

CONSTITUTION.

ARTICLE I.

ELECTIVE FRANCHISE.

Section 1. All elections shall be by ballot; and every¹ male citizen of the United States, of the age of twenty-one years, or upwards, who has been a resident of the State for one year, and of the Legislative District of Baltimore City, or of the county, in which he may offer to vote, for six months next preceding the election, shall be entitled to vote, in the ward or election district in which he resides, at all elections hereafter to be held in this State; and in case any county or city shall be so divided as to form portions of different electoral districts, for the election of Representatives in Congress, Senators, Delegates or other Officers, then to entitle a person to vote for such officer, he must have been a resident of that part of the county, or city, which shall form a part of the electoral district, in which he offers to vote, for six months next preceding the election; but a person, who shall have acquired a residence in such county or city, entitling him to vote at any such election, shall be entitled to vote in the election district from which he removed, until he shall have acquired a residence in the part of the county or city to which he has removed.

The Registry act of 1865, ch. 174, disfranchising those who had served in the Confederate army or had given aid and comfort thereto and providing a test oath, held constitutional. Citizenship and suffrage are not inseparable, the latter not being an inalienable right but a conventional one; nor is the right of suffrage a right of property. Distinction between the Declaration of Rights and the Constitution; the former does not control the latter when it is clear and unambiguous, but the latter must be taken as a limitation of the principles declared in the former. *Anderson v. Baker*, 23 Md. 618. (See also separate and dissenting opinions in this case.)

When a citizen has been a resident of Maryland for one year and of a legislative district in Baltimore city for six months, he is entitled to vote in the ward in which he resides. When a citizen has resided six months in one legislative district and then moves into another legislative district, he is entitled to vote in the former until he has resided six months in the latter. Nature of wards: a right to vote does not depend on a residence for six months in any particular ward. If a person is not entitled to vote, he is not entitled to register or remain registered. When a man moves from one ward to another ward in the same legislative district, he is entitled to vote in the latter ward. The constitutional qualifications of a voter cannot be added to or taken from; how the Constitution should be construed; nature and importance of the elective franchise. *Kemp v. Owens*, 76 Md. 237.

Meaning of the word "resident" as used in this section; distinction between "domicile" and "residence"; status of a student and of a sea-faring man. *Howard v. Skinner*, 87 Md. 558; *Shaeffer v. Gilbert*, 73 Md. 69; *McLane v. Hobbs*, 74 Md. 170; *Langhammer v. Munter*, 80 Md. 525; *Thomas v. Warner*, 83 Md. 18.

This section relates only to elections which the Constitution itself requires to be held, and hence has no application to municipal corporations other than Baltimore city; hence a statute regulating the right to vote at an election in Bel Air was held valid. *Hanna v. Young*, 84 Md. 181.

While the qualifications of a voter as fixed by this section cannot be enlarged nor curtailed, the legislature may enact rules of evidence by which the facts establishing the right to vote may be proved. The act of 1890, ch. 573, providing that voters who had removed from the state should make an affidavit that they intended to return to the state and that the voter should subsequently return in accordance with the affidavit, held valid. *Southerland v. Norris*, 74 Md. 328.

The portion of this section providing that "all elections shall be by ballot" referred to in deciding that the requirement that the vote on a proposed amendment to the

¹ The word "white" omitted under the 15th Amendment to the Constitution of the United States.

Under the 19th Amendment to the Constitution of the U. S., females also entitled to vote.