Popular Support for Disenfranchisement in the United States: Voting on Constitutional Referendums, 1892-1916

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Many scholars discuss the possibility of democratic "backsliding" in the 21st century, both in the United States and around the world. The U.S. has already endured an extended period of significant backsliding at the turn of the 20th century, in which millions of voters (most African Americans in the South and a number of poor Whites as well) were effectively disenfranchised through indirect measures such as literacy tests and poll taxes. Most accounts of this story focus on the actions of Democratic elites in state legislatures, but we spotlight a less well-known source of backsliding: voters themselves. Many disenfranchising provisions were directly decided on by voters through popular referendums. We consider fourteen referendums across southern and border states and analyze county-level results on these votes. We find that they enjoyed their greatest success in those counties with the largest African American populations. We investigate the patterns of these results and find suggestive evidence of electoral manipulation. The best explanation for the inexplicable results is that these were not free or fair elections. Though hardly surprising, ours is a systematic evaluation of county-level voting on important questions that helped usher in an age of disenfranchisement in the South.

Introduction

The legitimacy of elections and the sanctity of voting rights have become meaningful concerns for many politicians and regular citizens in the contemporary United States. Some on the right question whether election fraud and illegal voting are on the rise in ways that ultimately harm Republican candidates. Some on the left believe that voting is being made more difficult for lower socioeconomic-status citizens in ways that ultimately harm Democratic candidates. If taken seriously, these concerns make one question the quality and health of American democracy and whether we are in fact "backsliding."

Even granting the validity of these concerns, the degree to which they affect American elections is minimal. That is, they would only influence the electoral process at the margins. In an era of razor-close national elections, of course, marginal effects could swing an outcome. That said, using references like "Jim Crow 2.0" to characterize the current era is misplaced. There was in fact a "backsliding era" in American politics in which tens of millions of voters were disenfranchised and participation in national, state, and local elections declined significantly.

During the backsliding era – roughly encompassing the last decade of the 19th century and the first decade of the 20th century – Democratic politicians in the ex-Confederate states used statutory and constitutional authority to place severe limitations on who could vote. To comply with the Fifteenth Amendment, they designed provisions to target the poor and the illiterate (and thus were ostensibly race neutral). And, in combination with Democratic canvassing boards that produced biased counts, the result was that most African Americans and many rural Whites in the South lost their suffrage rights.

While the political history of this period is generally well known (Kousser 1974; Perman 2001), one aspect of the backsliding era that has received far less attention has been the

"popular" component of the process. That is, while Democratic leaders sought constitutional amendments and sometimes the drafting of new constitutions (and thus needed to "call" a convention), state legislatures could not carry out these strategies on their own. Any constitutional initiative required the voters of the state – at some stage – to approve via an electoral referendum.[1] Stated differently, significant backsliding required "the people" to get involved directly.

We know very little systematically about the role of popular voting in the backsliding era. As most Southern states disenfranchised through constitutional changes, however, referendums clearly played a decisive role. In this paper, we collect county-level vote totals on all constitutional referendums involving suffrage restrictions during this period – convention calls, constitutional amendments, and ratification of new constitutions. We believe this data-gathering, by itself, is a valuable contribution. We then explore county-level voting patterns via a set of simulations, to examine the degree to which they appear to capture "true" opinion in the state – or whether we can detect evidence of vote fraud in the process. We follow by exploring whether the racial demographics of the counties correlate in a logical manner with the vote totals and whether a significant challenge to the Democrats' rule in the South – the Populist Party – explains voting patterns. In doing so, we assess the degree that the racial and/or partisan "threat" to the Democrats is borne out in the data.

The Cases

We examine fourteen referendum votes, spanning the years 1892 to 1916. Seven states of the ex-Confederacy – Alabama, Arkansas, Georgia, North Carolina, South Carolina, Texas, and

[1] The one exception was Mississippi, in which a new constitution was adopted without any popular component of the process.

Virginia – are represented.[2] However, we note that two states in the Border region – Maryland and Oklahoma – also pursued disenfranchisement via constitutional referendum, a fact that is lesser known in the historical literature.

Of the fourteen votes, three are calls for a constitutional convention, ten are constitutional amendments, and one is ratification of a new constitution. Ten of the fourteen were successful – with the three amendment votes in Maryland and the second amendment vote in Oklahoma representing the failures. Table 1 provides the details of the voting in each state, along with key disenfranchising changes a positive vote would have produced. More detail on the disenfranchising provisions appears in the Appendix.

To provide some context for the popular voting results, we provide short cases studies of the nine states in question below. We cover the politics of each state post Reconstruction and describe the particular factors that explain the timing of the disenfranchising provisions as well as their content.

[2] Mississippi adopted a new constitution in 1890, but had no popular referendum as part of the process (Pratt 2018). Louisiana adopted a new constitution in 1898 that involved ratification via a popular referendum (Cunningham 1966) – but we have yet to the find the county-level vote totals. Florida and Tennessee pursued disenfranchisement solely through statutory changes (Kousser 1974; Perman 2001).

Table 1: Key Disenfranchising Changes Accomplished Via Constitutional Referendums

State	Election Date	Type	Vote	Outcome	Key Disenfranchising Changes
Arkansas	9/5/1892	Amendment	75,940-56,601	Approved	Poll Tax
	9/14/1908	Amendment	88,386-46,835	Approved	Poll Tax
South Carolina	11/6/1894	Convention Call	31,402-29,523	Approved	--- [Poll Tax; Literacy Test (w/Temp Understanding Clause exemption); Property Tax]
Virginia	5/24/1900	Convention Call	77,362-60,375	Approved	--- [Poll Tax and/or Literacy Test [w/Old Soldier Clause exemption)]
North Carolina	8/2/1900	Amendment	182,217-128,285	Approved	Poll Tax (w/Grandfather Clause Exemption)
Alabama	9/23/1901	Convention Call	70,305-45,505	Approved	---
	11/11/1901	Constitution	106,613-81,734	Ratified	Literacy Test and Poll Tax (w/Old Soldier Clause exemption)
Texas	11/4/1902	Amendment	200,650-107,748	Approved	Poll Tax
Maryland	11/7/1905	Amendment	70,227-104,286	Rejected	Literacy Test (w/Understanding and Grandfather Clause exemptions)
	11/2/1909	Amendment	89,801-106,512	Rejected	Literacy Test (w/Property and Grandfather Clause exemptions)
	11/7/1911	Amendment	46,220-83,920	Rejected	Property Test for non-White citizens
Georgia	10/7/1908	Amendment	79,968-40,260	Approved	Literacy Test (w/Understanding, Old Soldier, and Property Clause exemptions)
Oklahoma	8/2/1910	Amendment	135,443-106,222	Approved	Literacy Test (w/Grandfather Clause exemption)
	8/2/1916	Amendment	90,605-133,140	Rejected	Literacy Test (w/Old Soldier Clause exemption)

Note: Votes for South Carolina and Virginia were for a convention call. We note in brackets what disenfranchisement provisions the convention ultimately adopted. The people of neither state voted on the actual constitution.

Arkansas

Arkansas was a newly "redeemed" state in 1874, and the Democrats quickly adopted a new Constitution that rolled back Republican reforms and decentralized power to the county level.[3] Now firmly in control of state government, the Democrats – who represented the landed interests – proceeded to reduce taxes and slash funding for public services like education. As a result, with many poor Whites unwilling to support the Republicans, third-party movements emerged by the late-1870s to represent popular discontent. The Greenback Party – built around advocacy for inflationary policy and "soft money" – eventually gave way to parties backed by farmers' unions like the Agricultural Wheel and the Brothers of Freedom. In 1888, the biracial Union Labor Party emerged to consolidate anti-Democratic rural Whites and the remaining (mostly Black) Republican support in the state. And the result was a serious threat to Democratic dominance, with the Union Labor-Republican ticket winning 45.9 and 44.5% of the gubernatorial vote in 1888 and 1890.

Fearing this new biracial fusion effort, Democratic leaders sought to eliminate its risk potential. First, in 1891, the state legislature enacted a new election law that took balloting out of the parties' hands, made it a state-run initiative, and provided secrecy in voting. As Branam (2010: 245) notes: "The secret, standardized ballot enforced a subtle literacy test for voters."[4] Second, in 1892, a more explicit attack on the coalition of Black and poor Whites was pursued, when the state legislature passed a poll tax – a citizen would have to pay $1 to register to vote and show a poll-tax receipt on election day. For many farmers who were sharecroppers or

[3] This subsection is based on the following sources: Graves (1967; 1990; 2023), Kousser (1974), Moneyhon (1997), Perman (2001), Stockley (2009), and Branam (2010).

[4] A simple statute was all that was needed here – rather than a constitutional amendment – as the 1874 Arkansas Constitution stipulated that "All elections by the people shall be by ballot" (Article III, Section 3). The form in which the ballot took was thus left exclusively to lawmakers (and did not require a popular vote). This would be true in other states as well, as Democratic leaders often changed their election (ballot) laws often in combination with constitutional changes.

tenants, this was a non-trivial cost. For the poll tax to be enacted, however, the Arkansas constitution would have to be amended – as a poll tax would be a new qualification for voting – and thus a popular vote majority was also needed. Thus, on September 5, 1892, a constitutional-amendment referendum was placed on the ballot, and the people of Arkansas voted 75,940 to 56,601 to adopt the poll tax amendment.[5] With the poll tax in effect, as of January 12, 1893, Democratic control strengthened – in lower turnout elections, anti-Democratic support dipped below 40% in the 1894 gubernatorial contest and dropped to 35 and 32% in the 1896 and 1898 gubernatorial contests, respectively.

In 1908, a poll tax amendment was once again on the ballot in Arkansas. Critics of the 1892 amendment claimed that the majority vote it received was actually a *plurality* of all the voters who participated in the election. That is, there was a significant "roll off" in the election, as some voters who checked their ballots at the top of the ticket failed to make a choice on the amendment section. Two court decisions – one state and one federal – in 1905-1906 threatened the 1892 amendment, and poll-tax advocates in Arkansas sought to prevent its repeal. Their solution was to place the poll tax on the ballot once again – and this time (in 1908) it received a majority of all those who participated in the election. The final tally was 88,386 for the amendment and 46,835 against.[6] This new poll tax went into effect on March 6, 1909.

South Carolina

South Carolina was the last of the Southern states to be "redeemed," as it took the former White elites in South Carolina until 1877 to fully push out the biracial group of Republicans out

[5] Branam (2010), 257-62.
[6] *Arkansas Biennial Report of the Secretary of State for the Years 1907-1908* (Little Rock: Tunnah & Pittard, Printers, 1909), 374-78. https://babel.hathitrust.org/cgi/pt?id=uc1.b2999915&seq=383&view=1up

of power.[7] Over the next dozen years, these Conservative plantation elites used intimidation and violence to keep African American voters in check and consolidate power. By the late 1880s, a schism in the White community led to a power struggle between the Conservatives and a farmer's movement led by Benjamin Tillman, a wealthy White farmer who sought reform. Tillman was elected governor in 1890, and the Conservatives were swept from power and replaced by the Tillmanites.

Generating reforms to help poor farmers and mill workers, Tillman was elected governor again in 1892. Conservatives viewed Tillman and his coalition as usurpers and were dismayed by their defeats – and began searching for a way to return to power. As early as 1892, some Conservative leaders considered bringing in African Americans as a coalition partner. By 1894, this idea had gained momentum, and from Tillman's perspective, "it was necessary to take time by the forelock and disenfranchise the negro before the next election" (Wallace 1896, 350-51). Thus, Tillman and his allies called for a convention to revise and amend the state constitution. And while enabling legislation easily received the 2/3 support in the state legislature, a majority vote of the people was also necessary. On November 6, 1894, a referendum to call a constitutional convention was placed before the people and passed by a slim margin: 31,402 for and 29,523 against.[8] An examination of the results showed that Tillman's strength in the Upstate area overcame his opposition in the Lowcountry. But many contemporary observers and subsequent scholars claimed fraud was pervasive in the election. As Reece (2001: 241) contends: "The Tillmanites not only used their control of the election apparatus to prevent many African-

[7] This subsection is based on the following sources: Wallace (1896), Kousser (1974), Kantrowitz (2000), Perman (2001).
[8] *Reports and Resolutions of the General Assembly of the State of South Carolina, 1894*, Volume II (Columbia: State Printer, 1894), 470, 472. Reprinted in Reese (2001), 243-44.

Americans from voting, they also massaged the results, fraudulently pulling victory from the jaws of defeat."[9]

Once the election was over, the opposing White camps came together in the convention, and proceedings went smoothly. In the end, a series of disenfranchising provisions were added as qualifications for suffrage. First, a poll tax was required to vote, to be paid six months in advance of an election. Voters also had to be literate – and show before a registration officer that they could read any section in the Constitution – or own $300 worth of taxable property. To assuage concerns that poor, illiterate Whites would lose their suffrage rights, a provision was included to allow them to convince an election official that they "understood" a section of the constitution that was read to them. The inclusion of this "understanding clause" went a long way toward smoothing over any potential problems within the convention. These disenfranchising provisions – created by the convention's suffrage committee – were all passed without any significant amendments. The new South Carolina Constitution of 1895 was ratified in convention on December 4, 1895, and thus went into effect without any provision for ratification by the people.

North Carolina

North Carolina was fully "redeemed" in 1876 with the election of Democrat Zebulon Vance to the governorship.[10] But North Carolina remained a state that was closely contested for much of the next quarter century. For example, Republicans won a non-trivial number of seats in the state legislature through the 1880s, and GOP gubernatorial candidates received vote percentages in the mid-to-high 40s during the same period. The 1890s saw a strong Populist

[9] Reece (2001: 245) goes on to note: "leaving aside the thousands of men who were prevented from voting, if one examines the actual counting of the votes, it is safe to conclude that had there been a fair count … the constitutional convention would have been defeated."

[10] This subsection is based on the following sources: Mabry (1940), Kousser (1974), Crow and Durden (1977), Perman (2001), Beeby (2008), Christensen (2008), and Zucchino (2020).

movement take hold in the state, with farmers joining with industrial workers in common cause. For much of the decade, three parties contested for power, and Democrats saw their majority control slip away. The culmination was in 1896, when Republican Daniel Lindsay Russell (in a fusion arrangement with the Populists) was elected governor. The Republicans and Populists, as a coalition government, also controlled both chambers of the state legislature. And all of this was accomplished through biracial collaboration.

Democrats responded with cries of "negro rule" and charged the Republican-Populist fusion arrangement with undermining "White supremacy." The 1898 midterm elections saw considerable intimidation and violence throughout the state – with the prime example that the duly elected fusion slate in the city of Wilmington, and many of their allies, being forcibly cast out of the city – and Democrats won back huge majorities in both state legislative chambers.

Democrats wasted no time in consolidating power by pushing for a constitutional amendment that would disenfranchise Black voters and lower-class Whites. A revision to the election law in 1899 – which made registration more stringent – was adopted as a prelude to the disenfranchising amendment. After a short debate, the disenfranchising amendment sailed through the state legislature. It added a poll tax and a literacy test – would-be voters were required to read and write any section of the Constitution chosen by an election administrator –as requirements for voting. But to satisfy those at the convention who argued in favor of poor (illiterate) Whites retaining the franchise, a temporary (valid through 1908) grandfather clause was included: anyone who was able to vote in 1867 (or whose direct ancestor was able to vote in that year) would not be denied the right to register and vote at any election for not possessing the requisite educational qualifications.

On August 2, 1900, the disenfranchising amendment was put before the people of North Carolina in a referendum, and they voted 182,217 for and 128,285 against.[11] It was signed into law by Democratic Governor Charles Aycock on January 25, 1901 and went into effect on July 1, 1902. Over the next quarter century, Republicans in the state continued to have some success in electing members to the state legislature (especially the state house), and GOP gubernatorial candidates routinely received vote percentage in the low 40s, but no meaningful challenges to Democratic dominance emerged again.

Virginia

Virginia followed North Carolina in its path of "redemption." Virginia was fully "redeemed" by 1875, but Democratic dominance was challenged in elections for the next dozen years.[12] In 1879, a fusion between Republicans and Readjusters – a third-party founded on refinancing the post-Civil War public debt – won control of both state legislative chambers. This Republican-Readjuster alliance, led by former-Confederate General William Mahone – went on to elect several members to the US House, two US senators, and a governor. By 1885, however, the Democrats in the state had coordinated on a strategy of violence and intimidation and swept the fusionists from office. The Readjuster Party vanished at that point, and while the Republicans continued to pose meaningful opposition – and a significant Populist Party formed in the early 1890s – the Democrats never relinquished their control of power.

Yet internal struggles existed within the Democratic Party. In 1893, Thomas Staples Martin, a railroad attorney, was elected US senator over former-Confederate general Fitzhugh Lee. Once in power, Martin built a volatile Democratic machine that tilted power away from

[11] See Walton et al (2012), 350-51.
[12] This subsection is based on the following sources: McDanel (1928), McGuinn and Spraggins (1957), Kousser (1974), Dailey (2000), Perman (2001), and Tarter (2016).

traditional Democratic elements and toward corporate interests (some of which were out of state). Martin maintained his machine through an election law change in 1894 along with widespread bribery and voter fraud, which often involved the active misuse of African-Americans. Calls for a constitutional convention were widespread by the mid-1890s, and came from the Populist/Independent wings as well as conservative Democrats. The goal was to create a system to eliminate the corruption many deemed rampant in Virginia politics. Finally, a call for a convention to revise and amend the constitution of the state was put to the people in a referendum, and on March 24, 1900, they voted 77,362 for and 60,375 against a convention.[13]

While Martin had opposed a convention – viewing it as an unneeded interference in his machine operation – once it was approved, he used his power to eliminate what he believed to be the chief source of future electoral threats to his reign: votes of African-Americans. After lengthy proceedings, the Constitutional Convention of 1901-02 drafted a document that instituted a poll tax of $1.50, which had to be paid six months in advance of any election, and a complicated set of registration restrictions – which included an understanding clause (which was temporary for the years 1903 and 1904) and a provision (that took effect after 1903) that required a written application for registration to be completed without assistance. In addition, an Old Soldier clause was included – to satisfy concerns that many poor (illiterate) Whites would be also be disenfranchised – that exempted all Civil War veterans, North and South, and their sons from all of the requirements.

Near the end of the convention, on May 29, 1902, the delegates voted 47 to 38 (with six sets of pairs) to proclaim the new constitution without a popular referendum. They did this, according to Breitzer (2020), because they believed "that the electorate would not willingly

[13] *The Richmond Dispatch*, June 7, 1900; see also, McDanel (1928), 156-59.

choose to disenfranchise itself." The governor (on July 10), the executive and judicial officers of the State (between July 10 and 20), and the General Assembly (on July 15) all took the oath to support the new constitution, and it was installed.

Alabama

Democrats had fully taken control of the Alabama state government by 1875, and they quickly purseud vigorous "redemption" plan – their main target was repudiating the Radical Republicans' Constitution of 1868.[14] The result was the Constitution of 1877, which aggressively cut government programs and public education. The Democrats did not eliminate voting rights for African Americans, however, as they were concerned about drawing the scrutiny of the GOP-controlled federal government. Instead, they adopted intimidation and occasional violence as methods of reducing Black voting power and maintaining White supremacy.

This militant strategy was successful for 15 years, as the Democrats conceded a handful of state legislative seats and around 20% of the popular vote in the gubernatorial election every two years to the Republicans. But just like in Arkansas, North Carolina, and Texas, the White Democratic leadership was a propertied class, and poor White farmers felt their concerns were not being heard or addressed. Eventually, rural interests formed into a strong Populist movement, which posed a real threat to Democratic control. Beginning in 1892, the Populists made significant gains in the state legislature and gave the Democrats a scare in the gubernatorial election – with Reuben Kolb, the Populist candidate, winning 47.5% of the vote. Democrats reacted quickly by passing a new election law in 1893, which made the ballot more difficult to

[14] This subsection is based on the following sources: Taylor (1949), Kousser (1974), Perman (2001), Feldman (2004), and Warren (2011).

navigate for the uneducated. But Populist pressure continued, as their gubernatorial candidates won more than 40% of the vote in the 1894 and 1896 elections.

By 1898, the Populist fervor had begun to die out, and the anti-Democratic vote shrunk to 27 and 30% in the 1898 and 1900 gubernatorial elections, respectively. Nonetheless, the Democrats were shaken by the Populists, and party leaders sought a more permanent solution to upstart party challenges. Using "White supremacy" as their stated motivation, the Democrats called for a constitutional convention to amend the constitution. The legislature quickly enacted a convention bill, and it was placed before the people of the state as a referendum – and on May 7, 1900, they voted 70,305 for and 45,505 against holding a convention.[15] Claims of electoral fraud in the Black Belt region of the state were numerous.

The Democrats' strategy in the convention was to strip Blacks of their voting rights through a combination of techniques that their sister states in the South had recently adopted: a literacy test (the ability to read and write an article of the U.S. Constitution), a (cumulative) poll tax that had to be paid every year, a property requirement, and a temporary exception (an Old Soldier Clause) that allowed veterans of 19th century wars and their descendants to register in spite of not fulfilling the other requirements. The latter provision was a means by which poor (illiterate) Whites could continue to vote.

After approval in the convention, the new constitution – which also allocated more state funds for education – was placed before the people. And on November 11, 1901, they voted 108,613 for and 81,734 votes against adopting the new constitution.[16] And despite more claims of electoral fraud in the Black Belt region, the new constitution went into effect on November

[15] *Alabama Official and Statistical Register, 1903* (Montgomery: Brown Printing Co., 1903), 141-42. https://babel.hathitrust.org/cgi/pt?id=nyp.33433004279034&seq=149&view=1up
[16] Ibid.

28, 1901. With the 1901 Constitution in place, Democratic control was complete – for several generations, Republicans could only win occasional seats in the state legislature and 15-20% of the vote in gubernatorial elections.

Texas

"Redemption" in Texas happened quicker than in many other ex-Confederate states, with Democrats largely consolidating power by 1874.[17] And Democratic control of state and federal offices went largely unchallenged for the next 15 years – with the only opposition being a weak Republican Party and a nascent independent movement led by the Greenback Party. By the late-1880s, however, rural unrest in the state led to a burgeoning Populist movement. By 1892, the Populists were winning seats in both state legislative chambers and fielding gubernatorial candidates who were garnering significant vote totals. In the gubernatorial elections of 1892, 1894, and 1896, for example, Democratic candidates for governor were elected by relatively narrow margins – and twice with under 50% of the vote. They only won because the Populists and Republicans could not fuse and ran separate candidates who split the anti-Democrat vote.

The national Democratic Party's cooption of the Populist agenda in 1896 and the subsequent return to economic prosperity beginning in 1897 drove the Populists in Texas into decline. But the fear of some future agrarian movement that might fuse with the weak Republican Party and offer a biracial alternative to the current power regime was clear in the minds of many Democratic leaders who had weathered the battles of the early-to-mid 1890s. Thus, the Democratic legislature that met in 1901 pushed for a poll tax amendment. The argument made for a poll tax was to create a "better class of voters" – and, often, it was bluntly

[17] This subsection is based on the following sources: Strong (1940), Smith (1964), Kousser (1974), Perman (2001), and Cantrell (2020).

stated that a poll tax would keep Blacks from voting and uphold "White supremacy." These rhetorical devices aside, as Strong (1940: 694-95) states, "It seems unlikely that the dominant groups in the Democratic party whose power was challenged by low-income Populists could have failed to see the value of the poll tax to discourage future agrarian radicalism."

The poll tax amendment – which required that a would-be voter pay a poll tax at any election in the State and hold a receipt six months in advance – easily received the necessary 2/3 in each chamber of the state legislature.[18] But amending the Texas Constitution also required the assent of the people, and on November 4, 1902, a referendum for and against the poll tax amendment was voted upon. It passed handily with 200,650 for and 107,748 against the amendment.[19] Kousser (1974: 206) argues that the "estimates of voting by race indicate that there was a great deal of fraud and/or intimidation in the counties of high Negro concentration."

Once adopted, the amount of the poll tax varied – between $1.50 and $1.75 – which was a considerable sum for the time. A year later, the Democrats adopted another election law, which instituted an office-bloc secret ballot and rules that only allowed election judges to help illiterates in voting. With these changes, Democrats were assured firm control of Texas politics for several generations, winning all but a few seats in each legislative chamber and routinely capturing more than 70% of the vote in gubernatorial elections.

Maryland

Maryland was one of two states (the other being Oklahoma) outside of the ex-Confederacy that attempted to disenfranchise through constitutional means.[20] As a Border state,

[18] The votes were 23-6 in the House and 87-15 in the Senate.
[19] *Biennial Report of the Secretary of State of the State of Texas, 1902* (Austin: Von Boeckmann-Jones Company, State Printers, 1903), 17-18. https://babel.hathitrust.org/cgi/pt?id=uiug.30112085682190&seq=23
[20] This subsection is based on the following sources: Lambert (1953), Calcott (1969), Smith (2008), and Crenson (2019).

it did not go through Reconstruction, and it was firmly controlled by the Democrats beginning in 1872. Indeed, it was a dominant Democratic enclave through the mid-1890s when the Republicans achieved a renaissance and won the governorship and a majority in the state house in 1895. GOP success would continue in-state until 1900 (with a majority in both state legislative chambers) and through the early 1900s federally (with election of US senators, majority contingents in the US House, and multiple GOP selections for president).

The GOP's federal successes aside, the Democrats rebounded quickly at the state level and regained unified control of government in 1900. And they looked to their Southern allies for guidance in ensuring their continued success. For example, they made changes to the electoral ballot in 1901 and 1904 to make it harder for illiterate voters to participate. In this way, they sought to strike at a crucial component of the Republican coalition in the state – African Americans. But Democratic leaders wanted more certainty from their disfranchisement efforts and decided to push for a constitutional amendment to impose a literacy test (a reading test and an understanding clause) with a grandfather clause (allowing a person who could vote in 1869 or any male lineal descendant) as an exemption. The Poe amendment – named after the author, John Prentiss Poe of the University of Maryland Law School – sailed through the General Assembly in 1904 and was then presented to the people in a referendum. And on November 7, 1905, they voted 70,227 for and 104,286 against the amendment.[21] The Democrats were foiled in their first attempt.

Two years later, the Democrats tried again with the Straus amendment – named after the author, Isaac Lobe Straus, the newly elected attorney general. It designated six classes of people who could vote, with the important conditions including a literacy test (this time a written test), a

[21] *The Baltimore Sun Almanac for 1906*, 86.
https://babel.hathitrust.org/cgi/pt?id=uiuo.ark:/13960/t24b5r57n&seq=500

similar grandfather exemption clause as before, and a property test exemption (owning $500 of assessed real or personal property). The General Assembly passed the Straus amendment in 1908 and it went on the ballot as a popular referendum the following year. And November 2, 1909, the people voted 89,801 for and 106,512 against the amendment.[22] The Democrats were foiled in their second attempt.

Almost immediately after the Straus amendment failed, the Democratic governor, Austin Crothers, announced that he would ask the state legislature to try again. This time the Democrats' efforts produced the Digges amendment – named after Walter M. Digges, a member of the House of Delegates. It was an explicit racial amendment, conferring voting rights on all White men but requiring Black men to have owned and paid taxes on at least $500 worth of real or personal property for at least two prior to registration. The Democrats created a racially-coded amendment, as they believed a large number of foreign-born Whites – fearing their votes would be taken away – had opposed their previous two amendments. The text of the Digges amendment sought to mollify them. But the Democrats' efforts went for naught. Despite sailing through the General Assembly, the Digges amendment still had to go to the people via referendum. And on November 7, 1911, they voted 46,220 for and 83,920 against the amendment.[23] The Democrats were foiled a third time.

At this point, the Democrats gave up their disenfranchisement efforts. And while they continued to be the majority party in the state through the next several generations, the Republicans – thanks to their African American voters – scored some key victories, electing a governor in 1911, senators in 1912, 1916, and 1920, a GOP majority in the state house in 1917,

[22] *The Baltimore Sun Almanac for 1910*, 160.
https://babel.hathitrust.org/cgi/pt?id=njp.32101058591932&seq=164&view=1up
[23] *The Baltimore Sun Almanac for 1912*, 134.
https://babel.hathitrust.org/cgi/pt?id=nc01.ark:/13960/t5bd0t03s&seq=136

and an attorney general in 1918. The GOP also threw the state's support to Harding in 1920, Coolidge in 1924, and Hoover in 1928.

Georgia

The Democratic Party bounced back from early Radical Reconstruction initiatives and "redeemed" the state in 1873, earlier than most other Southern states.[24] One reason was that a poll tax had been in place in Georgia since the Constitution of 1868. That constitution – produced by Republicans – had not anticipated the negative consequences of poll taxes for Black voters that came later. The poll tax provision in 1868 actually received considerable Black support, as the tax revenue was meant to fund a public-school system. The Democrats maintained the poll tax in the Constitution of 1877, which they designed, and used it as a cudgel to eliminate African American voting. This effectively eliminated the Republican Party as a meaningful opposition, which left Georgia as a one-party state through the early 1890s.

Like many other Southern states, however, Georgia experienced a significant Populist movement, as poor White farmers – who felt ignored by Democratic leaders – sought a means to have their interests represented. Populists won a few seats in the state legislature in the 1890s, but their chief success was to showcase popular opposition to Democratic rule at the gubernatorial level. While they did not elect any of their candidates, the Populists garnered substantial support – winning 33, 44, 41, and 30% of the vote in the four gubernatorial elections between 1892 and 1898.

After 1898, Populist pressure in the state waned. But some Democrats sought a way to eliminate the electoral risk posed by future (farmer-backed, potentially biracial) third parties.

[24] This subsection is based on the following sources: Grantham (1948; 1958), Kousser (1974), Grant (1993), and Perman (2001).

And in 1899, bills were introduced in the state legislature to make literacy tests a requirement of voting – as a way to eliminate Blacks from the electorate – but with an exclusion included to allow poor (illiterate) Whites to keep the franchise. While these bills gained no traction initially, progressive Whites by the mid-1900s came out in support of a suffrage-changing constitutional amendment. These progressive Whites – many of whom were linked to earlier Populist efforts – believed establishment ("Bourbon") Democrats had used African Americans in the past – "buying" their votes – to secure control of the state. A constitutional amendment, so they argued, would allow progressive Whites to challenge the Bourbons on a more even playing field – by taking African Americans out of the voting pool.

Progressives made their move in the gubernatorial election of 1906, with Hoke Smith, editor of the *Atlanta Journal*, announcing his support of a constitutional amendment in pursuit of "White supremacy." Smith won the Democratic primary over four other candidates, and once in office sought a disenfranchising amendment. The Georgia state legislature passed such a bill, with little opposition, which included a literacy test and a property requirement, along with an Old Soldier exclusion for veterans and their descendants. The amendment was then put before the people in a referendum, and on October 7, 1908, they voted 79,968 for and 40,260 against.[25] With that, the Georgia Constitution was amended, and African Americans were effectively disenfranchised. As a result, Black registration plummeted from 28.3% in 1904 to 4.3% in 1910.

Oklahoma

Oklahoma was the second non-Southern state – following Maryland – to seek to employ constitutional initiatives to disenfranchise.[26] As a state, Oklahoma was very young, only gaining

[25] See Walton et al (2012), 355-56.
[26] This subsection is based on the following sources: Harmon (1951), Seales and Goble (1982), and Darcy (2015).

statehood in 1907. And in their new constitution, the Oklahoman delegates did not embed any disenfranchising provisions. Disenfranchisement became a strategy after the 1908 elections (to the second state legislature), which saw the Republicans win a number of seats and close the gap between themselves and the majority Democrats. To stop the GOP's momentum, the Democrats targeted the Republicans' most vulnerable set of voters: African Americans. Thus, Democratic leaders proposed a literacy test – a would-be voter would need to read and write any section of the Oklahoma constitution – along with a grandfather clause that would exempt most White citizens (including White foreign immigrants).

The disenfranchising bill – as an amendment to the state constitution – was quickly pushed through the state legislature. And amid a Democratic campaign build around "White supremacy" – and with Republican leaders pushing back tentatively for fear of losing future White support – it was put before the people in a popular referendum. And on August 2, 1910, the people voted 135,443 for and 106,222 against the amendment. With the new disenfranchising amendment in place, the Democrats stemmed the Republican tide, and by the fourth state legislature the GOP had lost roughly half of their seats.

Yet the Oklahoma Democrats' success was short lived, as an external actor – the U.S. Supreme Court – intervened. In 1915, in *Guinn v. United States*, the Court invalidated Oklahoma's grandfather clause, declaring it a violation of the Fifteenth Amendment. Democratic leaders scrambled in response, and Democratic Governor Robert Lee Williams called a special session of the fifth legislature to act. Democratic legislators came up with a new constitutional amendment, employing the same literacy test as before but with an Old Soldier clause in place of the grandfather clause. Such a clause would exempt all those who fought in 19th century wars and their descendants – which the Democrats believed would pass federal constitutional muster.

However, the *Guinn* decision was an energizing moment for the Republicans, as party leaders reached out to leaders of the growing Socialist movement in the state for assistance. Together, this anti-Democratic coalition proved successful. The new disenfranchising bill – as an amendment to the state constitution – was pushed through the state legislature and placed before the people in a popular referendum. And on August 2, 1916, the people voted 90,605 for and 133,140 against the amendment.

This loss put a formal end to disenfranchisement efforts in Oklahoma. And while the Democrats continued to be the majority party in the state, the Republicans (consolidating anti-Democratic sentiment) became a significant opposition, thanks in part to African Americans voting at rates consistently higher than the overall state rate. This helped the GOP vie for control of state offices and even occasionally win control of the lower legislative chamber (in 1920).

Empirical Analysis of Referendum Votes

In this section, we begin to analyze the county-level voting data in the referendums listed in Table 1. We seek to understand the relationship between racial demographics and voting for these referendums as well as to ascertain what evidence we have that the elections were freely and fairly conducted in the first place. We first engage in a simulation exercise to inform us on what the results should look like given certain assumptions. Then, we analyze the actual reported vote results by county in each of the fourteen referendums. We find suggestive evidence of substantial election manipulation in some, but not all, of the referendums that we analyze. We further investigate to what extent poor, populist Whites were able to work together with African Americans to form fusion coalitions, with the evident result being that they did not form meaningful coalitions to combat these disenfranchising referendums.

Visualizing Referendum Voting and the "Racial Threat" Hypothesis

Before analyzing the data, it is worth pausing to consider what a graph could, or should, look like, given certain assumptions about vote choice. This is especially true in light of the "racial threat" hypothesis, because it features multiple moving parts simultaneously. First, the White population's support rate for the disenfranchising referendum fluctuates. But second, its share of the electorate also fluctuates – and in direct relationship with the first variable, referendum support. Two moving pieces, pushing in opposite directions, can have non-intuitive outcomes.

To better inform ourselves what support curves (relative to population demographics) could look like, we conduct simulation analyses. First, we specify functional forms of what a "racial threat" might look like in terms of the White population's support for disenfranchising referendums. Then, we specify assumptions necessary to simulate outcomes. Finally, we plot those outcomes to get a sense of possible curves given assumptions and different functional forms of the White vote in these referendum questions.

We consider two possible interpretations of a "racial threat" model. First, "racial threat" may mean that the presence of African Americans in an area (and, thus, interactions with Whites) increased the sense of racial antipathy and prejudice between the groups and led to more aggressive efforts to limit the political power of African Americans. This would predict a positive, monotonic relationship between the percentage of African Americans in a geographically defined space and the White support for disenfranchisement targeted at African Americans in that jurisdiction.

Second, "racial threat" may also reflect a fear of losing power, that is instrumentally connected to race but driven by the risk of political defeat, not purely animus. This relies on the

fact that a sufficient population of African Americans in an area made them the possible basis of a minimum winning electoral coalition that could take control of local government in the area through the democratic process with modest White support. This second approach would predict that Whites would feel exponentially increasing threat the larger the Black population grew, as small populations would be unlikely to meaningfully contribute to winning coalitions, but larger populations would be able to win with progressively smaller minorities of White voters.

We specify functional forms to embody these two approaches. Reflecting a linear increase in White opposition, our Linear – Weak form assumes that White support for disenfranchisement increases by 0.5% for each percentage point of the population made up by African Americans. Our Linear – Strong form assumes that White support for disenfranchisement increases by 1% for each percentage point of the population made up by African Americans. The two forms are identically linear, but one simply has double the slope of the other. In either case, the support rate is capped at the theoretical maximum of 100%. Finally, we also include an exponential functional form, in this case, assuming that White support for disenfranchising increases by 0.1% for each point of the squared percentage of the population made up by African Americans.[27]

Another option we consider is that there is no racial threat and the White support rate for disenfranchising referendums was entirely unrelated to the share of the population that was African American. Because there is no historical argument indicating that they were plausible, we do not consider functional forms that showed diminishing returns or a negative relationship between White support and the percentage of the population that was African American.[28]

[27] Thus, at 1%, the White support would have increased by 0.1% from the base, while at 2%, it would have increased by 0.4%, and then 0.9% at 3%, and so on.
[28] Though we do not present these in order to focus on the most plausible options, it is not difficult to intuit how these models would work out, given the assumptions we pursue in the simulation.

Several assumptions are necessary to produce the simulation. First, we assume that an equal share of African Americans and Whites turned out to vote. Clearly, this was never exactly true and probably is quite far from reality in a number of cases.[29] However, we do not know the demographics of who turned up to vote, and assuming a similar rate of voting makes for a convenient starting point. We vary this assumed equality to see the changing results, and we also keep this in mind as we analyze the results.

Second, we assume that only 0.5% of African Americans supported the disenfranchising referendum. These referendums were not subtle tricks or scams. They were very widely understood and discussed in media at the time as efforts to disenfranchise voters, specifically African American voters. There is no reason to believe that informed African American voters would have genuinely supported this referendum. That said, there are always mistakenly filled out ballots, misinformed voters, and idiosyncratic cases. Thus, we assume a rate of 0.5%.[30]

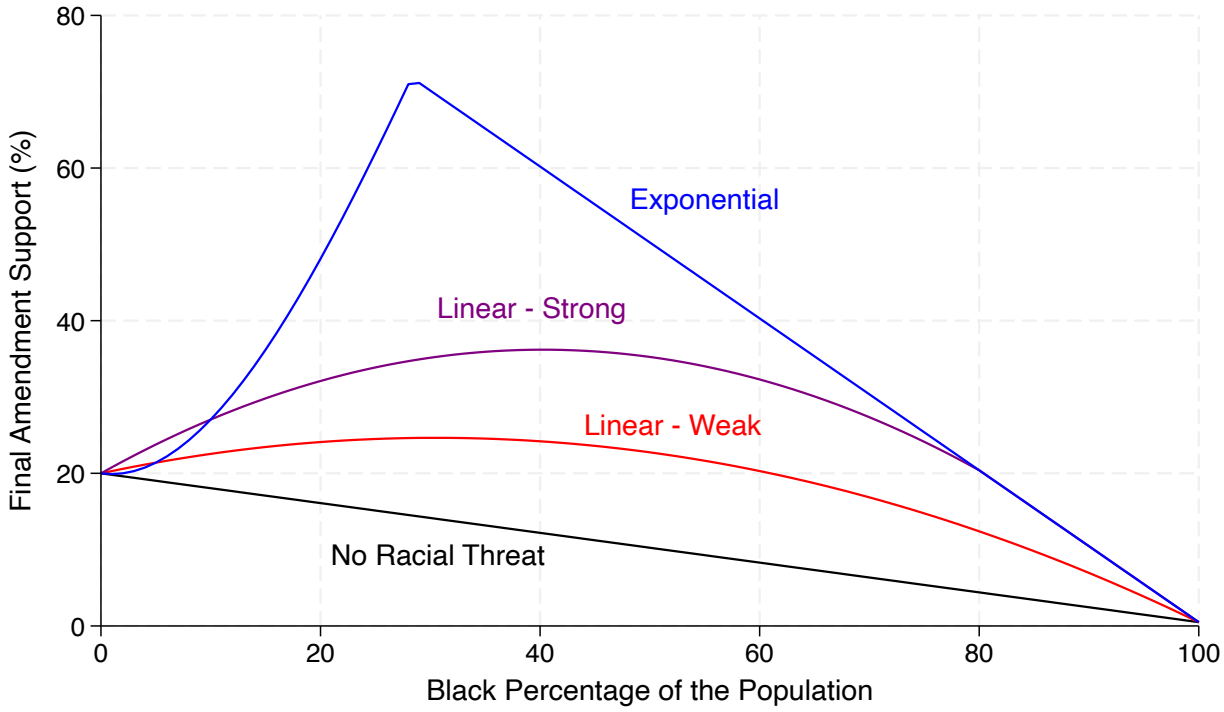
Finally, we assume that the base rate of support for White voters in a jurisdiction that is 100% White is 20%. This is admittedly arbitrary, but reflects a plausible level of support from an elite that may have wished to disenfranchise poorer Whites within their jurisdiction. This number only effects the intercept of the curves we generate. If a reader has a different base support rate in mind, they can substitute it for their own by simply adjusting the intercept of the curves in our graphs.

[29] Good data on this question do not exist before the Census began asking questions about voting behavior and presenting the results by race. Those data indicate that by the mid 1960s, the White turnout rate was perhaps 10-15 percentage points higher than the African American turnout rate.

[30] Kousser (1974), in his set of ecological regression models that examine similar voting patterns, assumes the pure edge case – that no African Americans supported the disenfranchising amendments.

With these assumptions out of the way, we can plot what the overall vote rate would be given the different functional forms of the White support percentage over varying racial demographics. We present this in Figure 1.

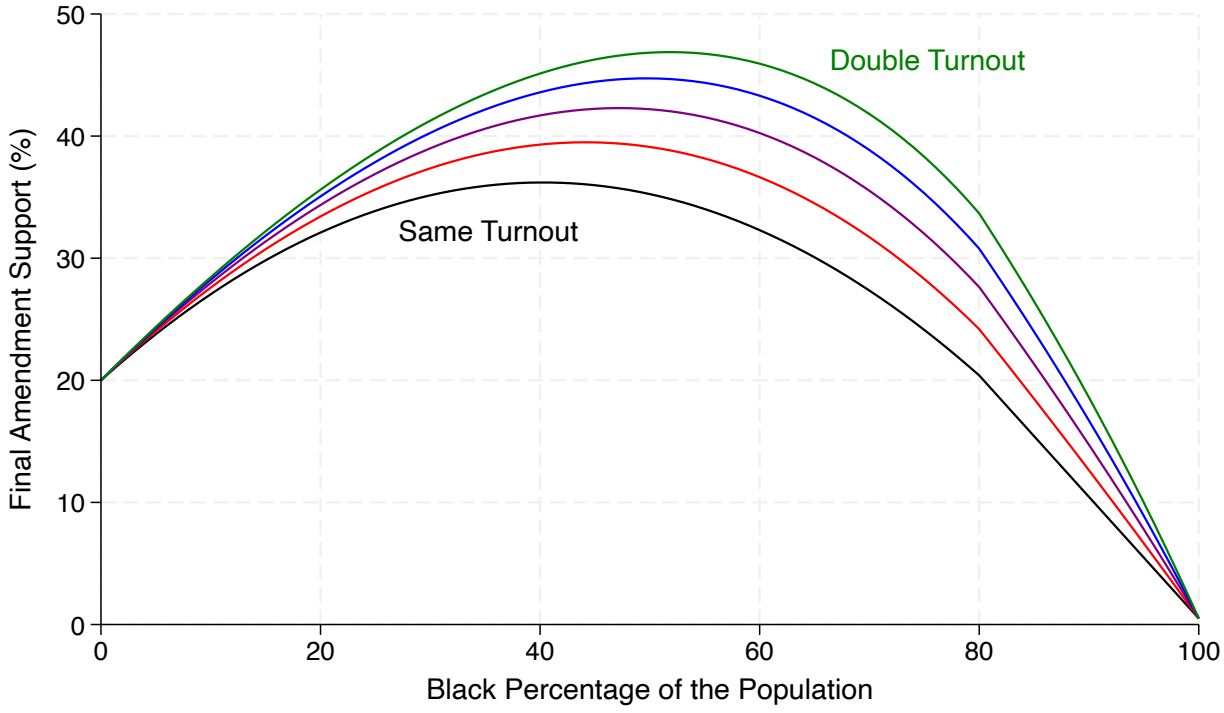
Figure 1. Simulated Vote Percentages for Different Models of White Voting



Our simulations show that the dynamic created by changing population demographics mixed with a White support level varying based on those same demographics yields n-shaped curves under both linear and exponential forms of a "racial threat" model. In the absence of any relationship between the demographics and White support levels, we see a simple decline as the African American share of the population increases. All models share the result that the outcome at the highest levels of the African American share of the population is lower than at the lowest levels of the same.

These results hold under our specific set of assumptions. Of those, the assumption that African American and White turnout rates were the same is the most significant and the least likely to be true. Thus, we reconsider the simulation exercise with differing levels of White and African American turnout. Given the historical data that we have, it is highly unlikely that African American turnout was higher than White turnout, thus we consider ranges of turnout variation between Whites having identical turnout (the same as presented in figure X) and having double the turnout rate as African American voters, with three evenly spaced variants in-between (125% of African American turnout [the red line], 150% [purple], and 175% [blue]). We present the results of this simulation for the Linear – Strong functional form in Figure 2.

Figure 2. The Effect of Turnout on the Simulation



The effect of changing turnout is to increase the slope in the "rise" portion of the curve and decrease it in the "fall" period. This means that overall support for the referendum tops out at

a higher level and also reaches it slightly later (at a population that is about evenly split between White and Black voters). If we performed the same exercise on the other functional forms, the effect is similar. Increasing White turnout substantially relative to African American turnout increases the overall "Yes" vote share for the referendum, but the increase is most pronounced in districts that are evenly split between the two racial groups. This maintains the overall n-shape of the curves we obtain, though magnifies their slopes.

These simulations give us several key features to look for in our actual data. First, we should see the lowest support in the counties that had the highest African American share of the population. Second, if there was any type of "racial threat" driving White voting behavior, we should see the highest support in places that had substantial White and Black populations. Third, this "racial threat" pattern creates an n-shaped graph when vote outcomes are plotted against the African American share of the population. With this in mind, we proceed to plot the true results of the thirteen referendum outcomes for which we have data.

Real Vote Data

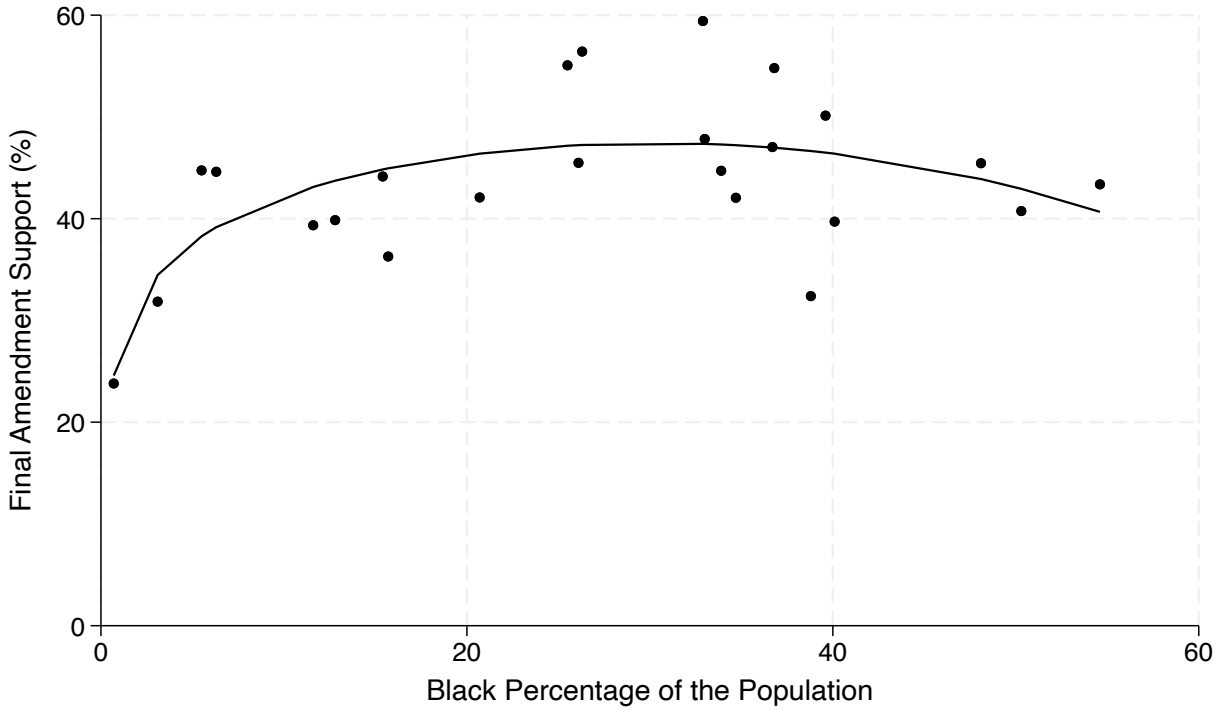
We begin with an analysis of a single state referendum vote to illustrate the data and then move on to display overall curves for all of the disenfranchising referendums together. Our unit of observation is the county. For each county in a given election, we rely on two pieces of information: the "Yes" percentage for the disenfranchising referendum in that county and the share of that county that was African American in the immediately preceding decennial census.[31]

We begin with Maryland's failed 1905 vote to adopt a literacy test. We plot the individual county results (plus Baltimore City, which is administratively equivalent) relative to

[31] Alternatively, we could rely on annual interpolated estimates, but this has minimal effect on the results and can introduce some additional bias and error, especially for the 1910s, given World War I and the Spanish flu at the end of the decade, which simple interpolation would partially distribute into the earlier years of the period.

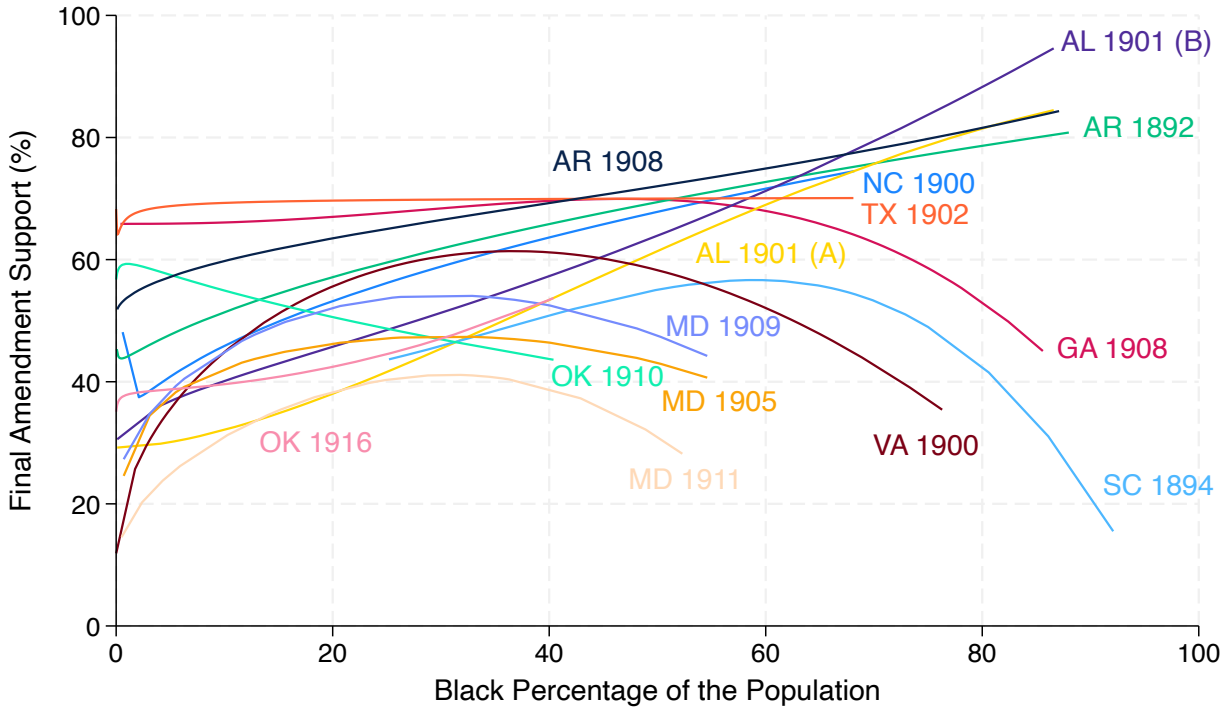
each county's Black population share reported in the 1900 Census and present the result in Figure 3. As discussed previously, this vote failed in the state, but it did reach majority support in Howard, Kent, Somerset, Wicomico, and Worcester counties. Those counties all fell in a band between 25% and 40% of the population being African American. The vote failed to achieve a majority in any county under 25% African American or greater than 40%. Though more muted than in our simulations, the fit curve applied to the data has the n-shape that was distinctive of a "racial threat" explanation of voting outcomes in our simulations. Notably, the county with the lowest "Yes" vote share was also the county that was most homogenously White. Because Maryland had no counties that were overwhelmingly populated by African Americans, we do not observe the further reaches of the distribution and thus do not observe the results in a nearly universally African American county, as we saw in our simulations.

Figure 3. County-Level Vote Results in Maryland's 1905 Referendum



In our next plot (Figure 4), we present the fit curves for all fourteen votes that we analyze. Each line represents a fit plot (fractional polynomial[32]) of the county-level results over the Black percentage of the population.

Figure 4. Fit Curves of County-Level Results in Various State Referendums



Our set of results yield four distinct types of graphs. First, there is the 1910 Oklahoma amendment vote, which has a downward sloping pattern of results that is almost exactly linear. This is the one case that resembles our model assuming no "racial threat" dynamic. Second, there are a set of n-shaped curves that resemble our models assuming a "racial threat" relationship between the Black share of the population and the referendum-support rate from White voters. South Carolina, Georgia, Virginia, and all three Maryland votes generally fit this shape. Save for

[32] Other fit specifications yield similar curves.

Georgia, all six notably increase in support as the White share of the population increased, before distinct drops at higher levels of African American support.

The third type of graph is Texas's 1902 disenfranchising amendment vote, which is almost a flat line, implying a near constant level of support regardless of racial demographics. Finally, there are a group of states, including both Alabama votes, both Arkansas votes, Oklahoma's second vote (in 1916), and North Carolina's vote, which have linear positive slopes. Each state's county-level results linearly increased with the share of the population that was African American, with the lowest rates of support coming in the most homogenously White counties, and the highest support coming in places with the largest shares of African American voters.

Neither the third nor the fourth categories fit any of our simulated results. In fact, these latter two categories are implausible on their face. To believe these are the results of fair and genuine elections, one would need to believe that either White turnout vastly outstripped African American turnout (voluntarily on the part of the non-voting African Americans) or that numerous African Americans voted for a referendum that was widely described as seeking to take away their effective right to vote. Neither of these possibilities is highly plausible in an election free of fraud or coercion.

It is hardly surprising that popular elections in the southern states between 1890-1920 may not have been fully free and fair elections, but it is notable that there was variation, and disentangling what was going on in these elections is necessary to be able to evaluate the "racial threat" hypothesis.

Investigating Election Fraud and Coercion

We consider evidence for possible vote manipulation or coerced non-participation by analyzing what the outcomes and demographics imply about the rate of White support for the referendum and turnout. Keeping to our assumption from our simulations, we maintain that it is implausible that large numbers of African Americans freely voted for their own disenfranchisement without either coercion or inducement. Thus, we assume that 0.5% of African American votes were in favor. Given that assumption, what would be a naïve estimate of the level of support among White voters necessary to obtain the overall support level we find in the counties? We illustrate this calculation with an example.

In North Carolina's 1900 successful poll tax referendum vote, Bertie County voted 73.73% in favor. This was despite the fact that the county was 57.6% African American in that year. If we assume that African American and White turnout were equal and that only 0.5% of African American voters voted "Yes," then the White support needed to be 173.2%. This was clearly impossible.

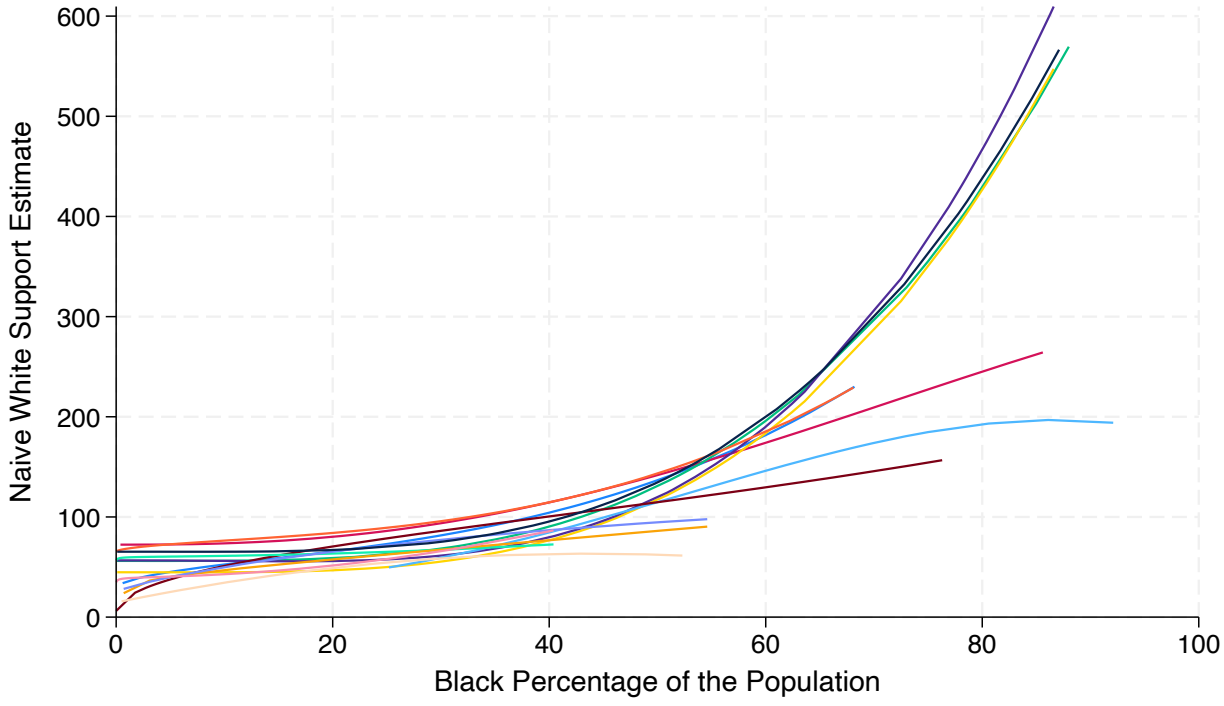
There are several ways that this number could be reached. First, African American voters could have voted in favor at much higher rates than 0.5%, but this was unlikely. A second possibility was that White turnout was dramatically higher than African American turnout. If we assume that White support was 100% in Bertie County (likely incorrect, but plausibly close to the truth), then White turnout would have needed to be 73.2% higher than African American turnout to yield the results we find. In practice, that means that if African American turnout was 50%, White turnout would have needed to be about 87%. If African American turnout was 60%, then even 100% White turnout would not have been enough to yield the reported Bertie County

result from 1900. Note also that any reduction from uniform White support would necessitate even greater turnout disparities between the races to produce the reported figures.

It is conceivable that White turnout could have been considerably higher than Black turnout, but there is no precedent for such a large gap between Whites and African Americans in free elections. The most plausible explanation for the outcome in Bertie County is that large numbers of African American voters were coerced or prevented from voting, depressing their turnout and leading to an overrepresentation of White voters, who then carried a supermajority in the county despite being a minority of the citizens.

With Bertie County in 1900 as an illustration, we now apply this same logic to all counties in all fourteen of our analyzed votes. We present the plot of all fourteen in Figure 5.

Figure 5. Naïve Estimates of the White Support Levels for the Referendums in Figure 4



We see considerable variation here, but several important commonalities. First, in places with few Black voters (<30% of the population), results appear to be plausible. Though the estimated "naïve" White support rates range between nearly 0% and nearly 100%, all are completely possible. These results indicate that in mostly homogenous White-dominated areas, our assumptions (of parity in turnout rates and low African American support) were likely close to accurate.

The next notable feature is that the lines slope upward. This is in line with the racial threat hypothesis, and indicates that as the racial demographics became less homogenously White, White voters supported disenfranchising referendums more. The slope of this increase varies from state to state, but the opposite pattern did not occur in any state.

It is after passing approximately a 30-40% African American share of the population that the states began to diverge. Both Oklahoma votes and all three Maryland votes remain beneath 100% for the entire range of county demographics. Virginia, Georgia, South Carolina, Texas, and North Carolina all go beyond 100% after 30% Black share of the population, maxing our around 200-250% in our naïve measure. At the highest range, these are implausible, if not theoretically impossible. Finally, both votes in Alabama and Arkansas reach values exceeding 500%. It is impossible to have a turnout advantage that high without African American turnout being kept beneath 25%, while White turnout approached 100%. Such a disparity has never before existed in free American statewide elections.

While we cannot offer definitive proof of fraud or coercion in these elections, we believe there is substantial evidence for it in Virginia, Georgia, South Carolina, and Texas, and North Carolina, and overwhelming evidence in Alabama and Arkansas. Nor do our data allow us to specify what types of election malfeasance may have been used to obtain the results. Subsequent

iterations of this project may look at turnout rates to determine if these were the result of missing voters (indicating vote suppression) or excessive voters (indicating fraud).

A possible winning coalition?

One possibility evident in the historical literature is that White Democratic elites feared the possibility of a fusion coalition between African Americans and poor Whites. There is a tendency that new rounds of disenfranchising occurred after a wave of non-Democratic voting by poorer Whites. This is most notable in the brief success of the Populist Party in the 1890s. Democratic elites may have been motivated to target disenfranchising not just at the GOP-supporting African Americans, but also at the poorer Whites who supported the Populists. Methods such as literacy tests and poll taxes could, if implemented to do so, exclude a number of illiterate and indigent White voters as well. The combination of these would undercut any fusion against conservative, anti-populist Democratic elites.

However, a well-known problem for this potential fusion was the racial antipathy felt for African Americans by those same poor Whites that would need to ally with them. These divisions existed and were inflamed by Democratic elites in the southern states as a means of keeping their potentially daunting enemy divided.

We consider to what extent this second group (Populist Whites) helps explain the success or failure of these disenfranchising referendums. We analyze the success of the referendums relative to the vote share of the Populist presidential candidate in the 1892 election in that given county, as well as the Black share of the population, to determine this relationship. The Populist Party in 1892 was arguably the most successful third party in American presidential history. The Populist standard bearer, James B. Weaver, was a credible presidential candidate, as he was a Civil War veteran and three term U.S. House member from Iowa (as a member of the Greenback

Party). He was on the ballot in nearly every state and managed to win five states and twenty-two Electoral College votes, along with more than a million popular votes.[33] Because Weaver was a constant candidate across the country – as opposed to Populists running for governorships or House seats – in a high-profile election, his support in 1892 is a great comparable measure of Populist sentiment across counties.

We estimate linear regression models where the outcome is the Yes Percentage that the disenfranchising referendum received in a given county. The main independent variables are the Black Share of the Population, the Populist Vote Share in 1892, and an interaction of the two. Finally, we also add a fixed effect for each referendum (save one). Data issues necessitate differing approaches to measuring Populist Vote Share in 1892, and thus we have three different models. In Model 1, we treat counties where there were zero recorded Populist votes as the equivalent of 0% support. In Model 2, we soften that assumption and instead treat those as missing data, as it is possible that the Populists were not on the ballot in some counties and thus the lack of support is more indicative of ballot access. Finally, in Model 3, we drop all counties from Texas, Virginia, and Georgia, which had made significant changes to county boundaries – adding new counties – between 1892 and the year of their referendum vote. These changes in geographic boundaries introduce measurement error, and thus dropping those states reduces that error. Finally, in all three models, the referendums for Oklahoma are dropped (as it was not yet a state in 1892), and the first referendum in Arkansas is also dropped, as it occurred several months before the 1892 presidential election.

Results appear in Table 2. As the models are interactive, and their component pieces push in different directions, we interpret them in their combined marginal effects. Figure 6 plots

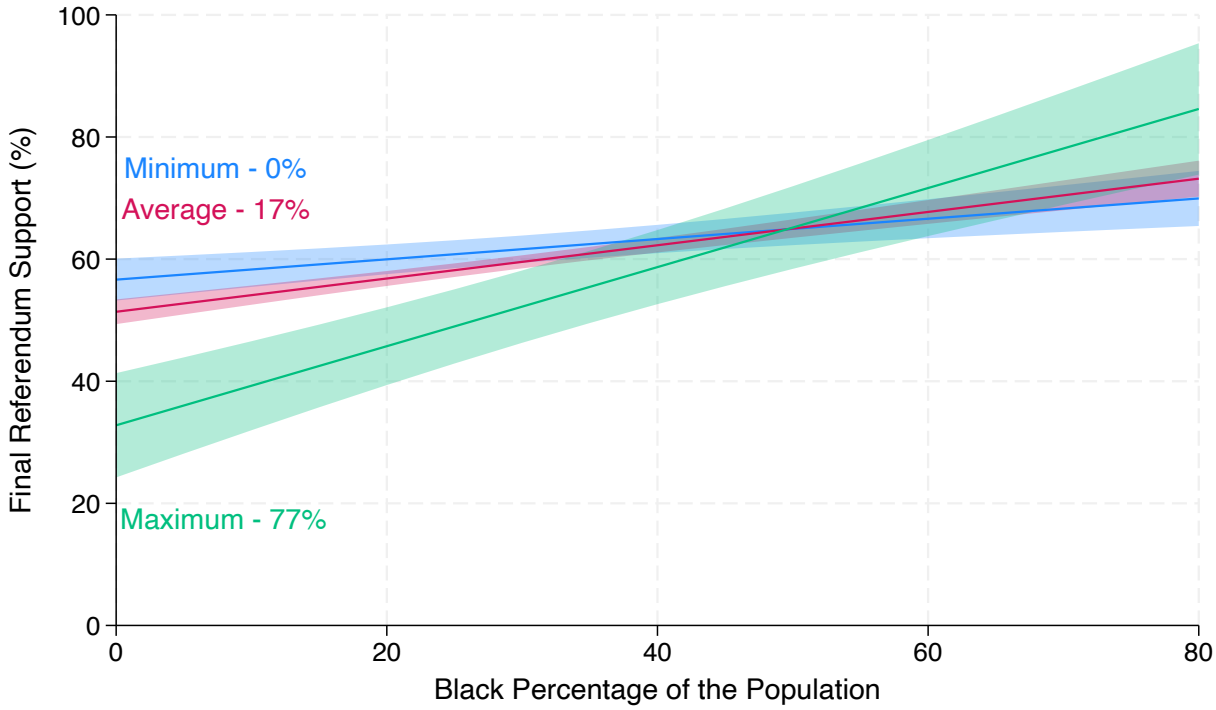
[33] For more on Weaver, see Mitchell (2009).

predicted outcomes over ranges of observed outcomes for both Black Share of the Population and Populist Vote Share in 1892. We use the results in Model 1 – but graphs for Models 2 and 3 are substantially similar.

Table 2. Estimating Support for Disenfranchisement Referendums

Variable	(1)	(2)	(3)
Black Share of the Population	0.17**	0.15**	0.39**
	(0.04)	(0.04)	(0.05)
Populist Vote Share in 1892	-0.31**	-0.35**	-0.38**
	(0.07)	(0.07)	(0.09)
Black Share of the Population	0.01**	0.01**	0.01**
X Populist Vote Share in 1892	(0.00)	(0.00)	(0.00)
N	870	816	408
R^2	0.30	0.33	0.53

Figure 6. Predicted Outcomes Based on the Interactive Model (1) in Table 2



The blue band in Figure 6 corresponds to the minimum level of Populist support in a county in 1892 (0%). The red band corresponds to the mean support across counties in our dataset (17%). Finally, the green band represents the expectations at the maximum observed level of 1892 Populist support in a county (77%). Thus, the association of Populist support can be understood by seeing the change moving from the blue to red to green bands at a given point on the x-axis. The association with the Black Percentage of the Population and the support for the referendum can be understood as the slope of the individual lines. We find that populist support was associated with decreases in support at low levels of African American share of the population, but associated with higher support at the highest levels of African American share. This indicates that in the absence of a sizable Black community in the county, Populist-supporting Whites (largely poor) opposed the referendums. But in places where the Black population was near parity with the White population – or exceeded it – the presence of poorer Whites actually corresponded with greater success for the referenda. This may reflect success by Democratic elites in driving wedges between their two possible political opponents. It may also reflect the racial politics and animus of the time: poor Whites still favored systems of oppression of their potential allies over an actual fusion coalition.

Discussion and Conclusion

The role of the voting public in disenfranchising is often glossed over in place of a description of electoral backsliding largely focused on Democratic elites and statutory action outside the reach of the voters. In this paper, we have sought to connect the disenfranchisement provisions considered by referendum to the voters who participated in those elections. When we do, we find an implausible outcome in many states: the referendums were most successful in precisely the locations where the targets of disenfranchisement lived. While this can partly be

explained by the idea of "racial threat" – that White voters who lived in diverse communities were more likely to vote to disenfranchise their Black neighbors – such an explanation is inadequate in many contexts.

Popular support was critical in passing many of the state constitutional referendums that disenfranchised Black voters, but there is substantial suggestive evidence that these elections were not fairly conducted. Voter suppression and outright fraud were likely key methods of succeeding in these popular referendums. This is hardly surprising, given what we know of the South in this period. But it is an important addendum to our efforts to shine a spotlight on the popular role in disenfranchising.

This is an early iteration of this paper and future versions will attempt to fill in some of the remaining gaps. For example, our data do not allow us to focus on methods of electoral manipulation. More detailed turnout information may reveal, for example, whether votes were suppressed or ballot boxes stuffed. Additionally, our work at this point is descriptive and suggestive. Future versions will attempt to better identify the effect of racial demographics on success as well as to find firmer evidence for electoral manipulation. Finally, there remain a small number of referendums for which we lack county-level results but are in the process of finding those data.

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Appendix: Disenfranchising Referendums

Arkansas (Election: September 5, 1892)

AMENDMENT NO. 2 TO THE ARKANSAS CONSTITUTION

Article XXI. Every male citizen of the United States, or male person who has declared his intention of becoming a citizen of the same, of the age of twenty-one years, who has resided in the state twelve months, in the county six months, and in the precinct or ward one month next preceding any election at which he may propose to vote, except such persons as may for the commission of some felony be deprived of the right to vote by law passed by the general assembly, and who shall exhibit a poll tax receipt or other evidence that he has paid his poll tax at the time of collecting taxes next preceding such election, shall be allowed to vote at any election in the State of Arkansas.

Provided, that persons who make satisfactory proof that they have attained the age of twenty-one years since the time of assessing taxes next preceding said election and possesses the other necessary qualifications, shall be permitted to vote; and provided further, that the said tax receipt shall be so marked by dated stamp or written endorsement by the judges of election to whom it may be first presented as to prevent the holder thereof from voting more than once at any election.

Vote: 75,940 for the amendment; 56,601 against the amendment.

Declared to be adopted by the speaker of the house on the 12th day of January, 1893; and after due attestation and filing was so proclaimed by the governor.

South Carolina (Election: November 6, 1894)

FOR A CONVENTION TO REVISE AND AMEND THE CONSTITUTION OF THE STATE.

Vote: 31,402 for a convention; 29,523 against convention.

Key Disenfranchisement Provisions of the New Constitution (1895):

Article II, Section 4. The qualifications for suffrage shall be as follows:

(a) Residence in the State for two years, in the County one year, in the polling precinct in which the elector offers to vote four months, and the payment six months before any election of any poll tax then due and payable: *Provided*, That ministers in charge of an organized church and teachers of public schools shall be entitled to vote after six months' residence in the State, otherwise qualified.

(b) Registration, which shall provide for the enrollment of every elector once in ten years, and also an enrollment during each and every year of every elector not previously registered under the provisions of this Article.

(c) Up to January 1st, 1898, all male persons of voting age applying for registration who can read any Section in this Constitution submitted to them by the registration officer, or understand and explain it when read to them by the registration officer, shall be entitled to register and become electors. A separate record of all persons registered before January 1st, 1898, sworn to by the registration officer, shall be filed, one copy with the Clerk of Court and one in the office of the Secretary of State, on or before February 1st, 1898, and such persons shall remain during life qualified electors unless disqualified by the other provisions of this Article. The certificate of the Clerk of Court or Secretary of State shall be sufficient evidence to establish the right of said citizens to any subsequent registration and the franchise under the limitations herein imposed.

(d) Any person who shall apply for registration after January 1st, 1898, if otherwise qualified, shall be registered: *Provided*, That he can both read and write any Section of this Constitution submitted to him by the registration officer or can show that he owns, and has paid all taxes collectible during the previous year on property in this State assessed at three hundred dollars ($300) or more.

(e) Managers of election shall require of every elector offering to vote at any election, before allowing him to vote, proof of payment of all taxes, including poll tax, assessed against him and collectible during the previous year. The production of a certificate of the receipt of the officer authorized to collect such taxes shall be conclusive proof of the payment thereof.

(f) The General Assembly shall provide lor issuing to each duly registered elector a certificate of registration, and shall provide for the renewal of such certificate when lost, mutilated or destroyed, if the applicant is still a qualified elector under the provisions of this Constitution, or if he has been registered as provided in subsection (c).

Virginia (Election: May 24, 1900)

FOR A CONVENTION TO REVISE AND AMEND THE CONSTITUTION OF THE STATE.

Vote: 77,362 for a convention; 60,375 against a convention.

Key Disenfranchisement Provisions of the New Constitution (1902):

Article II. Elective Franchise and Qualifications for Office

SECTION. 19. There shall be general registrations in the counties cities and towns of the State during the years nineteen, hundred and two and nineteen hundred and three at such times and in such manner as may be prescribed by an ordinance of this Convention. At such registrations every male citizen of the United States having the qualifications of age and residence required in section Eighteen shall be entitled to register, if he be:

First. A person who, prior to the adoption of this Constitution, served in time of war in the army or navy of the United States, of the Confederate States, or of any state of the United States or of the Confederate States; or,

Second. A son of any such person; or,

Third. A person, who owns property, upon which, for the year next preceding that in which he offers to register, state taxes aggregating at least one dollar have been paid; or

Fourth. A person able to read any section of this Constitution submitted to him by the officers of registration and to give a reasonable explanation of the same; or, if unable to read, such section able to understand and give a reasonable explanation thereof when read to him by the officers.

A roll containing the names of all persons thus registered, sworn to and certified by the officers of registration, shall be filed, for record and preservation, in the clerk's office of the circuit court of the county, or the clerk's office of the corporation court of the city as the case may be. Persons thus enrolled shall not be required to register again, unless they shall have ceased to be residents of the State, or become disqualified by section Twenty-three.

Any person denied registration under this section shall have the right of appeal to the circuit court of his county, or the corporation court of his city, or to the judge thereof in vacation.

SECTION. 20. After the first day of January, nineteen hundred and four, every male citizen of the United States, having the qualifications of age and residence required in section Eighteen, shall be entitled to register, provided:

First. That he has personally paid to the proper officer all state poll taxes assessed or assessable against him, under this or the former Constitution, for the three years next preceding that in which he offers to register; or, if he come of age at such time that no poll tax shall have been assessable against him for the year preceding the year in which he offers to register, has paid one dollar and fifty cents, in satisfaction of the first year's poll tax assessable against him; and,

Second. That, unless physically unable, he make application to register in his own hand-writing, without aid, suggestion, or memorandum, in the presence of the registration officers, stating therein his name, age, date and place of birth, residence and occupation at the time and for the two years next preceding, and whether he has previously voted, and, if so, the state, county, and precinct in which he voted last; and,

Third. That he answer on oath any and all questions affecting his qualifications as an elector, submitted, to him by the officers of registration, which questions, and his answers thereto, shall be reduced to writing, certified by the said officers, and preserved as a part of their official records.

SECTION. 21. Any person registered under either of the last two sections, shall have the right to vote for members of the General Assembly and all officers elective by the people, subject to the following conditions:

That he, unless exempted by section Twenty-two, shall, as a prerequisite to the right to vote after the first day of January, nineteen hundred and four, personally pay, at least six months prior to the election, all state poll taxes assessed or assessable against him, under this Constitution, during the three years next preceding that in which he offers to vote; provided that, if he register after the first day of January, nineteen hundred and four, he shall, unless physically unable, prepare and deposit his ballot without aid, on such printed form as the law may prescribe; but any voter registered prior to that date may be aided in the preparation of his ballot by such officer of election as he himself may designate.

SECTION. 22. No person who, during the late war between the States, served in the army or navy of the United States, or the Confederate States, or any state of the United States, or of the Confederate States, shall at any time be required to pay a poll tax as a prerequisite to the right to register or vote. The collection of the state poll tax assessed against any one shall not be enforced by legal process until the same has become three years past due.

North Carolina (Election: August 2, 1900)

AMENDMENT TO THE CONSTITUTION.

Key Disenfranchising Provisions:

Article VI. SUFFRAGE AND ELIGIBILITY TO OFFICE --QUALIFICATIONS OF AN ELECTOR.

SECTION. 4. Every person presenting himself for registration shall be able to read and write any section of the Constitution in the English language; and, before he shall be entitled to vote, he shall have paid, on or before the first day of March of the year in which he proposes to vote, his poll tax, as prescribed by law, for the previous year. Poll taxes shall be a lien only on assessed property, and no process shall issue to enforce the collection of the same, except against assessed property.

SECTION. 5. No male person, who was on January 1, 1867, or at any time prior thereto, entitled to vote under the laws of any State in the United States wherein he then resided, and no lineal descendant of any such person; shall be denied the right to register and vote at any election in this State by reason of his failure to possess the educational qualifications prescribed in section 4 of this Article: *Provided*, he shall have registered in accordance with the terms of this section prior to Dec. 1, 1908.

The General Assembly shall provide for a permanent record of all persons who register under this section on or before November 1, 1908, and all such persons shall be entitled to register and vote at all elections by the people in this State, unless disqualified under section 2 of this Article: *Provided*, such persons shall have paid their poll tax as required by law.

Vote: 182,217 for the amendment; 128,285 against the amendment.

Read three times in the General Assembly, and ratified June 13, 1900. Signed into law by the governor on January 25, 1901.

Alabama (Election: April 23, 1901)

FOR A CONVENTION TO REVISE AND AMEND THE CONSTITUTION OF THE STATE.

Vote: 70,305 for a convention; 45,505 against a convention.

On Tuesday, May 7, 1901, the Governor, the Secretary of State and the Attorney General did assemble, in accordance with the terms of the Act, entitled “An Act to provide for holding a Convention to revise and amend the Constitution of the State,” approved December 11, 1900, in the office of the Secretary of State, and did open and canvass the returns of the said election from the sixty-six counties of the State, and did ascertain and determine from said returns that a majority of the electors of the State, voting at said election, had voted in favor of holding said Convention.

Alabama (Election: November 11, 1901)

RATIFICATION OF THE CONSTITUTION.

Key Disenfranchisement Provisions:

Article 180. The following male citizens of this State, who are citizens of the United States, and every male resident of foreign birth who, before the ratification of this Constitution, shall have legally declared his intention to become a citizen of the United States, and who shall not have had an opportunity to perfect his citizenship prior to the twentieth day of December, nineteen hundred and two, twenty-one years old or upwards, who, if their place of residence shall remain unchanged, will have, at the date of the next general election the qualifications as to residence prescribed in Section 178 of this Constitution, and who are not disqualified under Section 182 of this Constitution, shall, upon application, be entitled to register as electors prior to the twentieth day of December, nineteen hundred and two, namely:

First—All who have honorably served in the land or naval forces of the United States in the war of 1812, or in the war with Mexico, or in any war with the Indians, or in the war between the States, or in the war with Spain, or who honorably served in the land or naval forces of the Confederate States, or of the State of Alabama in the war between the States; or,

Second—The lawful descendants of persons who honorably served in the land or naval forces of the United States in the war of the American Revolution, or in the war of 1812, or in the war with Mexico, or in any war with the Indians, or in the war between the States, or in the land or naval forces of the Confederate States, or of the State of Alabama in the war between the States; or,

Third—All persons who are of good character and who understand the duties and obligations of citizenship under a republican form of government.

Article 181. After the first day of January, nineteen hundred and three, the following persons, and no others, who, if their place of residence shall remain unchanged, will have, at the date of the next general election, the qualifications as to residence prescribed in Section 178 of this article, shall be qualified to register as electors; provided, they shall not be disqualified under Section 182 of this Constitution.

First—Those who can read and write any article of the Constitution of the United States in the English language, and who are physically unable to work; and those who can read and write any article of the Constitution of the United States in the English language, and who have worked or been regularly engaged in some lawful employment, business or occupation, trade or calling for the greater part of the twelve months next preceding the time they offer to register; and those who are unable to read and write, if such inability is due solely to physical disability; or,

Second—The owner in good faith in his own right, or the husband of a woman who is the owner in good faith, in her own right, of forty acres of land situate in this State, upon which they reside; or the owner in good faith in his own right, or the husband of any woman who is the owner in good faith, in her own right, of real estate situate in this State, assessed for taxation at the value of three hundred dollars or more, or the owner in good faith, in his own right, or the husband of a woman who is the owner in good faith, in her own right, of personal property in this State assessed for taxation at three hundred dollars or more; provided, that the taxes due

upon such real or personal property for the year next preceding the year in which he offers to register shall have been paid, unless the assessment shall have been legally contested and is undetermined.

Article 194. The poll tax mentioned in this article shall be one dollar and fifty cents upon each male inhabitant of the State, over the age of twenty-one years, and under the age of forty-five years, who would not now be exempt by law; but the Legislature is authorized to increase the maximum age fixed in this section to not more than sixty years. Such poll tax shall become due and payable on the first day of October in each year, and become delinquent on the first day of the next succeeding February, but no legal process, nor any fee or commission shall be allowed for the collection thereof. The Tax Collector shall make returns of poll tax collections separate from other collections.

Vote: 106,613 for the constitution; 81,734 against the constitution.

I, William D. Jelks, by virtue of the power and authority in me vested as Governor of Alabama, do declare the majority of votes cast "For Constitution" to be Twenty Six Thousand Eight Hundred and Seventy Nine (26,879). I, THEREFORE, Proclaim the said new Constitution so ratified shall go into effect as the Constitution of the State of Alabama on Thursday, it being the twenty-eighth day of November, 1901, House of Representatives, in the Capitol, at Montgomery, Alabama, on Tuesday, May 21, 1901, and there did frame a Constitution in accordance with the provisions of the law as laid down in said above named act:

NOW, THEREFORE, I, William D. Jelks, Governor of the State of Alabama, do hereby, in pursuance of my duty, as provided by section 22 of the said act, appoint Monday, November 11th, 1901, as the day for an election to be held in each county of this State to determine whether the qualified voters will ratify or reject said Constitution, so framed.

The sheriffs and other officers charged with duties connected with the election, will take notice of this proclamation and provide for said election in conformity with the law.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State to be affixed. Done at the Capitol, in the City of Montgomery, Alabama, this 16th day of September, 1901.

Texas (Election: November 4, 1902)

SUBMITTING CONSTITUTIONAL AMENDMENT TO VOTE OF THE PEOPLE

[S. J. R. No. 3.] JOINT RESOLUTION. Amending Article 6, Section 2, of the Constitution of the State of Texas, requiring all persons subject to a poll tax to have paid a poll tax and to hold a receipt for same before they offer to vote at any election in this State, and fixing the time of payment of said tax.

Be it resolved by the Legislature of the State of Texas:

SECTION 1. That Article 6, Section 2 of the Constitution of the State of Texas be amended so as to hereafter read as follows:

SECTION. 2. Every male person subject to none of the foregoing disqualifications, who shall have attained the age of twenty-one years and who shall be a citizen of the United States, and who shall have resided in this State one year next preceding an election and the last six months within the district or county in which he offers to vote, shall be deemed a qualified elector and every male person of foreign birth subject to none of the foregoing disqualifications who not less than six months before any election at which lie offers to vote, shall have declared his intention to become a citizen of the United States in accordance with the Federal Naturalization Laws, and shall have resided in this State one year next preceding such election and the last six months in the county in which he offers to vote, shall also be deemed a qualified elector; and all electors shall vote in the election precinct of their residence; provided, that electors living in any unorganized county may vote at any election precinct in the county to which such county is attached for judicial purposes; and provided further, that any voter who is subject to pay a poll tax under the laws of the State of Texas shall have paid said tax before he offers to vote at any election in this State and hold a receipt showing his poll tax paid before the first day of February next preceding such election. Or if said voter shall have lost or misplaced said tax receipt, he shall he entitled to vote upon making affidavit before any officer authorized to administer oaths that such tax receipt has been lost. Such affidavit shall be made in writing and left with the judge of the election, and this provision of the Constitution shall be self-enacting without the necessity of further legislation.

SECTION 3. The Governor of this State is hereby directed to issue the necessary proclamation submitting this amendment to the qualified voters of Texas at the next general election.

[NOTE--The enrolled bill shows that the foregoing resolution passed the Senate by two-thirds vote, yeas 23**,** nays 6**,** and was reported to the House of Representatives where it was amended and passed by two-thirds vote, yeas 87, nays 15**;** the Senate concurred in House amendments by two-thirds vote, yeas 26, nays 0.]

[NOTE--The enrolled bill shows that the foregoing resolution was presented to the Governor of Texas for his approval on the 6th day of March, 1901, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—John G. Tod, Secretary of State.]

Vote: 200,650 for the amendment, 107,748 against the amendment.

Maryland (Election: November 7, 1905)

ELECTIVE FRANCHISE AMENDMENT TO THE CONSTITUTION (POE AMENDMENT)

The Poe Amendment proposes to substitute for Article I, Section 1, of the present Constitution of Maryland the following:

All elections by the people shall be by ballot. Every male citizen of the United States, whether native born or naturalized, of the age of twenty-one years or upwards, who has resided in this State for one year and in the Legislative District of Baltimore City, or in the County in which he may offer to vote for six months next preceding the election, and who, moreover, is

duly registered as a qualified voter as provided in this Article, 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 yote 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. Every such male citizen of the United States having the above prescribed qualifications of age and residence shall be entitled to be registered so as to become a qualified voter if he be

First. A person able to read any section of the Constitution of this State submitted to him by the Officers of Registration and to give a reasonable explanation of the same; or if unable to read such section is able to understand and give explanation thereof when read to him by the registration officers; or

Second. A person who on the first day of January, 1869, or prior thereto, was entitled to vote under the laws of this State or of any other State in the United States wherein he then resided; or

Third. Any male lineal descendant of such last mentioned person who may be twenty-one (21) years of age or over in the year 1906.

No person not thus qualified by coming under some one of the above descriptions shall be entitled to be registered as a qualified voter, nor be entitled to vote.

Vote: 70,227 for the amendment; 104,286 against the amendment

Arkansas (Election: September 14, 1908)

AMENDMENT NO. 9 TO THE ARKANSAS CONSTITUTION

Every male citizen of the United States, or male person who has declared his intention of becoming a citizen of the same, of the age of twenty-one years, who has resided in the State twelve months, in the county six months, and in the precinct, town or ward one month, next preceding any election at which he may propose to vote, except such persons as may for the commission of some felony be deprived of the right to vote by law passed by the general assembly, and who shall exhibit a poll tax receipt or other evidence that he has paid his poll tax at the time of collecting taxes next preceding such election, shall be allowed to vote at any election in the State of Arkansas. Provided, that persons who make satisfactory proof that they have attained the age of twenty-one years since the time of assessing taxes next preceding said election, and possesses the other necessary qualifications, shall be permitted to vote; and provided further, that the said tax receipt shall be so marked by dated stamp or written endorsement by the judges of election to whom it may be first presented as to prevent the holder thereof from voting more than once at any election.

Vote: 88,386 for the amendment; 46,835; against the amendment.

It was declared adopted by the joint session of the general assembly held on January 14, 1909, and proclaimed as of legal effect by the Governor of Arkansas on March 16, 1909.

Georgia (October 7, 1908)

AMENDMENT TO THE CONSTITUTION

Key Disenfranchisement Provisions:

Paragraph IV. Every male citizen of this State shall be entitled to register as an elector, and to vote in all elections in said State, who is not disqualified under the provisions of Section 2 of Article 2 of this Constitution, and who possesses the qualifications prescribed in paragraphs 2 and 3 of this Section or who will possess them at the date of the election occurring next after his registration, and who in addition thereto comes within either of the classes provided for in the five following sub-divisions of this paragraph.

1. All persons who have honorably served in the land or naval forces of the United States in the Revolutionary War, or in the War of 1812, or in the War with Mexico, or in any War with the Indians, or in the War between the States, or in the War with Spain, or who honorably served in the land or naval forces of the Confederate States or of the State of Georgia in the War between the States; or

2. All persons lawfully descended from those embraced in the classes enumerated in the sub-division next above, or,

3. All persons who are of good character and understand the duties and obligations of citizenship under a republican form of government; or,

4. All persons who can correctly read in the English language any paragraph of the Constitution of the United States or of this State and correctly write the same in the English language when read to them by any one of the registrars, and all persons who solely because of physical disability are unable to comply with the above requirements but who can understand and give a reasonable interpretation of any paragraph of the Constitution of the United States or of this State, that may be read to them by any one of the registrars; or,

5. Any person who is the owner in good faith in his own right of at least forty acres of land situated in this State, upon which he resides, or is the owner in good faith in his own right of property situated in this State and assessed for taxation at the value of $500.00.

Vote: 79,968 for the amendment; 40,260 against the amendment.

Maryland (Election: November 2, 1909)

ELECTIVE FRANCHISE AMENDMENT TO THE CONSTITUTION (STRAUS AMENDMENT)

AN ACT to amend section one of article one, title "Elective Franchise," of the Constitution of this State, and to provide for the submission of said amendment to the qualified voters of this State for adoption or rejection.

Be it enacted by the General Assembly of Maryland, Three-fifths of all the members of each of the two Houses concurring, that the following section be and the same is hereby proposed as an amendment to section one of article one, title "Elective Franchise," of the Constitution of this State, and if adopted by the legal and qualified voters thereof, as herein provided, it shall supersede and stand in the place and stead of section one of said article one.

SECTION. 1. All elections shall be by ballot, and every male citizen of the United States of the age of twenty-one years or upwards, who has been a resident of the State for two years and of the Legislative District of Baltimore city or of the county in which he may offer to vote, for one year next preceding the election, and who, moreover, is duly registered as a qualified voter as provided in this article, 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 one year 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. Every male citizen of the United States having the above prescribed qualifications of age and residence shall be entitled to be registered so as to become a qualified voter if he be,

first: A person who, on the first day of January in the year eighteen hundred and sixty-nine, or prior thereto, was entitled to vote under the laws of this State, or of any other State of the United States, wherein he then resided; or

second: A male descendant of such last mentioned person;

or third: A foreign born citizen of the United States naturalized between the first day of January in the year eighteen hundred and sixty-nine and the date of the adoption of this section of this article;

or fourth: A male descendant of such last mentioned person;

or fifth: A person who,in the presence of the officers of registration, shall, in his own handwriting, with pen and ink, without any aid, suggestion or memorandum whatsoever, and without any question or direction addressed to him by any of the officers of registration, make application to register correctly, stating in such application his name, age, date and place of birth, residence and occupation at the time and for the two years next preceding, the name or names of his employer or employers, if any, at the time and for the two years next preceding, and whether he has previously voted, and if so, the State, county or city, and district or precinct in which he voted last, and also the name in full of the president of the United States, of one of the Justices of the Supreme Court of the United States, of the Governor of Maryland, of one of the Judges of the Court of Appeals of Maryland and of the Mayor of Baltimore city, if the applicant reside in Baltimore city, or of one of the County Commissioners of the county in which the applicant resides; and any person who is unable to comply with the aforegoing requirements as to making application for registration in his own handwriting, solely because he is physically disabled from so doing;

or sixth: A person, or the husband of a person, who at the time of his application for registration is the bona fide owner of real or personal property in an amount of not less than five hundred dollars, is assessed therefor on the tax books of the city of Baltimore or of one of the counties of this State, has been such owner and so assessed for two years next preceding his application for registration; shall have paid; and shall produce receipts for, the taxes on said property for said two years, and shall at the time of his application make affidavit before the officers of registration that he is, or that he is the husband of the person who is the bona fide owner of the property so assessed to him or to her, as the case may be, and that he or she has been such owner for two years next preceding his application.

No person not qualified under some one of the above clauses shall be entitled to be registered as a qualified voter or be entitled to vote. Every written application to be registered, presented to the officers of registration by any person applying to be registered under the above fifth clause, shall be carefully preserved by said officers of registration and shall be produced in any court, if required, as hereinafter provided. The affidavit of any applicant for registration, duly made to the officers of registration or in court, that he, the applicant, is a person who was entitled to vote on or before the first day of January in the year eighteen hundred and sixty-nine, as aforesaid, or that he has become a naturalized citizen of the United States between the first day of January in the year eighteen hundred and sixty-nine and the date of the adoption of this section of this article, as aforesaid, or his affidavit upon information and belief that he is a descendant of a person who was entitled to vote on or before the first day of January in the year eighteen hundred and sixty-nine, or that he is a descendant of a person who has become a naturalized citizen of the United States between the first day of January in the year eighteen hundred and sixty-nine and the date of the adoption of this section of this article, shall be prima facie evidence of any of said facts so sworn to. A wilfully false statement upon the part of any applicant for registration in relation to any of the matters aforesaid shall be perjury, and punishable as perjury is punished by the laws of this State.

Any person who feels aggrieved by the action of any board of officers of registration in refusing to register him as a qualified voter, or in registering any disqualified person, may at any time, either before or after the last session of the board of officers of registration, but not later than the Tuesday next preceding the election, file a petition, verified by affidavit, in the circuit court for the county in which the cause of complaint arises, or, if the cause of complaint arises in Baltimore city, in any court of common law jurisdiction in said city, setting forth the grounds of his application and asking to have the action of the board of officers of registration corrected. The court shall forthwith set the petition for hearing and direct summons to be issued requiring the board of officers of registration complained against in said petition to attend at the hearing in person or by counsel, and where the object of the petition is to strike off the name of any person, summons shall also be issued for such person, which shall be served by the sheriff within the time therein designated; and said several courts shall have full jurisdiction and power to review the action of any board of officers of registration and to grant or withhold, as it may deem lawful and proper, the relief prayed for in the premises. In determining whether any person who applied to be registered under the above fifth clause of this section was or was not entitled to be registered under said fifth clause, the court shall require the board of officers of registration complained against to produce the written application prepared and submitted by such person at the time he presented himself for registration to said board of officers of registration, and upon said written application the court shall determine whether or not said person, when he presented himself for registration, complied with the requirements of said fifth clause; and if the court

shall determine that said written application, so prepared and submitted by said person, complied with the requirements of said fifth clause, and that said person was not disqualified under any other provision of this article of the Constitution to be registered upon the books of registry in question, then the court shall order said person to be registered as a qualified voter, but if the court shall determine that said written application of said person failed to comply with the requirements of said fifth clause, or that said person was in any other respect under this article of the Constitution disqualified to be registered upon the books of registry in question, then the court shall order that said person shall not be registered upon said books of registry. The court may enforce any order by attachment for contempt in said cases; neither party shall have any right of removal; exception may be taken to any ruling of the court at the hearing of said cases, and an appeal shall be allowed to the Court of Appeals, as in other cases; all such appeals shall be taken within five days from the date of the decision complained of, and shall be heard and decided by the Court of Appeals upon the original papers, or otherwise, as the Court of Appeals may by rule prescribe, as soon as may be practicable. The General Assembly shall have power to provide more fully by legislation not inconsistent with this section of this article, for the hearing and determination of all said cases.

SECTION. 2. *And be it further enacted by the authority aforesaid*, That the aforegoing section hereby proposed as an amendment to the Constitution of this State shall be at the next general election for members of the General Assembly to be held in this State, submitted to the legal and qualified voters thereof for their adoption or rejection, in pursuance of the directions contained in article XIV of the Constitution of this State, and at said general election the vote on the said proposed amendment shall be by ballot, and upon each ballot there shall be printed the words "For the Constitutional Amendment" and "Against the Constitutional Amendment, " as now prescribed by law, and immediately after said election due returns shall be made to the Governor of the vote for and against said proposed amendment, as directed by the said article XIV of the Constitution. (Approved April 25, 1908.)

Vote: 89,801 for the amendment; 106,512 against the amendment.

Oklahoma (Election: August 2, 1910)

STATE QUESTION NUMBER SEVENTEEN; INITIATIVE PETITION NUMBER TEN.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA: That the Constitution of the State of Oklahoma be, and the same is hereby amended by adding to Article Three thereof, as “4a”, the following:

Section 4a. “No person shall be registered as an elector of this State, or be allowed to vote in any election held herein, unless he be able to read and write any section of the constitution of the state of Oklahoma; but no person who was, on January lst, 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, and no lineal descendant of such person, shall be denied the right to register and vote because inability to so read and write sections of such constitution.

Precinct election inspectors having in charge the registration of electors shall enforce the provisions of this section at the time of registration, provided registration be required. Should

registration be dispensed with, the provisions of this section shall be enforced by the precinct election officers when electors apply for ballots to vote."

Vote: 135,443 for the amendment; 106,222 against

CONSTITUTIONAL AMENDMENT ONE, "GRANDFATHER CLAUSE," certified by the Oklahoma Secretary of State on December 10, 1910.

Maryland (Election: November 7, 1911)

ELECTIVE FRANCHISE AMENDMENT TO THE CONSTITUTION (DIGGES AMENDMENT)

AN ACT to propose an amendment to Article 1, of the Constitution of this State, by adding thereto a new section, to be known as Section 8, to follow Section 7, and to provide for the submission of said amendment to the qualified voters or this State for adoption or rejection.

SECTION 1. Be it enacted by the General Assembly of Maryland (three-fifths of all members of each of the two houses concurring), That the following section be and the same is hereby proposed as an amendment to Article 1, of the Constitution of this State, which said section, if adopted by the qualified voters of this State, shall stand as an additional section to said Article 1, to be known as Section 8, to follow Section 7, of said Article: SEC. 8. All State and municipal elections shall be conducted by the system commonly known as the Australian ballot system, and it shall be the duty of the General Assembly to provide by law for a form of ballot, uniform throughout the State, for use at all State elections in this State, and to provide that on said ballot, after the name of each candidate thereon who may have been duly nominated as the candidate of any political party or organization, there shall be printed the legal name of said party or organization. Equal representation of the minority party among the judges and clerks of election, registrars, or other officers performing similar functions, shall not be abolished by the General Assembly unless by a vote of four-fifths of all the members of each house.

The right to be registered as a qualified voter and the right to vote at any State or municipal election in this State shall be limited to the following persons:

first, every male white citizen not disqualified by the Second or Third Section of this Article possessing the qualifications as to age and residence mentioned in Section 1 of this Article;

second, every other male citizen not disqualified by the Second or Third Sections of this Article possessing the qualifications as to age and residence mentioned in Section 1 of this Article, who at the time of his application for registration is the bona-fide owner of real or personal property, or both, in an amount of not less than five hundred dollars, is assessed therefor on the tax books of the City of Baltimore or of one of the counties of this State, has been such owner and so assessed for two years next preceding his application for registration, shall have paid and shall produce receipts for the taxes on said property for said two years, and shall at the time of his application make affidavit before the officers of registration that he is the bona-fide owner of the property so assessed to him, and that he has been such owner for two years next preceding his application.

If any persons other than those herein mentioned shall be or become legally entitled to be registered as voters at State elections in this State, then this section shall be null and void, and the General Assembly shall possess the same powers as if this section had never been adopted, and the laws of this State, including the local laws applicable to certain counties thereto, relating to the form of ballot to be used at elections, in force on the first day of July in the year nineteen hundred and ten, shall revive or continue in force until altered by the General Assembly, notwithstanding any acts to the contrary which may have been passed while the terms of this section shall have been in force or while the General Assembly shall have believed or assumed the provisions of this section to be valid.

SECTION 2. And be it further enacted, by the authority aforesaid, That the aforesaid section hereby proposed as an amendment to the Constitution shall be, at the next general election held in this State, submitted to the legal and qualified voters thereof for their adoption or rejection in pursuance of the directions contained in Article 14 of the Constitution of this State, and at the said general election the vote on the said proposed amendment to the Constitution shall be by ballot, and upon each ballot shall be printed the words, "For Constitutional Amendment" and "Against Constitutional Amendment," as now provided by law, and immediately after said election due return shall be made to the Governor of the vote for and against said proposed amendment as directed by said Fourteenth Article of the Constitution. (Approved April 11, 1910.)

Vote: 46,220 for the amendment; 83,920 against the amendment.

Oklahoma (Election: August 2, 1916)

PROPOSED CONSTITUTIONAL AMENDMENT-QUALIFICATIONS OF ELECTORS.

Senate Joint Resolution or Bill No. 6.

AN ACT OR JOINT RESOLUTION TO SUBMIT TO THE PEOPLE OF THE STATE AT A SPECIAL ELECTION TO BE HELD FOR THAT PURPOSE ON THE FIRST TUESDAY IN AUGUST, 1916, AN AMENDMENT TO ARTICLE III, OF THE CONSTITUTION, AND TO BE DESIGNATED AS SECTION 3-A,OF ARTICLE III,OF THE CONSTITUTION OF THIS STATE,RELATING TO THE QUALIFICATIONS OF ELECTORS AND PRESCRIBING THE PROCEDURE FOR AND INCIDENTAL TO THE SUBMISSION OF SAID PROPOSED AMENDMENT TO THE PEOPLE OF THIS STATE FOR APPROVAL OR REJECTION; AND DECLARING AN EMERGENCY.

Be It Enacted by the People of the State of Oklahoma:

Qualifications of electors.

Section1. That the following amendment to Article 3 of the Constitution of the State of Oklahoma, to be designated as Section 3-A of Article 3 of the Constitution of the State of Oklahoma, is hereby proposed, and to be submitted to the people of the State of Oklahoma

for their approval or rejection as hereinafter set forth, viz.: Amend said Article 3 by adding an additional section to be known as Section 3-A of Article 3 of the Constitution of the State of Oklahoma, as follows:

Section 3-A. No property qualification shall ever be imposed as a requisite for registration or voting in this State, and any other qualification for registration or voting which may hereafter be prescribed by the Legislature or the people of this State shall conform to the Constitution of the United States, and the amendments thereto, and the right of no citizen of this State to vote shall ever be denied or abridged on account of race, color or previous condition of servitude.

"No person shall be registered as an elector of this State or be allowed to vote, or be eligible to hold office under the Constitution and laws of this State unless he be able to read and write any section of the Constitution of the State of Oklahoma, but no person who, prior to the adoption of this provision, served in the land or naval forces of the United States or in the war with Mexico or on either side in any war with the Indian tribes located within the United States, or on either side in the Civil War, or in the National Guard or Militia of any State or territory of the United States, or in the land or naval force of any foreign nation, and all lawful decendants of any such person, and of those that served on the side of the Colonies in the American Revolution, and in the land or naval forces of the United States in the war of 1812, or any person prevented by physical disability from complying with such test, shall be denied the right to register and vote because of his inability to so read and write any section of such Constitution. Precinct election inspectors or other officers having in charge the registration of electors shall enforce the provisions of this section at the time of registration, provided registration be required. Should registration be dispensed with, the provisions of this section shall be enforced by the precinct election officers when electors apply for ballots to vote; provided, that it is intended that no part of this provision or section shall conflict with the provisions of the Constitution of the United States, and shall accordingly be adopted and become effective."

Submission.

Section 2. It shall be the duty of the Secretary of State to refer said proposed amendment to the people at a special election to be held throughout the State on the first Tuesday in August, 1916, and such special election is hereby ordered for such purpose.

Manner of submission—form of ballot.

Section 3. Said proposed Constitutional Amendment shall be referred by the Secretary of State to the people at such special election for their approval or rejection. The Secretary of State shall cause an attested copy of said proposed amendment so proposed by this Act or joint resolution to be filed with the Chairman of the State Election Board together with a certificate of the fact that said amendment was proposed by act or joint resolution of the Legislature, setting forth such resolution. Said proposition shall be caused to be printed by the State Election Board as may be provided by law. In said special election to be held on the first Tuesday in August, 1916, the electors qualified at that time to vote at any election in the state may vote on said

amendment. It shall be the duty of the proper officials to cause to be printed on a separate and independent ballot, or on any ballot on which Constitutional Amendments or other propositions submitted by the Legislature to the people for approval or rejection may be placed, the form of the ballot to be that as prescribed by law, the following ballot title:

"Proposition prohibiting property qualification, but imposing literacy test for electors, excepting those who served in army or navy of the United States in war with Mexico, or on either side in wars with certain Indian Tribes, or on either side in Civil War, or in war with Spain, or of any foreign nation, or in National Guard or Militia of any State and all lawful decendants of such persons and of those that served on the side of the Colonies in American Revolution and in war of 1812, and those prevented by physical disability from complying with such test."

And following said title shall be printed the words, "For the Amendment," which words shall be in a separate paragraph at least one-fourth of an inch below such title. Said words shall have no distinguishing marks about them.

Any elector desiring to vote for said amendment shall leave said words intact upon the said ballot without erasing same, and any voter desiring to vote against said amendment shall evidence his intention to so vote by erasing or marking out said words with a pencil mark. The leaving of said words upon said ballot shall be taken as a favorable vote or a vote for approval, and the striking out of said words shall be taken as an adverse vote or a vote for the rejection of the same.
Canvass of returns.

Section 4. The votes given upon said amendment to the Constitution are to be counted and estimated in the same manner in all respects as may be otherwise provided by law for such purpose, and the result is to be so ascertained and returned and declared.

Emergency.

Section 5. It being immediately necessary, for the preservation of the public peace, health and safety, an emergency is hereby declared to exist by reason whereof this Act shall take effect and be in full force from and after its passage and approval.

Passed by the Senate February 14, 1916. Passed by the House of Representatives February 18, 1916. Approved February 21,1916.

Vote: 90,605 for the amendment; 133,140 against the amendment.