

Primary Source: The Suffrage Amendment ^[1]

This “Suffrage Amendment” to the North Carolina constitution was submitted to the people for ratification by the legislature in 1899 and passed the following year. It added a literacy test and a poll tax requirement for voting, but made exceptions for anyone who was able to vote in 1867 or whose direct ancestor was able to vote in that year — before blacks were given the vote by the Reconstruction-era constitution of 1868.

The literacy tests required a voter to interpret a section of the Constitution. Whites administered the literacy test, and when blacks tried to register to vote, they often chose passages that even legal scholars had difficulty interpreting. Whites registering to vote were given far easier questions.

Both the poll tax and the literacy tests met the requirements of the U.S. Constitution because they did not explicitly limit the rights of voters based on race. Technically, the poll tax and the literacy test affected whites and blacks — but in reality it was used to disfranchise (take the vote from) African Americans.

The poll tax was repealed in 1920, but the literacy test remained in effect until 1965, when President Lyndon B. Johnson signed the National Voting Rights Act. The law outlawed any action by individual states to limit the rights of citizens to vote, and it specifically banned literacy tests.

As you read, think about how this legislation protected the rights of white voters, but took away rights from African Americans, without explicitly stating that blacks could not vote. What language did the law makers use? What qualifications insured that a white man could vote? What clauses made it almost impossible for an African American to vote?

Section 1.

That Article VI of the Constitution of North Carolina be, and the same is hereby abrogated ^[2], and in lieu thereof shall be substituted the following Article of said Constitution:

ARTICLE VI.

SUFFRAGE ^[3] AND ELIGIBILITY TO OFFICE — QUALIFICATIONS OF AN ELECTOR.

Section 1.

Every male person born in the United States, and every male person who has been naturalized, twenty-one years of age and possessing the qualifications set out in this Article shall be entitled to vote at any election by the people in the State, except as herein otherwise provided.

Sec. 2.

Residency requirements; convicted felons.

He shall have resided in the State of North Carolina for two years, in the county six months, and in the precinct, ward or other election district in which he offers to vote four months next preceding the election: Provided, that removal from one precinct, ward or other election district to another in the same county, shall not operate to deprive any person of the right to vote in a precinct, ward or other election district from which he has removed until four months after such removal. No person who has been convicted, or who has confessed his guilt in open court upon indictment ^[4] of any crime, the punishment of which now is, or may hereafter be, imprisonment in the State prison, shall be permitted to vote unless the said person shall be first restored to citizenship in the manner prescribed by law.

Sec. 3.

Every person offering to vote shall be at the time a legally registered voter as herein prescribed and in the manner hereinafter provided by law, and the General Assembly of North Carolina shall enact general registration laws to carry into effect the provisions of this Article.

Sec. 4.

Voter registration requires literacy test and payment of poll taxes. Every person presenting himself for registration shall be able to read and write any section of the Constitution in the English language; and, before he shall be entitled to vote, he shall have paid, on or before the first day of March of the year in which he proposes to vote, his poll tax, as prescribed by

law, for the previous year. Poll taxes shall be a lien [5] only on assessed property, and no process shall issue to enforce the collection of the same, except against assessed property.

Sec. 5.

People who could legally vote in 1867 and their descendants are exempted from Section 4 (the "grandfather clause.")

No male person, who was on January 1, 1867, or at any time prior thereto, entitled to vote under the laws of any State in the United States wherein he then resided, and no lineal [6] descendant of any such person; shall be denied the right to register and vote at any election in this State by reason of his failure to possess the educational qualifications prescribed in section 4 of this Article: Provided, he shall have registered in accordance with the terms of this section prior to Dec. 1, 1908. The General Assembly shall provide for a permanent record of all persons who register under this section on or before November 1, 1908, and all such persons shall be entitled to register and vote at all elections by the people in this State, unless disqualified under section 2 of this Article: Provided, such persons shall have paid their poll tax as required by law.

Sec. 6.

All elections by the people shall be by ballot, and all elections by the General Assembly shall be viva voce [7].

Sec. 7.

All voters are eligible to hold office...

Every voter in North Carolina, except as in this Article disqualified, shall be eligible to office, but before entering upon the duties of the office he shall take and subscribe the following oath: "I..., do solemnly swear or affirm, that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina, not inconsistent therewith, and that I will faithfully discharge the duties of my office as... So help me, God."

Sec. 8.

...except atheists, convicted felons, and certain other criminals.

The following classes of persons shall be disqualified for office: First, all persons who shall deny the being of Almighty God; second, all persons who shall have been convicted or confessed their guilt on indictment pending, and whether sentenced or not; or under judgment suspended, of any treason [8] or felony [9], or any other crime for which the punishment may be imprisonment in the penitentiary, since becoming citizens of the United States, or of corruption and malpractice in office, unless such person shall be restored to the rights of citizenship in a manner prescribed by law.

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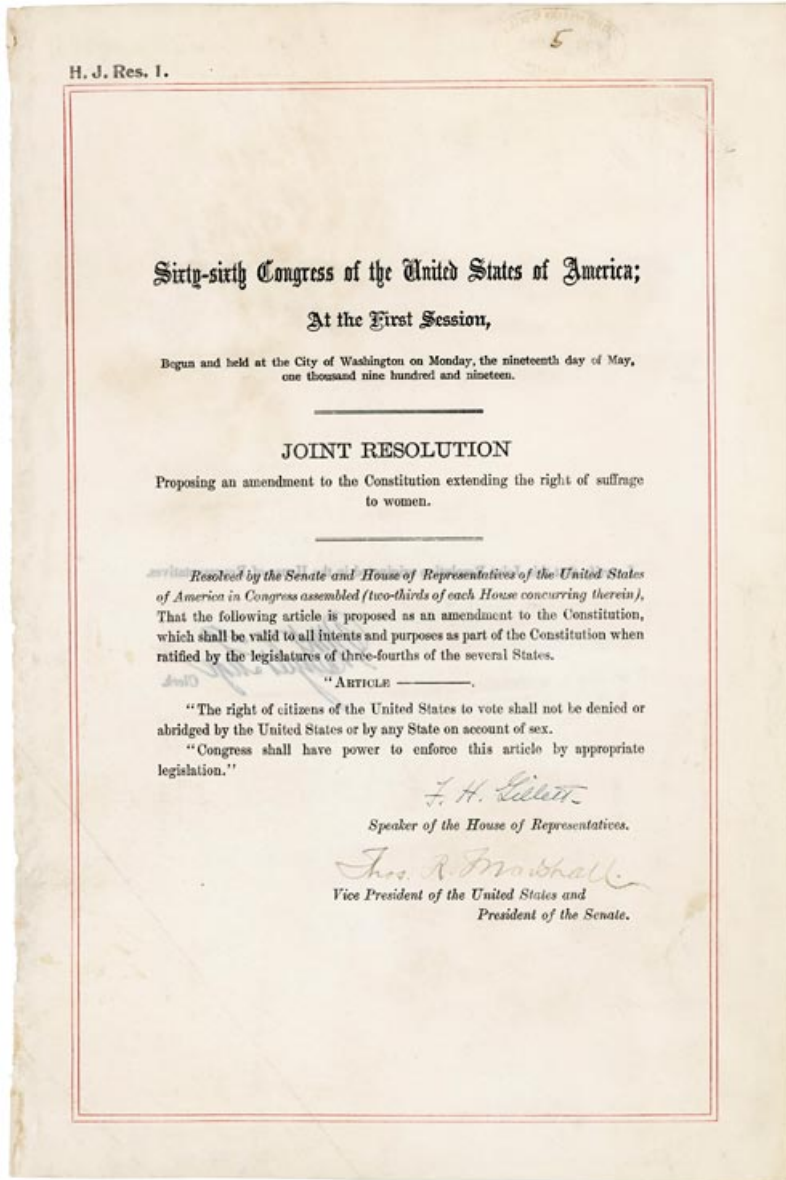
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