempts to vote in the name of another person or in any name other than his own, shall be guilty of a felony (§ 11.11).

Voting more than once.—Any person who willfully votes or attempts to vote more than once at the same election shall be guilty of a felony (§ 11.15).

False swearing.—Any person who willfully makes a false affidavit or swears or affirms falsely under any other required by the election code, shall be guilty of a felony (§ 11.18).

Improper possession of ballot.—Possession of an official ballot outside of the voting room by other than an authorized person, is deemed a misdemeanor (§ 11.06).

Counterfeiting of ballot.—Making or knowingly possessing any counterfeit of an official ballot, is deemed a misdemeanor (§ 11.07).

ARIZONA

Unless otherwise designated, references are to Arizona Rev. Stats. Ann., 1956, and to 1960 Supplement thereto.

Voter's qualification (§ 16-101) (Const. Art. 7, § 2)

Age.—21 years by next general election.

Citizenship.—Must be a citizen of the United States.

Residence.—1 year in State, 30 days in county and precinct next preceding election.

Literacy.—Unless physically disabled, must be able to read the Constitution of the United States in English and to write his name, unless prevented from so doing by physical disability.

Disqualifd from voting (§ 16-101-c) (Const. Art. 7, § 2)

1. Idiots, insane persons, or persons under guardianship.
2. Persons convicted of treason or a felony, unless restored to civil rights.

Registration

A new registration was begun in 1954 invalidating all prior registrations (§§ 16-102, 16-105 to 16-107, 16-113). Registration is permanent but is subject to cancellation if the elector has voted at neither the primary nor general election in any even-numbered year (§§ 16-151, 16-152). Applicant must register in person before county recorder, registrar or justice of the peace, but an elector temporarily absent from the State may register by mail (§§ 16-105, 16-108).

Registration application—contents (§ 16-143)

Affidavit.—Registration form shall be an affidavit signed before the county recorder, registrar, justice of the peace, or if registration is by mail, before any officer authorized to administer oaths (§§ 16-105, 16-108), in which applicant swears or affirms that he is a citizen of the United States and possesses the required residence in Arizona, and that all his statements are true. Included in affidavit are:

1. Name.
2. Party affiliation.
3. Place of birth.
4. Father's name.
5. Occupation.
6. Address.
7. Manner in which U.S. citizenship was attained if not native born.
8. A statement that applicant is not registered in any other county in the State.
9. Statement as to whether he can read the U.S. Constitution in English and sign his name.
10. Statement that he cannot mark his ballot because of physical disability, if disabled.
11. Height and weight.
12. Statement that he has resided in State 1 year and in county or precinct 30 days next preceding election.
13. Statement that he will be 21 years old or over by next general election (§ 16-143).

Public record.—affidavit shall constitute official public record of the registration of the elector (§ 16-145). Cancelled affidavits shall be preserved, but may be microfilmed and originals destroyed (Supp. §§ 16-148, 16-151).

Penalty for violations.—An election officer who willfully disregards any provision of this chapter, or any person who shall willfully register more than once, or register under any but his true name, or attempt to vote by personating another who is registered, or knowingly register in any precinct where he is not a resident shall be punished by imprisonment in the State prison for not

less than 1 year nor more than 3 years, or by fine of not less than \$100 nor more than \$2,000, or both (§ 16-159).

ARKANSAS

Unless otherwise designated, references are to Arkansas Stats. Ann. 1947, 1956 Replacement, and to 1959 Supplement thereto.

Voters' qualifications (Amendment No. 8 to Art. 3, § 1, of Constitution of Arkansas; Stats. Ann. 1947, § 3-101)

Age.—21 years.

Citizenship.—Must be U.S. citizen.

Residence.—12 months in State, 6 months in county, and 1 month in precinct, town, or ward next preceding the election.

Poll tax.—Shall exhibit a poll tax receipt or other evidence that he has paid his poll tax at time of collecting taxes next preceding election. A person who becomes 21 after such date of collection of taxes may vote (§§ 3.104.2, 3-107, 3-108, 3-124; Supp. § 3-123). Members of Armed Forces are exempt from poll tax (Const. of Ark., Amendment No. 36).

Literacy—apparently not required.—"Whenever any person shall present himself to vote, and there shall be no specific evidence prescribed by law as necessary to establish his qualifications, the judges of election may interrogate him under oath touching his qualifications as an elector, or they may satisfy themselves in relation thereto by any legal testimony" (Stats. Ann. 1947, § 3-101).

Disqualified from voting (Stats. Ann. 1947, § 3-101)

1. Idiots and insane persons.
2. Persons convicted of an offense which is a felony at common law or by statute, unless pardoned by Governor.

Registration

Amendment No. 39 to Section 2 of Article 3, the Constitution of Arkansas, accepted November 2, 1948 (Acts 1949, p. 1412) empowers the General Assembly to enact laws providing for registration of voters prior to any general, special, or primary election, and to require that the right to vote at any such election shall depend upon such previous registration. To date no such law has as yet been enacted. Registration is therefore not required.

Poll tax list is used as a registration list, and a copy is furnished to each judge of elections (§ 3-118).

Penalty for violations

It shall be unlawful for any person to cast a ballot in any election unless such person shall have previously paid a poll tax (§ 3-104.2).

Any person who shall willfully cause or attempt to cause his own name to be registered in any election precinct other than that in which he is or will be a qualified voter before the next ensuing election, or who purchases or causes to be purchased a poll tax receipt to which he is not entitled for the purpose of voting in any election shall be guilty of a misdemeanor (§ 3-1529), and shall be punished by imprisonment in the county jail or farm for not more than 1 year, or by a fine of not more than \$1,000, or by both, and shall be barred from holding public office for not less than 3 nor more than 5 years (§ 3-1530).

Illegal voting.—Any person knowing himself not to be entitled to vote, who votes and any person who votes more than once at any election, or knowingly casts more than 1 ballot, or who attempts to do so, shall be guilty of a misdemeanor (§ 3-1525), punishable by imprisonment in the county jail or farm for not more than 1 year, or by a fine of not over \$1,000, or by both, and shall be barred from holding public office for from 3 to 5 years from date of conviction (§ 3-1530).

If anyone, at any general or primary election, who is not entitled to a free vote shall vote or attempt to vote without having paid a poll tax; or if any person shall vote or attempt to vote other than his legal ballot, or shall vote more than 1 vote as allowed him by law, he shall be guilty of a felony, punishable by confinement in the state penitentiary for from 6 months to 1 year (§§ 3-1531 to 3-1535). Any provisions in conflict with this provision are repealed (§3-1535, note).

CALIFORNIA

Unless otherwise designated, references are to West's Election Code, 1955, and to the 1960 Supplement thereto.

Voters' qualifications (Const. of California, Art. 2, § 1; Code § 70)

Age.—21 years by election (see Supp. § 230).

Citizenship.—Must be U.S. citizen by birth or by naturalization at least 90 days prior to election.

Residence.—1 year in State, 90 days in county, and 54 days in precinct next preceding election.

New residents.—A person who has been a resident of the State for at least 54 days but less than 1 year prior to a Presidential election who would be qualified to vote in State from which he moved and would be qualified in California but for his period of residence, may vote for Presidential electors only (Supp. §§ 80-91; Const. Art. 2, § 1½).

Literacy.—Must be able to read the Constitution in English and to write his name unless physically disabled or unless he was an elector or over 60 years old on October 10, 1911.

Disqualified from voting (Const. of Calif., Art. 2, § 1)

1. Aliens ineligible to citizenship.
2. Idiots and insane persons.
3. Persons convicted of an infamous crime.
4. Persons convicted of the embezzlement or misappropriation of public money.

Registration

Registration is permanent, subject to cancellation if elector voted at neither the preceding primary nor general election (§ 292; Supp. §§ 293-296). Applicant must appear in person before the county clerk (§ 123); however, an elector who is absent from the county of his residence, including members of the Armed Forces, may register by mail by affidavit sworn to before any officer authorized to administer oaths (Supp. §§ 132, 132.6).

Registration application—contents (Supp. §§ 220, 230)

Affidavit.—Registration form shall be an affidavit signed before county clerk in which applicant swears that he will be at least 21 by election, a citizen of the United States 90 days prior to election, and a resident for the required period, also:

1. That he is not now a registered voter in this State.
2. Name.
3. Address.
4. Occupation.
5. Height.
6. Place of birth.
7. Method of acquiring citizenship if not native born.
8. That he can read the Constitution in English and can write his name, or was an elector or over 60 years of age on October 10, 1911, or that he is physically disabled and cannot mark the ballot.
9. *Party affiliation*.—Applicant may decline to state this but will then be ineligible to vote in primary (§ 221).
10. That he is not disqualified by reason of a felony conviction.

Preservation of affidavits of registration

Uncanceled.—The county clerk shall preserve all uncanceled affidavits of registration made before him for the purpose of procuring registration. These affidavits shall constitute the register which is required to be kept (§ 330).

Canceled.—The county clerk shall preserve all canceled original affidavits of registration for a period of 10 years, after which he may destroy them.

In lieu of this, the clerk may, by filming or other suitable method, record the canceled affidavit and destroy the affidavit following the second general election after the date of cancellation (Supp. § 330.5).

Penalty for violations

Fraudulent registration.—Every person who willfully allows himself or any other person to be registered as a voter, knowing himself or other person not to be entitled to registration, is punishable by imprisonment in the State prison for not less than 1 year nor more than 3 years (§ 139).

Illegal voting.—Fraudulently voting when not entitled to, voting more than once, impersonating a voter, or aiding another to commit any of these offenses is punishable by imprisonment in the State prison for from 1 to 2 years (§§ 11700, 11701).

Every person who, when required by the election board, refuses to be sworn or to answer questions touching on the right of another to vote is guilty of a misdemeanor (§ 11702).

COLORADO

Unless otherwise designated, references are to Revised Stats. Ann. (Callaghan), 1953, and to 1957 Supp.

Voters' qualifications (§ 49-3-1)

Age.—Over 21 years old by election (§ 49-6-13).

Citizenship.—Must be citizen of the United States.

Residence.—1 year in State, 90 days in county, 30 days in city or town, 15 days in ward or precinct immediately preceding election.

Disqualified from voting (§ 49-3-3; Const. Art. VII, § 10)

1. Persons under guardianship, non compos mentis, or insane.
2. Persons confined in public prisons, while so confined; but shall be invested with rights of citizenship (except as provided in the Constitution) upon pardon or by having served out his sentence. Residence is not lost by imprisonment (§ 49-3-4).

Registration

Registration is permanent, subject to cancellation for failure to vote at the preceding general election (§ 49-6-13). Applicant must appear in person before the county clerk (§ 49-6-14). However, any elector and any elector in the service of the United States, or the spouse or dependent of a person in the United States service, may register by mailing an affidavit to the county clerk or election commission (§ 49-6-15 as amended by Laws of 1958, Ch. 40). An elector who is already registered and is known to the county clerk, may register any member of his family, including servants, who resides at the same address (§§ 49-6-13, 49-6-14).

Registration application—contents

Oath.—The elector shall take an oath before registration committee that he is a citizen of the United States, and that by election he shall be over 21 years old and shall have the required residence (§ 49-6-13).

He shall answer the following questions put to him by a member of the registration committee and shall then *sign his name* or make a mark (§§ 49-6-13, 49-6-16). His answers shall be entered directly into the registration book by said member of the registration committee (§ 49-6-13).

1. His name.
2. Whether married or single.
3. Place of residence.
4. Whether owner, tenant, or lodger.
5. Citizenship, how acquired.
6. Description of his person—height, sex, age, complexion, color of eyes, further identifying features.
7. Profession, employment.
8. Post office address.

9. *Literacy.*—The applicant shall comply with any educational qualifications required by law. [The general assembly may prescribe by law an educational qualification for electors but no qualified elector shall thereby be disqualified (Constitution of Colorado, Art. VII, § 3). No such law exists at present.]

Preservation of records.—The oaths or affirmations provided for by these registration laws shall be preserved by the county clerk with the books and papers of each precinct, respectively, until a new registration committee is appointed. The old registration books, records, affidavits or other papers shall not be destroyed until after the next general election (§ 49-6-28).

Penalty for violations

1. Idiots or mentally ill person (§ 9-12).

Perjury.—Any person who shall falsely and corruptly make any oath provided for by laws relating to registration of electors shall be deemed guilty of perjury and punished accordingly (§ 49-6-35).

Fraudulent registration.—Any person who shall violate any provisions relating to registration of electors, whether by act of commission or omission, or shall knowingly permit or encourage another to do so shall be deemed guilty of a misdemeanor and shall be punished by a fine of from \$25 to \$1,000, or by imprisonment in the county jail for from 1 month to 1 year, or by both (§ 49-6-33).

Procuring false registry.—Any person who shall procure his own name or the name of another to be registered in any ward or precinct in which he is not entitled to vote, or shall register under a fictitious name shall be guilty of a misdemeanor punishable by fine of from \$200 to \$500, or by imprisonment for from 10 to 40 days for each offense, or by both (§ 49-21-20).

Impersonating voter.—Any person who shall falsely impersonate any voter and vote under the name of such voter shall be punished by confinement and hard labor in the State penitentiary for not more than 3 years (§ 49-21-23).

False swearing.—If any voter when challenged as unqualified shall be guilty of willful and corrupt false swearing or affirmation by any oath or affirmation required, he shall be guilty of willful and corrupt perjury (§ 49-21-24).

CONNECTICUT

Unless otherwise designated, references are to General Statutes, Revision of 1960.

Voters' qualifications (§ 9-12) (Const. Art. 6, § 1)

Age.—21 years.

Citizenship.—Must be citizen of the United States.

Residence.—1 year in State, 6 months in town, next preceding registration. Residence is not lost in town by absence therefrom while in a State institution (§ 9-14). Election residence of pauper shall be in town to which he is chargeable, i.e., town which supports him (§ 9-15).

Literacy.—Must be able to read in English any article of the Constitution or any section of the statutes of the State.

Character.—Must sustain good moral character.

Disqualified from voting

2. Persons convicted of bribery, forgery, perjury or other offense for which an infamous punishment is inflicted, except a person convicted of the crime of nonsupport (§ 9-46). Voting rights may be restored by Commission on Forfeited Rights but not earlier than 6 months after discharge from jail, prison, reformatory, or parole or probation (§§ 9-47 to 9-50).

Registration

Registration is permanent (§§ 9-23, 9-35, 9-41). Applicant must appear in person (§ 9-20). However, any person who because of service in the Armed Forces expects to be unable to appear in person may register by mail by using a prescribed form of affidavit (§§ 9-24 to 9-31). Permanently physically disabled person may be registered by "board for admission of electors" meeting in special session at such person's place of confinement (§ 9-31a).

Registration application—contents (§ 9-20)

Applicant shall, on form approved by Secretary of State signed by the applicant, state under oath.

1. Name.
2. Address.
3. Birthplace.
4. Date of birth.
5. Occupation.
6. Period of residence.
7. Whether his privileges as an elector are forfeited by reason of convictions of crime.
8. Whether he has previously been admitted as an elector in any town in the State.
9. *Marital status.*—In case of married woman, date of marriage, birthplace and citizenship of husband.
10. *Literacy.*—He shall read at least 3 lines of constitution or statutes of State, selected by registrar.
11. Proof of citizenship if naturalized.

12. He may be required to prove his identity, place of birth, age, and residence.

Oath.—Each person found qualified shall then take the oath swearing that his statements are true (§§ 9-20, 9-26).

Loyalty oath.—Applicant also swears that he will be true and faithful to the State of Connecticut and its constitution and government, and to the Constitution of the United States; and that whenever he shall be called to give his vote on any matter concerning the State or the United States, he will give it as he shall judge will conduce to the best good of same without respect of persons or favor of any man (§§ 9-20, 9-26, 9-27).

Public record.—The statement signed by the applicant for admission as an elector shall be kept by the registrars as a public record (§ 9-20).

Penalty for violations

Fraudulent registration.—Any person who fraudulently procures himself or another to be registered as an elector shall be fined not more than \$500 or imprisoned for not more than 1 year, or both (§ 9-357).

False swearing.—Any person who upon oath or affirmation wilfully testifies or affirms before any registrar falsely to any material fact concerning the identity, age, residence, or other qualifications of any person whose right to be registered is before such registrar to be passed upon shall be imprisoned for not more than 2 years and shall be disfranchised (§ 9-358).

Fraudulent voting.—Any person not legally qualified who fraudulently votes in any election and any legally qualified person who fraudulently votes more than once at any election shall be fined from \$300 to \$500 and shall be imprisoned from 1 to 2 years and shall be disfranchised (§ 9-360). Fraudulent enrollment or voting in *primary* shall be fined not more than \$100 or imprisoned for not more than 60 days or both (§ 9-361).

Impersonation.—Any person who votes or attempts to vote at any election by assuming the name of another who is registered shall be fined \$500 and imprisoned for 1 year and shall be disfranchised (§ 9-360).

DELAWARE

Unless otherwise designed, references are to Code Ann, 1953, and to 1960 Supplement—Title 15.

Voters' qualifications (Supp. § 1701; Const. Art. 5 § 2)

Age.—21 years by next general election.

Citizenship.—Must be citizen of State and of the United States.

Residence.—1 year in State, 3 months in county, 30 days in election district next preceding the election.

Literacy.—Must be able to read State constitution in English and to write his name if not physically disabled. This provision shall not apply to persons who were 21 years old or over and were United States citizens on January 1, 1900.

Disqualified from voting (Supp. § 1701; Const. Art. 5 § 2)

1. Idiots or mentally ill persons (See Supp. Title 1 § 302 and annotations thereto).

2. Paupers.

3. Persons convicted of a felony.

4. For 10 years after conviction, persons convicted of election offenses under Art. 5 § 7 of Constitution of Delaware.

Registration

A permanent registration system was instituted in 1956 (Supp. §§ 1102, 1103). Registration is permanent, subject to cancellation for failure to vote in preceding 2 general elections (Supp. § 1704). Applicant must apply in person only (Supp. §§ 1105, 1901). However, persons absent in the armed services may register by an absentee registration affidavit (Supp. § 1906).

Registration application.—Registration consists of entries made by the registrar of information elicited from applicant, and then signed by applicant, which shall include the necessary information to complete an application for registration (Supp. § 1302). If satisfied that applicant has met the required qualifications, 2 registration officers, 1 from each political party, shall sign their names to application (Supp. § 1722).

Oath.—Persons who apply for registration may be examined under oath (Supp. § 1745). If an applicant is challenged for bribery, he shall take an

oath that he has not attempted to bribe in order to obtain registration (Code § 1725; Supp. § 1725).

Contents.—The space for applicant's signature shall be followed by space for the signature of two registration officers, each of a different party affiliation. In addition, space is provided for recording the following data:

1. The registration serial number, and the permanent registration "significant" number.
2. Name.
3. Date of application.
4. Residence.
5. Election district, representative district, ward, and county of residence.
6. Whether applicant's name appears on the List of Disqualified Voters.
7. Length of residence in State, county, and election district by election day.
8. Whether applicant has previously voted at general election in this State.
9. Place of birth; if naturalized, date and court.
10. Identification; birth date, sex, height, color of hair, color of eyes.
11. Information concerning cancellation of registration.
12. Voting record for period of 20 years.
13. Party affiliation: If applicant declines, word "declines" is entered.
14. Data concerning challenges and disposition thereof.
15. Whether applicant is disqualified to register and why.
16. Data concerning registration appeals.
17. Transfers from one election district to another, and changes of address.
18. Remarks (Supp. § 1302).

Registration record.—After the application has been completed and signed, applicant shall sign an original and a duplicate permanent registration record in blank which shall be initialed by the same registration officers who signed the application for registration. The registration officer shall then attach the application to the original and duplicate blank permanent registration forms. These are forwarded to the Department of Elections of each county (Supp. § 1722).

If the Department is satisfied that the applicant is qualified to be registered, the information contained in the application is typed upon the original and duplicate permanent registration record, and a permanent significant registration number is then marked thereon. A Department official then signs the application to indicate it has been approved and forward the approved application to the State Commissioner of Elections. The original permanent registration record is filed in the Election District Record, and the duplicate in the County Master Record.

If the Department does not approve the registration application, it shall enter the reason in the appropriate spaces on the original and duplicate permanent registration records and notify the applicant by registered mail, immediately, of its action (Supp. § 1729).

At the end of the registration day, the Registrar of each election district sends to the Election Department of the County, all the sets of registration records supplied to him (these have already been numbered in advance), and an inventory of registration serial numbers. He shall record on the inventory the number of every set of registration records supplied to him, and indicate as to each number whether the set was used to register an applicant (in which case applicant's name is given) or whether the set was voided for any reason, or whether the set was not used (Supp. §§ 1721, 1722 (sixth)). The Department shall file and retain the inventory for not less than 1 year (Supp. § 1729(a)).

All registration records shall be open to public inspection without fee or reward. Anyone desiring to do so, may be permitted to make copies thereof (Supp. § 1304).

There appears to be no provision for retention or disposition of registration applications which have not been approved by the Department of Elections (see Supp. § 1729).

Penalty for violations

Fraudulent registration.—Whoever causes or attempts to cause himself to be registered in the name of any other person or under a fictitious name or in any district in which he knows he has not the right to be registered or whoever knowing himself to be disqualified attempts to register shall be fined not less than \$50 or more than \$200, or imprisoned not less than 30 days or more than 2 years or both (Supp. § 2302).

Fraudulent entries.—Any registrar who fraudulently enters or permits to be entered as a registered voter, the name of any person not entitled to be entered

or who fraudulently refuses or omits to enter the name of any person entitled to registration shall be fined in such amount or imprisoned for such term as the court in its discretion may determine (Supp. § 2303).

Fraudulent voting.—Whoever, at any general or special election, falsely impersonates a voter and votes or attempts to vote under the name of such voter, or votes or attempts to vote under the name of another person or under a fictitious name, or knowingly votes more than once for any candidate at any election for the same office, or votes or attempts to vote in any election district in which he has no right to vote or to vote more than once or to vote in more than 1 election district, or offers more than 1 ballot or does any other unlawful act to secure for himself or another an opportunity to vote shall be fined not less than \$50 or more than \$200 or imprisoned not less than 30 days or more than 2 years or both (Code § 5130; Supp. § 5130).

FLORIDA

Unless otherwise designated, references are to Stats. Ann., 1960.

Voters' qualifications (§ 97.041) (Const. Art. 6, § 1)

Age.—21 years old at time of registration.

Citizenship.—Must be citizen of United States.

Residence.—1 year in State, 6 months in county.

Disqualified for voting (§ 97.041) (Const. Art. 6, §§ 4, 5)

1. Persons under guardianship or confined in any State prison.
2. Persons insane or idiotic.
3. Persons convicted of any felony by any court of record and whose civil rights have not been restored.
4. Persons convicted of bribery, perjury, larceny, or any infamous crime in this or other State, or interested in any wager depending on the result of any election.
5. Persons not registered, or not registered in precinct of permanent residence.

Registration

A permanent single registration system is established for the several counties and municipalities which do not already have such system, to be established on or before January 1, 1966, in each county and in any municipality of a county (having not less than 1,500 people) as it officially adopts this system (§§ 98.041, 98.131, 98.141, and 98.091). An elector thus registered shall not be required to register again except as provided by law or as provided for registration of freeholders (§ 98.041). Until this provision becomes effective in a county or municipality, the existing laws relating to registration remain in effect (§ 98.151), and according to the present law certain cities require biennial registration. A registered voter who failed to vote in any election in the county within the past 2 years, must advise supervisor whether or not his status had changed. Failure to do so will result in temporary cancellation of his registration (§ 98.081).

Original registration must be made in person only (§§ 97.041, 97.062). Although members of Armed Forces need not reregister or may reregister by mail, original registration must be in person (§§ 97.121, 97.131).

Registration application.—Applicant appears before supervisor of registration and answers questions under oath, after which he signs the registration books (§§ 97.051, 97.061, 98.171).

Record of registration.—The registration books are public records. Every citizen is allowed to inspect them but may not make copies. Certain information may be furnished by supervisor for customary fees (§ 98.211).

No provision appears to be made for record of applicants who have been denied registration and for records of their statements of alleged qualifications.

Contents of registration application.—The following questions are asked (§§ 97.051, 97.071, 97.081, 98.111):

1. Registration number.
2. Date of registration.
3. Full name.
4. Sex.
5. Political affiliation.
6. Business or occupation.
7. Date of birth.
8. Age.
9. Color.

10. State or county of birth.
11. If naturalized, information as to naturalization.
12. Post office address at time of registering.
13. Freeholder status.
14. Does he own real estate or does he pay taxes on real or personal property?
15. Can he write his name or mark his ballot? If not, state the nature of the disability.

16. Has he been convicted of a felony? If so, were his civil rights restored?
 17. Any other information deemed necessary by Secretary of State.

Literacy.—If a person cannot sign the registration book because of illiteracy, upon proof of same he may be allowed to be registered by the supervisor who shall then enter upon the books a full description of his person (§ 97.061).

Oath.—An applicant must swear (or affirm) that he will protect and defend the Constitution of the United States and of Florida and that he has the required age, residence, citizenship, and other qualifications for voting (§ 97.051).

Certificate.—Each applicant registered is furnished with a certificate of registration, which he must present when offering to vote (§ 97.071).

Penalty for violations

False swearing.—Whoever is found guilty of willful and corrupt swearing or subscribing to any oath or affirmation or procuring another person to so swear or affirm in connection with registration, voting, or elections shall be guilty of a felony (§104.011).

Illegal voting.—Whoever knowing he is not a qualified elector willfully votes at any election shall upon conviction be guilty of a misdemeanor (§104.15).

It shall be unlawful for any person to vote in any election within 1 year of the time he has voted in an election in another State or county in which residence was a qualification for voting. A person violating this provision shall be guilty of a felony and shall be punished by imprisonment of not more than 5 years, or by a fine of not more than \$5,000 or by both (§104.181).

Fraud in connection with casting vote.—Any person perpetrating or attempting to perpetrate or aid in the perpetration of any fraud in connection with any vote cast or to be cast or attempted to be cast shall be guilty of a felony (§ 104.041).

More than one vote.—Whoever casts more than one vote at any election shall be guilty of a misdemeanor (§ 104.18).

Assumed name.—No registered voter shall call himself or pass by any other name than the name by which he is registered or fraudulently use the name of another in voting. Violation of this provision shall be deemed a misdemeanor (§ 104.24).

Felony.—The penalty for every felony under the election laws not otherwise specifically provided for shall be imprisonment in the state prison for not more than 1 year or fine of not more than \$5,000 or both (§ 104.40).

Catch-all provision.—Any violation of the election code not otherwise provided for shall be punished as a misdemeanor (§ 104.41).

GEORGIA

Unless otherwise designated, references are to Code Ann., 1958 and 1960 Supplements.

Voters' qualifications (Const. of Georgia of 1945, § 2-702)

Age.—18 years old by election.

Citizenship.—Must be citizen of Georgia and of the United States.

Residence.—1 year in State, and 6 months in county (Const. of Georgia of 1945, § 2-703).

Character.—Must be of good character and understand obligations of citizenship under a republican form of government; or

Literacy.—Must be able to read and write correctly in English any paragraph of the Constitution of the United States or of Georgia (Const. of Georgia of 1945, § 2-704). The registrar shall mark on the registration card whether or not applicant can so read or write and whether inability to do so is due to physical handicap (1958 Supp., § 34-108). If applicant cannot sign his name, he shall make his mark and registrar shall sign applicant's name (1958 Supp., §34-113).

Disqualified for voting (Const. of Georgia of 1945, § 2-801)

1. Persons convicted of treason against the State, of embezzlement of public funds, malfeasance in office, bribery or larceny, or of any crime involving moral

turpitude punishable by imprisonment in the penitentiary, unless such persons shall have been pardoned.

2. Idiots and insane persons.

Registration

Registration is permanent, subject to cancellation for failure to vote in at least one election in 2 years, unless such person specifically requests continuation of his registration. Registration records shall be revised biennially and voters who have not voted in a primary or general election within the past 2 years shall be notified in writing that his registration will be canceled unless he applies in person for continuance of same (1960 Supp., § 34-120). Applicant must appear in person (1958 Supp., §§ 34-110, 34-112). However, persons in military service may register by mail on prescribed registration cards (1958, § 34-3605).

Registration applications—contents (1958 Supp., § 34-108)

Written application not required, but on completion, official administers oath and then applicant signs his name (1958 Supp., § 34-112).

Registration card shall contain all the following information, but the registrars may require additional information and may provide for its inclusion on the card:

1. Name.
2. District—Precinct—Ward.
3. Mailing address.
4. Age.
5. Place of birth.
6. Date of birth.
7. Color of eyes.
8. Color of hair.
9. Weight.
10. Height.
11. Race.
12. Occupation.
13. Mother's maiden name.
14. Father's name.
15. Will assistance in marking or voting ballot be required because of inability to read English or because of physical disability?
16. Question propounded to applicant:

(a) Have you ever been convicted of treason against the State, of embezzlement of public funds, malfeasance in office, bribery, or larceny, or of any crime involving moral turpitude, punishable by the laws of the State with imprisonment in the penitentiary? When? Where? Were you pardoned?

(b) Under what constitutional classification do you desire to make application for registration?

The application shall be marked approved or rejected after the examination of applicant's qualifications by the board.

Suspension of registration (1958 Supp., § 34-111)

In each year when there is a general election for members of the General Assembly, the registrars shall cease taking applications for registration for such election 6 months before the election.

Examination of apparently qualified registrants (1958 Supp., §§ 34-114, 34-117(c))

Within 5 days after registrars have examined the registration card, if applicant appears to be qualified, the board shall notify the applicant in writing to appear before it on a specified day and time not less than 1, nor more than 30 days after the date of notice. At that time the applicant shall be subjected to an examination as to his qualifications.

Failure of applicant to give information (1958 Supp., § 34-115)

Applicant's failure to disclose information sought by a direct question of the registrars in connection with the taking of the application or at subsequent proceedings, or his giving of false information, shall be cause for rejection of the application by the registrars on their own motion, and shall also be cause for a challenge, which, if sustained, shall result in the voter's name being removed from the list.

Appeal from decision of registrars (1958 Supp., § 34-116)

All decisions of the registrars shall be subject to appeal, which must be in writing and must be filed with the registrars with 10 days from the date of the decision complained of. Appeals shall be tried by the superior court in the same manner as other appeals. Until the final judgment is rendered, the decision of the registrars shall remain in full force.

Test of qualifications (1958 Supp., § 34-117)

(a) *Literacy.*—If applicant seeks to qualify on basis of literacy, he shall be required to read aloud and write in English a section of the Constitution of Georgia or of the United States, which shall be selected by the board. If applicant cannot read or write because of physical disability, the section shall be read to him by a member of the board and he shall give a reasonable interpretation thereof.

(b) If applicant seeks to qualify on the basis of his good character and his understanding of the duties and obligations of citizenship under a republican form of government, he shall be given an examination based upon a standard list of questions.

Failure to appear for examination shall be cause for rejection of application or of removal of voter's name from the list. In either event, a new application for registration shall not be received from such person until the beginning of the new calendar year.

Standard list of questions (1958 Supp., §§ 34-118, 34-119)

The standard list of questions shall be propounded orally to an applicant who seeks to qualify on the basis of good character. Applicant, in order to be registered, must give 20 correct answers out of 30. Following are the standard questions:

1. What is a republican form of government?
2. What are the names of the three branches of the United States Government?
3. In what State Senatorial District do you live and what are the names of the county or counties in such district?
4. What is the name of the State Judicial Circuit in which you live and what are the names of the counties or county in such circuit?
5. What is the definition of a felony in Georgia?
6. How many Representatives are there in the Georgia House of Representatives and how does the Constitution of Georgia provide that they be apportioned among the several counties?
7. What does the Constitution of Georgia prescribe as the qualifications of Representatives in the Georgia House of Representatives?
8. How does the Constitution of the United States provide that it may be amended?
9. Who is the Chief Justice of the Supreme Court of Georgia and who is the Presiding Justice of that court?
10. Who may grant pardons and paroles in Georgia?
11. Who is the solicitor general of the State Judicial Circuit in which you live and who is the judge of such circuit? (If such circuit has more than one judge, name them all.)
12. If the Governor of Georgia dies, who exercises the executive power, and if both the Governor and the person who succeeds him die, who exercises the executive power?
13. (a) What does the Constitution of the United States provide regarding the suspension of the privilege of the writ of Habeas Corpus?
(b) What does the Constitution of Georgia provide regarding the suspension of the writ of Habeas Corpus?
14. What are the names of the persons who occupy the following State offices in Georgia?
 - (1) Governor
 - (2) Lieutenant Governor
 - (3) Secretary of State
 - (4) Attorney General
 - (5) Comptroller General
 - (6) State Treasurer
 - (7) Commissioner of Agriculture
 - (8) State School Superintendent
 - (9) Commissioner of Labor
15. How many Congressional Districts in Georgia are there and in which one do you live?

16. What is the term of office of a United States Senator?
 17. What is the term of office of a State Senator?
 18. What is the county site [sic] of your county?
 19. How does the Constitution of Georgia provide that a county site [sic] may be changed?
 20. What are the qualifications for jury service in Georgia?
 21. What are the names of the persons who occupy the following offices in your county?
 - (1) Clerk of the Superior Court
 - (2) Ordinary
 - (3) Sheriff
 22. How may a new State be admitted into the Union?
 23. On what day and how often is the general election held in Georgia at which members of the General Assembly of Georgia are elected?
 24. What does the Constitution of the United States provide regarding the right of citizens to vote?
 25. In what Federal court district do you live?
 26. What are the names of the Federal District Judges of Georgia?
 27. Who are citizens of Georgia?
 28. What is treason against the State of Georgia?
 29. In what body does the Constitution of the United States declare that the legislative powers granted in such Constitution shall be vested?
 30. How many electoral votes does Georgia have in the electoral college?
- Oath.*—Applicant swears or affirms that he believes that he possesses the qualifications of an elector, that the information he has given is true, and that he has truthfully answered the questions propounded to him, including questions as to whether he was ever convicted of a felony or crime involving moral turpitude (1958 Supp. §§ 34-108, 34-112).

Records of rejected applicants (1960 Supp., § 34-116.1)

In the event an applicant is refused registration by the board, the application of such person and other material and records relative thereto shall be stored with other records of the board or disposed of in such manner as the board may direct, provided, however, that such application shall be retained at least 30 days from the date of refusal.

Penalty for violations

Fraudulent registration.—Any person who shall sign his name or mark to the oath on the registration card and who is not in fact qualified as stated in the oath, or who shall sign more than 1 registration card, or who shall sign a fictitious name, or who shall vote without having registered, or who shall aid another to do any of these acts shall be guilty of a misdemeanor (1958 Supp. § 34-9901).

Illegal voting.—Any person who shall vote more than once or vote out of his county for members of the legislature or for county officers, unless authorized by law, shall be punished by imprisonment and labor in the penitentiary for not less than 1 year nor more than 2 years (Code Ann., 1935, § 34-9904).

Any person under 18 and over 14 years of age who shall vote illegally at any election shall be guilty of a misdemeanor (Code Ann., 1935, § 34-9906).

Violations by registrars.—Any registrar who shall permit any person to sign the voter's oath on the registration card unless such person has actually made the oath shall be guilty of a misdemeanor (1958 Supp., § 34-9902).

HAWAII

Unless otherwise designated, references are to Revised Laws of Hawaii, 1955.

Voters' Qualifications (State Constitution of Hawaii, March 1957, Art. II, § 1)

Age.—20 years, by next election (as amended by Laws of 1959, Art. 59, § 1(c)).

Citizenship.—Must be a citizen of the United States.

Residence.—1 year in State by election, 9 months by registration and 3 months in district (also Rev. Laws 1955, § 11-8; L. '59 No. 59).

Literacy.—Must be able, except for physical disability, to speak, read, and write the English or Hawaiian language (also Rev. Laws, 1955, § 11-8).

Disqualified for voting (§ 11-18, as amended by Laws of 1955, Art. 191, § 1(h), and by Laws of 1959, Art. 59, §-1(c))

1. Persons who are non compos mentis.
2. Persons convicted of a felony without having been pardoned therefor and returned to his civil rights (see also § 11-8).
3. Persons who have lost their citizenship.

Registration

Registration is permanent, and must be made in person (§ 11-8, as amended by Laws of 1955, Art. 191, § 1(f), p. 160), but is subject to cancellation for failure to vote in a general election (§ 11-11). If qualified person is unable to appear in person, he may register by securing blank form from county clerk, signed by applicant before a notary, and supported by affidavits of at least 3 electors (§ 11-9).

Registration application.—"Applicant shall make and subscribe to an application" in the form of an "affidavit of application for registration" before the county clerk. The applicant then signs the register and the clerk signs after him on the same line.

Included in the affidavit are:

1. Name.
2. Place of birth.
3. Age.
4. Address.
5. Occupation.
6. Statement of United States citizenship.
7. If naturalized, when and where.
8. Statement that he has resided in the Territory or State, or both, for 1 year and in the district for 3 months, or will have so resided by election (as amended by Laws of 1959, Art. 59, § 1(a)).
9. Statement that he is able to speak, read, and write the English or Hawaiian language.
10. Statement that he is not in Hawaii by reason of being in the army or navy of the United States or by reason of being attached to troops in the service of the United States.
11. Statement that he has not been convicted of a felony without having been pardoned and restored to his civil rights.
12. Statement that he swears that foregoing statements are true (§ 11-8, as amended by Laws of 1955, Art. 191, § 1(f), p. 159).

Records of registration.—The several registration boards shall each keep books of record in which full and detailed minutes shall be preserved of all their proceedings. Such minutes shall be kept from day to day, and shall contain: (a) the date and place of the meeting; (b) the names of the members of the board present; (c) the name of each person to whom an oath was administered, and, if examination is held, the names of the witnesses and the substance of the answers of the applicant and of the witnesses; (d) the name of any person challenging the right of any applicant to register, the grounds of challenge, the name of the person challenged, and the decision rendered therein; and (e) all other matters of detail which are likely to have a bearing upon any question concerning the action of the board or of any person appearing before it (§ 11-22).

Public records.—The register of voters and all records appertaining to the registry of voters shall be open to the inspection of any voter (§ 11-74).

Penalty for violations

Perjury.—Any person who, knowing that he is not entitled to register or to vote, registers or votes, shall be guilty of perjury; and any person wilfully making a false answer or taking a false oath shall be guilty of perjury (§ 11-19).

Illegal voting.—Every person who votes or attempts to vote in the name of any other person, living or dead, or in some fictitious name, or more than once, is guilty of an election fraud (§ 11-211(g)), and shall be fined not less than \$100 nor more than \$1,000, or imprisoned at hard labor not more than two years, or both, and shall be disqualified from voting and from holding office (§ 11-212).

IDAHO

Unless otherwise designated, references are to the 1959 Supplement to the Idaho Code of 1948.

Voters' qualifications (Code, 1947, § 34-401; Const., Art. 6, § 2)

Age.—Must be over 21 years old by election.

Citizenship.—Must be citizen of the United States.

Residence.—Six months in State, 30 days in county next preceding election. To vote at county seat election, must have resided 6 months in county and 90 days in precinct.

Disqualified for voting (Code, 1947, § 34-402; Supp. §§ 34-402 to 34-407; Const., Art. 6, § 3)

1. Persons under guardianship, idiotic or insane.
2. Persons who have at any place been convicted of treason, felony, embezzlement of public funds, bartering, selling or purchasing, or offering to barter, sell or purchase their vote or the vote of another, or of another infamous crime and have not been restored to citizenship.
3. Bigamists, polygamists, prostitutes, or inmates of houses of ill fame.
4. Persons in prison on conviction of a criminal offense.
5. Chinese or persons of Mongolian descent, not born in the United States.

Registration

Registration is permanent, subject to cancellation for failure to vote in last general election (§ 34-807).

Registration shall be either in person, or by spouse, or by mail if qualified elector is temporarily absent from precinct (§§ 34-807, 34-815).

Registration application.—Applicants for registration subscribe to an "Elector's Oath" which contains the following information:

1. Citizenship.
2. Age.
3. Residence.
4. Disfranchisement—that he is not now disfranchised.
5. That he will not violate this oath.
6. That he is not registered in any other part of the State.
7. *Loyalty oath*.—That he regards the Constitution and laws of the United States and of Idaho, as interpreted by the courts as the supreme law of the land (§ 34-807).

Record of registration (§ 34-807)

Any person who shall alter, destroy, deface, mutilate or secrete any election register or copy thereof or any elector's oath, with intent to enable or deprive any qualified elector of the right to vote or with intent to enable any person, not a qualified elector, to vote, shall be guilty of a misdemeanor (§ 34-807).

After an elector has subscribed to the "Elector's Oath," the registrar enters his name in a register. Such register is a public record and is accessible to any elector who may desire to examine same or make copies thereof (Code, 1948, § 34-808). Such register shall, after the general election, be forwarded to the clerk of the board of county commissioners and such original shall be preserved in his office for 10 years (Code, 1948, § 34-811).

There appears to be no provision, however, for the preservation of the Elector's Oath, except the prohibition in Supp. § 34-807, above, against secretion of same with bad intent.

Literacy.—Not prerequisite to voting (see Code, 1947, § 18-2305 which contains penalty for deceiving voter who cannot read).

Penalty for violations

False swearing when challenged.—Every person who upon his right to vote being challenged at any election willfully and falsely swears touching his qualifications as a voter is guilty of perjury (Code, 1947, § 18-2302).

Illegal voting.—Every person who fraudulently votes when not qualified or who votes more than once is guilty of a felony, and every person who fraudulently attempts to do so or who aids or advises another to vote when not qualified is guilty of a misdemeanor (Code, 1947, §§ 18-2306, 18-2307, 18-2304).

ILLINOIS

Unless otherwise designated, references are to Illinois Revised Statutes, 1953, Chapter 46, and to 1960 Supplement thereto.

Voters' qualifications (§§ 3-1, 4-2, 5-2, 6-27; Const., Art. VII, § 1)

Age.—Must be over 21 years old by election.

Citizenship.—Must be citizen of the United States.

Residence.—1 year in State, 90 days in county, 30 days in election district next preceding election. An inmate of a soldiers' and sailors' home located in the State of Illinois shall acquire residence in election district in which home is located if it was his intention on entering home to become a resident thereof (§ 3-3). Residence not lost by Federal or State service (Supp. § 3-2).

Disqualified for voting (§ 3-5; Const. Art. VII, § 7)

1. Persons convicted of any crime, the punishment of which is confinement in the penitentiary, or who shall be convicted under any section of the election act if the punishment is confinement in the penitentiary, unless restored to their rights of citizenship.

2. Although there is no express provision either in the Constitution or the Statutes, the vote of a person non compos mentis ought not to be received (*Welch v. Shamway*, Supreme Court of Ill., 1907, 83 N.E. 549, 558).

Registration

In counties, certain cities and in cities, etc., which so elect, registration is permanent (§ 4-5; Supp. §§ 4-21, 5-28; Rev. Stats. Supp. § 6-49) subject to cancellation for failure to vote for a period of 4 years (§§ 4-17, 5-24, 6-58). Application must be made in person (§ 4-10; Supp. § 5-9; Rev. Stats. § 6-37). No registration is necessary for members of the Armed Forces (§§ 4-23, 5-29.01, 6-67.01; Supp. § 20-1).

Registration application.—The registration record card contains information which will properly identify the applicant. The registrar asks the questions and fills in the replies. Included are (Supp. §§ 4-8, 5-7, 6-35):

1. Name and sex.
2. Address.
3. Residence, term of.
4. Nativity.
5. Citizenship, how acquired.
6. Age at next election.
7. Physical disability, if any.
8. County and State in which he was last registered.
9. Signature of applicant.

Oath.—Applicant then signs an affidavit which has been read by him or to him by the registrar in which he affirms his citizenship and period of residence, that he is fully qualified to vote and that all statements on registration card are true (§§ 4-10, 6-34; Supp. §§ 4-8, 5-7, 6-35).

10. *Literacy*.—Not required. In case applicant is unable to sign his name, he may affix his mark to the affidavit. In such case the registrar shall write a detailed description of the applicant and shall add his father's first name, his mother's first name, from what address he last registered and the reason for his inability to sign his name.

Record of registration.—In case the registration officer is not satisfied that the applicant is qualified, he shall mark the registration card "incomplete" and shall forthwith notify such applicant in writing to appear before the county clerk to furnish further proof of his qualifications (§ 4-10, Supp. § 5-9). Such "incomplete" card shall be forwarded to the county clerk (§ 4-13). The original registration cards shall remain permanently in the office of the county clerk (Supp. § 5-28), but there appear to be no provisions for preservation of "incomplete" cards.

Penalty for violations

Any person who shall willfully interfere with registration shall be guilty of a misdemeanor punishable by imprisonment in county jail for from 6 months in the penitentiary for not less than 1 year nor more than 5 years (Supp. to 1 year, or by fine of not less than \$500 nor more than \$2,000 or by both (Supp. § 29-2).

Miscellaneous offenses.—This provision lists 30 offenses connected with fraud in voting which are punishable by a fine of not more than \$5,000, or by imprisonment in the county jail for not more than 1 year, or by imprisonment § 29-16).

Perjury.—If any person whose vote is challenged or any witness sworn under any of the provisions of the elections act shall knowingly swear falsely, he shall be deemed guilty of perjury, and on conviction thereof, shall be punished accordingly (§ 29-18).

INDIANA

Unless otherwise designated, references are to Stats. Ann., Burns, 1949 Replacement, and 1960 Supplement.

Voters' qualifications (Const. of Indiana, Art. 2, § 2; Stats. Ann., § 29-3426)

Age.—At least 21 years old at next election. A person may register and vote in a primary if he will be 21 by the date of the general election and intends to affiliate with this party (§ 29-3603).

Citizenship.—Must be a citizen of the United States.

Residence.—6 months in State, 60 days in township, 30 days in ward or precinct immediately preceding election. No student shall acquire residence in State if residence is established solely for attendance at institution (Supp. § 29-4905). Residence not lost by Federal service.

Disqualified for voting

1. Oaths shall not be administered to insane persons (Supp. § 49-3517). Insane persons could therefore not be registered to vote.

2. Persons imprisoned for any felony or misdemeanor shall be disfranchised during such imprisonment (§ 29-4804).

3. Persons convicted of felony under Election Act shall be disfranchised for any determinate period (§ 29-5964).

4. Persons convicted of misdemeanor under Election Act shall be disfranchised for a determinate period not over 5 years (§ 29-5965).

Registration

Registration is permanent (§§ 29-3402, 29-3403, 29-3407), subject to cancellation for failure to vote at last preceding primary or general election (§ 29-3418). Applicant must appear in person. However, absentees may register by mail. For members of Armed Forces, a request for an absentee ballot on the standard authorized form shall serve as registration application (Supp. § 29-3412).

Registration application (Supp. § 29-3409)

The registration form shall contain the following information:

1. Name.
2. Birthplace and date of birth.
3. If naturalized, proof of citizenship.
4. Address.

5. *Oath.*—The form contains an affidavit in which the applicant swears or affirms that to the best of his knowledge he is a citizen of the United States, will be at least 21 years old on date of next election, has the required term of residence, is legally qualified to vote, and is not already registered.

Literacy.—Not required. After the affidavit has been properly filled out, the voter shall sign same in the presence of the officer before whom it is executed. If the voter is unable to write his name, he may procure some resident of the county who knows him to sign his name for him and he shall make his mark (Supp. § 29-3412). Cards containing instructions to voters shall be printed in English and in any other language necessary (§ 29-5011). If necessary an interpreter may be called to explain manner of voting to voter (§ 29-5021). There is also a provision for aiding illiterate voters in use of voting machine (Supp. § 29-5109).

Record of registration.—All original affidavits or forms of registration shall be kept in the office of the clerk of the circuit court or board of registration (§ 29-3414).

Penalty for violations

Fraudulent registration.—It is unlawful for any person who will not be a voter at the next election to apply for registration or to procure himself to be registered as a voter. It shall be unlawful for any person to knowingly make any false statement in an affidavit of registration. Any person violating any of these provisions shall be deemed guilty of a misdemeanor (§§ 29-5949, 29-5950).

It shall be unlawful for any person to subscribe the name of any other person to an affidavit of registration if he knows that such application contains a false statement. He must also write his own name and address as an attesting witness if he subscribes the name of another who cannot write his own name. Violation of either of these provisions shall be deemed a misdemeanor (§ 29-5951). Withholding information from poll-taker on demand with regard to qualifications of a voter not entitled to vote shall be a misdemeanor (§ 29-5955).

False affidavit.—Whoever shall knowingly or willfully make a false affidavit under any of the provisions of the election act shall be deemed guilty of a felony (§ 29-5958).

The punishment for a misdemeanor is a fine of from \$1 to \$500, imprisonment for from 30 days to 1 year, or both, and disfranchisement for a period not over 5 years (§ 29-5965). The punishment for felony is imprisonment for from 1 to 5 years and disfranchisement for any determinate period, to which may be added a fine of from \$50 to \$1,000 (§ 29-5964).

Illegal voting.—Whoever not being legally qualified to vote votes or offers to vote at any election, or votes or offers to vote in any precinct or ward other than his residence shall be guilty of a misdemeanor (§§ 29-5910, 29-5911).

Whoever votes more than once at an election or, being a nonresident, votes or attempts to vote in a ward or precinct not being a bona fide resident thereof shall be guilty of a felony (§§ 29-5912, 29-5913).

IOWA

Unless otherwise designated, references are to Code, 1949, and 1960 Supplement.

Voters' qualifications (Const. of Iowa, Art. 2, § 1)

Age.—21 years.

Citizenship.—Must be citizen of the United States.

Residence.—6 months in State, 60 days in county next preceding the election.

Literacy.—Not required. If a qualified voter cannot write his name, he shall be required to make a cross which shall be certified by the signing of applicant's name by registration clerk. A qualified voter who cannot sign his name shall not be permitted to mail in removal notices but must appear in person to secure the transfer of his name to his new voting precinct (§ 48.11).

Disqualified for voting (Const. of Iowa, Art. 2, § 5)

1. Idiots or insane persons.
2. Persons convicted of any infamous crime.

Registration

Registration is required in all cities having a population of 10,000 or more. Any city having a population of between 4,000 and 10,000 may, by ordinance, and any township of 1,500 or more may, by proper action, require registration of voters (Supp. § 47.1).

Registration is permanent in cities with a population of over 125,000, but is subject to cancellation for failure to vote once in 4 years (§§ 48.1, 48.5, 48.11). Other cities or counties which require registration may adopt permanent registration by ordinance (Supp. § 48.22).

Applicant must register in person. However, absent or disabled voters may register by mail (§§ 48.11, 48.12). Affidavit upon absentee ballot shall constitute sufficient registration for absentees and members of the Armed Forces (§ 53.28; Supp. § 53.38).

Registration application

Oath.—An oath is administered by one of the registrars by which applicant swears or affirms that he will fully and truthfully answer all questions which will be put to him touching on his residence, name, place of birth, and his qualification as an elector (§§ 47.19, 48.11).

The registrar asks the questions, enters the answers in the registry book and applicant then signs his name in the registry book or cards (§§ 47.18, 47.21, 48.11).

1. Ward and election precinct.
2. Residence.
3. Name.
4. Age—date of birth.
5. Nativity.

6. Color (only where registration is required every 4 years (§§ 47.12, 47.38)).
7. Term of residence in U.S., State, town, county, and precinct.
8. Citizenship; if naturalized, proof of citizenship such as date and court.
9. Last preceding place of residence.
10. Date of application for registration.
11. Signature of applicant.

In addition, in places where registration is not permanent the registrar shall ask him the following questions (§ 47.20) :

1. Did he come into precinct for sole purpose of voting at this election?
2. How long does he intend to reside in precinct?
3. Such other questions as may tend to test his qualifications as to residence in the precinct, citizenship, and right to vote.

Record of registration.—Where registration is required every 4 years, the law provides that the city clerk or county auditor shall carefully preserve all registry books and alphabetical lists and other papers pertaining to the registration until destroyed as provided by law (Supp. § 47.42).

Where permanent registration is in effect, the law states that the registration list, kept at the office of the Commissioner of Registration, shall be open to public inspection at all reasonable times. The law is silent as to applications of those who are denied registration, since they are not entered into the books or onto the cards (§ 48.5).

Penalty for violations

Fraudulent registration.—If any person shall willfully make or authorize any false statement required in registration or shall violate any of the registration provisions, he shall be guilty of a misdemeanor (§ 47.43).

Any person who causes his name to be registered knowing that he will not be a qualified voter by next election or who shall wrongfully personate any registered voter, and any person aiding another in such an act shall be imprisoned in the penitentiary not less than 1 year for each offense (§ 738.20).

Illegal voting

Voting more than once, etc.—If any voter unlawfully votes more than once at any election or votes in county of which he is not a resident, he shall be fined not more than \$200 or imprisoned in the county jail for not more than 1 year (§§ 738.7, 738.9).

Voting when not qualified.—If any voter knowing himself not to be qualified votes at any election, he shall be fined not more than \$200 or imprisoned in the county jail not more than 6 months (§ 738.8).

Voting when not resident of State.—If any person votes who has not been a resident of the State for 6 months, or who is not 21 years old or is not a citizen of the United States, or is disqualified, he shall be fined not more than \$300 or imprisoned in the county jail for not more than 1 year (§ 738.10).

Counseling another.—If anyone shall aid or counsel another to vote when he is not qualified, he shall be fined from \$50 to \$500 and be imprisoned in the county jail for not more than 1 year (§ 738.11).

KANSAS

Unless otherwise designated, references are to General Statutes, Ann. 1949, and to 1959 Supplement.

Voters' qualifications (Const. of Kansas, Art. 5, § 1).

Age.—21 years old by election (see also Gen. Stats. Ann., § 12-911).

Citizenship.—Must be citizen of the United States.

Residence.—6 months in State, 30 days in township or ward next preceding election.

Disqualified for voting (Const. of Kansas, Art. 5, § 2; Gen. Stats. Ann. §§ 21-809, 21-118, 21-121, 21-122, 21-127)

1. Persons under guardianship, non compos mentis, or insane.
2. Persons who have voluntarily borne arms against the United States or aided in its attempted overthrow, except all persons honorably discharged from military service of the United States since April 1, 1861, who served 1 year or more.
3. Persons convicted of felony unless restored to civil rights.
4. Persons dishonorably discharged from the service of the United States unless reinstated.

5. Persons guilty of defrauding the Federal or any State government.
6. Persons guilty of giving, receiving, or offering bribes.

Registration

Registration of voters is required in cities of the first and second class (Supp. § 12-904), and in counties of over 90,000 (Supp. §§ 19-3419, 19-3431).

Registration is permanent, subject to cancellation for failure to vote at any general election (Supp. §§ 12-904, 19-3431).

Applicant must appear in person but persons absent from residence may register by mail (Supp. §§ 12-908, 19-3431). Sick or physically disabled voters may register by mail but application must be accompanied by a doctor's certificate (Supp. § 25-1234). Registration shall not be required of persons serving in or with the military forces and their dependents (Supp. § 25-1215).

Registration application

Oath.—The city clerk or election commissioner is empowered to administer all necessary oaths to examine the applicant for registration or any witnesses he may offer in his behalf in order to ascertain his right to be registered (§ 12-911; Supp. § 19-3431).

Form of registration books (§§ 12-907, 19-3434; Supp. § 12-908).—City clerk shall ask questions and enter following items in poll book if he thinks applicant is qualified:

1. Name
2. Age
3. Occupation
4. Residence

Record of registration.—If the answers of any applicant are not satisfactory to election commissioner (or other registrar) such applicant shall not be registered. Such applicant may appeal to the district court of his county (Supp. § 19-3431). Since answers are oral, there appear to be no records of denied applications which would require preservation.

Literacy.—There are no provisions concerning literacy requirement for voting.

Penalty for violations

Fraudulent registration.—If any person shall falsely personate another and procure the person so personated to be registered, or if any person shall represent his name to the city clerk to be different from what it actually is and cause such name to be registered, or if any person shall cause any name to be placed on the registry lists otherwise than in the manner provided by law, he shall be punished by confinement and hard labor in the penitentiary (§ 12-916).

Illegal voting

Impersonation.—Any person who shall impersonate a voter and vote under his name shall be confined to hard labor for not more than 3 years (§ 25-1725).

More than once; not qualified.—Any person who shall vote more than once at the same election or shall vote knowing that he is not qualified shall be guilty of a misdemeanor punishable by fine of not over \$300 or by imprisonment in the county jail for not more than 1 year (§§ 21-816, 21-817).

KENTUCKY

Unless otherwise designated, references are to Kentucky Revised Statutes (Baldwin), 1955, and to 1961 Supplement.

Voters' qualifications (Const. of Kentucky, § 145; KRS, § 117.605)

Age.—18 years (as amended by Laws 1954, ch. 2, and adopted on November 8, 1955), by next regular election. Persons who will have reached age of 18 at next regular election may register and vote in preceding primary (1955 OAG 37,708).

Citizenship.—Must be citizen of the United States.

Residence.—1 year in State, 6 months in county, 60 days in precinct next preceding election.

Disqualified for voting (Const. of Kentucky § 145)

1. Persons convicted of treason, of felony, or bribery in an election, or of such high misdemeanor as the general assembly may declare shall exclude him from suffrage rights. Persons hereby excluded may be restored to their civil rights by executive pardon.

2. Persons who at time of election are confined under judgment of court for some penal offense.

3. Idiots and insane persons.

Registration

Registration is permanent subject to challenge for failure to vote at primary or regular election for 2 consecutive years. Person so challenged will have to appear before board of registration (Supp. § 117.810(2); KRS §§ 117.815, 117.895, 117.760).

Applicant for registration must appear in person (§§ 117.620, 117.625, 117.720). A member of the Armed Forces or an employee or wife of an employee of the United States Government stationed abroad may be registered by the county court clerk upon receipt of his application by mail for an absentee ballot (Supp. § 126.170).

Registration application (§§ 117.625, 117.630, 117.720)

Oath.—Applicant shall, in cities of first class (and may be required outside cities of first class), make an oath on the prescribed form that he possesses the legal qualification for registration and shall be required to sign his name. The signature shall be attested by 2 employees of the board of registration of opposite political affiliations.

The affidavit above his signature shall contain:

1. Name, address, color, sex, apparent height, and weight.
2. Party affiliation.
3. Occupation, birthplace and mother's name, and any distinguishing marks of identification.
4. Age.
5. Residence term: State, county, precinct.
6. Citizenship; if naturalized, time and place of naturalization.

Literacy.—Not required. If a person applying for registration states under oath that he cannot write his name, the registrar shall sign the registration form for him and applicant shall make his mark which shall be attested as described above (§§ 117.720, 117.635).

Record of registration.—The county clerk shall permit any citizen, at all reasonable hours to inspect or make copies of any registration book, without any fee (§§ 117.660, 117.750). Since answers of applicant are oral and are only marked on cards by registrars, there are no records of applications wherein applicants have been denied the right to register (§ 117.635).

Penalty for violations

Illegal voting

1. Any person who falsely personates a registered voter and receives and casts a ballot by means of such personation shall be imprisoned in the penitentiary for not less than 1 year nor more than 2 years, and shall forfeit his right to vote forever after. An attempt at such personation shall be punished by a fine of not more than \$200, and imprisonment in the county jail for no more than 6 months.

2. Any person who by other means votes in the State when he is a resident of another State, or knowingly votes in a precinct other than the one in which he resides, or votes more than once at an election, or votes by use of naturalization papers of another person, or lends his naturalization papers to another person for the purpose of voting shall be imprisoned in the penitentiary for from 1 to 5 years.

3. Any resident who, by other means than impersonating registered voter, votes at a regular or special election before he has attained his required residence, or before he has attained full age, or before he has become a citizen shall be fined from \$50 to \$100, or imprisoned in the county jail for from 10 to 90 days or both.

4. Any person who, by other means than impersonating registered voter, votes in a primary knowing that he is not qualified shall be fined \$100 for each offense.

5. Any person who applies for or receives a ballot at any voting place other than the one at which he is entitled to vote, under circumstances not constituting a violation of any of the above provisions, shall be fined from \$20 to \$500, or imprisoned in the county jail for from 10 days to 6 months or both (§ 124.150).

Fraudulent registration.—Outside of cities of the first class, any person who knowingly causes himself to be registered in more than one precinct or in a precinct other than the one in which he is a legal voter, or who registers under

any name other than his real name, or who gives a false address, or who in any manner causes himself to be registered when he is not legally entitled to register, or who fraudulently aids or counsels another to commit any of these acts shall be imprisoned in the penitentiary for from 1 to 3 years.

In cities of the first class, any person who knowingly causes himself to be registered in more than one precinct, or more than once, or to be registered when he is not entitled to register, or who makes a false oath as to his ability to read or write, or who aids in the commission of any such act shall be fined from \$200 to \$1,000 or imprisoned in the penitentiary for from 1 to 5 years or both (§ 124.020).

LOUISIANA

Unless otherwise designated, references are to West's Stats. Ann., 1952, and to 1960 Supplement.

Voters' qualifications (§ 18:31, Supp. § 18:31; Const. Art. VIII, § 1, as amended in 1960)

Age.—Not less than 21 years.

Citizenship.—Must be citizen of the United States, and of Louisiana.

Residence.—1 year in State, 6 months in parish, 4 months in municipality in municipal elections, 3 months in precinct next preceding election. If person moves from one precinct to another in same parish less than 3 months before election he may vote in old precinct. If person moves from one parish to another less than 6 months before election, he may vote in his old parish for State officers.

Character.—He shall be of good character and shall understand the duties and obligations of citizenship under republican form of government. One who has committed any of the following acts shall not be considered of good character:

(1) Has been convicted of a felony and has not received a pardon and full restoration of franchise.

(2) Has been convicted and sentenced to a term of 90 days or more in jail for each conviction of more than one misdemeanor, other than traffic or game law violations within the 5 years immediately prior to applying for registration as an elector.

(3) Has been convicted and sentenced to a term of 6 months or more in jail for any misdemeanor, other than traffic or game law violations within 1 year immediately prior to applying for registration as an elector.

(4) Who has lived with another in "common law" marriage within 5 years from date of registration application, the common law union to be considered in accordance with the definition thereof prescribed by the criminal laws of this State.

(5) Has given birth to an illegitimate child within the 5 years immediately prior to applying for registration, provided that this provision shall not apply to mothers of illegitimate children conceived as a consequence of rape or forced carnal knowledge.

(6) Has been proven or has acknowledged himself to be the father of an illegitimate child within the 5 years immediately prior to applying for registration.

(7) The above enumerated acts denoting bad character shall not be deemed exclusive but said bad character may be established by any competent evidence (Const. Art. 8, § 1).

Literacy.—He shall be able to read and write in the English language, or his mother tongue, and shall demonstrate his ability to do so when he applies for registration by the reading and writing from dictation given by the registrar, or an interpreter duly sworn, any portion of the preamble to the Constitution of the United States, and by making, under oath, written application for registration in English or his mother tongue, which application shall contain the essential facts necessary to show that he is entitled to register and vote, and shall be entirely written, dated, and signed by him, without assistance or supervision from any person or any memorandum other than the prescribed form of the application.

If applicant is unable to write English, he may, if he so demands, write the same in his mother tongue from the dictation of an interpreter. If he is physically disabled, the same shall be written at his dictation by the registration officer, upon his oath of such disability (Const. Art. 8, § 1).

Applicant shall also be able to read any clause in the Constitution of Louisiana or of the United States and give a reasonable interpretation thereof (§ 18:35). Interpretation only, without reading, held sufficient if an applicant otherwise qualified for registration (Op. Atty. Gen'l. 1922-24, p. 592).

Whenever an applicant for registration is unable to write his application because of inability to write English but can write only some other language and is not illiterate, he may sign his name to, or make his mark in the presence of two witnesses on, an affidavit stating this. He must in such case bring with him two qualified electors of his precinct to sign written affidavits attesting the truth of the facts set out in the application and accompanying affidavit. It shall be a violation of this law for any elector to sign the affidavit to the application of more than two persons in any 2-year period (Supp. § 18:31 (5)).

Inability to read or write, for any reason, of any person who is registered to vote as of November 8, 1960, shall not be grounds for his removal from registration rolls (Const. Art. 8, § 1, as amended Nov. 8, 1960).

Loyalty oath.—In order to be entitled to register and vote, a person shall be of good character and reputation, attached to the principles of the Constitution of the United States and of the State of Louisiana, and shall understand and be able to give a reasonable interpretation of any section of either the Federal or State Constitution when read to him by the registrar. He shall be well disposed to the good order and happiness of Louisiana and of the United States and shall understand the duties and obligations of citizenship under a republican form of government.

He shall execute an affidavit affirming that he will faithfully and fully abide by all the laws of the State of Louisiana (Const. Art. 8, § 1).

Disqualified from voting (§ 18:42; Const. Art. VIII, § 6). (See also under *Character*, above)

1. Persons convicted of any crime punishable by imprisonment in penitentiary and who have not afterwards been pardoned with express restoration of franchise.
2. Inmates of any charitable institution except the Soldiers' Home and the U.S. Marine Hospital at Carville.
3. Those actually confined in any public prison.
4. All interdicted persons (persons under guardianship).
5. All persons notoriously insane or idiotic, whether interdicted or not.
6. Deserters from military service of the United States or from militia of Louisiana when called forth by the Governor or, in time of invasion, insurrection or rebellion, by the President of the United States until they have returned to the command from which they deserted, made good the lost time and served out term of enlistment.
7. Persons dishonorably discharged from Louisiana National Guard or from military service of the United States unless reinstated.

Registration

A voter must register every 4 years (Supp. § 18:165) except that in all parishes containing municipalities of more than 100,000 and in other parishes adopting this system by resolution or ordinance, registration is permanent, subject to cancellation for failure to vote in primary or general election within last 2 years if affiliated with a political party, or in a general election within last 4 years if not affiliated (Supp. §§ 18:240, 18:249). Parishes which have adopted permanent registration system may later rescind such action and return to periodic registration (S. Con. Res. No. 7, 2d Ex. Sess., 1960).

Applicant must appear in person (§ 1840; Supp. § 18:233). Members of Armed Forces could not register without appearing in person (Op. Atty. Gen'l, 1942-44, pp. 298, 449).

Registration application.—Form for registration contains the following information (Supp. §§ 18:32, 235):

1. Citizenship.
2. Name.
3. Place and date of birth.
4. Age.
5. Residence term in State, parish, precinct or ward.
6. That he is not disfranchised.
7. Name of landlord, occupation, color, sex.
8. That he is not a registered voter in any other ward or precinct.
9. Ward, precinct and parish of last registration.

10. *Party affiliation.*—Applicant need not fill in this space, but failure to do so makes it unlawful for him to vote in a primary (Supp. § 18:33).

11. Whether or not he has been convicted of a felony without receiving a full pardon and restoration of franchise.

12. Whether or not he has been convicted of more than one misdemeanor and sentenced to a term of 90 days or more in jail for each such conviction, other than traffic or game law violations, within 5 years before the date of this application.

13. Whether or not he has been convicted of any misdemeanor and sentenced to a term of 6 months or more in jail, other than for traffic or game law violations, within 1 year before the date of this application.

14. Whether or not he has lived with another in "common law" marriage within 5 years before date of this application.

15. Whether or not she has given birth to an illegitimate child within 5 years before date of this application, except as a result of rape or forced carnal knowledge.

16. Whether or not he has acknowledged himself to be the father of an illegitimate child within 5 years before date of this application.

17. *Oath.*—The above form is filled out, sworn to and subscribed before the registrar (Supp. §§ 18:32, 18:235).

Records of registration.—The registrar shall keep in his permanent records the originals of all affidavits made pursuant to any of the provisions of the registration laws (Supp. § 18:235(4); LSA § 18:91(2)).

Registrars shall keep in their principal offices, as permanent records, original applications for registration, filed alphabetically; provided that the registrar, in the event of the erasure of a name, or the disqualification of a registrant, shall remove the original application of the registrant from the file, and shall place the original application of the disqualified voter in a separate file, to be designated as the "closed" or "disqualified" file (LSA § 18:91(1)).

These records are public records and shall at all times during office hours be open to inspection by any qualified registered voter (LSA § 18:92).

Penalty for violations

Fraudulent registration.—No person shall register falsely or illegally or make a false statement in his registration affidavit and no person shall knowingly present an affidavit or other document containing a false statement under penalty of a fine of from \$500 to \$1,000, or imprisonment for 6 months to 1 year or both. The penalties shall be doubled for succeeding offense of the same character (§ 18:222).

Whoever violates any provisions concerning registration for which no penalty is specifically provided or willfully fails to perform an act or duty required by same shall be fined from \$100 to \$500, and imprisoned for from 90 days to 6 months. The penalty shall be doubled for any succeeding offense (§ 18:221).

Whoever shall sign the name of another or fictitious name to any affidavit, document or record pertaining to registration shall be fined from \$100 to \$500, and imprisoned for from 90 days to 6 months. The penalty shall be doubled for any succeeding offense (§ 18:223).

Illegal voting.—No person shall vote or attempt to vote knowing he is not qualified, or vote or attempt to vote more than once or in the name of another or in an assumed name. Violation of this provision (for each offense) or violation of any provision concerning general elections for which a penalty is not provided shall be punishable by fine of not more than \$1,000 or by imprisonment for not more than 1 year (§§ 18:588, 18:589).

MAINE

Unless otherwise designated, references are to Revised Statutes of Maine, 1954, Chapter 3, and to 1959 Supplement.

Voters' qualifications (Supp. § 2; Const. of Maine, Art. II, § 1)

Age.—At least 21 years old by election (Supp. 2, 16).

Citizenship.—Must be citizen of United States.

Residence.—6 months in State, 3 months in city, town, or plantation next preceding election. Can vote from old city, town or plantation for 3 months after moving if within State (Supp. § 2).

Indians residing on tribal reservation and otherwise qualified shall be allowed to vote, in all State, County, and national elections, including primaries (Supp. Ch. 5, §§ 65-A to 665-C).

Literacy.—Unless prevented by physical disability or unless he had the right to vote on January 4, 1893, must be able to read the constitution of the State in English and to write his name (§ 20; Supp. § 2).

Disqualified from voting (Supp. § 2)

1. Paupers. (Person receiving wages for employment by city or town, money for which is derived from relief funds, shall not thereby be deemed a pauper.)
2. Persons under guardianship.

Registration

Registration is permanent (§ 27; Supp. § 16). Applicant must appear in person in large cities (Supp. §§ 16, 19). In cities having less than 3,500 inhabitants and in towns, the selectmen, at any regular open session, shall place on the list of voters the name of every person known by them or proved to them to be qualified to vote whether he applies or not (§ 39).

Persons physically incapacitated may be registered at their homes (Supp. § 16).

Armed Forces.—Boards of registration shall place upon the voting lists the names of any citizens who are members of the Armed Forces, whom they judge to be constitutionally qualified as electors (Ch. 7 § 2).

Registration application.—Applicant must fill out a form in writing (Supp. § 19), which shall contain the following information (§ 27) :

1. Name.
2. Residence on April 1 of registration year or date of his becoming an inhabitant if later.
3. Age.
4. Place of birth.
5. Occupation and place of occupation.
6. Place of casting last vote.
7. Marital status, residence of wife or family.
8. Citizenship; if naturalized, when and where, and proof of naturalization (§§ 22, 27, 40).

Oath.—There is no specific provision requiring an oath. However, the chairman, at the request of any member of the registration board, shall cause any party or witness appearing before the board to be sworn. Any member of the board may administer oaths (§ 18).

Records of registration.—The city clerk shall receive in writing the application of any person who appears before him and shall stamp thereon the date on which it is received and shall file it with the board of registration which shall in any open session take action thereon (Supp. § 19). Board shall have exclusive power to determine qualifications (§ 18). The city clerk shall be the custodian of the records of the board of registration and of the revised and corrected lists of voters. He shall keep for 1 year, the lists prepared by the board for use at any

election and shall furnish copies of same upon request of any person and or payment therefor (§ 28).

Penalty for violations

Fraudulent registration.—Whoever causes his name to be placed upon the list of voters of more than one ward in any city for the same election or aids another in such act shall be punished by a fine of not more than \$100 or imprisonment for not more than 11 months (§ 31).

Whoever causes his name to be registered knowing that he is not a qualified voter in the place where so registered, or attempts to impersonate another, or gives a false answer to the registration board, or aids another in any such act shall for each offense be punished by a fine of not more than \$300, or by imprisonment for not more than 11 months (§ 33).

False oath.—Whoever knowingly makes a false affidavit or takes a false oath or signs a false certificate regarding the qualifications of any person for the assessment of a tax or for registration, or interferes with a public officer in the discharge of his duty relating to registration of voters shall be punished by a fine of not more than \$300 or by imprisonment for not more than 11 months for each offense (§ 32).

Whoever refuses to obey the lawful orders of a board of registration or obstructs its proceedings shall be arrested and punished by a fine of not more than \$50 or by imprisonment for not more than 60 days (§ 34).

Illegal voting.—Whoever, at any election, knowingly votes in any city, town or plantation where he has no legal right to vote shall be imprisoned for from 3 to 11 months (Ch. 5, § 108).

Neglect to enforce literacy test.—Any member of a board of registration who refuses or willfully neglects to require an applicant for registration to submit to the literacy test, or who knowingly prevents the registration of a qualified voter or registers an unqualified voter shall for each offense be punished by a fine of not over \$1,000, or by imprisonment for not over 2 years (§ 29).

MARYLAND

Unless otherwise designated, references are to Annotated Code (Michie, 1957), Article 33, and to 1959 Supplement.

Voters' qualifications (Const. of Maryland, Art. 1, § 1; Code, Art. 33, § 19)

Age.—21 years by election. Except in Baltimore City and in counties having permanent boards of registration, a person who is a citizen of the United States when he offers to register, and who will become 21 after registration closes but before the general election and is otherwise qualified may vote in the primary election by proving, under oath, to the judges of election his right to registration in the precinct (§ § 20, 35(a) (see also *Barrett v. Taylor*, 36 A. 708)).

Citizenship.—Must be citizen of the United States.

Residence.—1 year in State, 6 months in county or legislative district of Baltimore, and 6 months in election district if county or city is divided to form portions of different electoral districts, next preceding the election.

Literacy.—Not required. If applicant for registration cannot sign his name, he shall state his inability to do so, and the officers shall make the entry "Cannot write" in the place of such signature and shall follow said entry by a brief notation of applicant's height, color of eyes, and other distinguishing physical marks (§ 23(d)).

Disqualified for voting (Const. of Maryland, Art. I, § 2)

1. Persons over 21 convicted of larceny or other infamous crime unless pardoned by Governor.
2. Persons under guardianship, as lunatics, or as persons non compos mentis.

Registration

Registration is permanent in certain specified counties, in Baltimore City, and in any other counties which may so elect, subject to cancellation for failure to vote at least once in a primary, general, or special election within the 5 preceding calendar years (§ § 17, 18, 25(b), 35, 36, 40(b), 45).

Applicant must appear in person except that absent residents who are members of the Armed Forces, merchant marine, and certain specified service organizations may be registered from the information appearing on their absentee ballots (§ § 21, 23, 246).

Registration application—contents

Oath.—The applicant swears (or affirms) that he will fully and truly answer all questions put to him relating to residence, name, place of birth, qualifications as a voter and right to register and vote (§ 21).

A registrar shall ask the questions and fill in the replies in the registry book, after which applicant shall sign his name in registry book (§ 23(d)).

Record of registration.—The name and age of every applicant shall be entered in the registry book, and all the facts of his application shall be stated therein whether he be entitled to vote or not. If it shall be determined by the board that he is not a qualified voter in the precinct or district, then an entry shall be made in the appropriate column "no," and a line shall be drawn in red ink through his name and through all other entries on the line on which his name is written, but so that the name and said other entries shall remain legible. If loose-leaf pages or cards are used, paper notation shall be made thereon that applicant is not a qualified voter, instead of using the red line (§ 23(c)). Registry books shall be kept permanently by board of supervisors of elections (§ 25).

The following information shall appear in the registry book (§ 23) :

1. Address.
2. Name.
3. *Party affiliation.*—Applicant may decline to state, but he will be ineligible to vote in a primary (§§ 58, 63). Affiliation may be made by mail (§ 38(c)), as amended by Laws of 1960, Ch. 28), but no change may be made during the 6 months preceding a primary (§ 38(a), § 28).

4. Age.

5. Nativity.

6. Color.

7. Term of residence.

8. *Citizenship.*—If naturalized, when and where.

Appeals.—Any person aggrieved at any action of a board of registry, may appeal to the circuit court of his county or the Superior Court of Baltimore City. Court shall dispose of matter summarily. Appeal shall be to Court of Appeals (§ 46; Supp. § 46).

Penalty for violations.—If any person shall falsely personate another and shall register or vote in the name of such person, or shall register or vote under a fictitious name, or in two election precincts, or in an election precinct to which he has no legal right, or shall attempt to do any of these acts, or shall do or aid another to do any unlawful act to secure registration for himself or for another, or to prevent the lawful registration of another, he shall be punished by imprisonment in jail or in the penitentiary for not less than 6 months nor more than 5 years (§ 173).

Any person who shall be convicted of willfully and corruptly swearing or affirming any oath or affirmation prescribed in the election law shall be guilty of perjury and shall be punished according to the laws of the State (§ 184).

If any person who shall have been convicted of bribery, felony or other infamous crime under the laws of Maryland, or of any other state, and who has never received a pardon for such offense, thereafter attempt to vote at any election, he shall be guilty of a felony and for each offense shall be punished by imprisonment in the penitentiary from 1 to 5 years (§ 186).

If any person shall willfully disobey any lawful command of any board of registry or judge of election, he shall be guilty of a misdemeanor and shall be punished by imprisonment in jail for from 30 days to 6 months or by a fine of from \$10 to \$250, or by both. Any misdemeanor under the election law for which no penalty is provided shall be punished in this manner (§ 187).

Irregularities in the mode of conducting an authorized registration or election shall not constitute a defense to a prosecution for a violation of the provisions of the election law (§ 200).

MASSACHUSETTS

Unless otherwise designated, references are to General Laws Annotated, 1958, and to 1960 Supplement thereto, Chapter 51.

Voters qualifications (Supp. § 1; Const. Amend., Art. 3)

Age.—21 years by election (also § 46).

Citizenship.—Must be citizen of the United States.

Residence.—1 year in State, 6 months in city or town next preceding election. A person who has moved to another city or town within the Commonwealth less than 6 months before election, may vote for National and State officers in his old city or town.

Literacy.—Unless physically disabled, must be able to read 5 lines of the Constitution of Massachusetts in English, to be drawn from box by applicant, and to write his name (also § 44).

Disqualified for voting (Supp. § 1; Const. Amend., Art. 3)

1. *Paupers.*—No veteran shall be disqualified because of receiving aid from a city or town or because of being exempted by Chapter 59, § 5, from assessment of a poll tax (Supp. § 1). (See this section for strict definition of which persons are not to be considered paupers.)

2. Persons under guardianship.

3. Persons to be disfranchised for 3 years who were found guilty of corrupt practices in respect to elections (Ch. 55, § 37).

Registration

Registration period.—To be prescribed by city ordinance or town bylaws; but must hold at least 1 session on last day of registration. No registration for 32 days before election and 1 day after election (Ch. 51, §§ 26–28).

Registration is permanent for persons voting at every election (§§ 37, 41A). Applicant must appear in person (§ 42). Physically disabled persons may be registered at their homes by registrars delegated to call on them (§ 42A; as amended by Acts of 1961, Ch. 130). Members of Armed Forces may be registered by personal appearance before board of registrars in any other city or town not less than 3 days before the primary or election (§ 50).

Registration application—contents

Oath.—Examination of applicants by registrar shall be under oath (§§ 33, 44).

Records of registration.—The registrars shall preserve all written applications, complaints, certificates and affidavits received by them, and all other documents in their custody relative to listing and registration, for 2 years (§ 41).

Information to be entered in general register shall include (§ 36):

1. Date when registered.
2. Name.
3. Signature of applicant (see also § 44).
4. Residence January 1 or subsequent date.
5. Age.
6. Place of birth.
7. Occupation and place of occupation.
8. If naturalized, proof of same (also § 45).
9. Residence at date of registration.
10. Remarks containing other identification particulars.

Penalty for violations

False oath.—Whoever knowingly makes a false affidavit or signs a false certificate, or aids another to do so, relative to qualifications of any persons for registration shall be punished by a fine of not more than \$1,000, or by imprisonment for not more than 1 year (Ch. 56, §§ 6, 7).

Illegal registration.—Whoever registers or attempts to register in a place where he is not a qualified voter, or under a name other than his own, or gives a false answer respecting any matter relating to his right to register or vote, or otherwise illegally registers, or aids another to do so shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than 1 year (Ch. 56, § 8).

Misconduct at registration.—Whoever refuses to obey the lawful orders of an election commissioner or registrar or disturbs the registration proceedings shall be punished by a fine of not more than \$100 (Ch. 56, § 9).

Illegal voting.—Whoever knowing that he is not a qualified voter in any place willfully votes therein, or votes more than once in his name or in any name other than his own or in more than one precinct, or casts more than one ballot, or attempts to do any of these acts or aids another to do same shall be punished by imprisonment for from 6 months to 1 year (Ch. 56, §§ 26, 28).

MICHIGAN

Unless otherwise designated, references are to Stats. Ann., 1956 Revision, and 1959 Supplement.

Voters' qualifications (Const. of Michigan, Art. III, § 1; Stats. Ann. § 6.1492)

Age.—At least 21 years by election.

Citizenship.—Must be citizen of the United States or inhabitant of Indian descent native of United States.

Residence.—6 months in State, 30 days in city or township prior to next election. A registered qualified elector who shall move into another city or township in this State within 30 days before election may vote in his old city or township.

Residence is not lost by reason of employment in service of the United States (Const. Art. III, § 2).

Registration

Registration is permanent (§ 6.1497), subject to cancellation for failure to vote for 4 years. Any city or township of 20,000 or more inhabitants may provide for cancellation for failure to vote within a period of 4 years. Any city, village or township may provide for cancellation for failure to vote within 2 years (Supp. § 6.1509).

Applicant must appear in person (§ 6.1499), except that physically disabled persons and persons absent from their residence may register by mail (§ 6.1504).

Registration application—contents

Oath.—Applicant shall execute a registration affidavit and shall take an oath before the town clerk that the statements therein, which he has answered and the clerk has entered on a card, are true and shall sign registration affidavit. If application is rejected, card shall be destroyed (Supp. § 6.1499).

The affidavit shall contain the following information (§ 6.1495):

1. Name, address, birthplace.
2. Citizenship, proof of if naturalized.
3. Age.
4. Residence.

Literacy—not required.—If applicant is unable to write, he shall execute the affidavit by making his mark and there shall be noted on his registration card the month, day, and year of his birth and any other identifying information which shall be used in identifying said person (§ 6.1500). The registration officers may employ an interpreter for the more perfect examination of the applicant (Supp. § 6.1499).

Record of registration.—If application is rejected the clerk shall destroy the card of the applicant (Supp. § 6.1499).

Penalty for violations

Misdemeanors.—The following offenses shall be deemed misdemeanors punishable by a fine of not more than \$500, or by imprisonment in county jail for not more than 90 days, or both (§§ 6.1931, 6.1934):

Violations of the election act, for which no specific penalty is provided (§ 6.1931 (r));

Falsely impersonating another, and voting or attempting to vote under the name of another or inducing or attempting to induce another to do so (§ 6.1931 (f));

Assuming a false or fictitious name in order to vote or to register, or inducing another to do so (§ 6.1931 (h));

Offering or attempting to vote in precinct in which he does not reside or aiding another to do so (§ 6.1931 (i));

Offering or attempting to vote more than once at same election or giving two or more ballots folded together (§ 6.1931 (j));

Making of material false statement in answer to questions on registration affidavit (Supp. § 6.1499).

Perjury.—A person who makes a false affidavit or swears falsely under oath for the purpose of securing registration or for voting shall be deemed guilty of perjury which is punishable by fine not exceeding \$1,000, or by imprisonment in the State prison for not more than 5 years or both (§§ 6.1933, 6.1936).

Forgery.—A person found guilty of forgery under the provisions of the election law shall, unless otherwise provided, be punished by a fine not exceeding \$1,000, or by imprisonment in State prison for not more than 5 years or both (§ 6.1937).

MINNESOTA

Unless otherwise designated references are to Statutes Ann., 1945, as amended by Laws of 1959, Ch. 675 (New Minnesota Election Law).

Voters' qualifications (Const. of Minnesota, Art. VII, § 1, as amended November 8, 1960)

Age.—21 years or over by election. (See Stat. Ann. 1959, §§ 200.02 (25), 201.19.)

Residence.—6 months in State, 30 days in the precinct next preceding election. Residence is not lost by absence while employed in the service of the United States (Const. Art. VII, § 3).

Citizenship.—Must have been a citizen of the United States for at least 3 months next preceding election.

Disqualified from voting (Const. of Minnesota, Art. VII, § 2)

1. Persons convicted of treason or any felony unless restored to civil rights.
2. Persons under guardianship.
3. Persons non compos mentis or insane.

Registration

Registration is required in cities having a population of not less than 10,000 or in any municipality of less than 10,000 if the governing body of such municipality or town shall by ordinance or resolution elect to adopt this system (L '59, Ch. 675, § 201.02).

Registration is permanent (L '59, Ch. 675, § 201.06 et seq.). Applicant must appear in person, but an absent voter may register by mail. Registration is subject to cancellation for failure to vote at an election at least once in 4 consecutive calendar years elsewhere in the State (L '59, Ch. 675, § 201.17). Registration may be made by or for a member of the Armed Forces by filing with county auditor a request for an absentee ballot in prescribed form (L '59, Ch. 675, §§ 207.19, 201.18).

Registration application—contents

Oath.—Applicant for registration shall subscribe to an oath or affirmation that he will fully and truly answer such questions as shall be put to him touching upon his qualifications as a voter. Upon being sworn, applicant shall answer questions and clerk shall fill out a registration card which applicant shall sign (L '59, Ch. 675, § 201.20).

Form shall contain following information (Supp. § 201.07):

1. Election district.
2. Name.
3. Address.
4. Age.
5. Term of residence.
6. Nativity.
7. Citizenship—manner in which acquired.
8. Date of application.
9. Signature of voter.

Records of registration.—The card which the registrar fills out is known as the "original registration file" which shall not be removed from the office of Commissioner of Registration. A duplicate file is open to public inspection only for purposes related to elections. There appears to be no provision for preservation of cards of persons to whom registration was denied (§ 201.06).

Literacy—Not required.—In case voter is unable to write his name, he shall be required to make a cross which shall be certified by the signing of applicant's name by clerk. A voter who is unable to sign his name shall not be permitted to mail a removal notice but will have to appear in person to have name transferred to new district (L '59, Ch. 675, § 201.20).

Penalty for violations

Any person who shall willfully or fraudulently register or vote more than once, or register under any but his true name, or attempt to vote by impersonating another who is registered, or registers or votes in a district where he is not a resident, or in more than one district or who votes at an election when not qualified or who aids another in so doing, or who violates any provisions concerning registration of voters, or who offers duplicate ballots shall be guilty of a felony (L '59, ch. 675, §§ 201.27, 210.02, 210.03).

MISSISSIPPI

Unless otherwise designated, references are to Code 1942 Annotated, 1957 Recomp., and to 1960 Supplement.

Voters' qualification (Const. of Mississippi of 1890, § 241; Code, Supp. § 3235; Code 1942, § 3160)

Age.—21 years and upwards by election (Const. of Miss. § 251; Code § 3212).

Citizenship.—Must be citizen of the United States.

Residence.—2 years in State, 1 year in election district or city, town, or village by date of election.

Character.—Must be of good moral character (Const. § 241—A added November 1960).

Literacy.—Must be able to read and write any section of state constitution and give a reasonable interpretation thereof; and must be able to demonstrate a reasonable understanding of the duties and obligations of citizenship under a constitutional form of government (Code §§ 3213, 3235; Const. § 244).

Poll and other taxes.—Must have paid all taxes legally required of him for the 2 preceding years, and which he has had an opportunity to pay according to law on or before February 1 of the year in which he offers to vote.

Voter meeting above qualifications shall be eligible to vote at any election held not less than 4 months after his registration.

Ministers.—A minister of the gospel in charge of an organized church or his wife legally residing with him shall be entitled to vote after 6 months residence in the election district, city, town, or village if otherwise qualified.

No additional qualifications here imposed shall be required of anyone duly registered before January 1, 1954.

Disqualified from voting (Const. of Mississippi, 1890, § 241; Code §§ 3235, 3214).

1. Persons convicted of bribery, burglary, theft, arson, obtaining goods or money under false pretenses, perjury, forgery, embezzlement, or bigamy.

2. Idiots and insane persons.

3. Indians not taxed.

Registration

Registration is permanent (Code, Supp. § 3240) and must be made in person only (Code § 3212). Voter absent in armed services may register by mail (§ 3196-06). Application must be written by applicant in presence of registrar without assistance (Supp. § 3209.7).

Registration application—contents

Oath.—Applicant shall subscribe to oath swearing or affirming his age and residence, that he has not been disqualified by conviction of a crime, that he will truly answer all questions put to him touching on his qualifications to vote (Const. of Mississippi § 242; Code §§ 3212, 3210; Supp. § 3209.7).

Loyalty oath.—Above oath contains clause that affiant will faithfully support the Constitution of the United States and of the State of Mississippi, and will bear faith and allegiance to the same (Const. of Mississippi § 242).

Form of registration books.—In addition to the written application, registrar shall ask following questions and fill answers in book:

The oath is printed on top of the page in the registration book. The following information appears beneath it (Code § 3210):

1. Date of registration.

2. Name.

3. Age.

4. Occupation.

5. Business address.

6. Place of residence in district.

7. What oath does elector take? Here the registrar enters either "general," or "minister's" or "minister's wife," or "special as to age." If his age or residence are not as required now but will be so by election, he may take a modified oath to that effect (Code § 3212; Const. of Mississippi § 251; Code Supp. § 3209.7).

8. *Literacy.*—Has elector met all the requirements of § 244 of the Constitution, as amended, which provides that applicant must be able to read and write any section of the State Constitution and give a reasonable interpretation thereof. (See also § 3213.)

9. *Citizenship.*—If naturalized, proof of naturalization (Code § 3216).

10. Signature of elector.

11. Remarks.

Preservation of records.—If no appeal has been taken as is provided by law from the ruling of the registrar upon any application for registration, or if any application for registration is abandoned or waived by the applicant therein by making another application for registration before any final judgment or decision has been rendered on any prior application, or otherwise waived or abandoned same, the registrar is not required to retain or preserve any record of the written application (Supp. § 3209.7).

Penalty for violations

It shall be unlawful for an alien to register or vote in any election (Code § 3217).

Fraudulent registration.—Any person who shall knowingly procure his registration when he is not entitled to same, or under a false name, or in any election district other than that in which he resides, or who being disqualified for any cause shall reregister before removal of such disqualification, or who shall in any way aid a false registration shall be fined not more than \$100 or imprisoned in county jail for not more than 1 year, or shall be punished by both such fine and imprisonment (Code § 3218).

Perjury.—Any willful and corrupt false statement in the registration oath or in answer to any material question propounded thereat shall be perjury (Const. of Mississippi § 242).

MISSOURI

Unless otherwise designated, references are to Vernon's Annotated Statutes, 1952, Title 9, and to 1960 Supplement.

Voters' qualifications (§§ 111.060, 113.040; Supplement §§ 113.540, 119.060; Const. Art. VIII § 2, as amended in 1958)

Age.—Over 21 years by election (see Supp. §§ 113.240, 119.020).

Citizenship.—Must be citizen of the United States.

Residence.—1 year in State, 60 days in county, city, or town immediately preceding election. Residents of soldiers' and sailors' homes may acquire residence in the State as above.

New resident.—Citizens of the United States, otherwise qualified who have resided in this State at least 60 days but not 1 year prior to the date of a presidential election may be permitted by law to vote for presidential and vice presidential electors at such election but for no other officers.

Disqualified from voting (§ 111.060; Const. Art. VIII, § 2, as amended in 1958)

1. Idiots and insane persons, and persons who have guardians of estate or person.
2. Persons while kept in poorhouse or other asylum at public expense or while confined in any public prison.
3. Persons convicted of a felony or of a misdemeanor connected with exercise of right of suffrage unless they shall have been granted a full pardon. After second conviction, such persons shall be forever excluded from voting.

Registration

Registration is required in class one counties, counties having a city or part of city of over 400,000, cities of over 10,000 in a county not having provisions for registration, all cities of 300,000 to 700,000 (Supp. §§ 113.010, 113.500, 116.010, 119.020; Code § 117.020).

Registration is permanent (Supp. §§ 113.030, 113.230, 113.500, 116.010, 119.020; Code §§ 117.030, 117.290, 118.240).

Registration is subject to suspension and cancellation for failure to vote for 2 years in certain counties (Supp. § 113.210) and 4 years in other counties (Supp. § 113.833; Code §§ 116.090, 117.410, 118.330).

Applicant must appear in person (Supp. §§ 113.240, 116.010, 117.300). Persons in military or naval service are not required to register (§§ 111.070, 112.310).

Registration application—contents (Supp. § 113.240; Code § 116.040; Supp. § 117.300; Code §§ 117.330, 118.250)

Oath.—Registration record card containing the history of the elector shall have an oath printed on it by which applicant swears or affirms that he is giving his true name, that he is of required age and has the required residence, that he has not been convicted of a felony or any misdemeanor connected with the exercise of his right to vote, that he is not an inmate of any poorhouse or other asylum at public expense, and that he is not otherwise disqualified as a voter. After the applicant has been sworn, he shall sign his name. In general, varying from place to place, the card contains the following additional information:

1. Name.
2. Mailing address and precinct.
3. Residence, full and correct statement.
4. Such other information as may be necessary to prevent attempts at impersonation or to prevent their registration in the wrong precinct books. This information consists of sex, color, birthplace, and, if naturalized, how citizenship was acquired.

Literacy.—Not required. If applicant is unable to write and has sworn to that fact, he shall make his mark and his name shall be written for him by clerk and attested by signature of such clerk. Such applicants shall, if they can, tell the day, month, and year of their birth and said clerk shall note this and other identifying information in column for "remarks" on the registration record card, such as (a) height, (b) color of eyes, (c) date of birth, if not exact, as nearly as possible.

Penalty for violations

Illegal voting.—Any person who impersonates another for the purpose of voting, or votes under a fictitious name, or attempts to vote more than once, or who aids or counsels another to commit any of these acts shall be guilty of a felony punishable by imprisonment in the penitentiary for from 2 to 5 years (§§ 129.090, 129.690).

Every person who shall vote more than once at any election or shall vote knowing that he is not a qualified voter, or shall advise or procure another to do so shall be guilty of a felony punishable by imprisonment in the penitentiary for not more than 5 years, or by imprisonment in the county jail for not more than 1 year, or by fine of not less than \$50, or by both fine and imprisonment (§ 129.470).

Any person who shall attempt to vote knowing he is not entitled to vote at such election shall be guilty of a misdemeanor (§129.480).

Fraudulent registration.—Any person who shall impersonate another or shall attempt to register under a name not his own or under a fictitious name or in 2 precincts or in a precinct in which he has no right to register, or shall do any unlawful act to secure his registration or that of another shall be guilty of a felony punishable by imprisonment in penitentiary for from 2 to 5 years (§ 129.680).

MONTANA

Unless otherwise specified, references are to Revised Codes, 1947, 1955 Replacement, Title 23, and to 1959 Supplement.

Voters' qualifications (§ 23-302; Const. Art. IX, § 2)

Age.—21 years or over.

Citizenship.—Must be citizen of the United States by election (§ 23.508).

Residence.—1 year in State, 30 days in county immediately preceding election. (See also § 23-508.)

Disqualified for voting (§ 23-302; Const. Art. IX, §§ 2, 8)

1. Persons convicted of felony, unless pardoned or restored to citizenship.
2. Idiots or insane persons (§ 23-310).

Registration

Registration is permanent (§ 23-507), subject to cancellation for failure to vote in a general election. However, registration of elector absent in armed services shall not be canceled for this reason (Supp. § 23-511).

Applicant must appear in person. However, voters in the United States service may register by mailing to county clerk a prescribed form of affidavit (Supp. § 23-503). An applicant who is unable to appear in person because of physical infirmity may be registered at his home by county clerk or deputy registrar who will call at his home for that purpose (§ 23-504).

Registration application—contents

Oath.—An affidavit is printed on the back of the registration card. The applicant signs this affidavit by which he swears that he is the elector whose name appears on the face of the card; that the statements on the card affecting his qualifications as a voter are true; that he is able to mark his ballot or unable because of physical disability; that he is not registered elsewhere in the State; and that he claims no right to vote elsewhere than in the precinct specified (§ 23-502; Supp. § 23-503).

The following information appears on the face of the card (§ 23-502):

1. Name.
2. Sex.
3. Where born.
4. Age.
5. Height.
6. Occupation.
7. If naturalized, when and where, and proof of (§ 23-523).

8. Address.
9. Residence, term of.
10. Place where last registered.

Literacy.—Not required. If the elector is unable to sign his name in the precinct register book when offering to vote, he shall be required by the judges of election to produce two freeholders who shall make an affidavit before the judges of election, to the effect that the elector is personally known to them and that they know his residence and believe he is entitled to vote at this election (§ 23-524).

Penalty for violations

Fraudulent registration.—If any person shall falsely impersonate another and procure the registration of such other person or shall register in any name but his own or shall secure his registration in an illegal manner, he shall be guilty of a felony punishable by imprisonment in the State penitentiary for from 1 to 3 years (Supp. § 23-503).

False affidavit.—Any person who shall make false answers, either for himself or another, or shall violate or attempt to violate any registration provisions shall be guilty of a felony punishable by imprisonment in the State prison for from 1 to 10 years. If such person be a public officer, he shall also forfeit his office and never be qualified to hold public office, either elective or appointive, thereafter (§ 23-506).

Illegal voting.—Any person who shall make false answers, either for himself or another, or shall violate or attempt to violate any election provisions, or knowingly encourage another to violate same shall, excepting where some penalty is provided by the election law, be deemed guilty of a felony punishable by imprisonment in the State prison for from 1 to 14 years. If such person be a public officer, he shall forfeit his office (§ 23-533).

NEBRASKA

Unless otherwise designated, references are to Revised Statutes of 1943, Reissue of 1960, Title 32.

Voters' qualifications (Const. of Nebraska, Art. VI, § 1; Rev. Stat. § 32-102)

Age.—21 years or upwards by election (Rev. Stat. §§ 32-221, 32-223).

Citizenship.—Must be citizen of United States.

Residence.—6 months in State, 40 days in county, 10 days in precinct, township, or ward by election (Rev. Stat. § 32-221).

Disqualified from voting (Const. of Nebraska, Art. VI, § 2)

1. Persons who are non compos mentis.
2. Persons convicted of treason or felony under Federal or Nebraska law unless restored to civil rights.

Registration

Within counties of more than 60,000, registration is permanent in cities of more than 40,000 located therein, and in such adjoining election districts within the county as election commissioners may direct (§ 32-216). In cities of 7,000 to 40,000 inhabitants, registration shall be permanent, subject to cancellation for failure to vote in two consecutive general elections (§ 32-233). There are no provisions for registration of persons living in cities of under 7,000 in population. (See § 32-264.)

Registration must be made in person. However, absent or physically disabled voters may register by mail or may be registered by executing the affidavit contained on the identification envelope of the absentee ballot (§§ 32-221, 32-247).

Registration application—contents (§§ 32-222, 32-223, 32-246, 32-248, 32-249)

Oath.—The applicant swears or affirms that he will fully and truly answer all questions which shall be put to him touching his place of residence, name, place of birth, qualifications as a voter, and all other questions affecting his right to register and vote.

The supervisor of election shall ask the following questions and shall enter the replies in the register in the presence of applicant:

1. Residence (address).
2. Name.
3. Sworn.
4. Nativity.
5. Term of residence.

6. If naturalized, where and when.
 7. Party affiliation (in counties of over 60,000) (Supp. § 32-223).
 8. Remarks.
 9. Qualified voter (enter whether or not he is of age).
 10. Signature of voter. Voter must sign his name in register.
- In cities of over 40,000, the registers shall, in addition, have columns entitled: occupation, place of residence at last registration, married or single, personal description, color of hair, color of eyes, approximate weight, approximate height (§ 32-220).

Literacy.—Apparently all that is required is that the voter sign his name in register when registering. See § 32-1210 which provides for "Deceiving illiterate elector."

Penalty for violations

Illegal voting.—Any person who shall vote in any precinct, township or ward where he has not actually resided for 10 days before election or into which he came for temporary purposes only shall be fined from \$25 to \$100, or be imprisoned in the county jail for not more than 3 months (§ 32-1202).

Any person who shall vote more than once at the same election shall be imprisoned in the penitentiary for from 1 to 5 years (§ 32-1203).

Any resident of another State who shall vote in this State shall be imprisoned in the penitentiary for not more than 5 years (§ 32-1204).

Any person who shall vote knowing that he is not qualified either by age, residence, or United States citizenship, or that he is disqualified for having been convicted of an infamous crime without having been pardoned and restored to all civil rights shall be imprisoned in the county jail for not more than 6 months (§ 32-1205).

Any person who shall aid another to vote knowing such person to be either not qualified or disqualified shall be fined not more than \$500 and imprisoned in the county jail for not more than 6 months (§ 32-1206).

Any resident of the State who shall vote in a county in which he did not actually reside for 40 days next preceding the election shall be imprisoned in the penitentiary for not more than 3 years (§ 32-1207).

Registration applications.—contents (§§ 292.180, 292.300, 292.310)

Oath.—The application is in the form of an affidavit which is sworn to and subscribed by applicant and which contains the following information, filled in by the registrar:

Statement that applicant will be qualified by age and residence by date of election, and

1. That he has not registered from any other precinct.
2. Name.
3. Address.
4. Occupation.
5. Party affiliation (may decline to state).
6. Height.
7. Place of birth.
8. If naturalized, method of acquiring citizenship.

Literacy

9. Whether or not (a) he can read the Constitution in English; (b) he can write his name; (c) he is entitled to vote by reason of having been an elector; (d) whether or not he can mark his ballot by reason of physical disability, if any (§ 292.310).

There is, however, also the following provision which touches on literacy: The registration or reregistration of electors who are unable to sign their names shall be made only on personal application at offices of county clerks, where they may be identified by use of personal description on affidavits of registration. Such affidavits may be signed with a mark or cross, and the person before whom the affidavit is made shall insert the date which shall be the date of the jurat (§ 292.240). No mention is made of physical disability.

Penalty for violations

Any person who applies for a ballot by impersonating another or under a fictitious name, or who votes more than once at an election shall be punished by imprisonment in the penitentiary at hard labor for from 1 to 3 years (§§ 305.120, 305.130, 305.140).

Any person who shall cause or endeavor to cause his name to be registered knowing he is not a qualified voter and any person who shall try to register in

any election district other than his own, or try to register knowing he will not be qualified by election day, or shall aid or induce another to commit either of these acts shall be punished by a fine of from \$50 to \$500, or by confinement in county jail for from 1 to 6 months or by both (§ 305.110).

All willful, corrupt, and false swearing or affirming before any registry agent shall be deemed perjury and shall be punished as such (§ 305.170).

Any person who, after being required to do so by the board of judges at any election, refuses to be sworn or who, after being sworn, refuses to answer any pertinent question relating to the right to vote of himself or of another is guilty of a misdemeanor punishable by a fine not exceeding \$500, or by imprisonment in the county jail for not more than 3 months or by both (§ 305.160).

Any person not entitled to vote who fraudulently votes or who votes more than once at any election or who knowingly hands in two or more tickets or who commits other enumerated frauds as to voting shall be guilty of a felony punishable by a fine of not over \$1,000, or by imprisonment in the State Prison for not more than 5 years or by both (§ 305.120).

Every person not entitled to vote who fraudulently attempts to vote, or who attempts to vote more than once at an election, or who aids or advises another to offer his vote knowing he is not qualified shall be guilty of a misdemeanor punishable by a fine of not over \$200, or by imprisonment in county jail for not over 60 days or both (§ 305.150).

Any person who shall procure aid, or advice another to vote in a county in which he is not qualified to vote shall be imprisoned in the penitentiary for from 1 to 5 years (§ 32-1208).

False registration oath.—Any person who shall take a false oath or affirmation in connection with his registration as a voter, or who shall induce or advise another to so swear or affirm falsely shall be punished by imprisonment in the penitentiary for from 1 to 10 years (§§ 32-1228, 42-1229).

NEVADA

Unless otherwise designated, references are to Nevada Revised Statutes, 1955, as amended through 1959.

Voters' qualifications (Const. of Nevada, Art. II, § 1; NRS § 292.070)

Age.—21 years and upwards, by election (§ 292.190).

Citizenship.—Must be citizen of the United States.

Residence.—6 months in State, 30 days in county 10 days in precinct next preceding election.

Disqualified from voting (Const. of Nevada, Art. II, § 1)

1. Persons convicted of treason or felony in any State or territory of the United States unless restored to civil rights.

2. Idiots or insane persons.

3. Person who, while a citizen of Nevada, fought or aided in a duel (Const. Art. VX, § 3).

Registration

Registration is permanent subject to cancellation for failure to vote at general election in November of each even-numbered year (§ 292.310).

Registration must be made in person (§ 292.180). However, absent voter in services of United States, or spouse or dependent of such absent voter may be registered by mail by an affidavit of registration sent him by county clerk (§§ 292.210, 292.220). Registration of persons in the military or naval forces of the United States shall not be required as a condition to the right of voting (Const. of Nevada, Art. II, § 3).

NEW HAMPSHIRE

Unless otherwise designated, references are to Revised Statutes Annotated, 1955, and to 1959 Supplement.

Voters' qualifications (§ 54:1)

Age.—21 years and upward.

Citizenship.—Must be citizen of United States.

Residence.—6 months in State, 6 months in town (§ 54:8, as amended by Laws, 1945, Ch. 165). Residence not lost by service for United States (§ 54.10).

Literacy.—No person shall have the right to vote who shall not be able to read the constitution in English and to write unless prevented by a physical

disability. This shall not apply to persons who voted in 1903, nor to persons who were 60 years old or over on January 1, 1904 (Const. of New Hampshire, Part First, Bill of Rights [Art.] 11th; Rev. Laws § 55:10). Applicant shall draw a slip from a box which slip shall contain five printed lines of the Constitution (§§ 55:11, 55:12).

Special head tax.—Abatement of the special head tax (levied for 1959 and 1960) because of undue hardship is declared not to preclude one from voting (Laws of 1959, Ch. 8, § 8:18).

Disqualified for voting

1. Persons convicted of treason, bribery, or any willful violation of the Federal or New Hampshire election laws unless restored to privileges of an elector by the supreme court on notice to the attorney general (Const. of New Hampshire, Part First, Bill of Rights, [Art.] 11th; Rev. Laws § 69:13).

2. Paupers unless they tender payment of reasonable expense incurred by town or county. No person shall be considered a pauper who is receiving public assistance for which Federal funds are available, or unless he has been assisted as such without 90 days prior to election (§§ 54:1, 54:2, 54:5).

3. Person excused from paying taxes at his own request unless he tenders payment of all taxes assessed him during the year prior to his offer to vote (§ 54:4). No soldier or sailor who served in a war in which the United States was engaged and has been honorably discharged shall be deprived of his right to vote by reason of having received assistance from any town or county (§ 54:3).

Registration

Registration is permanent and must be made in person (§ 55:5 through § 55:9). Members of the Armed Forces may be registered from information appearing in affidavit on outside of absentee ballot envelope (§ 60:23). Although there is an absent voting law, absent voter's name must have appeared on registration list in order that he may vote by absent ballot (Supp. §§ 60:2 II, 60:4).

Registration application—contents.—The qualifications of an applicant shall be determined by the supervisors of the checklist (registration list) who shall examine him under oath relative thereto, and shall, unless he is prevented by physical disability, or unless he had the right to vote or was 60 years old or over on January 1, 1904, require him to write and read in such a manner as to show that he is not being assisted and is not reciting from memory. (See under Literacy, above). Applicant may be required to produce birth certificate or naturalization papers (§ 55:9 to § 55:14).

Preservation of records.—There appears to be no provision for the preservation of the actual test and its results when given to an applicant who was denied registration.

Penalty for violations

If any person shall be guilty of an offense against the election laws for which no penalty is specified, he shall be fined not more than \$100 (§ 69:6).

If any person shall, at any election, turn in more than 1 ballot, or shall attempt to vote more than once, or shall apply for a ballot in any name other than his own, or shall vote when not qualified, or shall give a false name or answer to the board of supervisors when registering, he shall be fined from \$50 to \$500 (§ 69:8).

NEW JERSEY

Unless otherwise designated, citations are to Statutes, Annotated, 1937, Title 19 and to 1960 Supp., Title 19.

Voters' Qualifications (Const. of New Jersey, Art. 2, § 3; see also Supp. §§ 19:4-1 and 19:31-5)

Age.—21 by election.

Citizenship.—Must be citizen of United States.

Residence.—6 months in State, 60 days in county next before election. In any election, except primary, held in cities of fourth class having a population of not more than 20,000, voter must have resided 15 days in city prior to election (§ 19:4-3). For more than one residence, see Supp. § 19:4-4.1 to § 19-4-4.6.

Disqualified from voting (Const. of New Jersey, Art. 2, §§ 6, 7; Supp. § 19:4-1)

1. Idiots or insane persons.

2. Persons convicted of blasphemy, treason, murder, piracy, arson, rape, sodomy, or the infamous crime against nature committed with mankind or

beast, robbery, conspiracy, forgery, larceny of \$200 or more, perjury or subornation of perjury unless pardoned or restored by law to the right of suffrage.

3. Person convicted after October 5, 1948, or who shall be convicted of bigamy or who shall be convicted of the crime of burglary or of any offense described in chapter 94 of title 2A (Burglary and Like Crimes), or section 2A:102-1 (Embezzlement by public officers and employees), or section 2A:102-4 (Embezzlement by officers or employees of banks) of the New Jersey Statutes, or described in sections 24:18-4 and 24:18-47 of the Revised Statutes (Uniform Narcotic Drug Law) unless pardoned or restored by law to the right of suffrage.

4. Persons convicted of violation of election law for which criminal penalties were imposed or are imposed if such person was deprived of such right as part of the punishment therefor according to law unless pardoned or restored by law to the right of suffrage.

Registration

Registration is permanent (Supp. § 19:31-1.1), subject to cancellation for failure to vote at any election for 4 consecutive years (Supp. § 19:31-5).

Registration must be made in person (Supp. § 19:31-6). Person who, due to chronic or incurable illness or to total incapacity, cannot appear in person may be registered at his home or place of confinement by a clerk appointed for that purpose (Supp. § 19:31-6). Registration is not required of persons in armed services (Supp. §§ 19:57-3, 19:57-9). Although an absent civilian can vote by absentee ballot, he must have been registered in person (Supp. §§ 19:57-3, 19:57-7). Registration by mail is specifically prohibited (Supp. § 19:31-6).

Registration application—contents (Supp. §§ 19:31-3, 19:31-6)

Oath.—Applicant subscribes to oath or affirmation that he will fully and truly answer such questions as shall be put to him touching his eligibility as a voter. Upon being sworn, applicant shall answer the following questions, and registrar shall fill out the forms, which applicant shall sign:

1. Name.
2. Address.
3. Applicant's statement that he is qualified by age, citizenship, and term of residence.
4. Whether native-born or citizen by naturalization.
5. Address from which he registered last.
6. Signature or mark of applicant.

Literacy.—If applicant is unable to sign his name, he shall make a mark, and the following additional questions shall be answered:

- (a) Full name.
- (b) Father's full name.
- (c) Mother's full name.
- (d) Marital status.
- (e) Previous address.
- (f) An oath or affirmation that foregoing statements are true.

Penalty for violations

Any person who shall cause his name to be registered in more than one election district or in an election district in which he knows he is not qualified to vote shall be punished for each such offense by a fine not exceeding \$1,000 or by imprisonment not exceeding 5 years or both (§ 19:34-1).

Any person who shall willfully or fraudulently register more than once, or register under any but his true name, or in any election district where he is not a resident, or who violates any provision of the election law (title 19) shall be guilty of a misdemeanor (§ 19:34-1).

If a person convicted of a crime which disfranchises him shall vote at any election unless he shall have been pardoned or restored by law to the right of suffrage, he shall be guilty of a misdemeanor, and shall be punished by a fine not exceeding \$200, or imprisonment at hard labor not exceeding 2 years or both (§ 19:45-4).

Every person who fraudulently votes when not entitled to vote, or who votes more than once at an election, or hands in more than one ballot, or who personates a person legally entitled to vote, or who attempts to do any of these acts shall be guilty of a misdemeanor (Supp. §§ 19:34-11, 19:34-12).

Whoever shall solicit the registering of his name in any election district knowing he is not a legal voter in such district, or shall aid or advise another to do

so knowing such other is not a legal voter in such district, or at an election votes or attempts to vote more than once in his own name or under any name than his own or in more than one election district or to cast more than one ballot, or shall aid or advise another to do any of these acts shall be guilty of a misdemeanor punishable by a fine of \$500, or imprisonment in State prison for 3 years or both (§ 19 :34-20).

NEW MEXICO

Unless otherwise designated, references are to Statutes, 1953, chapter 3, and to 1959 supplement.

Voters' Qualifications (Const. of New Mexico, Art. VII, § 1; Stats. § 3-2-51)

Age.—Over 21 years.

Citizenship.—Must be citizen of United States.

Residence.—12 months in State, 90 days in county, 30 days in precinct next preceding election.

Literacy.—Not required. The right of any citizen to vote shall never be restricted, abridged or impaired on account of religion, race, language or color, inability to speak, read or write English or Spanish languages except as may be otherwise provided in the Constitution; and the provisions of this section and of Section 1 of this article (qualification of voters) shall never be amended except upon a vote of the people of this State at an election at which at least three-fourths of the electors voting in the whole State, and at least two-thirds of those voting in each county of the State, shall vote for such amendment (Const. of New Mexico, Art. VII, § 3).

Disqualified from voting (Const. of New Mexico, Art. VII, § 1; Stats. § 3-2-51)

1. Idiots and insane persons.
2. Persons convicted of felonious or infamous crimes unless restored to political rights.
3. Indians not taxed.²

Registration

Registration is permanent (§ 3-2-9), subject to cancellation for failure to vote at the two last preceding general elections (Supp. § 3-2-21 (4)). Registration must be made in person. A person serving in the military forces, a person in the merchant marine, a person in civilian U.S. service outside U.S. territorial limits, and their spouses and dependents may give a close relative a power of attorney authorizing such person to register him or her (Supp. § 3-2-6). A person temporarily out of the county or State during the registration period may register by sending the required affidavit to his county clerk by registered mail (Supp. § 3-2-16).

Registration application—contents (§ 3-2-7)

Oath.—Application is in form of an affidavit which is sworn to and subscribed by applicant. It contains the following information:

- Name Statement that he is qualified by age, citizenship, and residence; and
1. Party affiliation (may decline to state).
 2. Address.
 3. Place of birth.
 4. That he is not registered in any other county in the State.
 5. County in which he was last registered.
 6. That he cannot mark his ballot (if so), and reason why.
 7. Height, weight, color of eyes, color of hair, social security number.
 8. If applicant resides within corporate limit of any city, town, or village name of such city, town, or village.

Literacy.—If any person seeking to register shall be unable to read or write either the English or Spanish language, the application shall be filled out by one of the registration officers, and applicant shall make his mark and swear to same before two witnesses who shall be qualified voters of the county (§ 3-2-11).

Penalty for violations

Any person who makes any false sworn statement or affidavit to procure registration of himself or another knowing the same to be false shall be guilty of a felony and punished by imprisonment in the penitentiary for 1 year (§ 3-8-2).

² Declared unconstitutional. *Trujillo v. Garley*, August 11, 1948, USD CT for New Mexico File No. 1353 Civil (not reported).

It shall be unlawful for any warden, sheriff, or jailer to permit any prisoner or convict to vote. Violation of this provision is punishable by a fine of from \$100 to \$500 and by imprisonment in the county jail for not more than 6 months (§ 3-8-3).

Any person of whom an oath shall be required under the provisions of the election code who shall willfully swear falsely shall be punished by a fine of from \$100 to \$1,000, and by imprisonment in the State penitentiary for from 1 to 5 years (§ 3-8-7).

Any person knowing himself to be not a qualified elector who shall vote or offer to vote at an election, or who shall vote or offer to vote under a name other than his own, or under a fictitious name, or in any other precinct than that in which he resides, or more than once at an election, or shall induce or advise another to do so shall be punished by fine of from \$100 to \$1,000, and by imprisonment of from 1 to 3 years (§ 3-8-18).

NEW YORK

Unless otherwise designated, references are to Election Law (McKinney's) 1949, and to the 1960 Supplement.

Voters' qualifications (§ 150; Supp. § 352; Const. Art. II, § 1)

Age.—21 years on election day.

Citizenship.—Must be U.S. citizen at least 90 days prior to election.

Residence.—1 year in State, 4 months in county, city, or village, 30 days in election district next preceding the election.

Literacy.—Unless he became entitled to vote prior to January 1, 1922, must, in addition to above qualifications, be able to read and write English unless prevented by physical incapacity. (See also Supp. § 367.)

Disqualified from voting (§ 152; Supp. § 152)

1. Persons who shall pay or receive or offer to pay or receive money or thing of value for giving or withholding a vote at an election, or for registering or refraining to register as a voter, or who shall make any promise to influence the giving or withholding of any such vote or registration, or shall make or become directly or indirectly interested in any bet or wager depending on the result of an election shall not vote at such election.

2. Persons convicted of a felony pursuant to laws of New York shall not have the right to register or vote at any election unless previously pardoned or restored to civil rights of citizenship by the governor or unless awarded a certificate of good conduct granted by the board of parole pursuant to the provisions of the executive law to remove the disability under the section because of such conviction. The governor, however, may attach as a condition to any such pardon a provision that any such person shall not have the right of suffrage until it shall have been separately restored to him.

3. Persons convicted of a felony in a federal court if offense would constitute felony under laws of New York unless pardoned or restored to the rights of citizenship by the President of the United States.

4. Persons convicted of a felony in a federal court for an offense of which such court has exclusive jurisdiction unless pardoned or restored to the rights of citizenship by the President of the United States.

5. Persons convicted in another State for a crime which would constitute a felony under the laws of New York unless restored to the rights of citizenship by the governor or other appropriate authority of such other State.

6. Persons who have been adjudged incompetent or committed to a mental institution by judicial authority unless thereafter adjudged competent or found to have recovered and discharged from the institution.

Registration

Voter must register in person before every general election in cities or villages having 5,000 inhabitants or more (§§ 153, 154; Supp. §§ 153, 154). In election districts outside of cities and villages of 5,000 or more inhabitants registration is permanent, subject to cancellation for failure to vote at a general election within a 4-year period (§ 157; Supp. § 157-a). A qualified voter in such an election district may apply, but is not required to apply in person to be registered (§ 157). Veterans and their spouses, parents, or children, who are inmates of a veterans' bureau hospital in the State may be registered by inspectors of election who will call at the hospital. If the hospital is located outside the State, the signing of his name to an application for an absentee

ballot by a veteran, spouse, parent or child of such veteran accompanying him shall constitute personal registration (§ 155; Supp. § 155; see also Laws of 1960, Ch. 647). A voter who expects to be unavoidably absent from his residence on the day of the next general election by reason of being in federal service, a member of the armed forces, a teacher or student in an institution of learning outside the county, or outside the county on business may register by mail (Supp. § 117(7); Supp. § 153-a). For registration of military voters see Supp. § 305 as amended by Laws of 1961, ch. 198.

Permanent registration.—The city of New York, the city of Plattsburgh, the city of Watertown, and any county or any city of over 5,000 outside the city of New York may, by local law, elect to adopt a permanent registration system (Supp. § 350). In such cases registration shall be in person except for absentee veterans (Supp. § 155) and for absentee voters (Supp. §§ 117(7), 153-a) mentioned above. Permanent registration shall be subject to cancellation for failure to vote at any general election for 2 years (Supp. § 405). For checks on permanent registration, or against fraudulent practices, see Supp. §§ 390-399.

Registration application—contents (Supp. §§ 165 (in city of over 1 million), § 166 (personal registration outside city of over 1 million), § 166-a (registration not required to be personal) § 360).

Oath.—There appear to be provisions for taking an oath only in case of a challenge (§ 224; Supp. § 225). Following is form of register in cities of over 1 million inhabitants:

1. Has voter previously voted at a general election in New York State?
2. Enrollment number for party affiliation. Voter is enrolled in party of his choice by registration board at time of registration (Supp. § 173).
3. Sex.
4. Name of political party with which voter enrolls.
5. Address.
6. Name.
7. Age.
8. Marital status.
9. Term of residence.
10. Country of nativity.
11. If naturalized, how, when, and where.
12. Name of landlord.
13. Year when voter last registered, name of State and city or town.
14. Address from which voter last registered or voted.
15. Name and address of business or place of employment.

Oath.—Last line of register reads "the foregoing statements are true." The applicant signs his name under these words.

Literacy test.—All new voters must pass a literacy test, given under provisions made by the board of regents of the State of New York. However, a certificate or diploma showing completion of an eighth grade elementary or higher school in which English is the language of instruction or certificate of honorable discharge from Armed Forces of United States, shall be accepted as evidence of literacy (Supp. § 168, as amended by Laws of 1961, Ch. 648).

Denial of registration.—A voter who claims he has been unlawfully denied registration shall apply within 2 weeks after last day of registration, personally to board of elections, which, upon proof that he is qualified, shall direct its clerks to register him (§ 177 as amended by Laws of 1961, ch. 649).

Penalty for violations

False registration.—Any person who registers or attempts to register as a voter knowing he will not be qualified in that district at the election, or who registers or attempts to register in more than one election district or more than once in the same district, or under any name other than his own, or knowingly gives a false address, or knowingly permits, aids or advises another to commit any such act is guilty of a felony punishable by imprisonment in a State prison for not more than 5 years (Penal Code § 752).

False affidavit.—An applicant for registration who makes any false statements in any affidavit in connection with registration or voting or who knowingly takes a false oath before a board of inspectors of election shall be deemed guilty of perjury (Penal Code § 754(2)).

Illegal voting.—Any person who votes or attempts to vote or aids or counsels another to vote illegally or fraudulently shall be guilty of a felony punishable by imprisonment in a State prison for not more than 5 years (Penal Code § 765; 1960 Supp. § 765).

Crimes not otherwise provided for.—Any person who knowingly and willfully violates any provision of the election law for which no specific penalty is provided shall be guilty of a misdemeanor (Penal Code § 783).

Issuance of fraudulent certificate of literacy is a misdemeanor (Penal Code, 1960 Supp. § 777-a).

NORTH CAROLINA

Unless otherwise designated, references are to General Statutes, Recompiled 1952, chapter 163, and to 1959 Supplement.

Voters' qualifications (Supp. § 163-25; Const. Art. VI, § 4)

Age.—21 years (§ 163-24).

Citizenship.—Must be United States citizen.

Residence.—1 year in State, 30 days in precinct, ward or election district. On removal to new precinct, voter may vote in old precinct until he has established residence in new precinct.

Literacy.—Must be able to read and write any section of the Constitution in English, except that this shall not be required of persons already registered before effective date of this act (Supp. § 163-28, Stats. §§ 163-32, 163-40). Held constitutional. *Lassiter v. Northampton County*, June 8, 1959, 360 U.S. 45.

Disqualified for voting (§ 163-24)

1. Idiots and lunatics.

2. Persons who have been convicted or confessed their guilt in open court upon indictment of any crime the punishment of which is or may hereafter be imprisonment in the States prison unless such person shall have been restored to citizenship in the manner prescribed by law.

Registration

In counties having one or more municipalities with a population in excess of 10,000, registration is permanent, subject to cancellation for failure to vote for 6 years (Supp. § 163-31.2). In order to qualify elector for voting, such registration must be made at least 21 days next preceding the primary or general election to be held (Supp. § 163-31.1). In other counties, registration is made before each election (Supp. §§ 163-29, 163-31).

Registration shall be made in person (Supp. § 163-31). Absentee voters may register at other times than the general registration period, but they must register in person (§ 163-53). Persons absent in Armed Forces, their wives, veterans in government hospitals, and service civilians may register by mail (Supp. § 163-77.1).

Registration application—contents (Supp. § 163-29)

Oath—Loyalty Oath.—Applicant swears or affirms that he "will support the Constitution of the United States, and the Constitution of the State of North Carolina not inconsistent therewith"; that he is qualified to vote by age and residence; and that he has not registered for this election in any other ward, precinct, or township.

Registration shall contain the following information:

1. Name.
2. Age.
3. Residence.
4. Place of birth.
5. Any other questions which may be material upon the question of identity and qualification of applicant for registration.
6. If he has moved from other district, place he moved from.
7. Party affiliation (§ 163.43). (May refuse to state; but in that case will be unable to vote in primary unless he appears before registrar on primary day and declares his party affiliation (Supp. § 163-46).)
8. Where registration is permanent, applicant signs his name on form (§ 163.43.1).
9. If he cannot read or write, but is qualified under the exception to the literacy requirement, such fact must be stated (Supp. § 163-43.1). Now possibly obsolete by virtue of conflict with later amendment (Supp. § 163-28).

Record of registration.—All cases on appeal (from denial of registration) to a county board of elections shall be heard de novo, and the board is authorized to subpoena papers and documents relevant to any matter pending before the board (Supp. § 163-28.2).

Penalty for violations

Any person who shall commit any of the following acts in connection with an election shall be guilty of a felony and upon conviction shall be imprisoned in the State's prison for not less than 4 months or fined not less than \$1,000 or both. It shall be unlawful:

(1) To fraudulently cause his name to be registered in more than one precinct, or to cause his name or that of another to be registered in a precinct where he is not qualified to vote, or to falsely impersonate a registered person and vote in his stead.

(4) For any person knowingly to swear falsely with respect to any matter concerning a primary or general election.

(5) For any person disfranchised by conviction of a crime to vote without having been duly restored to the right of citizenship.

(6) To take corruptly the oath prescribed for voters, and the person so offending shall be guilty of perjury.

(7) To register or vote more than once or to induce another to do so.

(13) To falsely make or present any certificate or paper to qualify a person to vote fraudulently (§ 163-197).

If any person shall knowingly register under the permanent registration law who is not qualified or shall knowingly take a false oath in registering under same, he shall be guilty of a misdemeanor punishable by fine of not over \$1,000 or imprisonment for not more than 5 years (§ 163-203).

NORTH DAKOTA

Unless otherwise designated, references are North Dakota Century Code Ann., 1960, Title 16.

Voters' qualifications (§ 16.0103; Const. Art. V, § 121, as amended June 24, 1958)

Age.—21 years or upwards.

Citizenship.—Must be citizen of the United States.

Residence.—1 year in State, 90 days in county, 30 days in precinct next preceding election. A qualified elector, moving to a new precinct within the State, may vote in old precinct until he establishes residence in new precinct.

Literacy.—The legislature shall by law establish an educational test as a qualification (Const. of North Dakota § 127). No such law is at present in effect. If voter cannot read English, he may receive assistance from someone designated by him, or from both judges of election (§ 16.1208).

Disqualified for voting (§ 16-0104; Const. Art. V, § 127)

1. Persons convicted of treason or felony unless restored to civil rights.
2. Persons under guardianship, non compos mentis or insane.

Registration

No registration is required except that the governing body of any city or village may require the registration of voters in municipal elections (§ 40-21-10).

Penalty for violations

Every person who having been convicted of bribery or felony, thereafter offers to vote at any election without having been pardoned and restored to civil rights of citizenship is guilty of a misdemeanor (§12-1104).

Every person who votes or offers to vote more than once in the same election or when knowing that he is not qualified, or aids another to give his vote when not entitled to vote, or votes or offers to vote in any election district in which he does not reside is guilty of a misdemeanor (§§ 12-1115, 12-1116, 12-1117, 12-1118).

Any person violating any of the provisions of the chapter of Revised Code on elections for which another penalty is not specifically provided shall be punished by a fine of not more than \$1,000 or by imprisonment in the county jail for not more than 6 months or both (§ 16-2024).

Any person who falsely swears when his right to vote is challenged shall be guilty of perjury and shall be punished accordingly (§ 16-1214).

OHIO

Unless otherwise specified, references are to Page's Revised Code, Ann, 1960 Replacement.

Voters' qualifications (§§ 3503.01, 3503.07; Const. Art. V, § 1)

Age.—21 years or over by election.

Citizenship.—Must be citizen of the United States.

*Residence*³.—1 year in State, 40 days in county, 40 days in precinct next preceding election. Inmates of soldiers' homes and of public or private institutions located in the State who have lived there for 1 year prior to election shall be able to vote, if otherwise qualified, in district where home or institution is located (§§ 3503.03, 3503.04).

Disqualified for voting

1. Idiots or insane persons (Const. of Ohio, Art. V, § 6)
2. Persons convicted of a felony in Ohio unless conviction is reversed or annulled or unless pardoned (§ 2961.01).
3. Persons imprisoned in the penitentiary of another State of the United States, for a crime punishable by imprisonment in the penitentiary under the laws of Ohio unless pardoned by the governor of such other State (§ 2961.02).
4. Persons convicted a second time of offense under election laws (§ 3599.39).

Registration

Registration is permanent (§ 3503.07), subject to cancellation for failure to vote at least once in 2 calendar years in any election (§ 3503.25). Such registration is required in every city of 16,000 or over inhabitants. Any other city and any county may elect to maintain a registration system (§ 3503.06).

Registration must be made in person (§ 3503.10). Members of armed services desirous of voting by absentee ballot need not be registered (§ 3511.01).

Registration application—contents (§ 3503.14)

1. Name.
2. Address.
3. Statement that he is qualified as to age, citizenship, and residence.
4. Citizenship; if naturalized, when and where.
5. Place of residence from which registered.
6. Remarks giving additional information for purposes of identification.
7. Any other information which the board deems advisable.

Oath.—A form of affidavit is printed at the bottom of the form by which applicant swears or affirms that the statements he made are true to the best of his knowledge and belief; and that he is legally qualified to vote.

Literacy.—Not required. Any applicant who is unable to sign his name to a registration form shall make a cross which shall be certified by the signing of the name of the applicant by the person filling out the registration form who shall add his own signature and shall also record on form the date of birth of applicant and any other information which may aid in his identification (§ 3503.15).

Penalty for violations

False registration.—No person shall knowingly register or attempt to register in a precinct in which he is not a qualified voter or by impersonating another or by assuming a fictitious name, or to aid or induce another to so register, or to swear falsely before a registration officer, or to falsely make or fraudulently alter a certificate of registration. The penalty for violation of this section shall be a fine of from \$50 to \$1,000 or imprisonment for from 1 to 3 years or both (§ 3599.11).

Illegal voting.—No person shall vote or attempt to vote in a precinct in which he is not legally qualified or more than once at the same election, or impersonate a voter and vote in his stead. The penalty for violation of this section shall be

³ New voters, if eligible to vote in old State, may vote for President and Vice-President (§ 3504.01 to § 3504.07).

a fine of from \$50 to \$1,000 or imprisonment for from 1 to 5 years or both (§ 3599.12).

Inducing illegal voting.—A person who shall counsel or aid another to vote illegally shall be punished by a fine of from \$100 to \$500 or imprisoned for from 1 to 6 months or both (§ 3599.25).

Perjury.—A person taking a false oath as to a material matter pertaining to elections shall be guilty of perjury and shall be imprisoned for from 1 to 10 years (§ 3599.36).

General penalty.—Whoever violates any provision of the Revised Code pertaining to election for which no penalty is specified shall be fined from \$25 to \$500 or imprisoned for from 10 days to 6 months or both (§ 3599.40).

Second offense.—Any person convicted of violating a provision of the Election title of the Revised Code who is again convicted of an election offense shall be fined from \$500 to \$1,000 or imprisoned for from 1 to 5 years or both, and, in addition, shall be disfranchised (Supp. § 3599.39).

OKLAHOMA

Unless otherwise specified, references are to Statutes, Annotated, 1955, Title 26, and to 1960 Supplement.

Voters' qualifications (§ 61; Const. Art. 3, § 1).

Age.—Over 21 years by election (§ 85).

Citizenship.—Must be citizens of the United States and citizens of the State, or persons of Indian descent born in the United States.

Residence.—1 year in State, 6 months in county, 30 days in election precinct next preceding the election.

Literacy.—Must be able to read and write any section of the Constitution of Oklahoma; but this shall not apply to any person who was on January 1, 1866, or at any time prior thereto, entitled to vote under any form of government or who at that time resided in some foreign nation, or to a lineal descendant of such person (Const. Art. 3, § 4(a)). Held unconstitutional—*Guinn v. U.S.*, 1914, 238 U.S. 347.

1. Persons adjudged guilty of a felony unless citizenship was restored in manner provided by law. Persons convicted of bribery in election shall be disfranchised forever (§ 445).

Disqualified for voting (§ 61; Const. Art. 3, § 1)

2. Persons while kept in a poorhouse or asylum at public expense except Federal and Confederate ex-soldiers. Persons receiving old age assistance from the State are not disqualified (*Hines v. Winters*, 320 P. 2d 1114).

3. Persons in the public prison.

4. Idiots and lunatics.

Registration

Registration is permanent (Supp. § 93.6; Stat. Ann. §§ 101c, 101e, 102.4, 103.7) subject to cancellation for failure to vote at three successive elections in counties of 200,000 to 325,000 (§ 101e) and in counties of 62,500 to 95,000 (Supp. § 102.4(e)), and in at least one election in 4-year period beginning January 1, 1957, in the other counties (Supp. §§ 93.14, 103.10).

Registration must be made in person (Supp. § 93.7; Stats. §§ 101d, 102.3, 102.5; Supp. § 103.8). However, voters in the Armed Forces and their spouses and dependents who are absent from their residence because of such service, may vote without registration (Supp. § 345.1).

Registration application (Supp. § 93.7; Stats. §§ 101, 101d, 102.4, 102.5)

There is a general provision for a registration form. Forms are also provided for counties of various sizes. The information contained on all is practically the same. Registrar asks questions and fills in applicant's answers. The form described here is the general form contained in Supp. § 93.7:

Name _____

Politics_____

Oath.—The rest of the form is an affidavit in which applicant swears that he is qualified by citizenship, age, and residence, that he believes in and supports the principles of the political party which he has mentioned above. Also included are:

1. Residence, including precinct or ward.
2. Occupation.
3. Color of hair.

4. Color of eyes.
5. Sex.
6. Height.
7. Weight.
8. The names of two qualified electors of his precinct as witnesses to the truth of the facts stated in the affidavit.
9. Whether applicant (a) is a new voter, (b) is transferring his registration, (c) has lost his certificate of registration, or (d) is changing his political affiliation.
10. Signature of voter, witnessed by registrar.

Literacy.—The section of the State Constitution (Const. Art. 3, § 4(a)) which requires that in order to be qualified to vote a person must be able to read and write any section of the Constitution of Oklahoma unless on January 1, 1866, or at any time prior thereto he was entitled to vote under any form of government or who at that time resided in some foreign nation or unless he is a lineal descendant of such a person, was held to be unconstitutional (*Guinn v. United States*, 1914, 238 U.S. 347).

Penalty for violations

Whoever when asked at time of registration as to his qualification for voting shall make a false affidavit shall be deemed guilty of perjury (Supp. § 93.7).

Any person who shall violate provisions of law pertaining to registration of voters for the punishment of which no provision is otherwise made by law shall be guilty of a misdemeanor punishable by fine of not more than \$500 and by imprisonment in the county jail for not more than 1 year, or both (Supp. § 93.23).

It shall be unlawful for any person to register as a voter unless he has resided 1 year in State, 6 months in county, and 30 days in precinct next preceding election (§ 103.22).

Any person who casts a vote when not qualified to do so or who procures another to do so when not qualified shall be guilty of a felony punishable by confinement in the State prison for from 1 to 3 years (§ 433).

Whoever votes or offers to vote more than once at any election or votes knowing that he is not qualified shall be fined not more than \$1,000 or be imprisoned in the county jail for not more than 1 year, or shall be punished by both, and shall be disfranchised for 10 years (§ 475).

Whoever is guilty of willful and corrupt false swearing or affirming as to his qualifications as an elector at any election or who procures another to so swear or affirm falsely shall be guilty of a felony (§ 481).

Whoever casts an illegal vote at any election shall be guilty of a felony and be disfranchised for 10 years (§ 482).

OREGON

Unless otherwise designated, references are to Oregon Revised Statutes, Annotated, 1953, as revised through 1958.

Voters' qualifications (Const. of Oregon, Art. II, § 2, as amended in 1960)

Age.—21 years and upwards.

Citizenship.—Must be citizen of United States.

*Residence.*⁴—6 months in State immediately preceding election and must reside in precinct in which he registers. For removal to new precinct see § 247.161.

Literacy.—Must be able to read and write English; the means of testing such ability may be provided by law.

Disqualified for voting (Const. of Oregon, Art. II, § 3)

1. Idiots or mentally diseased persons.

2. Persons convicted of any crime which is punishable by imprisonment in the penitentiary unless otherwise provided by law (also Rev. Stats. § 421.110). Persons while committed to Oregon State Correctional Institution (Rev. Stats. § 421.110).

3. Persons convicted of a felony until such privileges are restored. Application for such restoration may be made 1 year after full satisfaction of judgment (Rev. Stats. §§ 247.220, 247.230).

⁴ Amendment adopted in 1960 election authorizes provision to be made by law to permit persons, otherwise qualified, who have resided in State less than 6 months to vote for President and Vice President of the United States. For text see H.J. Res. 26, 1959, p. 1546.

Registration

Registration is permanent, subject to cancellation for failure to vote in at least one election held in county within 2 years (§§ 247.171, 247.251, 247.290).

Registration must be made in person (§ 247.031). Persons who are ill may be registered at their homes (§ 247.031). Absent voters may register by mail (§ 247.111 as amended by Laws of 1959, ch. 274). For members of the armed services and for Federal employees abroad, the oath on the return envelope of the absentee ballot shall constitute complete registration (§253.600); and such registration shall not be subject to cancellation while voter is in the Armed Forces (§ 247.280). A registered voter may vote in person for State and district officers in precinct or county other than his own (§ 253.210).

Registration application—contents (§ 247.121)

Oath.—Applicant must supply the following information under oath or affirmation which registrar shall enter on form (§ 247.171).

1. Name and sex.
2. Address, post office.
3. Name and number of precinct.
4. Residence, term of, and definite location of residence.
5. Place of birth.
6. Parents' full names and spouse's name.
7. Occupation or profession.
8. Whether naturalized, and if so, how, when, and where.
9. Party affiliation. He may decline to answer this. Affiliation may not be changed within 30 days prior to primary (§ 247.201).
10. Signature witnessed by registrar (§ 247.171).

Literacy.—If applicant has not been previously registered in the State, he must be able to read and write English. He may be required to demonstrate such ability by reading a paragraph of his own choosing from any available printed matter and by signing his name (§ 247.131).

Denial of registration.—There appears to be no provision for preservation of application when registration is denied (see § 247.171). On denial, applicant may apply to county clerk for a hearing (§ 247.141).

Penalty for violations

Any person who makes a false statement in his registration or re-registration affidavit is guilty of false swearing punishable by a fine of not more than \$5,000 or by imprisonment in the penitentiary for not more than 2 years or by both (§§ 247.171, 247.991).

No person shall willfully or fraudulently register more than once, or register a fictitious name, or attempt to vote more than once at any election. Violators of this section shall be guilty of impersonation punishable by imprisonment in the penitentiary for not more than 3 years (§ 260.320).

No person shall willfully or fraudulently register more than once, or register under any but his true name, or attempt to vote by impersonating another, or willfully register in any precinct where he is not a resident at the time of registering. Violation of this section is punishable by a fine of not less than \$25 nor more than \$2,000 or imprisonment in the penitentiary for not more than 3 years or both (§ 260.610).

No person shall vote or offer to vote at any election knowing he is not entitled by law to vote thereat, nor vote or offer to vote at any poll or in any precinct knowing he is not entitled to vote there. Violation of this section is punishable by a fine of from \$100 to \$500 or by imprisonment in the county jail for from 3 months to 1 year (§ 260.710).

PENNSYLVANIA

Unless otherwise designated, references are to Purdon's Statutes, Ann., 1938, Title 25, and to 1960 Supplement.

Voters' Qualifications (§ 2811; Const. Art. VIII, § 1, as amended in 1959)

Age.—21 years by election (see also Supp. § 623-21).

Citizenship.—Must be citizen of the United States at least 1 month.

Residence.—1 year in State (or 6 months, if native of State or previously qualified voter who has removed and returned) immediately preceding election, and 60 days in election district immediately preceding election. If qualified

voter removes to new election district within 60 days before election, he may vote in old election district.

Disqualified for voting (§ 3552)

Any person convicted of willful violation of any provision of the Election Code shall, in addition to any penalties provided in said Code, be disfranchised for 4 years from the date of conviction (also Const. of Penna., Art. 8, § 8).

Registration

Registration is permanent (§ 623-1; Supp. § 623-21) subject to cancellation for failure to vote at any election during 2 calendar years (Supp. § 623-40).

Applicant must register in person (Supp. §§ 623-17, 623-20). However, persons in actual military service and bedridden or hospitalized veterans may vote regardless of whether they are registered or enrolled (Supp. §§ 3146.1, 3148.1).

Registration application—contents (Supp. §§ 623-19, 623-20)

Oath.—Registration form contains an affidavit which applicant signs in which he swears or affirms that he is legally qualified to vote as to age, citizenship, and residence, that the statements made in connection with his registration have been read by him or to him, and that they are correct. Statements containing the following information:

1. Name.
2. Occupation.
3. Address.
4. Term of residence.
5. Prior registration (date and address).
6. Sex.
7. Color.
8. Place of birth.
9. If naturalized, how, when, and where.
10. Whether he is entitled to receive assistance in voting because, by reason of illiteracy, he is unable to read the name on the ballot or on the voting machine labels.
11. Party affiliation.
12. Height.
13. Color of hair.
14. Color of eyes.
15. Date of birth, or statement that he has attained majority (if date of birth is not material for naturalization through parent).
16. If naturalization is through marriage, date of marriage.

Literacy—not required (see item 10 above).—If applicant is unable to sign his name due to illiteracy, he shall file with registrar an affidavit of his inability to sign his name and shall present affidavits of two electors who are personally acquainted with him and know his qualifications as an elector, as to residence and statements contained in registration affidavit (§ 623-20(e)).

Penalty for violations (§ 623-45)

(a) Any person who willfully disobeys a lawful order of the commission or of a commissioner or refuses to obey its subpoenas shall be guilty of a misdemeanor punishable by a fine not exceeding \$500.

(b) Any willful statement made under oath to a registrar, regarding any subject being heard by registrar shall be perjury punishable by fine of not over \$500, and imprisonment for from 3 months to 2 years (in cities of first class, penalty is \$500 fine, or imprisonment for not more than 2 years or both).

(c) Any registrar who knowingly registers a person not entitled to registration or who, without reasonable cause, refuses to register a person entitled to be registered, shall be guilty of a misdemeanor, punishable by a fine of not over \$1,000, by imprisonment for not over 5 years, or both.

(d) Any person who applies for registration knowing that he is not qualified, or under address which is not his legal residence, or who falsely impersonates another, or who offers false naturalization papers shall be guilty of a misdemeanor punishable by fine of not over \$1,000 and by imprisonment of from 3 months to 3 years (in cities of the first class, penalty is either a fine of not over \$1,000, or imprisonment of not more than 3 years).

Any person who shall violate any provision of the Election Code for which a penalty is not specifically provided shall be punished by fine of not over \$1,000 or imprisonment for not more than 1 year or both (§ 3550).

RHODE ISLAND

Unless otherwise designated, references are to General Laws, 1956 and to 1960 Supplement.

Voters' qualifications (Const. of Rhode Island, Art. XXIX and Art. XXIV of Amendments; General Laws, Supp. § 17-1-3)

Age.—21 years by election (Supp. § 17-9-7).

Citizenship.—Must be citizen of the United States.

Residence.—1 year in State, 6 months in town or city.

Disqualified for voting (Const. of Rhode Island, Art. XXIV of Amendments)

1. Paupers.
2. Lunatics, persons non compos mentis, or persons under guardianship.
3. Persons convicted of bribery or of any crime deemed infamous at common law, until expressly restored to privileges of suffrage.
4. Persons residing on lands ceded by Rhode Island to the United States (Const. Art. II, § 5). For enumeration of ceded lands, see § 42-1-3.

Registration

All persons are required to register in order to vote (Const. Amend. 29, § 1; Supp. § 17-9-1). Registration is permanent, subject to cancellation for failure to vote at least once at an election within 5 years (Const. Amend. 29, § 1).

Registration must be made in person (Supp. § 17-9-7). Members of the armed services and their spouses and dependents residing with them out of the State may register by mail (Supp. § 17-9-11) and registration shall be exempt from cancellation during the period of service and for 2 years thereafter (Const. Amend. 29, § 1). Persons unable to register because of old age, physical disability, or illness may register by mail (Supp. § 17-9-10).

Registration application—contents (Supp. §§ 17-9-6 to 17-9-9)

Applicant shall furnish information which shall be recorded by registrar on registration card:

1. Date of registration.
2. Name.
3. Address.
4. Place of birth.
5. Term of residence.
6. Last prior address outside city or town.
7. Appropriate date relative to naturalization.
8. In towns (as distinguished from cities) data relative to qualifications required for voting on any proposition to impose a
9. *Oath*.—Applicant signs his name under the statement "I hereby certify that the information recorded on this form is true." An affidavit is required when identity of voter is challenged at polls (Supp. § 17-19-27).

Literacy—not required.—Whenever any person shall be unable to sign his name because of physical incapacity or otherwise, he shall make his mark which shall be witnessed by the person receiving his registration (Supp. § 17-9-7). He shall also identify himself by correctly answering questions put to him when offering himself to vote (Supp. § 17-19-30).

Penalty for violations

False affidavit.—Every person who shall make a false affidavit shall be fined not more than \$1,000 or imprisoned for not more than 1 year or both such fine and imprisonment (Supp. § 17-9-21).

Fraudulent registration.—Any person who shall knowingly make any false certificate in registering his name under the provisions of the Permanent Registration Law shall be fined not more than \$300 or imprisoned for not more than 60 days (Supp. § 17-9-12).

Illegal voting.—Every person who in any election shall fraudulently vote or attempt to vote not being qualified (whether or not his name is on the voting list), or in the name of some other person or under a fictitious name, or in more than one town, ward, or district or in a town, ward or district other than his residence, or shall counsel or aid another to so vote shall be punished by a fine of from \$500 to \$1,000, or by imprisonment for from 6 months to 2 years or both, and shall be disfranchised (Supp. § 17-23-4).

SOUTH CAROLINA

Unless otherwise designated, references are to Code of Laws, 1952, Title 23, and to 1960 Supplement.

Voters' qualifications (§ 23-62; Const. Art. II, § 3; § 4 as amended in 1959)

Age.—21 years or more by election (§ 23-69). Persons becoming 21 within 30 days of general election may register and vote in primary (Atty. Gen. Op. Jan. 17, 1958).

Citizenship.—Must be citizen of South Carolina and of the United States.

Residence.—2 years in State, 1 year in county, 4 months in polling precinct before any election. Ministers in charge of organized church and teachers of public schools and their spouses need only 6 months' residence in State.

Literacy.—Must be able to read and write any section of State constitution or must be able to show that he owns and has paid all taxes collectible during previous year on property in this State assessed at \$300 or more, unless he was registered prior to January 1, 1898, in which case he need not register.

Disqualified for voting (§ 23-62; Const. Art. II, § 6)

1. Idiots or insane persons.
2. Paupers supported at the public expense.
3. Persons confined in any public prison.
4. Persons convicted of burglary, arson, obtaining goods or money under false pretenses, perjury, forgery, robbery, bribery, adultery, bigamy, wife-beating, receiving stolen goods, breach of trust with fraudulent intent, fornication, sodomy, incest, assault with intent to ravish, miscegenation, larceny or crimes against election laws unless pardoned by the Governor.

Indians.—All Catawba Indians otherwise qualified are declared to be citizens of South Carolina and entitled to enjoy all rights and privileges belonging to other citizens of the State (§ 23-6).

Registration

Voter must register once every 10 years. There shall be a general registration of voters in 1958 and every tenth year thereafter (Supp. § 23-67).

Registration shall be made in person (§ 23-64). However, members of the Armed Forces and their spouses, and Federal employees serving overseas, may register by mail by using required form of registration card (Supp. § 23-441.3), but such registration shall be valid only for calendar year (Supp. § 23-441.9).

Record of registration application.—Application must be written, and shall become a part of the permanent records of the board and shall be open to public inspection (Supp. § 23-67.1).

Registration application—contents (Supp. § 23-67.2)

1. (a) Sex
 - (b) Race
 - (c) Place and date of birth
 - (d) Residence and nearest voting place
 - (e) Weight
 - (f) Height
 - (g) Color of eyes
 - (h) Color of hair
2. That he is qualified either (a) by required residence, or (b) by being a minister and having required residence as such, or (c) by being a teacher of a public school, or spouse of such teacher, and having required residence as such.
3. That he is not an idiot, insane, a pauper supported at public expense, or confined to a public prison.
4. That he will demonstrate to the registration board that (a) he can read and write a section of the Constitution of South Carolina, or (b) that he owns and has paid all taxes last year on property in the State assessed at \$300 or more.
5. That (a) he has never been convicted of a list of specified infamous crimes or of crimes against the election laws, or (b) that he has been legally pardoned for such conviction.
6. Signature of applicant, sworn to by him, before a member of the Registration Board.

Oath.—Applicant shall first take an oath administered to him by registrar in which he swears or affirms that he is qualified by age, citizenship, and res-

idence and that he has not been convicted of any of the specified crimes which would disqualify him for voting (§ 23-68).

Applicant shall then be given a certificate of registration signed by two members of the Board of Registration containing his name, age, and place of residence. The certificate shall have on the back thereof, the signature of the registered voter or a certification by the members of the board that the certificate was issued to the voter upon showing that he owns and has paid all taxes collectible during the previous year on * * * property in this State assessed at \$300 or more (§ 23-72).

Penalty for violations

Fraudulent registration.—Any person who shall fraudulently procure the registration of a name, shall fraudulently attempt to vote such name, or shall attempt to vote in violation of the election laws or under false pretense as to his qualifications to vote or shall fraudulently aid or counsel another to do any of these acts shall be guilty of a misdemeanor punishable by a fine of from \$100 to 500 or by imprisonment for from 30 to 90 days or both (§ 23-651).

Any voter knowingly receiving a registration certificate issued in violation of the election laws or making use of such a certificate shall be guilty of a misdemeanor punishable by a fine not exceeding \$200, or by imprisonment for not more than 3 months (§ 23-653).

Illegal voting.—If a person shall vote more than once at any election for the same office, he shall be fined or imprisoned at the discretion of the judge before whom case is tried (§ 23-660).

Any person impersonating or attempting to impersonate another for the purpose of voting at any election shall be punished by imprisonment at hard labor for from 3 to 12 months, or by a fine of from \$300 to \$1,200, or both. When such person is placed under bond, such bond shall be for not less than \$600 nor more than \$1,200 (§ 23-661). Such person shall be arrested by sheriff or police officer when manager of election reports such violations and a proper warrant shall be sworn out (§ 23-662).

Any voter who shall swear falsely at an election or shall impersonate another and take the oath under his name shall be guilty of perjury and shall be punished for perjury (§ 23-664).

Any person who shall vote at any election who is not entitled to vote or who shall violate any of the provisions of the election code shall be punished by a fine of from \$100 to \$1,000, or by imprisonment for from 3 to 12 months or both (§ 23-667).

SOUTH DAKOTA

Unless otherwise designated references are to Code of 1939, and to 1960 Supplement.

Voters' qualifications (Const. of South Dakota, Art. VII, § 1, as amended in 1958)

Age.—21 years and upwards.

Citizenship.—Must be citizen of United States, must have resided 5 years in the United States, 1 year in State, 90 days in county, 30 days in election precinct. Person moving from one county or precinct to another may vote in his old precinct until he has established residence in new precinct.

Disqualified from voting (Const. of S.D., Art. VII, § 8)

1. Persons under guardianship, non compos mentis, or insane.
2. Persons convicted of treason or felony unless restored to civil rights.

Registration

A registration list shall be drawn up in each even-numbered year of the qualified voters of the State (§ 16-0701). The city or county auditors or the town clerks shall prepare a list of all the voters in their respective precincts, using for this purpose the poll list compiled at the last preceding general election after striking names of all persons whom he shall know to have died or moved from precinct supplemented by the names of all living persons shown on the assessor's lists and by the names of all living persons known by such officer whom he may know to be legal voters and whose names are not on the last poll list. The county auditor shall send to each registration board one copy of such poll list for the general election in their precinct (Supp. § 16.0703).

Persons whose names are not on such registration lists when completed may have their names added by appearing in person before the registration board in their district. It shall be the duty of the board to question applicant touch-

ing his residence and his other qualifications as a voter of his voting precinct (Supp. § 16.0704).

Any absent person in the United States service, not already registered, may be registered upon his personal application or upon the personal application of a registered voter of the precinct of the absent voter made to the registration board of his precinct or by Federal Post Card Application known as Standard Form 76 as revised in 1956 (Supp. § 16.0611).

Literacy—Apparently not required.—The board of registration in questioning an applicant for registration may employ an interpreter when necessary who shall be sworn to duly and impartially interpret the examination of the applicant, after such applicant shall have been sworn to make true answers to such questions as may be propounded to him (Supp. § 16.0704).

Oath.—Provision for oath is made only in case of use of interpreter at registration as mentioned above, or when voter is challenged at polls as unqualified (§ 16.1010), or when voter offers to vote without being registered, in which case he shall furnish to the judges of election his affidavit stating that he is an inhabitant of the precinct, giving his place of residence, the time he has resided therein, and the reason why he was not registered; and also shall prove by the affidavit of two registered electors that they know such person to be an inhabitant of the precinct, giving his place of residence and length of time he has resided therein. These affidavits shall be forwarded with the ballot (§ 16.0706).

Penalty for violations

Any person swearing to a statement of fact in an affidavit made to enable an unregistered person to vote knowing same to be false shall be punished by a fine not exceeding \$500 or imprisonment in the State penitentiary not exceeding 3 years or by both (§ 16.9914).

Any person who shall take a false oath when challenged at the polls shall be guilty of perjury and shall be punished as for perjury (§ 16.9915).

TENNESSEE

Unless otherwise designated, references are to Code Ann., 1955, Bobbs-Merill, and to 1960 Supplement.

Voters' qualification (Supp. §§ 2-201, 2-304; Const. Art. IV, § 1)

Age.—21 years by next primary or general election. A person who will be 21 years old before the general election may register and vote in the preceding primary.

Citizenship.—Must be citizen of United States.

Residence.—12 months in State, 3 months in county next preceding election.

Disqualified from voting (§ 2-205; Const. Art. IV, § 2)

1. Persons convicted of bribery or offer to bribe, larceny, or any other offense declared infamous by laws of the State unless restored to citizenship in manner pointed out by law.

Registration

Registration is permanent, subject to cancellation for failure to vote in any primary or general election during 4 successive calendar years (§ 2-303).

Registration must be made in person. However, the county election commission is authorized to register absentee voters who are required by regular business or occupation to be absent from legal residence at time of registration. Persons who cannot appear due to illness or other causes may be registered at their homes by a registrar-at-large (§ 2-306). As to Armed Forces, and federal personnel serving overseas, application for absentee ballot shall be treated as application for registration (§ 2-1703; § 2-1718 as amended by Acts of 1961, Ch. 260, § 4).

Registration application—contents (§ 2-309; Supp. § 2-309; Acts of 1961, Ch. 167, § 4)

1. Name, prefixed by "Mr.," "Mrs.," or "Miss."
2. Address.
3. Applicant's statement that he is qualified or will be qualified by primary or election date by age, citizenship, and term of residence.
4. Whether native-born citizen or naturalized.
5. Color.
6. Voting precinct where last registered.
7. Vocation.

8. Whether ever disqualified by a judgment or decree of court, and if so, by what court restored to citizenship.

9. Signature or mark of applicant. If unable to write or make mark, because of disability, registrar shall sign for him. If person cannot write a description of applicant shall be noted, showing height, color of eyes and hair, and other distinguishing marks.

10. *Oath*.—Immediately above space for signature shall be printed an oath (or affirmation) that to the best of his knowledge and belief the foregoing statements are true.

Literacy.—Apparently not needed. (a) Applicant for registration may make his mark on affidavit as noted in item 9 above; (b) persons unable to sign names must appear in person for change of address (Supp. § 2-305); (c) penal provisions: Any person who shall willfully and knowingly impose upon any illiterate voter a ticket in any election contrary to his wish and desire by falsely representing to such voter that the ticket proposed to him is such as he desires shall be guilty of a misdemeanor (§ 2-2223).

Record of registration (Supp. § 2-314, amended by Acts of 1961, Ch. 167, § 6; Code § 2-319)

The original registration form shall be arranged alphabetically and shall constitute a master file of all registered voters in the county and shall be maintained permanently in the office of the commissioners of election.

There appears to be no provision for preservation of registration applications of applicants who were denied registration. An applicant denied registration by a registrar, may apply to the commissioners of election whose action upon his application shall be final.

Penalty for violations

It shall be a criminal offense for a person to register as a qualified voter when he is not entitled to be so registered; or to vote or attempt to vote on a registration certificate issued to another; or to induce another person to do either of these acts; or to vote or attempt to vote on a registration certificate which is not yet effective; or to willfully make any false statement in an application or affidavit required for registration. Punishment shall be by fine of from \$50 to \$1,000, confinement in county jail for from 30 days to 11 months and 29 days or both, and by disfranchisement for 10 years, provided that attempt to register when under ago, or to register more than once under fictitious names, is a misdemeanor (Supp. § 2-324).

TEXAS

Unless otherwise designated, references are to Election Code, Vernon's 1951, and to 1960 Supplement.

Voters' qualifications (Art. 5.02; Const. Art. VI, § 2)

Age.—21 years.

Citizenship.—Must be citizen of United States.

Residence.—1 year in State, 6 months in county or district next preceding election. Absent on business of the State or of the United States shall not forfeit a residence once obtained (Const. Art. 16, § 9).

Poll tax.—Must have paid his poll tax before February 1 before election, or if exempt from poll tax, must procure a certificate showing his exemption. A city poll tax shall not be required for voting except in city elections.

Disqualified from voting (Art. 5.01; Const. Art. VI, § 1)

1. Idiots and lunatics.
2. Paupers supported by the county.
3. Persons convicted of a felony unless restored to full citizenship and right of suffrage or pardoned.

Registration

Registration is not required. The lists of citizens who have paid their poll tax serves as a registration list. The certified list for each precinct of qualified voters who have paid their poll tax shall contain the following information about each person (Supp. § 5.14):

1. Number.
2. Name.
3. Precinct.
4. Age.
5. Length of residence.

6. Occupation.
7. Race.
8. Length of residence in city and ward.
9. Street and number of residence.
10. Post office address (Art. 5.22).
11. Party affiliation.

Absentee voting is permitted by any qualified voter who is absent from his county or who is unable to vote in person because of sickness or physical incapacity.

Oath.—When voter is challenged at the polls, he must prove by his own oath and by one well-known resident of the precinct or ward that he is qualified to vote at such election and in such precinct (Art. 8.09, Art. 8.10).

Where to vote.—All voters shall vote in the election precinct in which they reside (Art. 2.06, Art. 5.07).

Poll tax receipt—contents (Art. 5.14)

Each poll tax receipt shall show :

1. Name.
2. Payment of the tax.
3. Age.
4. Race.
5. Length of residence in state.
6. Citizenship, whether native or naturalized.
7. Place of birth.
8. Length of residence in county.
9. Voting precinct.
10. Occupation.
11. Post office address.
12. Party affiliation.

Literacy.—No provisions.

Penalty for violations

Any voter who fraudulently or illegally casts a ballot at any election shall be compelled to disclose the names of the candidates for whom he cast such ballot and the ballot cast by him on any question at such election in any court of competent jurisdiction, and whoever in such proceedings shall swear or testify falsely shall be guilty of perjury and subject to penalties for perjury (Art. 7.14, § 23).

Any taxpayer who shall make any false statement to procure a poll tax receipt or falsely answer any question called for on such receipt shall be guilty of false swearing punishable by confinement in the State penitentiary for not less than 1 nor more than 3 years (Penal Code, Art. 200a-2).

Whoever procures a fraudulent certificate of naturalization to enable him or any other person to vote at an election shall be confined in the penitentiary for from 5 to 10 years (Penal Code, Art. 210).

If any person, knowing himself not to be a qualified voter, shall vote at any election, he shall be confined in the penitentiary for from 2 to 5 years (Penal Code, Art. 232).

Whoever shall procure, aid, or advise another to vote at an election knowing such person is not qualified to vote or shall, procure, aid or advise another to vote more than once at such election shall be fined from \$100 to \$500, and may, in addition, be imprisoned in jail not exceeding 1 month (Penal Code, Art. 233).

Whoever shall falsely swear as to his own qualifications to vote or to the qualifications of a person challenged as unqualified shall be confined to the penitentiary for from 2 to 5 years (Penal Code, Art. 234). Whoever procures another to so swear falsely shall be confined to prison for not more than 3 years or be fined not more than \$3,000 (Penal Code, Art. 235).

Whoever attempts to falsely impersonate another at an election and vote on authority of a poll tax receipt or certificate of exemption not issued to him shall be confined in the penitentiary for from 3 to 5 years (Penal Code, Art. 239).

Whoever votes or attempts to vote more than once at any election shall be fined not less than \$100 nor more than \$500 (Penal Code, Art. 241).

UTAH

Unless otherwise designated, references are to Code Ann., 1953, and to 1959 Supplement.

Voters Qualifications (Const. of Utah, Art. IV, §§ 2, 5; § 20-2-11)

Age.—21 years and upwards, by election (§ 20-2-9).

Citizenship.—Must be citizen of United States for 90 days.

Residence.—1 year in State, 4 months in county, 60 days in precinct next preceding election. Employment in service of United States does not constitute loss of residence for purpose of voting (Supp. § 20-2-14).

Disqualified from voting (Const. of Utah, Art. IV, § 6)

1. Idiots or insane persons.
2. Persons convicted of treason or crime against the elective franchise unless restored to civil rights.

Registration

Registration is permanent, subject to cancellation for failure to vote at last general election (§ 20-2-24).

Registration must be made in person (§ 20-2-6). However, persons unable to register in person by reason of physical disability may register by mailing an affidavit to the county clerk (§ 20-2-7). Absent voting is allowed, but registration must have been made in person (§ 20-2-7; Supp. § 20-6-1).

Registration is not required of voters in the military service not already registered, but the back of the ballot envelope shall have printed on it a "Registration and Voting Certificate" in the form of an affidavit which, when properly executed, shall serve as a registration form (Supp. § 20-17-8).

Registration application—contents

Oath.—Applicant must subscribe to oath or affirmation that he is qualified to vote by age, citizenship, and residence (§ 20-2-11).

When any person appears for registration, the registration agent must enter the following information into the official register:

1. Name.
2. Age.
3. Nativity.
4. Location of residence.
5. If person is of foreign birth, he must exhibit his naturalization papers and such fact must be noted (§ 20-2-9).

If applicant is unknown to registration agent, the agent may question him generally under oath as to his qualifications as a voter and, if satisfied, must enter his name in the register (§ 20-2-12).

Literacy.—Apparently not required since there is a provision for assistance to illiterate voters in voting (§ 20-7-24).

Penalty for violations

Illegal voting.—Every person not entitled to vote who fraudulently votes, or who votes more than once at any election, or who aids or counsels another to do so is guilty of a felony (§ 20-13-3) punishable by a fine of not more than \$1,000 or by imprisonment in the State prison for not more than 5 years, or both (§ 20-13-4).

Fraudulent registration.—Any person who willfully causes or allows himself to be registered knowing he is not entitled to such registration, or who causes, advises, or assists another to be registered believing that such person is not entitled to such registration is punishable by a fine of not over \$1,000 or by imprisonment in the State prison for not more than 1 year or both (§ 20-13-5).

Any person guilty of any offense under the election code shall forfeit the right to vote at the election with respect to which offense was committed (§ 20-13-19).

VERMONT

Unless otherwise designated, references are to Statutes, Annotated, 1959 Revision, Title 17, and to 1959 Supplement thereto.

Voters' qualifications (§ 62)

Age.—21 years.

Citizenship.—Must be United States citizen (§ 61).

Residence.—1 years in State; and to vote for representatives to the general assembly, 3 months in town next preceding election.

Freeman's oath.—In order to be qualified to vote, person must take the free-man's oath by which he solemnly swears or affirms that whenever he will give his vote or suffrage touching any matter that concerns the State of Vermont he will do it as, in his conscience, he shall judge will be for the best interests of the same as established by the Constitution without fear or favor of any person (Const. of Vermont, Ch. II, § 34).

Disqualified from voting

Any voter who shall receive a bribe for his vote shall forfeit his right to vote at that election (Const. of Vermont, Ch. II, § 51).

Registration

Registration is not required. The name of a person who is qualified and who has taken Freeman's Oath will be placed on checklist of qualified voters (§ 68, § 201).

Oath.—If he has removed from any residence without the State, he shall also take an oath of allegiance to Vermont and an oath to support the Constitution of the United States (§ 63).

At the hearing for revising the checklist, the board shall examine upon oath persons claiming the right to vote, and shall require production of naturalization papers if applicant is naturalized citizen. Board may administer Freeman's Oath (§ 205).

Absent voting is permitted. Freeman's Oath may be administered to person who is absent in Armed Forces by any officer or person qualified to administer oath within or without the territorial limits of the United States (§ 68).

Literacy—apparently not required.—There is a provision for assistance to a voter in voting who cannot read or write or who by reason of physical or mental disability or blindness, is unable to mark his ballot (Supp. § 1044).

Penalty for violations

A legal voter who knowingly turns in more than one ballot at an election for the same office shall be fined not more than \$100 if the offense is at a general election, and not more than \$10 if committed in town meeting (§ 1971).

A person who on the same day votes in more towns than one for the same offices shall be fined not more than \$100 (§ 1973).

A person whose name is not entered on the checklist of his town for an election through his neglect who votes in another town at such election shall be fined not more than \$200 (§ 1974).

A person who knowingly swears falsely before a board of civil authority in revising the checklist shall be guilty of perjury and imprisonment in the State prison for not more than 15 years and fined not more than \$1,000 (§ 2011).

A person who directly or indirectly aids in procuring the name of a person to be inserted on a checklist of voters knowing such person not to be a voter in the town for which such list is made shall be fined not more than \$100 (§ 2012).

A person who knowingly gives a false answer or false information to an election officer touching upon his right to vote at such election shall be fined not more than \$100 (§ 2013).

A person who votes at any election knowing that he is not a qualified voter shall be fined not more than \$100 (§ 2014).

A person who impersonates another and offers to vote in his name or offers to vote under a fictitious name shall be imprisoned not more than 1 year or fined not more than \$100 (§ 2015).

A person who willfully aids a voter who is not qualified to vote or attempts to vote at a general election shall be fined not more than \$100 (§ 2016).

VIRGINIA

Unless otherwise designated, references are to Code, 1950, Title 24, and to 1960 Supplement.

Voter's qualifications (§ 24-17; Const. §§ 19, 20) : Const. Amend to § 20 proposed (Acts 1960, Ch. 614, p. 1074 to incorporate new registration form). Referred to General Assembly at its session in 1962

Age.—21 years.

Citizenship.—Must be citizen of United States.

Residence.—1 year in State, 6 months in county, city, or town, 30 days in precinct next preceding the election.

Poll tax.—Must have paid, not later than 6 months before election, his State poll taxes for 3 years next preceding year of election (§ 24-67; see also Supp. § 24-120). Treasurer of each county and city shall file clerk of circuit court a list of persons who have paid poll tax, which list shall state the white and colored persons separately. Treasurer shall designate as a tribal Indian any person who presents affidavit by Chief of any Indian Tribe that he is a member of such tribe (Supp. § 24-120).

Disqualified from voting (§ 24-18).

1. Idiots or insane persons.
2. Paupers.
3. Persons convicted after the adoption of the Constitution either within or without the State of treason or of any felony, bribery, petit larceny, obtaining money or property under false pretenses, embezzlement, forgery or perjury.
4. Persons who, while citizens of the State since the adoption of the Constitution, have fought a duel either with a deadly weapon, or sent or accepted a challenge to fight such duel either within or without the State, or knowingly conveyed a challenge, or aided in any way in fighting such duel.
5. Persons who prior to the adoption of the Constitution were disqualified from voting by conviction of crime either within or without the State and whose disabilities have not been removed.

Registration

Registration is permanent except that in cities with population between 40,000 and 160,000 there may be a new registration every 10 years. However, if such registration is for any reason other than the destruction of the registration books by fire or otherwise, then no qualified voter who has registered prior to January 1, 1904, nor who has registered or reregistered under a new registration declared invalid by a court of competent jurisdiction subsequent to January 1, 1950, shall be required to register again (§ 24-92; Laws 1950, ch. 192; Laws 1952, ch. 158).

Permanent rolls.—Registration of voters which took place between June 12, 1901, and January 1, 1904, shall be known as permanent rolls, and voters on such rolls shall not be required to register again unless they have ceased to be residents of the State or have become disqualified (§ 24-117; Const. of Virginia, § 19).

Armed Forces.—Registration and poll taxes are waived for members of Armed Forces of the United States in time of war who vote in person (Supp. § 24-23-1). While there is provision for absent voting of such persons, registration must be made in person (§ 24-17; Supp. § 24-345.1).

Literacy.—Applicant for registration, unless physically unable to do so, shall make application to the registrar in his own handwriting without aid, suggestion, or memorandum on a form which may be provided by the registration officer in the presence of the registrar Acts of 1960, Ch. 288, effective June 27, 1960 (Supp. § 24-68). However, § 24-450 contains penalty for deceiving voter who cannot read the language in which ballot is printed.

Registration application—contents

Oath.—Applicant shall take and subscribe to oath by which he solemnly swears or affirms that he is entitled to register under the Constitution and laws of the State and that he is not disqualified from exercising the right of suffrage by the Constitution of Virginia (§ 24-83).

Registration application shall contain the following (Supp. § 24-68):

1. Name.
2. Age.
3. Date and place of birth.
4. Residence and occupation at the time and for 1 year next preceding.
5. Whether he has previously voted, and, if so, the State, county, and precinct in which he voted last (Supp. § 24-68).

Record of registration.—It shall be the duty of the registrar to preserve the written application of all persons who are registered, or who are denied registration by him, for at least 1 year after such application is presented, such written application to be filed and kept with the registration books and preserved as a part of the official records (§ 24-72).

Penalty for violations

If any person knowingly votes in an election district in which he does not actually reside, or in which he is not a registered voter, or votes more than once

at any election with unlawful intent, or counsels or aids another to vote when or where he is not qualified to vote, he shall be confined in jail not exceeding 1 year and fined not more than \$1,000 (§ 24-450).

If any person not a resident of the State shall vote at any election in the State, he shall be confined in the penitentiary for from 6 to 12 months and fined not more than \$500 or in the discretion of the jury, be confined in jail not more than 12 months and fined not more than \$1,000 (§ 24-451).

Any violation of the provisions of the election law for which no specific penalty has been provided shall be deemed a misdemeanor punishable by fine not exceeding \$1,000, or by confinement in jail for not more than 12 months or both (§ 24-455).

WASHINGTON

Unless otherwise designated, references are to Revised Code, 1951, Title 29, and to 1961 Supplement thereto.

Voter's qualifications (Const. of Washington, Art. VI, § 1, as amended by Amendment 5; Code § 29.07.070)

Age.—21 years or over by election.

Citizenship.—Must be citizens of United States.

Residence.—1 year in State, 90 days in county, 30 days in city, town, ward or precinct immediately preceding election. Absence due to employment in the civil service of the United States shall not result in loss of residence for voting (Const. Art. VI, § 4).

Literacy.—Must be able to read and speak English if not a legal voter on November 3, 1896.

Electors of 1889.—All persons who were qualified electors of the Territory on November 11, 1889, when Constitution was adopted, are qualified electors.

Disqualified for voting (Const. of Wash., Art. VI, § 1, as amended by Amendment 5, Art. VI, § 3)

1. Indians not taxed.
2. Idiots or insane persons.
3. Persons convicted of an infamous crime unless restored to their civil rights.
4. Persons convicted of subversive organization after June 1, 1951 (Rev. Code, 1951, Title 9, § 9.81.040).

Registration

Registration is permanent, subject to cancellation for failure to vote in at least one election for a period of 4 years (§ 29.10.080).

Registration must be made in person (§§ 29.07.060, 29.07.090). Although absent voting is permitted, registration must be in person (§ 29.36.010). (Any person temporarily outside of his county of permanent residence may register in county of temporary residence (Laws 1957, ch. 251, § 13)). As to absentee service voters not already registered, a properly executed declaration on the absentee ballot envelope shall suffice as complete voter's registration for the election for which it is submitted (§§ 29.39.110, 29.39.140; Laws 1955, Ch. 50, § 4).

Registration application—contents

Oath.—Applicant shall swear or affirm that he will fully and truly answer such questions as may be asked of him concerning his qualifications as a voter in the State (§ 29.07.060).

The registration officer shall interrogate applicant as to the following (§ 29.07-070):

1. Name.
2. Whether he will be 21 years of age on day of next election.
3. Place of birth.
4. Place of residence, post office address.
5. Occupation.
6. Citizenship.
7. If a citizen of United States, whether native born or naturalized.
8. If naturalized, whether in his own right or by virtue of his father's naturalization.
9. In case of a woman not native born, how naturalized.
10. If naturalized, how, when, and where.
11. Has applicant ever renounced allegiance to United States, and if so, has he since been naturalized as a citizen of the United States?

12. In case applicant is of foreign birth and is not a naturalized citizen of the United States, whether he was a legal voter of the Territory of Washington prior to November 11, 1889.

13. *Literacy.*—Whether applicant was a legal voter of the State on November 3, 1896, or is able to read and speak English so as to comprehend the meaning of ordinary English prose and, in case the registration officer is not satisfied in that regard, he may require the applicant to read aloud and explain the meaning of some ordinary English prose.

14. Whether applicant has lost his civil rights by reason of being convicted of an infamous crime, and if so, have such rights been restored in manner provided by law.

15. Has applicant resided in State not less than 11 months? (Registration closes for original registration 30 days immediately preceding every election and primary, § 29.07.160.)

16. Length of residence in county (not less than 60 days at registration).

17. Length of residence in precinct.

18. Is applicant a taxpayer of the State.

19. Place and address of last former registration as a voter in State.

20. *Oath.*—Registration officer enters above information on registration card. Applicant must then subscribe to oath (or affirmation) printed on card that the foregoing facts touching his qualifications as a voter entered in his presence by registration officers are true (§ 29.07.080).

Penalty for violations

Fraudulent registration.—Any person who falsely swears in taking the oath or affirmation for registration, or falsely impersonates another and registers in his name, or registers under two or more different names, or causes any name to be registered in any manner other than that provided by law shall be guilty of a felony (§ 29.85.200).

Illegal voting.—Any person who votes or attempts to vote more than once at any election, or knowingly hands in two or more ballots together, or votes or attempts to vote in more than one township, precinct, ward, or county shall be punished as for a gross misdemeanor and adjudges incapable of voting at any election or holding any office for 2 years thereafter (§ 29.85.210).

Any person knowing that he is not a qualified voter who votes at any election shall be guilty of a felony (§ 29.85.240).

Any person violating any provision of the election code for which no other specific penalty is provided shall be punished as for a misdemeanor (§ 29.85.250).

WEST VIRGINIA

Unless otherwise designated, references are to Code of 1955, Annotated, and to 1960 Supplement.

Voters' qualifications (Const. of West Virginia, Art. IV, § 1; Art. II, § 3)

Age.—21 years by election (Code § 49).

Citizenship.—Must be citizen of United States.

Residence.—1 year in State, 60 days in county next preceding election.

Disqualified from voting (Const. of West Virginia, Art. IV, § 1)

While such disability continues:

1. Persons of unsound mind.
2. Paupers.
3. Persons who are under conviction of treason, felony, or bribery in an election.

Registration

Registration is permanent, subject to cancellation for failure to vote at least once during a period covering two primary and general elections (§ 50).

Registration must be made in person (§§ 57(10), 57(12)), but a qualified voter who is absent from the State or country because of occupational or other reasons including service in the Armed Forces may register by mail permanently (§ 57(13)), or temporarily (for members of Armed Forces only) (§ 149(9)).

Registration application—contents (§ 57(9))

1. Name (prefix by "Miss," "Mrs.," "Mr.").
2. *Party affiliation.*—If he declines to state, shall be registered as "Independent" and will not be permitted to vote in primary (§ 57(20)).
3. Term of residence.

4. Place and date of birth.
 5. Occupation.
 6. Color of eyes, hair, skin.
 7. Height.
 8. Marital status.
 9. If unable to write, state reasons.
 10. Other means of identification.
 11. If naturalized, how, when, and where.
 12. *Oath.*—Applicant subscribes to printed oath or affirmation that the statements contained in registration form are true to the best of his knowledge and belief and that he is legally qualified to vote.
- Literacy.*—Apparently not required. If an applicant, although physically able, shall allege inability to sign his name, the registrar shall require him to present an affidavit of a qualified voter within the same county who is personally acquainted with the applicant. Such other voter shall in his affidavit state his own residence and affirm that the statements made by the applicant for registration are true. Upon the presentation of such affidavit, the applicant shall be permitted to sign the registration form by making his mark (§ 57(17)).

Penalty for violations

If any person making an affidavit required under election laws shall knowingly swear falsely or shall aid or advise another to so swear, he shall be guilty of a misdemeanor punishable by a fine of not over \$1,000 and imprisonment in the county jail for not over 1 year (§ 151).

Any person who shall forge the name of another to any affidavit or other writing required by the election laws, or who shall use a forged writing knowing it to be forged shall be guilty of a felony punishable by confinement in the penitentiary for from 1 to 10 years (§ 152).

If any person knowingly votes when not legally entitled to, or votes more than once in the same election or votes or attempts to vote more than one ballot, or procures or assists in procuring an illegal vote to be admitted, he shall be guilty of a misdemeanor, punishable for each offense by fine of not more than \$1,000 or by confinement in the county jail for not more than 1 year or both (§ 171).

Any person who shall commit any act made an offense by the election laws for which no penalty is prescribed shall be guilty of a misdemeanor punishable by a fine of not more than \$1,000 or by confinement in jail for not more than 1 year (§ 178).

WISCONSIN

Unless otherwise designated, references are to Statutes, Annotated, 1957, and to 1961 Supplement.

Voters' qualifications (§ 6.01; Const. of Wisc., Art. III, § 1)

Age.—21 years or upwards.

Citizenship.—Must be citizens of United States or 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 notwithstanding.

Residence.—1 year in State, 10 days in election district or precinct. Voter who moves to new precinct less than 10 days before election may vote in old precinct.

New residents.—A person who has been a resident of the State for less than 1 year shall be entitled to vote for presidential and vice presidential electors provided that he was a qualified voter in another State immediately prior to his removal to Wisconsin or would be a qualified voter in such other State had he remained there until this election, and provided that he would be qualified in Wisconsin but for residence. No registration is required of such voters. Voters shall vote in person from 1 to 15 days before election in the county clerk's office.

Application for a ballot shall be made to county clerk at any time within 1 year preceding a presidential election. Such application shall be in the form of an affidavit stating that applicant is qualified as per § 9.045 of Stats. Ann., to vote for President and Vice President of the United States. Upon receipt of such application, county clerk shall forward a request to election clerk of applicant's former residence, for proof that said applicant was a qualified voter in said State immediately prior to his removal therefrom, or that he would have been so qualified by election, but for such removal.

If satisfied that the certification by clerk of prior residence is in good order, the county clerk shall notify the applicant that he is entitled to vote in person for electors of President and Vice President from 1 to 15 days before election (§§ 9.045, 9.046; Supp. § 9.046).

Disqualified from voting (Art. 6.01; Const. of Wisc., Art. III, § 2)

1. Persons convicted of bribery unless restored to civil rights.
2. Persons interested in any wager depending upon result of an election shall not be permitted to vote at such election.
3. Persons convicted of treason or felony unless restored to civil rights.
4. Persons under guardianship, non compos mentis, or insane.
5. Persons who have engaged in a duel either directly or indirectly, either as principal or accessory (Const. of Wisc., Art. XIII, § 2).

Registration

Registration is required in every city, village, and town having a population of 5,000 or more; in every city, village, and town of less than 5,000 if it is located in a county having a population of 300,000 or more; and in any city, village, or town of less than 5,000 or whose population has never been determined by a United States census, which elects to have registration (§ 6.14).

Registration is permanent and, except in counties of 300,000 or more inhabitants, is subject to cancellation for failure to vote within a 2-year period (§§ 6.18, 6.185, 10.15).

Except in counties of 300,000 or over, registration must be made in person (Supp. § 6.17(2)), but any person who is more than 50 miles away from his legal residence may register by affidavit through the mail (§ 6.17(5)). Voters serving in the Armed Forces of the United States are exempted from registration (§ 11.70(2)). Voter confined to his home or in any institution because of physical infirmity may be registered at his home or in such institution, by authorized employee of municipal clerk (Supp. §§ 6.17(2) (b), 6.185(4) (d), 10.15(1) (b)).

In counties of 300,000 or more inhabitants and in the city of Milwaukee, registration is accomplished by securing a registration card either in person or by mail. The card can be filled in by applicant or another person, but applicant must sign his name or make his mark (§§ 6.185, 10.10). Provisions for absent voters and service voters are the same as in smaller counties (§§ 6.185(10), 10.15(3)).

Registration application—contents

In counties of less than 300,000 inhabitants (§ 6.16) :

1. Name.
2. Residence, street, number, ward, and precinct.
3. Occupation.
4. Birthplace.
5. If naturalized, how, where and when.

6. *Oath.*—Applicant subscribes to an "Affidavit of Registration" in which he swears (or affirms) that he is qualified by age, citizenship, and residence.

In counties of 300,000 and over, and in city of Milwaukee (§§ 6.185, 10.10) :

1. Name.
2. Residence, exact location.
3. Are you a citizen of the United States?
4. Have you lived in the State for a year or more?
5. Have you lived for 10 days or more in this precinct?
6. Have you lived for 10 days or more in this ward?
7. Are you 21 years of age?
8. Are you for any reason excluded from the right of suffrage?
9. Signature of applicant, or his mark.

Oaths are provided for in case of voter challenged at the polls (§ 6.50).

Literacy.—Apparently not required. Any voter who declares to the presiding election officer that he cannot read or write shall be informed that he may have assistance (§ 6.39). Penalty is provided for person deceiving a voter who cannot read (§ 12.67).

Penalty for violations

Any person who shall vote at any election not being legally qualified or having been disfranchised, or shall procure his registration in any election district not having the requisites for registration in such district, or shall willfully make any false statement not under oath to election inspectors or to board of registry in respect to his qualifications to vote, or shall register in more than one election

district for the same election, or shall impersonate a registered voter, or shall vote more than once at the same election or shall assist or advise another to commit any of these acts shall be punished by imprisonment in the State prison for from 1 to 3 years, or in the county jail for not more than 1 year, or by fine not exceeding \$200 (§ 12.59).

A person shall be deemed guilty of the offense of personation who, at any election, applies for a ballot in the name of some other person, living or dead or of a fictitious person, or having voted once, applies for another ballot in his own name or any other name. Any person who commits the offense of personation or who aids or counsels another to commit such offense shall be punished by imprisonment in the State prison for from 2 to 5 years (§ 12.60).

WYOMING

Unless otherwise specified, references are to Wyoming Statutes, 1959 Annotated, and to 1959 Supplement.

Voter's qualifications (§ 22-6; Const. Art. 6, §§ 2, 5)

Age.—21 years.

Citizenship.—Must be citizen of United States.

Residence.—1 year in State, 60 days in county, and 10 days in election precinct. Absent on business of United States shall not result in loss of residence for voting (Const. Art. 6, § 7). Persons who move to new precinct less than 10 days before election may vote in old precinct.

Literacy.—Must be able to read the constitution of the State unless prevented by physical disability, providing that any person who was a qualified voter on July 10, 1890, shall continue to be qualified.

Disqualified from voting (Const. of Wyoming, Art. VI, § 6)

1. Idiots or insane persons.
2. Persons convicted of infamous crimes unless restored to civil rights.

Registration

Registration is required in any incorporated city or town in which more than 1,000 votes were cast at last general election, and in all election districts lying wholly outside incorporated cities or towns in which more than 350 votes were cast at last general election (§ 22-155).

All persons who voted or were registered to vote on November 2, 1948, are deemed to be registered and need not register again. Registration is permanent (§ 31-1201).

Registration of new voters must be made in person or by absent voter through the mail (§ 22-157). As to persons absent in military service, execution of affidavit on envelope of absentee ballot shall serve as registration (§ 22-247).

Registration application—contents

Oath (§ 22-158).—Applicant shall, before registry agent, subscribe to oath whereby he swears or affirms that:

1. He is a citizen of the United States.
2. That he will be 21 years on or before the next election.
3. That his present age is ____ years.
4. That he was born _____.
5. That he will actually be a bona fide resident of state, county and election district by next election.
6. That he is an actual resident of Ward No. _____, in polling Precinct No. _____, in election District No. _____, that his address is within or not within the limits of an incorporated city or town.
7. That he can read the Constitution of the State, *or*
8. That he was a resident and qualified voter of Wyoming on July 10, 1890, and has continued to be a resident of Wyoming, *or*
9. That he is prevented by physical disability from being able to read the Constitution of the State.

The information contained in the oath shall be entered by registrar in the "Official Register of Voters" (§ 22-177).

Penalty for violations

False swearing.—All willful, corrupt, and false swearing or affirming before any registry agent shall be the crime of perjury and shall be punished as such (§ 22-329).

Fraudulent registration.—Any person who shall willfully cause or attempt to cause his name to be registered in an election precinct other than that in which he resides or will reside prior to next election, or when he knows he is not a qualified voter and will not be qualified by election day, and any person who aids or induces another to commit any of these offenses shall be fined from \$50 to \$500 or confined in the county jail for from 1 to 6 months or both (§ 22-331).

Illegal voting.—Violation of any of the following provisions shall be punishable by imprisonment in the county jail for not more than 6 months or by fine of not over \$500 or by both (§ 22-325) :

1. No person shall vote or offer to vote at any election if he is not a qualified voter.
2. No person shall vote in the name of any registered voter except his own.
3. No person shall vote more than once at any election.
4. No person shall aid any unqualified person to vote.



