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SUFFRAGE AND THE CONSTITUTION

by

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Suffrage in General

The right to vote has been variously described as a political right, a privilege, or a civil right which may be given or withheld by the law-making power of the sovereignty. It is not a natural, inherent, or unalienable right, nor is it a necessary incident to citizenship or among the rights of person and property. It exists only when conferred by a constitution or by statute and can become operative only by legislation.

The states have the supreme and exclusive power to regulate the right of suffrage and to determine who may vote, except where they are restricted by provisions of the Federal Constitution. Persons may not be excluded from voting on the basis of their race, color, previous condition of servitude, or sex (15th and 19th Amendments). Inasmuch as any person naturalized in the United States becomes a citizen of the state in which he resides, no state may withhold the right of such individuals to vote except as it may be withheld from other citizens in the state (14th Amendment). Moreover, the representation of any state in Congress may be reduced in proportion to the number of male inhabitants whose right of suffrage is denied on any grounds other than participation in rebellion or other crimes (14th Amendment).

Within these limitations, then, each state may define the qualifications of suffrage in its own constitution or empower its legislature to do so. It follows that the state may enact reasonable, uniform, and impartial laws to prevent from voting those persons who lack the necessary qualifications. It is not within the power of the legislature to confer the elective franchise on other classes than those to whom it is given by the constitution. Neither can the legislature prescribe additional qualifica-

tions for voters.

Constitutional Provisions Respecting Suffrage

The Constitution that was adopted by the Provincial Congress on July 2, 1776, defined the qualifications of electors in Article IV:

That all the inhabitants of this Colony of full age who are worth fifty Pounds, Proclamation money, clear estate in the same, and have resided within the County in which they claim a vote for twelve months immediately preceding the election, shall be entitled to vote for Representatives in Council and Assembly; and also for all other public officers that shall be elected by the people of the County at large.

By a process of "legislative interpretation" these provisions were altered in 1807 to exclude women and persons of color from voting and to extend the franchise to all taxpayers, regardless of the size of their estate.²

The constitutional convention that convened on May 14, 1844, appointed a Committee on the Right of Suffrage which on May 17 reported the following draft:

1st. On the Right of Suffrage

Every white male citizen of the United States of the age of twenty-one years, who shall have been an inhabitant of this state one year, and of the county in which he claims his vote five months, next before the election, shall be entitled to vote for all officers that now are, or hereafter may be elected by the people; provided, that no person in the military, naval, or marine service of the United States shall be considered as acquiring a residence in this state, by being stationed in any garrison, barrack, or military or naval place or station within this state; and no idiot, or insane person, or pauper, or person convicted of the crime of bribery, forgery, perjury, theft, or other offence, for which an infamous punishment is or may be inflicted, shall enjoy the right of an elector.³

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1. On the subject of the suffrage in general see: 29 C.J.S. 1-7; N.J.S.A. Const., Art. II; N.J.S.A. 19:4-1; F. J Stimson, The Law of the Federal and State Constitutions of the United States (Boston, 1908), pp. 218-219.
 2. N.J.S.A. Const., Art. II, Par. 1, annotation.
 3. Proceedings of the New Jersey State Constitutional Convention of 1844 (n.p., 1942), p. 40.

After having undergone numerous changes, this proposal became Article II of the Constitution that was approved by the voters of the State on August 13, 1844:

Article II

Right of Suffrage

1. Every white male citizen of the United States of the age of twenty-one years, who shall have been a resident of this state one year, and of the county in which he claims his vote five months, next before the election, shall be entitled to vote for all officers that now are, or hereafter may be elective by the people; provided, that no person in the military, naval, or marine service of the United States shall be considered a resident in this state, by being stationed in any garrison, barrack, or military or naval place or station within this state; and no pauper, idiot, insane person, or person convicted of a crime which now excludes him from being a witness unless pardoned or restored by law to the right of suffrage, shall enjoy the right of an elector.

2. The legislature may pass laws to deprive persons of the right of suffrage who shall be convicted of bribery at elections.⁴

In 1875, Article II was amended in three respects. The word "white" in the first line of paragraph one and the words "at elections" in the last line of paragraph two were eliminated, and the following sentence was added to the first paragraph:

And provided further, that in time of war no elector in the actual military service of the state, or of the United States, in the army or navy thereof, shall be deprived of his vote by reason of his absence from such election district; and the legislature shall have power to provide the manner in which, and the time and place at which, such absent electors may vote, and for the return and canvass of their votes in the election districts in which they respectively reside.⁵

4. Constitution, Art. II, unamended. The underscored portions indicate the major changes from the original draft of the Committee on the Right of Suffrage.

5. Constitution, Art. II, Par. 1, amended.

The effect of the 19th Amendment to the Federal Constitution was to eliminate the word "male" from the first line of paragraph one.

Qualifications for Voting

The qualifications for electors set forth in the Constitution of 1844, as amended, fall into three categories: citizenship, age, and residence.

In the convention of 1844 a minority favored the insertion of an amendment the effect of which would have been to exclude naturalized citizens from voting for a period of one year. Those who advanced this proposal were concerned to prevent the fraud and corruption attendant upon the naturalization of aliens on the eve of an election. Opponents of the measure argued that there should be no distinction between native-born and naturalized citizens. The matter was considered in the Committee on the Right of Suffrage, but it had received no support. The amendment was defeated without a record vote in the Committee of the Whole and was later negatived by the convention by a vote of 35-14.⁶ The courts of New Jersey have ruled that the statute governing real estate cannot be construed to entitle aliens to vote (N.J.S.A. 46:3-18) and that an alien has no right to vote at an election held in a school district to alter the district nor to vote for school trustees (Elkin v. Deshler, 25 N.J.L. 177). A naturalized alien may vote as soon as the next day after naturalization, provided he has satisfied the residence requirements (Chandler v. Wortman, 6 N.J.L.J. 301).⁷ All states have the requirement that a voter be a citizen of the United States, and some specify that he must have been a citizen for periods ranging from one month to five years.⁸ The "Model State Constitution" drafted

6. Proceedings...1844, pp. 76-87, 433.

7. N.J.S.A. Const., Art. II, Par. 1, annotation 4.

8. The Book of the States, 1945-1946, VI (Chicago, 1945), p. 88.

by the Committee on State Government of the National Municipal League (1946)⁹ requires that a voter must have been a citizen for 90 days.

There was apparently no disagreement in the convention of 1844 regarding the age at which a person should be entitled to vote. In recent years, however, there have been proposals that the voting age should be reduced from 21 to 18 years. Proponents of the change have contended that those who are old enough to bear arms in defense of their country are old enough to participate in elections. Too, it has been suggested that students who in high school have received training in the duties of citizenship should not be required to wait three or four years before assuming the responsibilities for which their education has prepared them.¹⁰ The "Model State Constitution" embodies the lower age qualification. To date Georgia is¹¹ the only state which has fixed 18 as the minimum voting age.

The residence requirements proposed by the Committee on the Right of Suffrage in 1844 were subject to slight modifications before they received the approval of the convention. The words "an inhabitant" in the first sentence of the draft were replaced by "a resident," and for the words "as acquiring a residence" in the second sentence were substituted "a residence." Although there was considerable disagreement over the precise meaning of the words "inhabitant" and "resident," apparently it was decided that a person might be a resident without being an inhabitant and that he might have a habitation in the State without being a resident. It was because of this distinction, incidentally, that members of the Legislature were required to

9. Model State Constitution, Partial revision (4th ed., New York 1946), Art. II, Sec. 200.

10. Transcript, "Public Hearing on Revised Constitution, 1944," testimony of Mr. Holderman, Mrs. Barus, Dr. Milmed, Feb. 2, 1944.

11. Book...States, VI, p. 88.

be inhabitants rather than residents.

Slight support was given in the convention to a proposal that "students who had taken up a transient residence for the purpose of education" should be denied the right to vote. The chief advocate of the measure claimed that there was considerable variety of opinion regarding the eligibility of students and that the question should be settled definitely. He admitted that he had in mind the fact that the students at New Brunswick could, if they all voted on one side, sometimes control the election in Middlesex County. Moreover, there was ample precedent for his amendment; the Legislature at its preceding session had enacted a law to disenfranchise students. Vigorous objections were made against this proposal, which was described as placing a stigma on students, and it was withdrawn.¹³ The New York Constitution specifies that "no person shall be deemed to have gained or lost a residence...while a student of any seminary of learning" (Art. II, sec. 3), but the courts there have been almost unanimous in holding that the home domicile¹⁴ of a student remains his voting residence.

The term "residence" has frequently been the subject of judicial interpretation and definition. It has been held that there must be an intent

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12. Proceedings...1844, pp. 96, 99-101, 429. Justice Hornblower recalled that the joint-meeting had once refused to elect Secretary of Navy Southard to the Senate because while he was a resident of the state he was actually an inhabitant of Washington, D. C.
 13. Proceedings...1844, pp. 92-95. A Democratic legislature in 1878 enacted a law disenfranchising college students. Violent disorders reportedly resulted the following fall at Princeton and New Brunswick, where the students insisted on voting. Session Laws, 1878, p. 57; W. E. Sackett, Modern Battles of Trenton (Trenton, 1895), p. 157.
 14. Problems Relating to Home Rule and Local Government, New York State Convention Committee, XI (New York, 1938), p. 187. Hereafter cited as N.Y. State Conv. Com., XI. The same provision is incorporated in the "Model State Constitution."

actually to reside in the place where the vote is offered and that such intent must not only be in the mind but must be accompanied by acts showing what the fact really is (28 N.J.L.J. 68). Residence to entitle a person to vote means a fixed domicile or permanent home and is not lost by occasional absences (Brueckmann v. Frignoca, 152 Atl. Rep. 780, 9 N.J. Misc. Rep. 128; Cadwalader v. Howell, 18 N.J.L. 138). A person may have more than one "residence" but not more than one "domicile," and his permanent home, which is his domicile, determines his right to vote. (State v. Atti, 127 N.J.L. 39, 21 Atl. Rep. (2d) 603, affirmed 128 N.J.L. 318, 25 Atl. Rep. (2d) 634). A person need not be entitled to vote somewhere (Snyder v. Callahan, 129 Atl. Rep. 410, 3 N.J. Misc. Rep. 269). WPA workers who resided in a federal camp in a borough for one year before a general election were held to be not qualified to vote where there was no showing of a change of residence aside from attendance at the camp (Schweitzer v. Buser, 190 Atl. Rep. 89, 15 N.J. Misc. Rep. 217).¹⁵

In the hearings before the Joint Legislative Committee in 1942, the suggestion was advanced that inasmuch as the purpose of the residence requirement was only to prevent fraud, the time limit might be reduced. It was pointed out that the effect of the state-residence requirement was to deprive everyone who moved into the State of the privilege of voting for at least a year. A more precise definition of the term "residence" in the Constitution was deemed to be desirable.¹⁶ In the 1944 hearings it was proposed that the county residence requirement should be eliminated from the revised Constitution and that the period should be fixed by law. The problems

15. N.J.S.A. Const., Art. II, Par. 1; N.J.S.A. 19:4-1 annotations.

16. Record of Proceedings before The Joint Committee of the New Jersey Legislature.../1942/, (n.p., 1942), pp. 543-544.

arising out of judging the qualifications of migratory workers and of those
¹⁷
 on relief were also discussed.

All states have a state-residence requirement. The term is fixed at one year in 32 states, at six months in 11, and at two years in five. Thirty-six states specify some length of residence in the county; the period varies from 30 days to one year. In 40 states (ten of which have no county-residence requirement) residence of from ten days to one year in an election district
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 is necessary. The "Model State Constitution" requires a residence of one year in the state, 90 days in the county, and 30 days in the election district.

It is within the power of the states to establish any qualifications for voting that do not conflict with the Federal Constitution, and barriers other than those based on citizenship, age, and residence have been erected or proposed. In the convention of 1844 a minority advocated an amendment providing that no person born after the adoption of the Constitution should be allowed to vote on reaching the age of 21 unless he could read the English language, except in case of physical disability. This provision was justified on the grounds that intelligence and virtue were essential in a republic. Opponents contended that unless a system of universal education was established, the literacy requirement would operate unjustly against the poor. It was further suggested that the test would place the native-born Jerseyman at a disadvantage with respect to illiterate foreigners or persons from other states. The
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 amendment was defeated by a vote of 40-8. A literacy test was proposed in New York as early as 1846 but was not adopted until 1921. All voters - except

17. Transcript, "Public Hearing...1944," testimony of Mrs. Barus and Mrs. Maddock, Feb. 2, 1944.

18. Book...States, VI, p. 88.

19. Proceedings...1844, pp. 101-104, 434.

those who are physically disabled - must be able to read and write English, and the legislature is empowered to pass suitable laws to enforce this provision (Art. II, sec. 1). Frequent efforts have been made to bring about the repeal of this requirement, but to date it has not been changed.

Some 19 states - among them Connecticut, Maine, Massachusetts, New Hampshire, Oregon, and Washington and eight southern states - have literacy tests. The "Model State Constitution" contains a literacy requirement patterned after that in the New York State Constitution.

Ten states have some form of property qualification, although in six of these it applies only in the case of votes on bond issues and special assessments and in the other four states electors may qualify under alternative provisions. Seven southern states have poll-tax requirements.

Disqualifications from Voting

In addition to defining the general qualifications which a person must possess in order to be entitled to the franchise, a state may - within the limitations imposed by the Federal Constitution - provide specifically for the exclusion of certain classes of persons from voting. The Constitution of 1844, as amended, bars from voting paupers, idiots, and insane persons as well as those who have been convicted of certain crimes.

No subject connected with the suffrage aroused more controversy in the convention of 1844 than did the disqualifications of paupers. The Committee on the Right of Suffrage was unanimous in believing that paupers should be deprived of voting rights. They held that when a man was so bowed down with misfortune as to enter a poorhouse, he voluntarily surrendered his rights.

20. For a discussion of New York's experience, see N.Y. State Conv. Com., XI, pp. 156-160.

21. Book...States, VI, p. 88.

He parted with his liberty, lost control of his children, and labored for others. If paupers were allowed to vote, there was the danger that they might be herded to the polls under the direction of an unscrupulous poor-master. Such discrimination against the poor was condemned by those who felt that pauperism was not necessarily the result of vice or crime and that misfortune should not be the occasion for disfranchisement. Many substantial men, it was said, might in their old age be forced to rely on public charity, but they should not lose their political privileges. Some questions were raised regarding the definition of the term "pauper." Justice Hornblower believed it included anyone who received aid from the public funds or charities, whether in the poorhouse or elsewhere. Others apparently thought of a pauper principally as the inmate of a poorhouse. After a heated discussion, the Committee of the Whole voted to delete "paupers" from the draft of Article II. Later, however, the matter was again brought up in the convention, and by a vote of 36-14 it was decided to include paupers among the list of those disqualified.²²

There does not seem to have ever been any judicial definition of the term "pauper" in connection with voting in New Jersey. Attorney-General Gaskill once gave the opinion that "paupers" within the meaning of the Constitution included not only inmates of poorhouses or similar institutions but also any persons who were dependent on poor funds.²³

It is said that technically a pauper is a person who receives aid and assistance from the public under a provision made by law for the support and maintenance of the poor, but the term is often given wider signification and is used to describe persons who are so destitute and helpless as to be dependent

22. Proceedings...1844, pp. 87-90, 429-433.

23. 36 N.J.L.J. 356 (1912).

for their support upon public charity. In the absence of constitutional or statutory disqualifications, persons incapable of self-support who are in other respects eligible to vote may do so. Persons in public or charitable institutions do not by their mere presence therein lose their right to vote at their former residences, or acquire the right to vote in the district²⁴ where such institutions are located.

It has been held that an aged man whose only home was in the county almshouse but who for a year or two had been working for and living with various farmers in a township was entitled to vote in the township.²⁵

It should be noted that the word "pauper" is not used in New Jersey Statutes Annotated, Title 44, which deals with the subject of the poor. Instead, the term "poor person" is employed and is defined as meaning "one who is unable to maintain himself or those dependent upon him." Such poor persons may be variously classified as "public charges," "permanent or indoor poor," or "temporary or outdoor poor," all of which terms are defined in the statutes.²⁶

Several of those who attended the hearings before the Joint Legislative Committee in 1944 advocated the deletion of the word "paupers" from the list of those barred from voting. The term itself was criticized as being ambiguous, and it was said that the disqualification had been of little effect in the past. It was recalled that during the depression, the Legislature had given consideration to the disfranchisement of persons on public relief on the grounds that such individuals were paupers under the Constitution, and fear was expressed that similar measures might be introduced at a future time. The limitation²⁷ was also characterized as an undesirable property qualification.

24. 29 C.J.S. 16.

25. In re Election in Township of Elk, 14 N.J.L.J. 263.

26. For definitions see N.J.S.A. 44:1-1.

27. Transcript, "Hearing...1944," testimony of Messrs. Bebout, Holderman, and Milmed; Mrs. Zwemer, Mrs. Barus, and Mrs. Maddock, Feb. 2, 1944.

The provisions relating to idiots and insane persons were adopted without discussion in the convention of 1844 and have seemingly aroused little interest or comment since that time.

Difficulty was experienced by the members of the convention in 1844 in devising a satisfactory wording of the provision dealing with the exclusion of criminals. The Committee on the Right of Suffrage proposed to disqualify those who had been convicted of offenses for which there was an infamous punishment, but objections were made to this terminology. The chief criticisms were that there was a distinction between infamous crimes and infamous punishments, and that New Jersey did not in fact have any infamous punishments, such as cropping on the pillory. Justice Hornblower suggested the clause "a crime which now excludes him from being a witness, unless pardoned" as a substitute, and Mr. Randolph urged the addition of the words "or restored by law to the right of suffrage." It was in this form that the disqualification was approved²⁸ for incorporation in the Constitution.

The word "now" in the phrase "which now excludes him from being a witness" refers to the time of the adoption of the Constitution and therefore takes as a standard of reference a statute of 1799 - which was still in effect - providing that persons convicted of blasphemy, treason, murder, piracy, arson, rape, sodomy, polygamy, robbery, conspiracy, forgery, larceny of above the value of \$6, perjury, or subornation of perjury should be excluded from being witnesses (Application of Marino, 42 Atl. Rep. (2d) 469, 23 N.J. Misc. Rep. 159; In re Court of Pardons, 97 N.J. Eq. 555, 129 Atl. Rep. 624, 3 N.J. Misc. Rep. 585). The right of suffrage may be withheld from a person who has been convicted of one of the above crimes in a federal court sitting in the State (Application of Marino). The words "restored by law" do not mean restored by

28. Proceedings...1844, pp. 95-99, 433.

the Legislature, but by the Court of Pardons. Full pardon for an offense restores the right of suffrage (In re Court of Pardons). The purpose of the clause withholding the right to vote from paupers, idiots, insane persons, and certain classes of criminals was to preserve purity of elections, and not to invoke a punishment or a penalty (Application of Marino).²⁹

In the revised Constitution of 1942, it was proposed to exclude from the rights of an elector any person convicted of "a crime which at common law would have excluded him from being a witness" (Art. VIII, par. 4, proposed revision, 1942). This wording was criticized on the grounds that it would be difficult to determine exactly what crimes would fall within this category under the common law.³⁰ The proposed revision of 1944 gave to the Legislature the power to deprive by law of the right of suffrage any person "because of conviction of crime." A member of the committee that had drafted the provision explained that the group had at first attempted to enumerate the crimes which would deprive a person from being a witness at the common law, but that they had given this up when they were advised by the Department of Law that the test was not practical. The committee then decided on the above wording with the understanding that the Legislature would set forth in a revision of the Revised Statutes those crimes for which a person should be disenfranchised.³¹ One objection levelled against the disqualification was that there is in New Jersey no dividing line between major and minor crimes and that it would be possible for the Legislature to disenfranchise those convicted of minor traffic violations.³²

29. N.J.S.A. Const. Art. II, Par. 1, annotation.

30. Proceedings...1942, pp. 493-494, 544.

31. Transcript, "Hearing...1944," testimony of Assemblyman Leonard and Senator Pascoe, Feb. 2, 1944.

32. Ibid., testimony of Mr. Holderman, Feb. 2, 1944.

Many states provide for the disqualification of criminals from voting. New York, in a typical clause, gives to the legislature power to enact laws to bar those convicted "of bribery or of any infamous crime" (Art. II, sec. 2). In addition, New York has a stringent and detailed provision excluding those guilty of bribery or of betting in connection with an election (Art. II, sec. 2). A similar disqualification is incorporated in the Pennsylvania constitution. The "Model State Constitution" follows that of New York, both with respect to infamous crimes and bribery at elections (Art. II, sec. 202).³³

In actual practice it is questionable whether the disqualification of idiots, paupers, insane persons, and criminals is generally applied. The registration form used in New Jersey does not require a prospective voter to say whether he comes within one of these categories, nor is it incumbent upon those conducting the registration to make inquiry regarding such matters. Unless a person attempted to register from a poorhouse, a prison, or an institution for the feeble-minded, the authorities would not be expected to know whether he should be denied the right to vote. Efforts are made to remove the names of convicted criminals from the registry lists, but the system is far from perfect.³⁴ In the absence of constitutional disqualifications on paupers, idiots, and insane persons, it is doubtful whether in practice their situation would be very different from that which exists at present. Those who were institutionalized could not acquire a residence for voting purposes in the district in which the institution was located, nor could they return to their permanent domiciles to cast their ballots.

33. See N.Y. St. Conv. Com., XI, pp. 171-179; Stimson, Constitutions, pp. 227-229.

34. For the registration form, see N.J.S.A. 19:31-3.

Miscellaneous Provisions

The Constitution of 1844, as amended, specifies that personnel in the military services shall not become residents as a result of being stationed at any post within the State. This statement was incorporated with minor changes in the proposed revisions of 1942 (Art. VIII, par. 5) and 1944 (Art. VIII, par. 6). An amendment of 1875 provided for voting by absentee soldiers "in time of war" (Art. II, par. 1). The proposed revisions of 1942 and 1944 provided for such voting by those who were in "actual" or "active" military service. An innovation in the 1942 revision was the authorization given to the Legislature to provide for voting by "other absent electors."³⁵

Under the present Constitution, qualified electors are "entitled to vote for all officers that now are, or hereafter may be elective by the people." The proposed revisions of 1942 and 1944 added to this the phrase - taken from the "Model State Constitution" - "and upon all questions which may be submitted to the vote of the people" (Art. VIII, par. 3). Proposals were made in the 1944 hearings to alter the wording of this provision so as to admit the possible adoption of proportional representation in the future. It was suggested³⁶ also that the words "and bodies" after "officers" be inserted.

Registration of Voters

A proposal was made in the convention of 1844 to insert at the end of Article II the amendment: "Laws may be made for ascertaining by proper proofs the citizens who shall be entitled to the right of suffrage hereby established." This sentence was taken verbatim from the New York State Constitution of 1821

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35. For a discussion of absentee voting by those in military service and others see N.Y. St. Conv. Com. XI, pp. 166-167, 169-170; Book...States, VI, pp. 91-96.
36. Transcript, "Hearing...1944," testimony of Mr. Bebout and Mrs. Barus, Feb. 2, 1944.

(Art. II, sec. 3). Some members thought the Legislature already had such power, but others felt that the question was debatable and favored an express constitutional statement on the matter. After a brief discussion, in the course of which registry laws were both condemned and approved, the amendment was defeated.³⁷ In the proposed revision of 1942, a provision similar to that quoted above was included in Article VIII, paragraph 7, and it was further specified that registration should be upon personal application in the first case and should remain effective for such period as the Legislature might prescribe.

The courts have held that the right to vote can only become operative through legislation and that any reasonable regulation for securing the secrecy of the ballot is not a deprivation of suffrage rights.³⁸ The manner of voting is within the discretion of the Legislature, which may pass laws to insure honest elections by preventing those not entitled to vote from voting (In re Freeholders of Hudson County, 105 N.J.L. 57). In the pioneer case on the subject (Capen v. Foster, 12 Pick. (29 Mass.) 485) it was decided that the legislature might enact registration laws even though there was no specific constitutional authorization for them.³⁹ Thus it would seem that the purpose of a constitutional provision on the matter of registration would be to make certain actions by the Legislature mandatory.

New Jersey at present has both personal and permanent registration in all municipalities in the state.⁴⁰ The object of this system is, of course, to

37. Proceedings...1844, pp. 87, 91-92.

38. N.J.S.A. 19:4-1, annotation.

39. N.J.S.A. Const., Art. II, Par. 1, annotation.

40. See N.J.S.A. 19:31-1.1.

prevent fraudulent "padding" of registration lists and to eliminate the inconvenience of annual registration. The principal objection raised against personal registration is that it may work some hardship on voters in rural areas. The efficacy of permanent registration is dependent upon the methods employed to "purge" the lists of those who for various reasons cease to be qualified voters.⁴¹

41. For full discussion of the pros and cons of various types of registration, see Joseph P. Harris, Registration of Voters in the United States (Washington, 1929) and N.Y. St. Conv. Com., XI, pp. 188-237.

Council of State Governments

"Book of the States"

QUALIFICATIONS FOR VOTING

State	Minimum Age	U. S. Citizen	Residence in			Prop-erty	Literacy Test	Poll Tax ^a
			State	County	District			
Alabama ^b	21	★	2 yrs.	1 yr.	3 mo.	★ ^c	★ ^c	★ ^d
Arizona.....	21	★	1 yr.	30 da.	30 da.	★ ^e	★	.....
Arkansas.....	21	★	12 mo.	6 mo.	1 mo.	.....	.....	★^k
California.....	21	★ ^l	1 yr.	90 da.	40 da.	.....	★	.....
Colorado.....	21	★	1 yr.	90 da.	10 da. ^j	.....	.....	.....
Connecticut.....	21	★ ^l	1 yr.	.....	6 mo.	.....	★	.....
Delaware.....	21	★	1 yr.	3 mo.	30 da.	.....	★	.....
Florida.....	21	★	1 yr.	6 mo.	.....	.....	.....	.....
Georgia.....	18	★	1 yr.	6 mo. ⁿ	.....	★^o	★ ^o	.....
Idaho.....	21	★	6 mo.	30 da.	.....	.....	.....	.....
Illinois.....	21	★	1 yr.	90 da.	30 da.	.....	.....	.....
Indiana.....	21	★	6 mo.	60 da. ^q	30 da.	.....	.....	.....
Iowa.....	21	★	6 mo.	60 da.	10 da.	.....	.....	.....
Kansas.....	21	★	6 mo.	30 da. ^q	30 da.	.....	.....	.....
Kentucky.....	21	★	1 yr.	6 mo.	60 da.	.....	.....	.....
Louisiana.....	21	★	2 yrs.	1 yr.	3 mo. ^u	.....	★^v	.....
Maine.....	21	★	6 mo.	3 mo.	3 mo.	.....	★	.....
Maryland ^g	21	★	1 yr.	6 mo.	6 mo.	.....	.....	.....
Massachusetts.....	21	★	1 yr.	.....	6 mo.	.....	★	.....
Michigan.....	21	★	6 mo.	.....	20 da. ^q	★ ^e	.....	.....
Minnesota.....	21	★ ^x	6 mo.	.....	30 da.	.....	.....	.....
Mississippi.....	21	★	2 yrs.	.....	1 yr. ^y	(*)	★	★ ^{ah}
Missouri.....	21	★	1 yr.	60 da.	60 da.	.....	.....	.....
Montana.....	21	★	1 yr.	30 da.	.....	★^o	.....	.....
Nebraska.....	21	★	6 mo.	40 da.	10 da.	.....	.....	.....
Nevada.....	21	★	6 mo.	30 da.	10 da.	★ ^e	.....	.....
New Hampshire.....	21	★	6 mo.	.....	6 mo.	.....	★	.....
New Jersey.....	21	★	1 yr.	5 mo.	.....	.....	.....	.....
New Mexico.....	21	★	12 mo.	90 da.	30 da.	.....	.....	.....
New York.....	21	★ ⁱ	1 yr.	4 mo.	30 da.	.....	★^{ae}	.....
North Carolina.....	21	★	1 yr.	.....	4 mo.	.....	★	.....
North Dakota.....	21	★	1 yr.	90 da.	30 da.	.....	.....	.....
Ohio.....	21	★	1 yr.	30 da.	20 da.	.....	.....	.....
Oklahoma.....	21	★	1 yr.	6 mo.	30 da.	.....	★^{ag}	.....
Oregon.....	21	★	6 mo.	.....	.....	.....	★	.....
Pennsylvania.....	21	★ ^{ah}	1 yr. ^{ai}	.....	2 mo.	.....	.....	.....
Rhode Island.....	21	★	2 yrs. ^b	.....	6 mo.	★ ^{ak}	.....	.....
South Carolina.....	21	★	2 yrs. ^y	1 yr.	4 mo.	★ ^{al}	★ ^{al}	★ ^{am}
South Dakota.....	21	★ ^{an}	1 yr.	90 da.	30 da.	.....	.....	.....
Tennessee.....	21	★	12 mo.	6 mo.	.....	.....	.....	★^{aa}
Texas.....	21	★	1 yr.	6 mo.	6 mo.	★ ^o	.....	★^{ap}
Utah.....	21	★ ⁱ	1 yr.	4 mo.	60 da.	★ ^e	.....	.....
Vermont ^{at}	21	★	1 yr.	.....	3 mo. ^q	.....	.....	.....
Virginia.....	21	★	1 yr.	6 mo.	30 da.	(at)	★	★ ^{au}
Washington.....	21	★	1 yr.	90 da.	30 da.	.....	★	.....
West Virginia.....	21	★	1 yr.	60 da.	(av)	.....	.....	.....
Wisconsin.....	21	★	1 yr.	.....	10 da.	.....	.....	.....
Wyoming.....	21	★	1 yr.	60 da.	10 da.	.....	★	.....

^a Poll or head taxes are levied in many other states. Those listed here, however, provide that payment of the poll tax is a prerequisite for voting.

^b Any of the following classifications may register: Those who have honorably served U. S. in War of 1812, War with Mexico, any Indian War, either side of Civil War, or Spanish-American War; their descendants; or "all persons who are of good character and who understand the duties and responsibilities of citizenship under a republican form of government." Other qualifications and disqualifications also apply.

^c May qualify under property or literacy; property must be tax free.

^d Must pay all poll taxes owed since 1901. However, by constitutional amendment passed at the general election on November 7, 1944, members of the armed forces are exempt from payment of poll taxes.

^e For vote on bond issues or special assessments only.

^f Except for irrigation district elections.

^g Tax, \$1.

^h Must pay all poll taxes owed since 1901. However, by constitutional amendment passed at the general election on November 7, 1944, members of the armed forces are exempt from payment of poll taxes.

ⁱ Must have been citizen ninety days.

^j City or town, thirty days.

^k All elections; except school elections.

^l Must have been citizen five years.

^m For persons in military service only.

ⁿ Must owe no past due taxes.

^o A person may classify under any one of five heads: property, literacy, honorable service in any U. S. war, descent from those who thus served, or good character and understanding of duties and obligations under republican form of government.

^p For all state and federal elections.

^q Township.

^r Law applies to all except certain minor local elections.

^s School elections are exempted in periodic areas.

^t Permitted only in permanent systems.

^u Municipality, four months.

^v Good character and understanding of principles of and duties under republican form of government are an alternative qualification; under some circumstances, may vote if unable to read but able to understand Constitution when read aloud.

^w A different form of permanent registration is required for townships and cities under five thousand.

^x Must have been citizen three months.

^y Ministers of the Gospel may vote after six months' residence.

^z All property taxes must be paid to date.

^{aa} Thirty days military service per year exempts.

Council of State Governments

"Book of the States"

QUALIFICATIONS FOR VOTING—Continued

Registration		Coverage		Frequency	All Elections	Some Elections	Absentee Registration	Absentee Voting	State
Type		Coverage							
Permanent	Periodic	All Areas	Some Areas						
All Areas	Some Areas	All Areas	Some Areas						
★					★ ^t		★	★	Alabama
(h)	★	(h)	(h)		★ ^t		★	★	Arizona
★					★		★	★	Arkansas
★					★		★	★	California
★					★	★ ^k	★	★	Colorado
★					★			★	Connecticut
★					★		★ ^m	★	Delaware
★					★			★	Florida
★					★			★	Georgia
★					★			★	Idaho
★					★	★ ^p		★	Illinois
★					★ ^r			★	Indiana
	★		★	4 years		★ ^s	★ ^t	★	Iowa
	★		★	4 years		★		★	Kansas
	★			4 years			★		Kentucky
		★		4 years				★	Louisiana
★					★			★	Maine
★					★		★ ^m	(^m)	Maryland
★					★		★ ^m	★	Massachusetts
	★ ^v				★		★	★	Michigan
★ ^{ac}	★				★	(^{ad})		★	Minnesota
★	★		★	4 years	★			★	Mississippi
★					★	★ ^k	★	★	Missouri
	★		★	6 years		★ ^s		★	Nebraska
★					★	★ ^k		★	Nevada
★	★		★	Annual	★		★	(^m)	New Hampshire
★					★			(^m)	New Jersey
★					★			(^m)	New Mexico
★			★	Annual	★	★	★ ^l	★	New York
★			★	Each elec.	★	★	★ ^l	★	North Carolina
	★				★		★ ^{af}	★	North Dakota
★					★	★		★	Ohio
★					★		★	★	Oklahoma
★					★		★ ^{aj}	(^{aj})	Oregon
		★		Biennial	★		★ ^m	★	Pennsylvania
		★		Decennial	★		★	★	Rhode Island
		★		Biennial	★		★	★	South Carolina
		★		Biennial ^{ao}	★		★	★	South Dakota
		★			★		★	★	Tennessee
(aq)	(aq)	(aq)	(aq)					★	Texas
★						★ ^{ar}	★	★	Utah
★							★	★	Vermont
★					★			★	Virginia
★ ^{aw}						★	★ ^{ay}	★	Washington
★				Every gen. elec.		★ ^{ax}		★	West Virginia
	★				★		★	★	Wisconsin
		★		Every gen. elec.		★ ^{av}		★	Wyoming

^{ab} Assessed upon citizens twenty-one to sixty years of age. Persons deaf and dumb, or those who have lost a hand or a foot, are exempt.

^{ac} Registration is permanent unless removed for cause (moving out of election district, failure to pay poll tax, or conviction of an infamous crime).

^{ad} Registration is for all elections of state and county, but voter must be registered in municipality also to vote in municipal elections.

^{ae} A person who became entitled to vote by attaining majority, by naturalization, or otherwise after January 1, 1922, must be able, except for physical disability, to read and write English.

^{af} Not applicable to civilians; legislation passed in 1941 provides for registration by mail of members of the Army, Navy, or militia.

^{ag} A lineal descendant of a person entitled to vote January 1, 1866, may vote regardless of his ability to read and write.

^{ah} Must have been a citizen one month.

^{ai} A person who has had Pennsylvania citizenship may re-establish it, upon returning to the state, upon six months' residence.

^{aj} Only personal registration.

^{ak} Length of residence required may be lessened by ownership of property.

^{al} Ownership of property is an alternative to literacy.

^{am} Assessed upon citizens twenty-one to sixty years of age.

^{an} Must have resided in U. S. five years.

^{ao} Every four years in civil districts with less than five thousand population and not located in counties subject to registration by law.

^{ap} Assessed upon citizens twenty-one to sixty years of age, except Indians, not taxed, insane, blind, deaf or dumb, those who have lost one hand or foot, or are permanently disabled.

^{aq} Constitution (Art. VI, Sec. IV) declares that registration may be established for cities over ten thousand, but no system exists. Poll-tax receipts determine eligibility of voters.

^{ar} Registration is required for all elections, but for municipal primaries it is required only in first- and second-class cities.

^{as} Must take freeman's oath.

^{at} General Assembly may set property qualifications for voting in city, county, or town elections.

^{au} Must pay poll taxes due, if any, for three years preceding election.

^{av} No special registration is required for elections held under commission form of government.

^{aw} Registration may be cancelled for failure to vote for a period of four years prior to April 1 of each odd year.

^{ax} All elections except special elections.

^{ay} Request for absentee registration must originate and be posted in the county in which applicant's precinct is located.