

State Laws.

LAW-GENERAL.

PASSED BY THE GENERAL ASSEMBLY OF MD. At the January Session, 1870.

PUBLISHED BY AUTHORITY.

CHAPTER 459.

AN ACT

To repeal an Act passed January session, eighteen hundred and sixty-eight, relating to Registration of voters, and to enact other provisions in lieu thereof.

Sec. 1. Be it enacted by the General Assembly of Maryland, That an Act passed January session, eighteen hundred and sixty-eight, relating to registration of voters, be and the same is hereby repealed and the following sections enacted in lieu thereof.

Sec. 2. The Governor shall nominate, and by and with the advice of the Senate, appoint as regular session of the Legislature to be held hereafter, one person in each ward of Baltimore city, and one person in each election district in every county, who shall perform the duties imposed on them by this Article, and all such officers before entering upon the discharge of their duties, shall take and subscribe before the Clerk of some one of the Courts of Baltimore city, and the Clerk of the Circuit Court of the several counties respectively, the oath prescribed in the sixth section of the third Article of the Constitution; and the present officers of registration shall serve out the full term for which they were severally appointed.

Sec. 3. The Clerk of the Superior Court of Baltimore city, and the Clerk of the Circuit Court of the several counties, shall deliver to the officers of registration for Baltimore city and the several counties, the books of registration in the offices of the said Clerks respectively, and also duly certified copies of the lists of qualified voters in their respective offices, on the second Monday in September, eighteen hundred and seventy, and on the same Monday in every year thereafter.

Sec. 4. The officers of Registration as aforesaid shall, on the third Monday in September, eighteen hundred and seventy, and on the same day and month in every year thereafter, demand from the said Clerks of said Courts of Baltimore city and the several counties, said books of registration and certified copies of the lists of qualified voters directed to be delivered to said officers by the said Clerks in the third section of this Article, and said officers of registration shall safely keep and protect said books and lists from alteration, mutilation and defacement, whilst in their possession.

Sec. 5. For the purpose of discharging the duties imposed on them by this Article, said officers of registration shall, for six successive days in Baltimore city, and three successive days in each of the counties of the State, commencing on the third Monday in September, and on the same Monday in every year thereafter, at some convenient place to the voters in the several wards of the City of Baltimore, and the several election districts of the counties, to sit with open doors from nine o'clock, a. m., until nine o'clock, p. m., in Baltimore city, and from nine o'clock, a. m., until six o'clock, p. m., in the several counties, and they shall give at least twenty days' notice of the time and place of sitting, by publication in at least one newspaper published in the counties and three in Baltimore city, one of which shall be in German.

Sec. 6. At the time and place published by said officers of registration, they shall proceed to strike from the list of qualified voters the names of all persons known or made known to them, who have died or removed from the ward or election district, or have become disqualified under the provisions of the second and third sections of the first article of the Constitution, and to deliver to any persons applying, whose names appear on the said list of qualified voters, a certificate of registration, and to strike from the books of registration the name of said dead, removed or disqualified persons, and for what cause under the Constitution and laws of this State, as the case may be, and to register the name of every person who shall apply to said officers to be registered as a qualified voter, who shall satisfy them he possesses, or before the day of election next ensuing, will possess the requisite qualifications under the Constitution of the United States and the law made in pursuance thereof, and of the Constitution of the State of Maryland, the qualifications of age, citizenship and residence, and is not disqualified under the provisions of the second and third sections of the first Article of the Constitution; provided, however, that before registering any person as a qualified voter, the said officers of registration shall administer to him the following oath: "I do solemnly swear (or affirm) that I will true answer make to all questions necessary to ascertain my qualifications or disqualifications to be registered as a qualified voter;" provided that nothing herein contained shall be construed to authorize said register to ask any questions touching any cause of disqualification not expressly enumerated in the Constitution of the State of Maryland or the United States.

Sec. 7. Said officers of registration shall, before striking from said list of qualified voters and from said books of registration the name of any registered person, diligently inquire and accurately ascertain that said registered person does not possess, and before the election next ensuing, will not possess the requisite constitutional qualifications to entitle him to be registered as a qualified voter, or that such person is disqualified under the provisions of the second and third sections of the first Article of the Constitution, and if it shall appear that said registered person does not possess or will not possess said qualifications, and that he is so disqualified, then said officers shall strike the name of such person from said list of qualified voters and said books of

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registration, but if it shall appear otherwise, then such officer shall not strike the name of such person from said books of registration and from said list of qualified voters, and before registering as a qualified voter any person who has applied to said officers of registration to be registered as a qualified voter, said officers shall diligently inquire and accurately ascertain that such person possesses or will possess, before the election next ensuing, the requisite constitutional qualifications to entitle him to be registered as a qualified voter, and that he is not disqualified under the provisions of the second and third sections of the first Article of the Constitution, and if it shall appear that said person so applying possesses or will possess before said day of election said qualifications and is not so disqualified, then said officers of registration shall register the name of such person as a qualified voter, but they shall not register the name of any person who does not or will not possess said qualifications or is so disqualified.

Sec. 8. In registering any person who shall apply to said officers of registration to be registered, said officers shall first record the name of such person in the proper column of said books of registration; and second, administer to him the oath as directed in this Article, and enter in the column of said books whether he has or not been sworn; third, his age; fourth, the place of his birth; fifth, his residence; sixth, the time he has resided in Baltimore city or the county in which he applies to be registered; seventh, if naturalized, the date of his final paper or certificate of naturalization, and the Court, county and State where issued; eighth, if disqualified by non-age, non-residence, alienage or non compos mentis, or bribery or conviction of bribery, or larceny, or other infamous crime as described in the second and third sections of the first Article of the Constitution, the cause of such disqualification; ninth, the name of the disqualified voter, omitting from said ninth column the name of the person so above disqualified, and inserting in lieu thereof the name of the witnesses by whom said disqualification is established, or in case of conviction of bribery, or larceny, or other infamous crime, a statement of the record proof thereof, and in what Court said conviction was had, or other proof by which such disqualification was established.

Sec. 9. Immediately after the expiration of the days in which said officers of registration sat, commencing on the third Monday in September, they shall proceed without delay to make or cause to be made, two alphabetical lists, one of which shall comprise the names of those registered persons which said officers have struck from the lists of qualified voters and books of registration, delivered to said officers by said Clerks of Courts and the other one of said lists shall comprise the names of the persons which said officers have registered at the registration just made, and also the names of those persons whom the Judge of a Court to whom an appeal from the decision of said officers of registration has been taken, has decided to be entitled to be registered, and in the lists of Baltimore city the residence of every voter shall be affixed opposite to his name, and said officers of registration shall cause said lists to be published in two newspapers in Baltimore city, one of which shall be published in the German language, and also by hand-bills posted in such public places as they may select in the several wards of Baltimore city and the districts of the several counties.

Sec. 10. For the purpose of correcting said book of registration and said lists as made and published by said officers of registration, they shall, for three successive days, in the City of Baltimore, Baltimore county, Alleghany county, and two days in the remaining counties of the State, commencing on the fourth Monday in October and on the same day in every year thereafter, at some place in their respective wards and districts thereof, sit with open doors from nine o'clock, a. m. until nine p. m., in Baltimore city, and from nine o'clock, a. m. until six o'clock, p. m., in the counties, and they shall give at least ten days' notice of the time and place of sitting in said wards and districts, and they shall give at least ten days' notice of the time and place of sitting by publication in three newspapers published in Baltimore city, one of which shall be printed in the German language, and in one newspaper in each county in which a newspaper is published, and also by hand-bills posted at such public places as said officers shall select in said ward and district.

Sec. 11. At the time and place published by said officers of registration for correcting said books and lists as published by said officers, they shall proceed to strike from said books and said lists, names of persons known or made known to them who have died, or who do not possess the requisite constitutional qualifications, or who will not possess said qualifications before the election next ensuing, or who are disqualified under the provisions of the second and third sections of the first Article of the Constitution, and to register the name of every person who shall apply to them to be registered who shall satisfy said officers of registration that they possess, or will possess the requisite constitutional qualifications before the election next ensuing, and who are not disqualified under the second and third sections of the first Article of the Constitution, and also the name of every person whom a Judge of a Court to which an appeal has been taken from the decision of said officers of registration, has decided to be entitled to be registered as qualified voters.

Sec. 12. Immediately after the expiration of three days on which said officers of registration of Baltimore city, Baltimore county and Alleghany county, and of the two days on which the said officers of registration in the remaining counties of the State sat to correct said books of registration and said lists, they shall proceed without delay to make or cause to be made, an alphabetical list of the names of the qualified voters in their respective wards and districts, and the list of Baltimore city shall be arranged according to precincts, and the name of every voter shall be placed in the list of the precinct

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in which he resides, and for the counties where districts are divided into precincts, otherwise by districts, the residence of each person shall be set opposite his name, and every person whose name appears in said corrected lists of qualified voters shall be entitled to vote at the polls in said district or precinct of the wards for which his name appears at every election held thereafter until after another registration of voters has been duly published, except those persons who shall become disqualified by change of residence, and said officer of registration shall cause to be published two alphabetical lists, one of which shall comprise the names of those persons stricken from the books of registration, and the other one of said lists shall comprise the names of the persons which said officers have registered for two successive weeks, and said officers of registration shall cause said corrected lists of qualified voters to be published for two successive weeks before the fourth Monday in October, by hand-bills posted in such places as said officers shall select in the several precincts in Baltimore city, and districts in the several counties.

Sec. 13. Said officers of registration shall make, or cause to be made in books proper for the purpose, two fair copies of the lists of qualified voters as made after the last sitting of said officers, one of said copies said officer shall deliver to the Sheriff of Baltimore city, and to the Sheriff of the several counties respectively, one to the Clerk of the Superior Court of Baltimore city, and to the Clerks of Circuit Courts of the several counties respectively, and the said officers shall also deliver to said Clerks of the said Courts the books of registration.

Sec. 14. If any person shall deem himself aggrieved by the refusal of any officer of registration to register his name as a qualified voter by reason of the decision of said officer, that he has not the requisite constitutional qualifications of age, citizenship and residence, or is disqualified under the provisions of the second and third sections of the first Article of the Constitution, or by the refusal to register his name as a qualified voter for any other cause, or by the striking off his name from the list of qualified voters for any cause, he shall have the right to appeal by petition from such decision, or action to the Judge, or Judges of the Circuit Court of the county where he applied for registration, or to a Judge of the Supreme bench of Baltimore city, in case the person applied for registration in Baltimore city, and if said Judge or Judges shall determine that the party so appealing is entitled to be registered, or to be restored to the list as a qualified voter, he shall so certify to the officer of registration from whose decision the appeal was taken, and the said officer shall thereupon register the said person as a qualified voter, and in that case the cost of said appeal shall be paid by the Mayor and City Council of Baltimore, or the County Commissioners of the county in which the appeal was taken.

Sec. 15. Whilst discharging the duties imposed by the several Sections of this Article, said officers of registration shall have and exercise the powers of a Justice of the Peace for the preservation of order around the place of registration, may compel the presence of witnesses for the purpose of obtaining any information necessary to an intelligent discharge of the duties of their office; they shall have power to issue summonses, attachments and commitments to any sheriff or constable, who shall serve such process as if issued by a Judge of a Court or a Justice of the Peace, and shall receive the same fees, and in the same manner as are allowed by law in State cases, but the officers of registration shall not charge any fee for the issuing of such process, or receive any fees or emoluments for this or any other service they may perform in the proper discharge of their duties, except that provided in this Article.

Sec. 16. The Board of Police Commissioners for Baltimore city, shall detail police officers sufficient to preserve order at the places where said officers of registration for Baltimore city are discharging the duties of their office.

Sec. 17. Said Clerks of Courts shall issue under seal to any person applying to them whose name appears on the list of qualified voters in their offices, respectively, a certificate that said applicant is a registered, qualified voter, which certificate shall, upon presentation to the judges of election, entitle the holder to vote at the precinct or district at which he offers to vote; provided, that he has satisfied said judges that he is the person named in said certificate, and he has acquired the residence necessary to entitle him to vote at said precinct or district, and that he has delivered to said judges said certificate to be filed with the lists of voters or books of registration for said ward or district; and provided further, that no registration of voters has occurred in said ward or district since the holding of said certificate has obtained a residence therein, and said clerk shall record the name of every person to whom such a certificate has been issued, and deliver the same to the officers of registration at the ensuing sitting of said officers a certified copy of said names. So that thereby said officers may be informed that such person intended to change his residence, but residence shall not be considered as changed, until six months after actual removal from the city, county, legislative, congressional or other electoral districts in which a voter has been registered.

Sec. 18. Said clerk shall receive said copies of lists of qualified voters and file the same in their office as other papers are filed, and said clerks shall receive and preserve the books of registration and said clerks in the City of Baltimore shall record said lists, and said clerks shall permit examination of the lists of voters and books of registration in their custody, and in their presence or in the presence of their deputies, and they shall not alter, mutilate or deface, or suffer others to alter, mutilate or deface the said lists of voters or books of registration except as herein provided for, and said clerks when notified by the sheriff that any one or more of the list of voters committed to his custody are missing, shall proceed without delay to make or cause to be made a fair and accurate copy or copies of said list or lists, and deliver the same

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to said sheriff at least twelve hours before the opening of the polls at the election next ensuing.

Sec. 19. The Sheriff of Baltimore city and the sheriffs of the several counties respectively, shall receive and safely keep said copies of lists of qualified voters delivered to him by the officers of registration, and shall, on the second day of each and every election, deliver to each and every person who has in his possession copies of said lists committed to him to-day, and if it shall appear that more than one copy of said lists are in his possession, he shall without delay send ten notification, accurately describing the missing list on the Clerk of the Court at said list, or lists are not in the possession of said sheriff, and said sheriff shall receive a copy of said missing list, or lists when tendered to him by said clerk, and said sheriff shall deliver, or cause to be delivered on the day of each and every election at the polls, at or before the time of opening said polls to the judges of election, thereof the copy of the list of qualified voters pertaining to the election precinct or district over which said judges are to preside.

Sec. 20. The Judges of Election shall receive from the Sheriff the list of qualified voters, pertaining to their respective precincts or districts, and preserve the same without alteration, mutilation or defacement whilst in their possession, and shall within three days after the close of the polls, return to said Sheriff the said list of qualified voters; and the said Judges of Election shall not receive, or deposit in the ballot box the ballot of any person offering to vote until they shall have found his name on the list of qualified voters, and shall be satisfied the person so offering to vote is the person named on said list, and have checked it thereon, except such persons as shall present a certificate of registration as herein provided, and they shall receive and deposit in the ballot box the ballot of every person offering to vote, whose name appears on said lists of qualified voters, and of every person who presents to said Judges a certificate of registration as provided in this Article.

Sec. 21. Said officers of registration shall receive four dollars per day for each day necessarily employed in the discharge of the duties imposed on them by this Article, said Clerks of Courts of Baltimore city shall receive one cent for every ten words or figures, and pro rata for recording lists of qualified voters, and for making certified copies of said lists; the Clerks of Courts in the several counties and the City of Baltimore shall receive twenty-five cents for every certificate of Registration issued by them under the seal of their respective offices, and said Sheriff of the several counties shall receive one dollar, and the Sheriff of Baltimore city shall receive for every list of qualified voters delivered by them to the Judges of Election, to be paid to said officers of registration, Clerks of Courts and Sheriffs for Baltimore city, by the Mayor and City Council of Baltimore, and to said officers for the several counties by the County Commissioners thereof respectively; and the necessary expenses incurred by said officers of Registration for books, stationery, fuel office rent and for publication of notices and lists of voters for Baltimore city, shall be paid by the Mayor and City Council of Baltimore, and like necessary expenses incurred for the several counties shall be paid by the County Commissioners thereof respectively, the accounts of said officers of registration to be verified by the vouchers and subject to the approval of said Mayor and City Council and said County Commissioners respectively.

Sec. 22. If any officer of Registration, or Clerk of a Court, or Sheriff, or Judge of Election, or Police Commissioner shall knowingly refuse, or neglect to comply with any of the provisions of the several sections of this Article imposing duties on him, he shall be deemed guilty of a misdemeanor and shall, on presentment and indictment thereof, and conviction thereof, forfeit and pay a fine of not less than five hundred nor more than one thousand dollars for every such offense, or be imprisoned, in the discretion of the Court, for a time not exceeding three years, or both, and shall also be liable in damages at the suit of the party aggrieved.

Approved April 8, 1870. ODEN BOWIE, Governor.

May 12, 1870-11.

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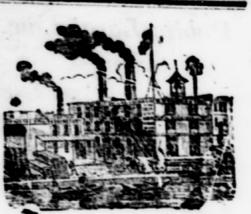
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