

A Guide to the Military Rule Election Records of the Virginia Secretary of the Commonwealth, 1867, 1869

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1867, 1869

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Creator

Commonwealth, Secretary of the

Extent

21.15 cubic feet (47 boxes)

Repository

The Library of Virginia

Administrative Information

Access Restrictions

The bulk of the Military Rule Election Records of the Virginia Secretary of the Commonwealth, 1867, 1869, are digitized and available through [Virginia Untold: The African American Narrative Digital Collection](#) on the Library of Virginia website. Please use digital images where possible.

Use Restrictions

There are no restrictions.

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No acquisition information available.

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Biographical Information

In the summer of 1866, Congress passed the 14th Amendment guaranteeing the rights of freedmen and preventing former Confederate officials from holding office. Virginia, failing to ratify the amendment, was placed under military rule as a result of the passage of the first Reconstruction Act on March 2, 1867. Virginia became Military District No. 1 under the command of Major Gen. John M. Schofield. Under the provisions of the Reconstruction Acts, it was necessary for the states of the old Confederacy to call conventions to draft new state constitutions. As directed, the Commander of the Military District in Virginia registered all male citizens 21 years of age or older and supervised an election held October 22, 1867. This election would determine whether or not Virginia would hold a constitutional convention, and would also elect delegates to the convention, if held. This election was especially significant because it was the first election to include African American participation.

Voters approved the constitutional convention and elected 105 delegates who convened on December 3, 1867 to draft a new state constitution. This constitution contained two contentious articles. One called for the disenfranchisement of thousands of voters who were former Confederates and another called for an "iron-clad" oath clause that designated that officials must take an oath that they had not voluntarily borne arms or assisted in any way in the hostility against the United States. The disenfranchising clause would have stricken most moderates and conservatives from the voting lists, and the oath clause would have made it impossible for almost anyone who had assisted the Confederacy to hold office.

James B. Baldwin and Alexander H.H. Stuart led an attack against these restrictive clauses, urging supporters to accept black enfranchisement in exchange for omitting the test-oath. A Committee of Nine presented their case in Washington and President Grant recommended that the constitution be submitted to the people with the objectionable provisions to be voted on separately for approval or rejection. The convention adjourned on April 17, 1868.

The constitution was submitted to the voters on July 6, 1869, and was approved except for the sections relating to test oaths and disenfranchisement, which were voted on separately and defeated. The constitution drafted by the Convention of 1867-1868 for the first time included a provision to allow for universal manhood suffrage. The adopted constitution is sometimes called the Underwood Constitution, named for the president of the convention, John C. Underwood. Voters also elected the Governor, Lieutenant Governor, and various other officials in July 1869. On January 26, 1870, an act of Congress was approved admitting Virginia to the Union, and on the same date the government of the state of Virginia became operative under the new constitution.

Scope and Content

These election records consist of lists of voters by county, magisterial district, and sometimes precinct, who participated in elections held October 22, 1867 (Poll books) and July 6, 1869 (Poll lists), while Virginia was under military rule. The poll books and poll lists both consist of a return of the names of registered voters polled in each election recorded alphabetically by first letter of the surname (though last names are not generally listed alphabetically within each letter). These records document the first two elections in which African Americans were able to vote.

The 1867 election asked voters to vote for or against a convention to be held to draft a new state constitution and also to elect delegates to the convention if held. The Poll Books for this election document white and African American voters on separate lists. The records for the 1867 election also include election certificates for each magisterial district that certify the number of votes polled and the results of the election. These are most often foldered separately, but are occasionally found at the end of the poll book. Several localities also include ballots.

The 1869 election asked voters to decide for or against the newly drafted state constitution, for or against individual clauses in the constitution related to disenfranchisement and test oaths, and to elect the Governor, Lt. Governor, and various other officials. The Poll Lists combine all voters on one document with a column to indicate the race of each voter, though some counties/districts ignored these instructions and continued to record white and black voters on separate lists. There are often duplicate poll lists for each

district. Most localities also include the ballots cast in the election. A limited number of counties also include Certificates of Registration indicating a change of voting precinct for names stricken from the rolls of one voting precinct after given notice of a permanent change of residence from the district where they were originally registered in 1867; Oath/Affidavits of residence by voters who have relocated swearing that they have not voted in another district and will only vote in one district; and Canvass Returns that document the number of voters polled and the results of the election.

Please note that this collection does not include 1867 and 1869 election records for all localities, as some may have election records for only one or the other election, and that the collection does not include election records for the following localities: Albemarle County, Bath County, Bedford County, Chesterfield County, Dickenson County, Dinwiddie County, Franklin County, Gloucester County, Greene County, Lunenburg County, New Kent County, Northumberland County, Patrick County, Smyth County, Sussex County, and the cities of Fredericksburg, Lynchburg, and Winchester.

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