

election district or precinct of any ward of the City of Baltimore, not for the purpose of acquiring a *bona fide* residence therein, but for the purpose of voting at an approaching election, or who shall vote in any election district or ward in which he does not reside (except in the case provided for in this Article), or shall, at the same election, vote in more than one election district, or precinct, or shall vote, or offer to vote, in any name not his own, or in place of any other person of the same name, or shall vote in any county in which he does not reside.

For cases dealing with art. 1, sec. 4, of the Constitution of 1864 (disfranchising Confederate soldiers and providing for a test oath), see *Anderson v. Baker*, 23 Md. 531; *Hardesty v. Taft*, 23 Md. 524.

Sec. 5. The General Assembly shall provide by law for a uniform Registration of the names of all the voters in this State who possess the qualifications prescribed in this Article, which Registration shall be conclusive evidence to the Judges of election of the right of every person thus registered to vote at any election thereafter held in this State; but no person shall vote at any election, Federal or State, hereafter to be held in this State, or at any municipal election in the City of Baltimore, unless his name appears in the list of registered voters; and until the General Assembly shall hereafter pass an Act for the Registration of the names of voters, the law in force on the first day of June, in the year eighteen hundred and sixty-seven, in reference thereto, shall be continued in force, except so far as it may be inconsistent with the provisions of this Constitution; and the registry of voters, made in pursuance thereof, may be corrected, as provided in said law; but the names of all persons shall be added to the list of qualified voters by the officers of Registration, who have the qualifications prescribed in the first section of this Article, and who are not disqualified under the provisions of the second and third sections thereof.

Art. 33, Sec. 21 of Code not in violation of this section. This section is concerned with uniformity in the basis of franchise and not as to time and other conditions not substantially affecting the franchise. *Binswanger v. Whittle*, 176 Md. 147.

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 Declaration of Rights and Constitution; the former does not control the latter when it is clear and unambiguous, but latter must be taken as a limitation of the principles declared in former. *Anderson v. Baker*, 23 Md. 618. (See also, separate and dissenting opinions in this case.)

This section makes no allusion to municipal elections in any town or city other than Baltimore city; the Constitution makes a clear distinction between federal and state elections on the one hand, and municipal elections on the other. *Smith v. Stephan*, 66 Md. 388.

A count in an indictment against an officer of registration for the violation of a law passed in pursuance of this section, upheld. *Mincher v. State*, 66 Md. 232.

This section referred to in holding that the failure to appeal within the time prescribed by statute from the action of an officer of registration, may not be waived. *Cox v. Bryan*, 81 Md. 290.

This section referred to in refusing an injunction prohibiting the return of the lists of qualified and registered voters by the officers of registration; officers of registration held to be qualified. *Hardesty v. Taft*, 23 Md. 526.

This section referred to in construing art. 1, sec. 1—see notes thereto. *Langhammer v. Munter*, 80 Md. 527.

Ch. 578 of 1929, providing different rules of evidence of intention and residence for Prince George's and Baltimore Counties and the remainder of the State, was held invalid as being in violation of this section. *Bangs v. Fey*, 159 Md. 548.

Voter has right under this section to vote for whom he pleases and reasonable opportunity must be given him to write or insert in the ballot the names of his choice; not applicable to primaries or municipal elections other than Baltimore City. *Jackson v. Norris*, 173 Md. 603.

See notes to art. 33, sec. 14, An. Code.