

**The Dog That Did Not Bark:  
The Failed Attempts to Disenfranchise African Americans in Early 20th Century  
Maryland**

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We examine the multiple attempts by the Maryland Democratic Party to disenfranchise African Americans between 1901 and 1911. The Democrats sought to disenfranchise African Americans because they were a vital part of the Republican Party, which had recently challenged Democratic electoral dominance in the state. These disenfranchisement attempts took two forms. First, the Democrats tried to manipulate the ballot in 1901 and 1904 to make it more difficult for illiterate and semi-literate African Americans to vote. Second, the Democrats tried to amend the state constitution on three different occasions – 1905, 1909, and 1911 – to make it more difficult for African Americans to vote. Each time, a popular referendum was needed to complete the amendment process, and the voters of Maryland rejected it. We then conduct an empirical analysis. We first show that the ballot reforms initiated in 1901 brought about a significant drop in turnout and increased rolloff in down-ballot races. And in an analysis of the referendum results at the county level, we find evidence of a “racial threat” pattern of results in which support for disenfranchisement increased in more diverse locations.

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## Introduction

In the early 20th century, following their ex-slave state cousins in the South, Democratic leaders in Maryland attempted to disenfranchise African American voters (Callcott 1969; Halpin 2019). Their efforts largely centered around the imposition of literacy tests, which would strike at the heart of the African-American community (who were overwhelmingly Republicans) due to their disproportionate illiteracy compared to White citizens. A grandfather law exclusion was permitted so as to allow poor, illiterate Whites to continue voting. In this way, the literacy test plus grandfather law strategy was a means by which Democratic leaders could sidestep the 15th Amendment and yet still disenfranchise by race.

However, unlike their ex-slave state cousins in the South, Democratic leaders in Maryland failed in their disenfranchisement attempts. And not just once – but on three separate occasions.<sup>1</sup> The problem was not the state legislature. On all three occasions, the majority Democrats were able to achieve the super-majority standard for a constitutional amendment in both the lower and upper chambers of the General Assembly. The difficulty was that *the people* also had a say, as a simple majority vote by popular referendum was required to approve any constitutional amendment. And a majority of Maryland said “no” three times – in 1905 (59.8%), 1909 (54.3%), and 1911 (65.5%).

The Maryland citizenry’s rejection of a disenfranchising amendment was somewhat unique. Only the citizens of one other state (Oklahoma, another Border State) rejected a disenfranchising amendment via a popular referendum – and only after they previously approved a similar disenfranchising amendment that was later struck down by the U.S. Supreme Court. In

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<sup>1</sup> On the third occasion, Democratic leaders shifted away from a literacy test plus grandfather law strategy in favor of a property test requirement for non-White citizens. While this was of dubious constitutionality, it did not get close to winning majority support among the populace.

the ex-Confederate South, citizens of Alabama, Arkansas, Georgia, North Carolina, South Carolina, Texas, and Virginia – some on multiple occasions – voted in support of disenfranchisement via a popular referendum (Gray and Jenkins 2024).

In this paper, we explore the decision by Democratic leaders in Maryland to pursue a disenfranchisement strategy – and the timing of these efforts. Maryland was different than the ex-Confederate states in three respects. First, while Maryland was a slave state prior to the Civil War and possessed a sizable constituency of pro-Confederate sympathizers, the state never seceded. Second, for the much of the late-19th century, the Republican Party in Maryland was very weak and thus never posed a threat to Democratic Party dominance. Third, a significant third-party threat – like that posed by the Populist Party – never developed in Maryland to put the Democrats' control at risk.

The key change occurred in the last decade of the 19th century, when the electoral realignment of 1894-96, which led to a prolonged period of Republican dominance at the national level, also filtered down to the state level in many parts of the country. Maryland was one of those places, which led to the Republicans emerging from their prolonged minority slumber and taking control of the State House and governorship in the 1895 elections and adding the State Senate in the 1897 elections. While the Democrats quickly regrouped and took back unified control of government in the 1899 elections, party leaders were chastened by the Republicans' electoral surge and sought to prevent any kind of reoccurrence. After a couple of attempts at tweaking the balloting laws in the state, Democratic leaders chose a strategy of adding qualifications for voting to the state constitution – and thus followed the lead of the

Southern states (beginning with Mississippi in 1890).<sup>2</sup> As noted, their attempts failed three times, as the people of Maryland rejected the imposition of additional voting qualifications.

In this paper, we explore the Democrats' attempts to follow their ex-slave state cousins in the South and disenfranchise African American voters. We first provide a lengthy and detailed history of the politics in Maryland, wherein the Democrats first tried strategic ballot manipulation before trying to alter the state constitution with a disenfranchising amendment, we then conduct an extensive empirical analysis. We first show that the ballot reforms initiated in 1901 brought about a significant drop in turnout and increased rolloff in down-ballot races. And in an analysis of the referendum results at the county level, we find evidence of a "racial threat" pattern of results in which support for disenfranchisement increased in more diverse locations.

### **The History**

Maryland in the Third Party System was a Democratic Party enclave (Kleppner 1979). The close Democrat-Whig battles during the Second Party System gave way to electoral uncertainty by the 1850s, with the Know-Nothing Party gaining key victories in Baltimore and surrounding counties. But – due to their anti-Catholic attitudes – the Know Nothings also pushed other previously Whig-leaning counties into the Democratic column. More importantly, Know-Nothing strength prevented the Republican Party from generating any meaningful following, and Millard Fillmore (NY) – running as a Know-Nothing – won the state in 1856 presidential election, while John Fremont (CA) – the Republican candidate – won just 0.33% of the vote. Even as the Know-Nothings fell apart after 1856, GOP support crept up only marginally in 1860,

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<sup>2</sup> On these attempts in the South, see Kousser (1974) and Perman (2001).

with Abraham Lincoln (IL) winning just 2.5% of the vote, as Democrat Stephen A. Douglas (IL) edged out Constitutional Unionist (and former-Whig) John Bell (TN).

The coming of the Civil War ended any chance of a vibrant Republican Party emerging in Maryland for generations. Strong Southern sympathies existed in parts of the state, and calls for secession emanated from population centers like Baltimore (Clark 1952). By May 1861, martial law was declared, and Baltimore was occupied by Union troops under the command of General Benjamin Butler. Over the next several years, President Lincoln – fearing Maryland Democrats might pursue secession – oversaw the imprisonment of a third of the state legislature and one US House member (Democrat Henry May), while suspending the writ of habeas corpus, as a means of holding Maryland in the Union and leveraging its infrastructure in support of the North’s military effort (Wagandt 1964). While most residents of the state who fought did so for the Union, a non-trivial percentage instead cast their lot with the Confederacy.

Unionist or not, Maryland voters condemned the Republicans for the state’s harsh treatment during the war. And, thus, post-war the Republican Party failed to launch. As Table 1 indicates, the Democrats swept the elections in both legislative chambers in 1867 and 1869. This was due largely to the position of African Americans in the Maryland electorate. As Callcott (1969: 3) notes: “Although Negroes had voted in great numbers in the Southern States since 1867, Maryland Negroes did not receive the franchise until after the ratification of the Fifteenth Amendment in 1870.” Thus, beginning in 1871, Republicans began to build an allegiance in the state, thanks largely to African American voters. And while the GOP made some electoral inroads in the following years, they were still usually a distinct minority. Overall, the Democrats – thanks in part to strong control in Baltimore City – retained unified control of state government through the early 1890s.

Table 1: Election Outcomes in Maryland, 1867-1919

Election Year	State Senate	State House	Governor
1867	25D, 0R	86D, 0R	Oden Bowie (D)
1869	25D, 0R	86D, 0R	
1871	24D, 1R	70D, 12R	William Whyte (D)
1873	23D, 3R	64D, 20R	
1875	19D, 7R	58D, 26R	John Carroll (D)
1877	18D, 5R, 3O	65D, 19R	
1879	19D, 7R	63D, 21R	William Hamilton (D)
1881	16D, 10R	60D, 31R	
1883	14D, 12R	63D, 28R	Robert McLane (D)
1885	22D, 4R	80D, 10R, 1O	
1887	22D, 4R	71D, 20R	Elihu Jackson (D)
1889	18D, 8R	59D, 32R	
1891	22D, 4R	81D, 7R, 3O	Frank Brown (D)
1893	21D, 5R	68D, 23R	
1895	14D, 12R	21D, 70R	Lloyd Lowndes, Jr. (R)
1897	8D, 18R	42D, 49R	
1899	15D, 11R	65D, 26R	John Walter Smith (D)
1901	17D, 9R	51D, 44R	
1903	19D, 8R	71D, 30R	Edwin Warfield (D)
1905	18D, 8R, 1O	51D, 46R, 4O	
1907	17D, 9R, 1O	71D, 30R	Austin Crothers (D)
1909	21D, 6R	70D, 31R	
1911	19D, 8R	60D, 41R	Phillip Goldsborough (R)
1913	18D, 9R	79D, 23R	
1915	16D, 11R	56D, 44R, 2O	Emerson Harrington (D)
1917	14D, 13R	47D, 55R	
1919	15D, 12R	56D, 46R	Albert Ritchie (D)

Note: Blue indicates Democratic control; Red indicates Republican control

While Maryland Democrats of the early 1890s had some difficulties – infighting between the agrarian and business wings of the party over property reassessment and taxation, for example – what they could not anticipate was the national wave that would strike and realign voting blocs in the country for two generations. The Realignment of 1894-96 – or System of

1896 (Schattschneider 1960; Burnham 1970; 1981) – saw the partisan battles of the Third Party System give way as the American electorate chose the Republicans over the Democrats on range of issues like money (gold versus silver), the protective tariff, the role of labor unions, banking, and control of immigration. In this new Fourth Party System, every region of the country (outside of the South) was either comfortably controlled by the Republicans or in play for the GOP. The Mid-Atlantic – including Maryland – fell in the latter category.

In 1895, the Republicans won majority control of the lower chamber of the General Assembly and the governorship, as well as other important state office like comptroller and attorney general. The following year, Maryland voters backed the GOP (William McKinley) in the presidential election and elected Republicans to three of the state's six U.S. House seats. And in 1897, the Republicans completed their sweep of state government by adding the upper chamber of the General Assembly. In Baltimore City, the Republicans also elected successive mayors in 1895 (Alcaeus Hooper) and 1897 (William T. Malster).

While the Republicans produced some administrative and policy reforms once in office, internal squabbles between competing factions and the inability to integrate African Americans adequately into partisan governing arrangements made their control tenuous. Democrats were also intent on driving them from office. And it happened quickly. The 1899 elections saw the Democrats regroup at the state and city (Baltimore) level around some variant of “white supremacy.” African Americans were portrayed as a “menace to the peace and good order of the State” (*Baltimore Sun*, August 3, 1899), and Democrats sowed fear “that there would be a total breakdown of law and order if Republicans were returned to office” (Callcott 1969: 99-100). And the voters of Maryland seemingly agreed, removing the GOP from all state-level offices –

and thus handing unified control of state government back to the Democrats – and the mayoralty of Baltimore.<sup>3</sup>

Back in power, Democratic leaders in 1900 were intent on not falling back into the minority. And their strategy for preventing this was simple – the disenfranchisement of African Americans. The justification was straightforward: disenfranchisement would eliminate the Republican Party as a viable electoral alternative, as African Americans made up such a large proportion of the GOP. It would also preclude the opportunity for dissident Democrats to disrupt the internal operations of the party by threatening to seek external fusion arrangements. As part of this strategy, Democrats also turned up the volume on racial invective in subsequent campaigns for office.

The Democrats' strategy for disenfranchising African Americans was twofold. First, they pursued an indirect strategy of altering the ballot to make it more difficult for illiterate citizens (the greatest proportion of whom were African Americans) to vote. Such a strategy could be implemented by simple statute, as the state constitution required that voting be done by ballot but left open the form or structure that the ballot took. Second, the Democrats pursued a more direct strategy of adding a literacy test – and an exclusion for select Whites – as a qualification for voting. This strategy required an amendment to the state constitution, as qualifications for voting were enumerated in the document, and thus required supermajorities in the General Assembly and majority assent by the people (through a constitutional referendum).

Each of these strategies – and how they played out – is discussed in detail below.

### Ballot Manipulation

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<sup>3</sup> Republicans continued to do quite well at the federal level for a while. Even as they were relinquishing control across state offices, the GOP maintained majority control of the US House delegation for the next six years. And Maryland voters backed McKinley again in 1900 and Theodore Roosevelt in 1904.



As progressive changes swept the country in the 1870s and 1880s, one area targeted was in election administration. Balloting had been the province of the parties themselves, with each party printing and distributing (often color-coded) ballots prior to an election. These party ballots gave party leaders and their henchmen the ability to control the process – which lacked all secrecy – and created an optimal arrangement for the distribution of patronage. Party jobs were given out to those party “healers” who turned out voters, and party ballots provided proof – in the open – of how those voters voted. Party ballots also allowed citizens who could not read to vote easily.

By the late-1880s, a new ballot initiative had arrived in the United States – first in Massachusetts – known as the Australian ballot. This ballot was the province of the state itself and listed all candidates for all offices – not just those of any single party. This “standard” ballot thus differed from party ballots in meaningful ways, and it was seen by many as an indirect literacy test. That is, one had to be able to read to be able to use it, although parties identified various work-arounds with time. (For example, a kind of Australian ballot called a “party list ballot” provided all candidates for office for one party on the left and the candidates of the other party on the right.)

Maryland first adopted – under the Democrats – a party-list-based Australian ballot in 1890.<sup>4</sup> Secrecy provisions were limited, however, and the coverage extended only to a particular set of counties.<sup>5</sup> Full state coverage came two years later.<sup>6</sup> When the Republicans took control of the state, they expanded the Australian ballot in 1896 to its full potential. As Callcott (1969: 92) notes:

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<sup>4</sup> *Laws of Maryland*, 1890, Chapter 538, pp. 614-31.

<sup>5</sup> Carroll, Baltimore, Garrett, Talbot, Kent, Caroline, Dorchester, Montgomery, and Harford counties were exempted.

<sup>6</sup> *Laws of Maryland*, 1892, Chapter 300, pp. 420.

The election law of 1896 ... was a high point in election regulation in Maryland. The law provided a stringent tightening of secret ballot procedures, so that, after its passage, voting secrecy was not merely permitted but required. Voting booths, closed and curtained, replaced the open voting shelves of earlier practice; and the privacy of the booth was enforced by forbidding entry to everyone except the individual voter, unless aid from an authorized election official was needed. Ballots had to be folded to hide their markings before they could be deposited in the prescribed plate-glass ballot boxes. Provisions for uniform ballots, printed and distributed by the state, and for easy straight-ticket voting were retained. In addition, a workable and self-enforcing provision to ensure bipartisan selection of the supervisors, judges and clerks of election was included in the law—a goal long desired by Republicans and reform-minded Democrats.

The 1896 law also allowed explicit party emblems to appear on the ballot, a feature that provided helpful voting cues for illiterate voters. On the whole, there was widespread support for the 1896 law, and it received the endorsement of the Reform League of Baltimore, an important bipartisan civic organization.

Upon regaining control of the state in 1900, the Democrats sought to roll back the 1896 law, by eliminating the use of party emblems and shifting the design of the ballot from a party list to an office bloc. Both of these features, they believed, would make it more difficult for illiterate voters to mark their ballots (*Baltimore Sun*, January 27, 1900). The Democrats bided their time until the special session of the legislature in February 1901, when they pushed through a new election law.<sup>7</sup> As Callcott (1969: 105) describes:

The new election law of 1901, as passed, eliminated easy straight-ticket voting by prohibiting party groupings of candidates, removed all party emblems from the ballot, and prohibited assistance for voters in marking their ballot except for those who were physically disabled; it provided that candidates must be grouped alphabetically, under the office they sought, with their party affiliation spelled out after their names.

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<sup>7</sup> *Laws of Maryland*, Extraordinary Session, 1901, Chapter 2, pp. 4-23.

The Democrats found, however, that their ballot manipulation did not produce clear dividends. The first signs were in the Baltimore city council election in May 1901. As Callcott (1969: 105) explains: “Republicans had prepared for the election by opening schools in every precinct to teach illiterate Negro voters how to recognize and pick out the word ‘Republican’ on the ballot. Democrats tried the same tactic, but with little success; most of their illiterate constituents were white and were unwilling to submit to instruction that the Negroes accepted eagerly.” Republicans ended up carrying the city by a plurality of 2,000. The GOP then extended their representation in the lower chamber of the General Assembly in the fall 1901 elections. Democrats believed a revision of the election law was needed but resorted to virulently racist campaigns in the interim (Halpin 2019). Their election success in 1903 – where they won the governorship and two-thirds majorities in both chambers of the General Assembly – set them up for a new ballot manipulation effort.

When the new General Assembly met in 1904, Governor Edwin Warfield laid out his two-pronged vision for the party: producing (1) a new election law and (2) a constitutional amendment to add qualifications for voting. (We discuss the constitutional amendment strategy in the next sub-section.) Democrats in the General Assembly took Warfield’s charge and produced a new election law. Dubbed the “Wilson ballot law,” after its sponsor, House Delegate William R. Wilson (D) of Queen Anne’s County, it “prohibited the use of party emblems, party names or party designations of any kind on the ballot; candidates could be identified only by their place of residence” (Callcott 1969: 109). Moreover, the Wilson ballot law did not apply to the entire state but only to eleven counties – Ann Arundel, Calvert, Charles, Frederick, Garrett, Kent, Prince George’s, St. Mary’s, Somerset, Talbot, and Worcester – which had a history of strong African American and/or Republican turnout. It was clear, as a *Baltimore Sun* editorial

stated, that “the new law is intended to prescribe indirectly an educational test for voters” and directly target areas of Democratic opposition.<sup>8</sup> The Wilson election law stayed in effect until 1918,<sup>9</sup> and in the interim period various counties moved in and out of the law’s coverage.<sup>10</sup>

The full effect of the Wilson ballot law was unclear – although we tackle this question in the next section – but initial assessments were that it reduced turnout in Maryland elections, both among Blacks and Whites. Many initial advocates would come to believe that it was largely ineffective as a partisan tool, as it did not systematically depress Republican (African American) voting at the expense of Democratic (White) voters. Both parties had become skilled in navigating changes in the balloting environment and doggedly kept illiterate and semi-illiterate voters from being excluded. As a result, the majority Democrats turned their attention from ballot manipulation to the second prong of Governor Warfield’s partisan strategy: the adoption of a constitutional amendment to add qualifications for voting. The chosen qualifications Democrats settled on initially were a literacy test plus a grandfather clause exemption.

### Constitutional Amendments

Between 1904 and 1911, the Democrats would attempt, but fail, to amend the Maryland constitution to disenfranchise African Americans. They pursued three different amendments – each time obtaining the 3/5 majority in each chamber of the General Assembly – only to see the citizens of the state reject their efforts in a referendum. Popular approval was by simple majority,

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<sup>8</sup> *Baltimore Sun*, April 9, 1904.

<sup>9</sup> *Laws of Maryland*, 1918, Chapter 51, p. 76.

<sup>10</sup> In 1906, Frederick and Garrett counties dropped out of the Wilson election law coverage and returned to the provisions of the 1901 law. In 1908, Dorchester and Queen Anne’s counties were added to the coverage of the Wilson election law. In 1914, only Anne Arundel, Calvert, Charles, Prince George’s, and St. Mary’s stayed under the coverage of the Wilson election law. See *Laws of Maryland*, 1906, Chapter 498, p. 973; 1908, Chapter 737, p. 103; and 1914, Chapter 307, p. 458.

but each amendment failed to secure the necessary votes. (See the Appendix for the provisions of each amendment.)

As noted, while initially putting significant effort into manipulating the ballot, Democrats eventually wanted more certainty from their disfranchisement efforts and decided to push for a constitutional amendment. The first attempt was the Poe amendment – named after the author, John Prentiss Poe of the University of Maryland Law School – which would 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 reading test required a person to be able to read and to give a “reasonable explanation” of any section of the Maryland constitution submitted to him by a registration officer. If a person could not read, they could still vote if they were able “to understand and give a reasonable explanation” of a section of the Maryland constitution read to them by a registration officer – a provision adopted by Mississippi in 1890 and South Carolina in 1894. The grandfather clause – which had been adopted by Louisiana in 1898 and North Carolina in 1900 – provided an exemption for most White citizens who could not read or understand what was read to them.

A difficulty was that a non-trivial percentage of White male citizens in Maryland had come of age and were naturalized after 1869, many of whom had foreign-born fathers who had not qualified for suffrage prior to 1869. These individuals would not be eligible to vote under the grandfather clause as written. And while the framers of the Poe amendment did not seek to disqualify this group of White voters – and stated that they would have no problem voting by virtue of the understanding clause, which would be applied liberally to them – an intense skepticism and distrust was created. As Callcott (1969: 116) notes: “the Poe amendment, in

attempting to eliminate 20 percent of the state's electorate, which was Negro, was at the same time posing a serious threat to another 15 percent, which was white.”

Despite its controversial nature, the Poe amendment sailed through the General Assembly in March 1904 on pure party-line votes in each chamber.<sup>11</sup> It was placed on the November 1905 ballot, and it “created more excitement in Maryland than any other political issue since Reconstruction days” (Callcott 1969: 122). While Democratic leaders put pressure on all candidates (down to the ward level) to support the amendment, they were also split at the time on various economic issues and thus struggled to coordinate around one strategic theme. Republicans were actively opposed, led by African American institutions like the Negro Suffrage League and the (Baltimore) *Afro-American Ledger* (one of the nation's leading Black papers). Black churches and women's groups also invested heavily in mobilization efforts. They were joined by independent organizations like the Democratic Anti-Poe Amendment Committee and the Maryland League of Foreign-Born Citizens. Republican leaders – like Charles J. Bonaparte, President Theodore Roosevelt's recent pick to be Secretary of the Navy – strategically framed the decision not as an attack on African American voters but on foreign-born White voters.

Finally, on November 7, 1905, the Poe amendment was presented to the people in a referendum, and they voted 70,227 for and 104,286 against it.<sup>12</sup> The Democrats were thus foiled in their first attempt at disenfranchisement. The *Voice of the Negro*, the monthly journal of the Niagara Movement, noted the historical importance of the Poe amendment's defeat: “Maryland

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<sup>11</sup> The votes were 17-7 in the upper chamber and 64-27 in the lower chamber. *Senate Journal*, 1904, p. 499; *House Journal*, 1904, pp. 821-30.

<sup>12</sup> *The Baltimore Sun Almanac for 1906*, 86.  
<https://babel.hathitrust.org/cgi/pt?id=uiuo.ark:/13960/t24b5r57n&seq=500>. Only five of 23 counties – Howard, Kent, Somerset, Wicomico, and Worcester – provided majority support for the amendment. And Baltimore City went against the amendment by an almost two-to-one margin.

is the first Southern state to turn down the Negro disfranchisement amendment when passed by the legislature and submitted to the people.”<sup>13</sup>

Over the next two years, the Democrats changed in various ways. Top leaders from the past had died, and an assortment of new leaders emerged who wished to continue with the disenfranchisement strategy – but pursue it in a more strategic way. In particular, they sought to allay any concerns that all White citizens (regardless of their background) would be able to vote. The Democrats announced that they were “steadfast in [their] determination to eliminate the negro voter” at their state convention in August 1907 (*Baltimore Sun*, August 7, 1910). And they turned to Isaac Lobe Straus, the newly elected Democratic attorney general, to do the drafting. Straus’s efforts led to the Straus amendment, which designated six classes of people who could vote, the first four including (1) anyone who could vote in January 1869 and (2) any male lineal descendant of such person plus (3) any foreign-born citizen naturalized between January 1869 and the amendment’s adoption date and (4) any male lineal descendent of such person. This elaboration effectively covered *all* White citizens of the state, whether native born or not. Beyond these four classes, one could vote if he passed a literacy test (a civics-based writing test) or owned \$500 of assessed real or personal property. These latter two categories were the de facto qualifications for African American voters.

The General Assembly passed the Straus amendment in February 1908 on pure party-line votes in each chamber.<sup>14</sup> Republicans were organized against the amendment,<sup>15</sup> led once again

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<sup>13</sup> “Maryland, my Maryland, *Voice of the Negro* 2, no. 12 (December 1905): 33. Quoted in Halpin (2019, p. 127).

<sup>14</sup> The votes were 18-9 in the upper chamber and 68-24 in the lower chamber. *Senate Journal*, 1908, p. 361; *House Journal*, 1908, pp. 410.

<sup>15</sup> Halpin (2019: 130) notes that while White Republicans in Maryland opposed the Straus amendment, they also became less hospitable to Black Republicans both in general and specifically in seeking leadership roles in the party. He notes that these attitudes developed as civil rights reached a nadir in the country during the first decade of the Twentieth Century, when Republican presidents moved away from demanding fair and equitable treatment for African Americans.

by Black churches and women's groups, the League of Foreign-Born Voters, the *Afro-American Ledger*, and the Negro Suffrage League. They were joined by a variety of other prominent local and national citizens who spoke out in favor of Black voting rights – and against the disenfranchisement effort – including the James Cardinal Gibbons, the Catholic archbishop of Baltimore, and President William Howard Taft. Democrats, however, had put aside their prior disagreements and coordinated around disenfranchisement. A new frame was “reform,” with the argument being that the amendment would “elevate the electorate” and push from the voting pool those who were ill-equipped (i.e., illiterates) to contribute to democracy (Crenson 2019). Some Democrats even argued that the Straus amendment would *help* African Americans by making them better citizens through the pursuit of thrift and education (Halpin 2019).

The Straus amendment went on the ballot as a popular referendum the following year. And on November 2, 1909, the citizens of Maryland voted 89,801 for and 106,512 against the amendment.<sup>16</sup> The margin was closer than in 1905, but the result was the same – the Democrats were defeated yet again.

Almost immediately after the Straus amendment failed, the Democratic governor, Austin Crothers, announced that he would ask the state legislature to try yet again. This time the Democrats' efforts to draft a successful amendment fell to House Delegate Walter M. Digges (D) of Charles County. Digges produced an explicitly racial amendment, conferring voting rights on all White men in the state but requiring Black men to have owned and paid taxes on at least \$500 worth of real or personal property for at least two years prior to registration. In attempting to

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<sup>16</sup> *The Baltimore Sun Almanac for 1910*, 160.  
<https://babel.hathitrust.org/cgi/pt?id=njp.32101058591932&seq=164&view=1up>. Ten of 23 counties – Anne Arundel, Caroline, Cecil, Howard, Montgomery, Prince George's, Queen Anne's, Somerset, Wicomico, and Worcester – provided majority support for the amendment. And Baltimore City went against the amendment by a sizable margin.



nullify the Fifteenth Amendment and deny African Americans the right to vote by virtue of their race, Halpin (2019: 134) argues that “the Digges plan was stunning in its naked ambition and racism.”<sup>17</sup> At the same time, the Democrats went all-in on their White-supremacist strategy and passed a law that would limit voter registration in 1911 to Whites only. This drew rebukes from the *Afro-American Ledger*, left-leaning national periodicals like *The Nation*, and even White supremacist politicians in the South who believed the Maryland Democrats were flaunting the Fifteenth Amendment too explicitly (and thereby threatening the Southern Jim Crow system). Eventually, Governor Crothers had to acknowledge the growing unpopularity of the Whites-only registration law and veto it, which left the Digges amendment – which was adopted by the General Assembly in April 1910<sup>18</sup> – to face the judgment of the Maryland citizenry,

On November 7, 1911, the Digges amendment was presented to the people in a referendum, and they voted they voted 46,220 for and 83,920 against it.<sup>19</sup> For the Democrats, the story was the same – they were foiled a third time and by the largest margin yet.

This was the last time the Democrats would attempt a disenfranchisement amendment. At the same time they defeated the Digges amendment, the citizens of Maryland elected Republican Phillip Goldsborough to the governorship. Goldsborough’s election, and the wide margin of defeat of the Digges amendment, soured the Democrats on any repeated “White supremacist” strategy. As Callcott (1969: 132) notes: “The political liability of the issue had finally been

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<sup>17</sup> Supporters of the Digges amendment argued that since Maryland did not vote to ratify the Fifteenth Amendment in 1870, the state should not be covered by its provisions (Halpin 2019). This argument almost certainly would not pass federal constitutional scrutiny.

<sup>18</sup> The votes were 19-0 in the upper chamber and 61-18 in the lower chamber. *Senate Journal*, 1910, p. 1682; *House Journal*, 1910, pp. 675.

<sup>19</sup> *The Baltimore Sun Almanac for 1912*, 134.

<https://babel.hathitrust.org/cgi/pt?id=nc01.ark:/13960/t5bd0t03s&seq=136> . Only two of 23 counties – Somerset and Worcester – provided majority support for the amendment. And Baltimore City went against the amendment by an almost two-to-one margin.

recognized by Democrats, and a Republican governor at the helm for the next four years made the futility of continued agitation clearly apparent.”

### **Empirical Analysis**

We conduct two sets of quantitative analyses. First, we analyze Maryland’s evolving ballots over the period of the 1880s through the 1910s, drawing on the qualitative analysis in the preceding sections of the paper. We show in both descriptive presentations and regression analyses that Maryland experienced a significant drop-off in turnout after the adoption of the 1901 ballot. Additionally, we show minor differences between the 1901 ballot and the 1904 “Wilson Law” ballot that counties had the option to use. These differences were likely heterogeneous based on the racial demographics of the counties. Second, we analyze the three referendums pursued by Maryland Democrats after the 1901 and 1904 ballot changes yielded apparently inadequate results for their goals. All three referendums failed, but they scored their highest outcomes in places with a majority White population but also a meaningfully large African American population – roughly the average condition in Maryland at the time. This supports the idea that Whites in Maryland were more aggressively in favor of disenfranchisement when they lived in areas featuring substantial African American presence, and the resulting political, economic, and social competition.

#### **Ballots and their Effects**

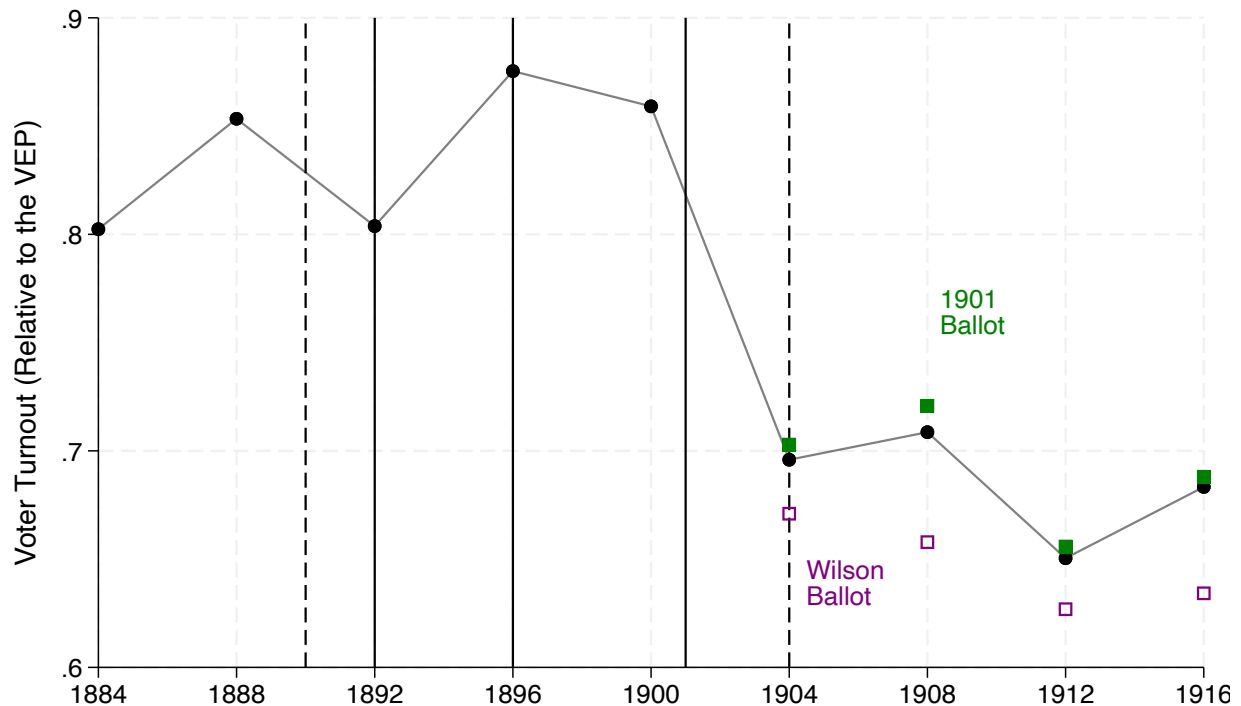
We begin with a descriptive analysis of voter registration and turnout in Maryland as ballot methods changed between 1882 and 1916. Voting in the United States is a two-step process, registering and then casting a vote. It is possible, for example, that an electoral rule change could influence one, both, or neither of these two steps. Raising the difficulty of

registration may substantially reduce the registration rate while having no meaningful effect on the rate of turnout for those registered. Similarly, an electoral reform might work solely through discouraging turnout without changing registration rates.

Maryland's first ballot innovations occurred in 1890, but were only partially adopted by about half of the state's counties, before being fully adopted in 1892. Between 1892 and 1904, all Maryland counties ran their elections under the same ballot law, with changes in 1896 and 1901 that were constant across the counties. Only in 1904 did county-level variation re-emerge. Thus, we begin our analysis with state-level results from 1884 to 1916 and then proceed to county-level results for the subset of the period in which counties meaningfully varied on their ballot type.

First, to have the most stable comparison, we look at turnout in presidential elections, which featured the highest turnout of any election type. In this graph, we define "turnout" as the fraction  $\frac{\text{total votes cast}}{\text{Voting Eligible Population}}$ . The numerator is precisely reported by the tabulation of state election results. The denominator is an interpolated estimate based on census data on the adult male citizen population. In Figure 1, we plot Maryland's turnout for each presidential election year with black connected circles. Starting with 1904, Maryland's counties differed on their ballot choices, and so we additionally present counties using the 1901 ballot type as green squares, and we present those counties which adopted the 1904 "Wilson Law" ballot as purple hollow squares.

Figure 1. Voter Turnout Declined with the Adoption of the 1901 and Wilson Ballots, 1884 – 1916 Presidential Elections



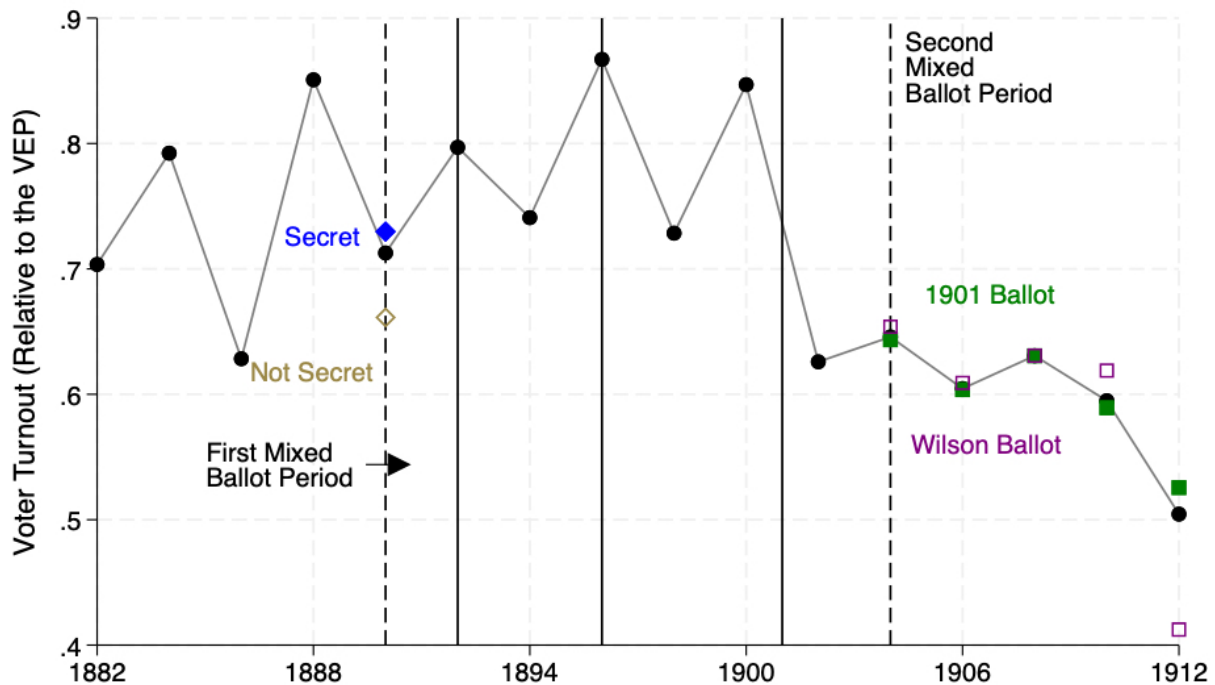
Note: Dashed vertical lines indicate the start of a period with mixed ballot types across Maryland counties, while solid vertical lines indicate the start of a period with a new standard ballot type across Maryland counties.

Three things stand out. First, statewide turnout in Maryland was consistently high through the 1880s and 1890s, never dropping below 80% in presidential elections. Second, overall turnout dropped considerably in the four elections after the 1901/1904 ballot changes, in comparison to the five preceding elections. Instead of turnout percents in the mid 80s, the state only achieved percents in the mid 60s to low 70s. This is a stark difference, corresponding to tens of thousands of fewer votes. Second, counties that used the “Wilson” ballot created in 1904 consistently had the lowest turnout observed in the state during the period of analysis, running two to five percentage points lower than counties using the 1901 ballot. Because the most populous counties used the 1901 ballot, the statewide numbers closely resemble the turnout for

those counties, despite the fact that just under half of the state's counties used the "Wilson" ballot in 1904.

Presidential contests, while relatively stable in terms of interest (as opposed to the fluctuations of Congressional elections) did not fall in the first period of ballot variability in Maryland, which began in 1890, but ended before the 1892 election. Thus, we separately consider elections to the House as well as gubernatorial elections in Maryland, which fall in different years. House elections occur regularly, every other year, but have a clear alternating seasonality in which turnout is higher in years that coincide with presidential elections. Maryland's gubernatorial elections at the time fell in odd-numbered years, meaning they did not coincide with major federal races. House election results at the county level are not as exhaustively available as statewide races are, and so the House election data end with the 1912 election, while the gubernatorial election data go to the 1915 election. We present House election data in Figure 2 and gubernatorial election data in Figure 3. In each graph, we follow the presentational design of Figure 1, with one addition. Because elections in 1890 and 1891 featured county-level ballot variation, we add a blue diamond for counties which adopted the secret ballot in 1890 or 1891, in advance of the statewide adoption in 1892. We also add a brown hollow diamond for states that remained on the non-secret ballot system in 1890 and 1891.

Figure 2. Turnout in House of Representatives Elections Declined After the 1901 Ballot Reforms in Maryland, 1882 – 1912



Interestingly, Congressional and gubernatorial elections did not exhibit identical patterns. In both, we do see the drop-off after 1901, and the lowest turnout coming in counties that used the Wilson ballot, but otherwise the patterns diverge. In the 1900 Congressional elections, secret ballot counties had higher turnout than those that had not yet adopted the secret ballot, while in the 1901 gubernatorial election, this relationship was reversed. It is also notable that turnout fell more in the House elections than it did in the gubernatorial (and presidential) elections. To assess this, we consider “rolloff” in elections during presidential election years, defined as the difference: Presidential Turnout – Congressional Turnout. We present the results, continuing the graphical presentation style from previous figures, in Figure 4. The graph shows what was clear from Figures 2 and 3: turnout increased significantly after the adoption of the 1901 ballot. Almost everyone who voted for president voted for a House of Representatives candidate before

1904. Starting in 1904, this jumped to five percent, and by 1912, this had jumped to fifteen percent statewide. The Wilson ballot counties appear to have lagged the other counties, but by 1912 rolloff in those counties had also soared, reaching higher than twenty percent. These descriptive statistics point to a well-known feature of ballot design: ballot designs that give more freedom to voters, and thus demand more from them independently, also raise the barrier to voting, and this has the largest effects in lower-profile races.

Figure 3. Turnout in Gubernatorial Elections Declined After the 1901 Ballot Reforms in Maryland, 1883 – 1915

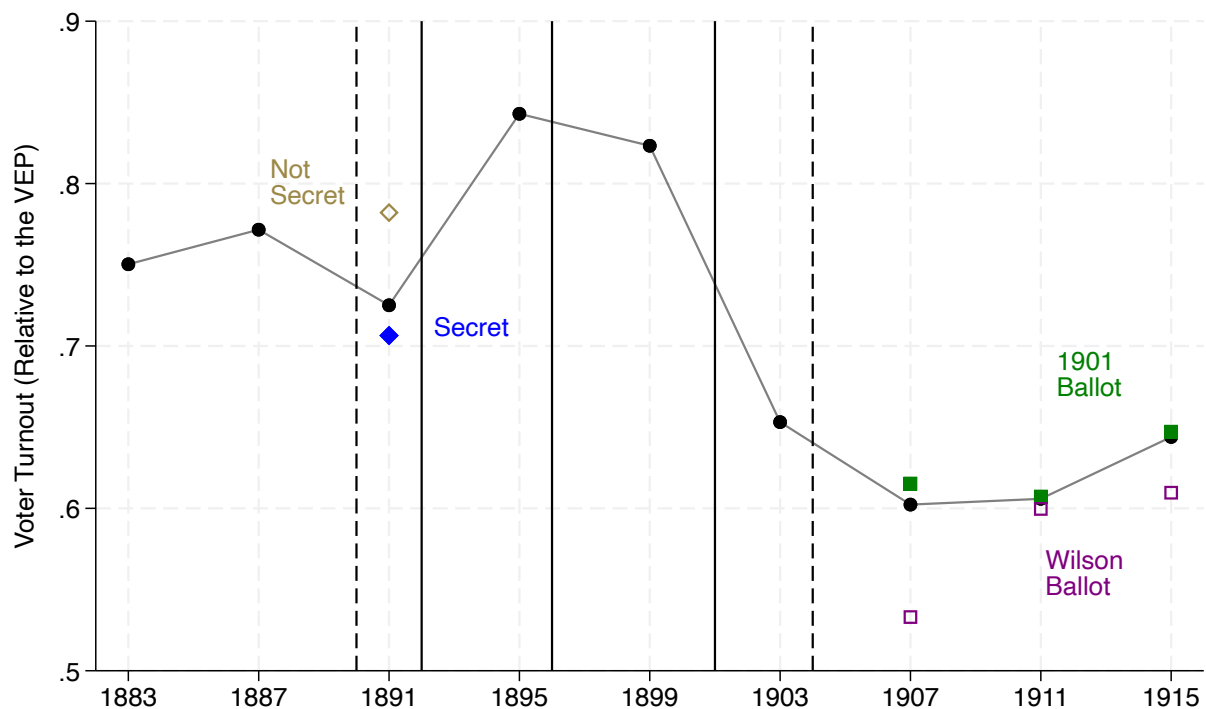
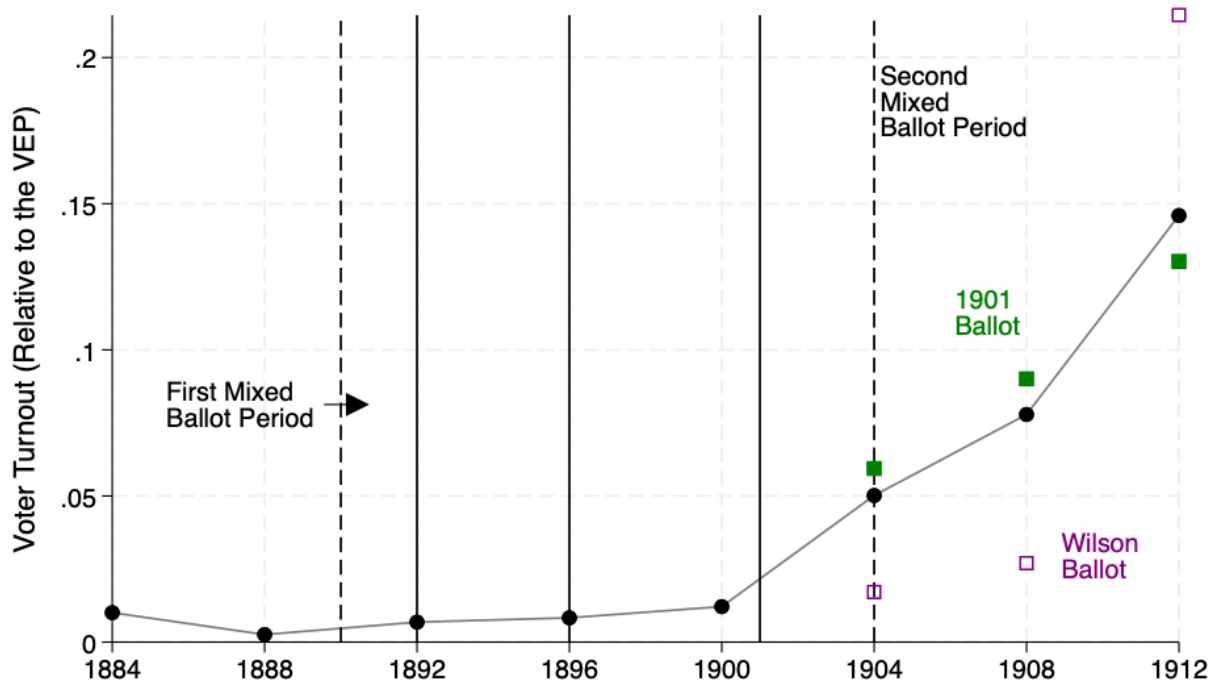


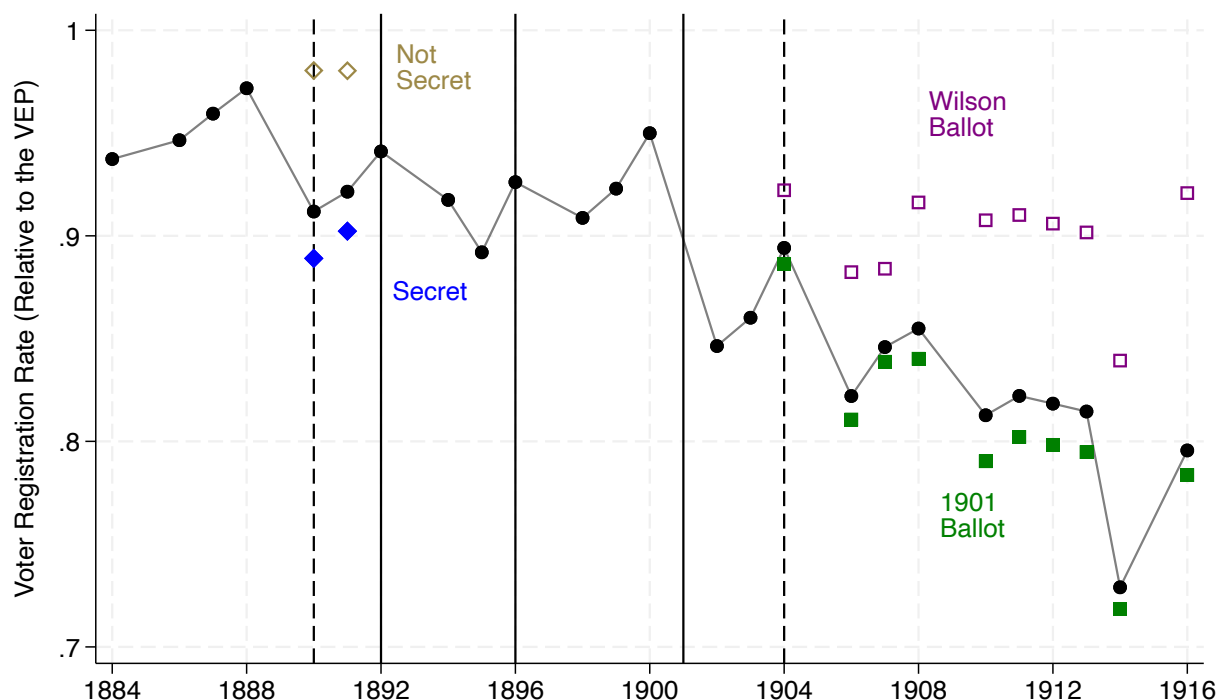
Figure 4. Rolloff Increased Significantly after the 1901 Ballot Reforms in Maryland, 1884 – 1912



Finally, we consider the fact that reduction in turnout (as we define it) can come not just from reduced rates of showing up, but also from reduced rates of registration to vote. In Figure 5, we plot the rates of voter registration, both overall in Maryland over the time period for which we have data, and split by the different ballot types. We see that voter registration rates tended downward over the period, reaching numbers near 100% in the late 1880s before falling beneath 85% at the end of the period of study. As with the previous figures, registration rates indicate a significant change with the 1901 ballot law. Beginning in 1902, registration rates were systematically lower than they had been before. Counties that adopted the Wilson ballot after 1903 had higher registration rates than those that remained on the 1901 ballot.



Figure 5. Voter Registration Rates in Maryland Declined After the 1901 Ballot Reforms, 1884-1916



Next, we consider these same election measures in regression analyses. Our primary limitation – besides the limited number of elections and counties in Maryland in this time period – is that variation within years is only present in a subset of elections. Thus, the difference in turnout or rolloff under different ballot systems when those ballots were uniform across the state cannot be properly identified separate from the year-to-year fluctuations in interest that occur in all elections. In such a case, descriptive statistics as provided by the preceding figures are likely the best we can do. However, it is important to note the threats to inference inherent in such an approach, especially when analyzing the periods of split ballots. Counties elected to use or not use certain ballots and this selection process can produce implied relationships that are, in fact, spurious. For example, we show that counties that had the Wilson ballot after 1903 had higher registration rates, but it may be that counties with high registration rates (for other reasons) were

more likely to opt into the Wilson ballot, without the ballot affecting voters' interest in registering to vote.

In the years beginning in 1904, in which counties used varied ballot types, regression analyses may improve on the simple descriptive figures we have already presented. This allows us to identify changes owed from switching from one model to the other. We estimate the effect of switching to the Wilson Ballot in the period when that was possible. We estimate this in the context of a two-way fixed effects difference-in-differences model. This necessarily draws information from the switching between methods, which occurred in eight counties. Two counties switched twice within the period. We assess the effect of the Wilson ballot on turnout (both relative to the Voting Eligible Population and to the registered electorate). In each year, we take turnout from the most important election on the ballot (assuming an order of importance of: President > Governor > Senate > House of Representatives). Thus, even in years with multiple elections (such as the Presidency and the House of Representatives), the year is only in our dataset once, with the turnout in the most important election. We further estimate the effect of ballot type on Rolloff (the turnout gap between the presidential and House of Representatives elections in a given general election) and on registration rates (as the percentage of the estimated VEP that was registered to vote). We present the results of these Ordinary Least Squares (OLS) regressions in Table 2.

Table 2. Regression Analyses of Ballot Changes in Maryland Counties, 1904-1916

	All Elections (Turnout relative to VEP)	All Elections (Turnout relative to voter registration)	Rolloff (Presidential – House Turnout)	Voter Registration Rate
Wilson Ballot	-0.04* (0.02)	-0.02 (0.03)	0.11^ (0.06)	-0.01 (0.02)
N	264	240	72	240
R2	0.65	0.64	0.64	0.63
Base Category	1901 Ballot			
Fixed Effects	County, Year			

We find only weak evidence of a meaningful difference caused by the “Wilson” ballot that came available in 1904. Adopting the Wilson ballot caused more rolloff (eleven percentage points, though we reject the null only under a weaker  $p < 0.10$  threshold) and lesser turnout (four percentage points,  $p = 0.05$ ). We are unable to reject the null hypothesis of no effect with regards to the voter-registration rate, as well as the turnout relative to that rate. In sum, these results point to muted effects, likely around zero. This is less stark than the results in the statewide descriptive figures, which may reflect that counties selected into their ballot regimes and this selection effect drove those observed divergences.

The historical record makes clear that ballot changes were not made in an untargeted fashion: they were intended to increase the barrier to voting for African Americans who largely voted for the Republican Party at the time. We can re-analyze each of the models in the preceding table with interaction terms for each ballot type and the African American Population of the county. These are population estimates based on interpolations from the decennial censi, thus they are made with some measurement error. Because demographics introduce variation within years in which there was no ballot-use variation, we run two different models for each in

the prior table: one with all years and one only with the years from 1904 on with county-level ballot variation. We present the results of these OLS regressions in Tables 3 and 4.

Table 3. Regression Analyses of Ballot Changes and Demographics in Maryland Counties

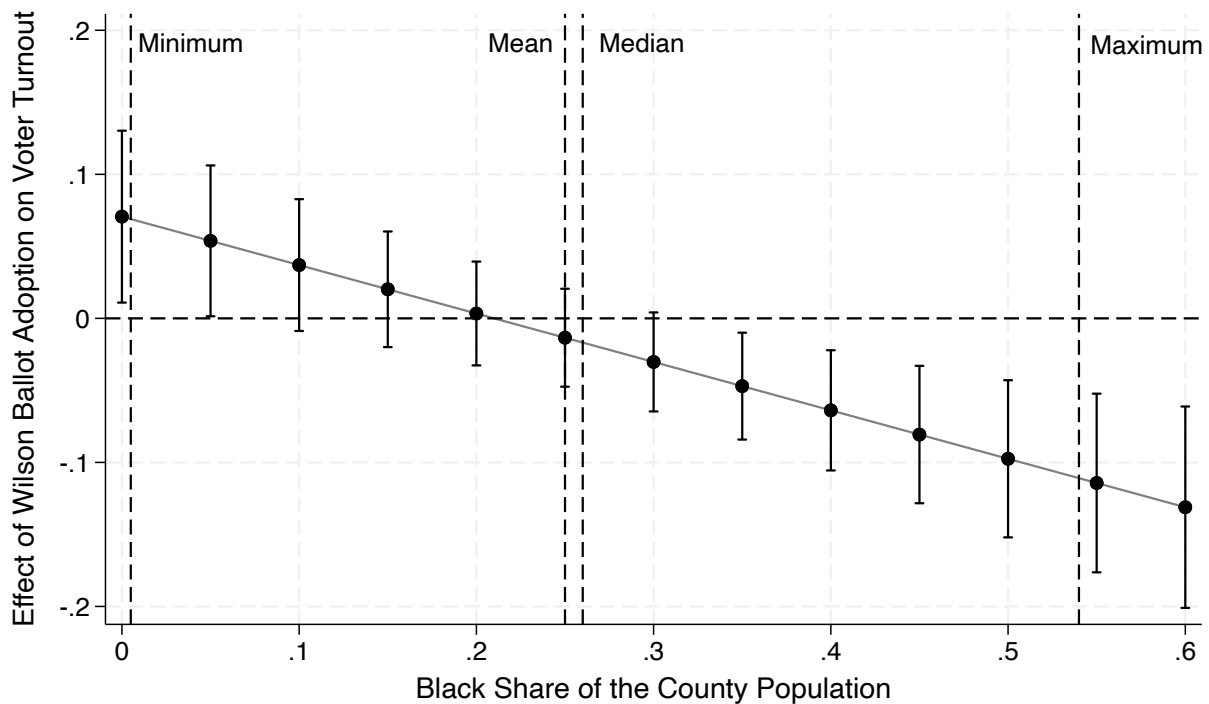
	All Elections (Turnout relative to VEP)	All Elections (Turnout relative to voter registration)	Rolloff (Presidential – House Turnout)	Voter Registration Rate
1892 Ballot	0.03 (0.03)	0.02 (0.03)	0.00 (0.01)	0.01 (0.02)
1892 Ballot X AA%	-0.09 <sup>^</sup> (0.06)	-0.02 (0.05)	0.02 (0.05)	-0.09* (0.04)
1896 Ballot	0.16** (0.02)	0.03 (0.02)	0.01 (0.02)	0.16** (0.02)
1896 Ballot X AA%	0.03 (0.04)	0.08 <sup>^</sup> (0.04)	-0.03 (0.04)	-0.06 (0.04)
1901 Ballot	0.02 (0.03)	-0.00 (0.03)	0.21** (0.04)	0.04 (0.04)
1901 Ballot X AA%	0.14* (0.07)	0.14 <sup>^</sup> (0.08)	0.26 (0.16)	-0.01 (0.06)
Wilson Ballot	0.02 (0.05)	0.05 (0.05)	0.41** (0.07)	-0.07 (0.06)
Wilson Ballot X AA%	0.01 (0.08)	-0.16 <sup>^</sup> (0.09)	-0.38* (0.15)	0.32* (0.12)
African American Percent (AA%)	0.97** (0.23)	1.07** (0.25)	0.20 (0.50)	-0.24 (0.34)
N	672	648	192	648
R2	0.74	0.65	0.69	0.60
Base Category	Pre-1892 Ballot			
Fixed Effects	County, Year			

Table 4. Regression Analyses of Ballot Changes and Demographics in Maryland Counties, 1904-1916

	All Elections (Turnout relative to VEP)	All Elections (Turnout relative to voter registration)	Rolloff (Presidential – House Turnout)	Voter Registration Rate
Wilson Ballot	0.07* (0.03)	0.08* (0.03)	0.12 (0.08)	0.01 (0.03)
Wilson Ballot X AA%	-0.34** (0.09)	-0.30^ (0.17)	-0.08 (0.44)	0.01 (0.03)
AA%	1.08 (0.75)	1.90* (0.82)	-1.99 (2.72)	-1.77 (1.25)
N	264	240	72	240
R2	0.66	0.70	0.65	0.64
Base Category	1901 Ballot			
Fixed Effects	County, Year			

To aid interpretation, we present the combined estimates of the effect of adoption of the “Wilson” ballot after 1903 in Figure 6. Specifically, we look at its effect on turnout relative to the VEP, based on Model 1 in Table 4. Notably, we find that though the overall effect is small (estimated at negative-four percentage points in Table 2, Model 1), this is because it balances more substantial effects at the extremes of the demographic distribution. In homogenously White counties, turnout increased by six or seven percentage points upon the adoption of the Wilson ballot. However, in the most diverse counties in Maryland in the time period (where about half of residents were White and half were African American), the effect was in the opposite direction: about a thirteen-percentage-point decrease in turnout. In the average county, the effect was about zero and indistinguishable from zero under conventional assumptions.

Figure 6. Wilson Ballot Adoption Corresponded with Different Turnout Effects in Diverse and Homogenously White Counties, 1904-1916



### Assessing the Referendums: Who Voted to Disenfranchise?

Another important question is who voted for the disenfranchising referendums when they were offered. Though they failed, many Marylanders voted to raise the barriers to voting by a considerable margin. We investigate county-level returns on the three (1905, 1909, and 1911) referendums, and analyze whether county demographics can explain the results. With twenty-three counties, plus the county-equivalent unit of Baltimore City, across three referendums, we have 72 data points to analyze. Our dependent variable is the “Yes” vote share in a specific county-referendum.

As a key independent variable, we consider the Black Share of the Population, again imputed based on the decennial censi. Other work on disenfranchising provisions (Gray and Jenkins 2024) has shown that in almost all southern and border states that held disenfranchising referendums, there was a positive relationship between the black share of the electorate and the

percent voting for the amendment. There are three major possibilities that would yield such an outcome: African Americans could have supported disenfranchising amendments targeted at themselves, there could have been widespread voter fraud or vote suppression, or these elections may have displayed some version of the voting dynamic known as “racial threat.” In a “racial threat” scenario, increased interaction and competition drives more hostile behavior between racial groups. Thus, White voters in more diverse counties would be more likely to vote in favor of disenfranchising than White voters in homogenously White counties. However, as the African American percentage of the electorate increases, the ceiling for overall amendment support declines absent substantial African American support. While ecological inference difficulties make it challenging to sort out these competing and somewhat observationally equivalent possibilities, one voting pattern does match one but not the other two: an n-shaped curve which increases for some time before declining as the White share of the population declines having already maxed out White support. This implies a non-linear relationship, and so we include Squared Black Share of the Population, which would capture such an n-shaped relationship if it exists.

Finally, we consider a key variable related to the substance of the amendment: literacy. A naïve expectation is that illiterate people would be unlikely to support an amendment which would make literacy a requirement to vote. Thus, we include an 1899 measure of the Illiteracy Rate in Maryland’s counties. This measure was not re-estimated annually, and we use the 1899 measure for all three years. We must assume then that these numbers remained similar for the twelve years between the measurement and the final amendment vote. We also include (in a separate model) the literacy rate separated by race (Black Illiteracy Rate and White Illiteracy Rate). The goal was to disenfranchise the most reliable Republican Voters, which was, at the

time, Black voters. Thus, we investigate the possibility that voters responded to the actual vulnerability of the targeted African American population in their county. We present the results of these OLS regressions in Table 5.

Table 5. Regression Results for Support of Disenfranchising Amendments in Maryland, 1905, 1909, and 1911

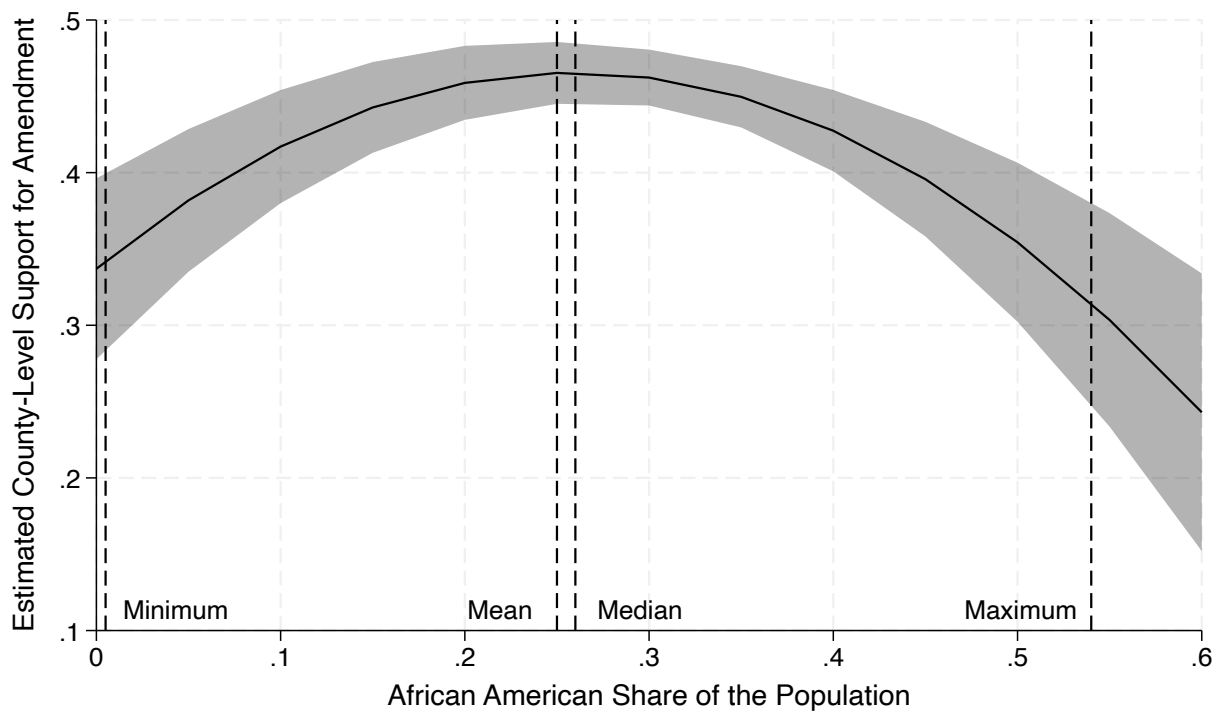
	(1)	(2)	(3)	(4)
Black Share of the Population	0.37** (0.10)	1.43** (0.18)	0.87** (0.21)	0.99** (0.18)
Black% Squared		-2.31** (0.39)	-2.36** (0.34)	-1.91** (0.31)
Illiteracy Rate			0.76** (0.20)	
White Illiteracy				0.27 (0.19)
Black Illiteracy				0.32** (0.08)
N	72	72	72	72
R <sup>2</sup>	0.41	0.61	0.74	0.74
Fixed Effects	Year, Ballot Type			

We find substantial evidence of the “n-shaped” support graph for the amendments. While it appears that counties increased their support with larger Black population shares (Model 1), Model 2 shows the necessary nuance. Support for the amendments increased over smaller values of Black Share of the Population, and this marginal increase declined to zero around the middle of the observed range before turning negative. This remains true even with the addition of literacy-rate data in Models 3 and 4. To visualize this non-linear curve, we present Figure 7, which plots the predicted level of support for an amendment as the Black share of the population changed. We see a peak around 25% of the population being African American and 75% White, right around the average of the state’s counties. In counties more homogenously White or more diverse than 25%, support was lower. In the former case, this is because White voters in homogenously White counties did not support disenfranchisement at high rates, and in the latter



case it is because even though White voters did support disenfranchisement, they made up an insufficient share of the population to carry the day. The peak area is the point of the distribution in which White support and White population share were sufficiently large to produce the highest results.

Figure 7. Amendment Support Peaked in Moderately Diverse Counties



On the subject of literacy rates, we see a counter-intuitive result that support increased with higher literacy rates, even controlling for the racial demographics of the county. This implies that people voted for the amendment in the places where more voters were more likely to be disenfranchised by its success. In Model 4, we see that this is driven by increases associated with the African American illiteracy rate. Our models do not enable us to reach definitive conclusions, but one possibility is that support was highest in counties with large and uneducated African American populations, where locals believed they would be able to entrench themselves

if they could legally exclude African Americans from voting. In areas with relatively higher education levels among African Americans, local White voters may have seen less to gain from the amendment.

### **Conclusion**

Maryland Democrats pursued a wide variety of methods to alter their state electoral system in the latter decades of the 19th and first decades of the 20th centuries with the hope of obtaining enduring political power. When Republican successes in the late 1890s indicated that they had not yet achieved their goals, they attempted further reforms in 1901, which we find substantially reduced turnout and increased rolloff in the state. Additional Republican competitiveness coincided with the state Democratic Party pursuing the kind of constitutional reforms for disenfranchisement that were common in the former Confederate South. Unlike in those states, however, the voters of Maryland rejected three different attempts to enshrine disenfranchisement in the Maryland state constitution. These provisions were strongly opposed in the homogenously White counties of Maryland as well as in the counties with very large African American populations, achieving substantial support only in those places where Whites represented a sizable but not overwhelming majority.

Ultimately, Maryland was the “Dog That Did Not Bark.” It had been a slave state and practiced substantial economic and social segregation. But its voters consistently rejected broad disenfranchisement for its African American citizens. While similar to its southern neighbors in many ways, it ultimately (and consequentially) differed in a key respect: it never pursued political segregation and suppression to the same degree as it did economic and social segregation. As we show, this was not for want of Democratic Party trying, but rather because the wider population did not accept it. The irony is that despite failing in their efforts, the

Democratic Party of Maryland ultimately got what it sought, and far more so than its southern counterparts would. After the flurry of Republican success in the 1896 election, the Democratic Party has never again lost control of the Maryland Senate. For more than 120 straight years, the Democrats have maintained that majority. No person alive today lived during a time of Republican control of the Maryland legislature. In the House, that streak of success stands at about a century. Democrats have held a lock grip on legislative control throughout their own evolution as a party from one against to one supporting civil rights for African Americans. In that time, Democrats have also held the governor's mansion a supermajority of the time, only ceding to several moderate Republicans who were forced to govern in conjunction with hostile state legislatures. Maryland is a fascinating story both for what did not happen – systematic disenfranchisement of African Americans – and for what did: the enduring political dominance of the Democratic Party.

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## **Appendix: Poe, Straus, and Digges Constitutional Amendments**

### Maryland (Referendum 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 vote for such officer, he must have been a resident of that part of the County or City which shall form a part of the electoral district in which he offers to vote for six months next preceding the election, but a person who shall have acquired a residence in such County or City, entitling him to vote at any such election, shall be entitled to vote in the election district from which he removed until he shall have acquired a residence in the part of the County or City to which he has removed. 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

### Maryland (Referendum 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 foregoing 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 foregoing 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.

Maryland (Referendum 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 of 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.