

## **VOTER PROJECT**

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### **TOPIC ONE: WHO CAN VOTE? SECURING THE RIGHT TO VOTE FOR ALL AMERICANS**

This topic deals with how the right to vote has been expanded over the course of our country's history. It provides an historical perspective on the democratization of the franchise so that today virtually every adult citizen can vote.

Originally, the vote was restricted to male property owners for two reasons. First, men who possessed property (especially "real property" such as land and buildings) were thought to have a unique "stake in society." They were committed to the welfare of the community in which they had an investment. Their investment made them take a personal interest in the policies of the state, especially taxation policies. The second justification for restricting the vote to male property owners was that such men were the only members of society who had sufficient independence to warrant their having a voice in the government. Those who were economically dependent (i.e. women, children, indentured servants, slaves) could not be entrusted with the ballot, because it was thought that they could too easily be controlled or manipulated by others.

Long before the Founders gathered in Philadelphia in 1787, the colonies, cities, and larger towns had been writing their own voting requirements, and they were quite varied. Many had residence requirements. Catholics, Jews, Native Americans, free blacks, and nonnaturalized aliens could vote in some places but not in others. Women were expressly

barred in several colonies, but a few Massachusetts towns and New York counties permitted propertied widows to vote.

When the Framers met to write the Constitution, they could not agree on who should be given the right to vote. As a result, the Constitution simply stated that members of the House of Representatives were to be elected by the people in each state who, under state law, were eligible to vote for the lower house of their state legislature. The United States Constitution, therefore, left to each state government the power to decide who could vote. For that reason many of the battles about voting rights took place at the state level.

After the election of 1800, many states began to eliminate the property requirement for voting. As new states in the West entered the Union, they extended the vote to all white males, and the older states followed suit. By the time of the Civil War nearly universal white male suffrage had been realized in the United States.

Extending the right to vote to Americans other than white males required a series of Amendments to the United States Constitution. Those amendments were these:

**Amendment XV** (ratified 1870)

“The right of citizens of the United States shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.”

**Amendment XIX** (ratified 1920)

“The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.”

**Amendment XXIV** (ratified 1964)

“The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.”

**Amendment XXVI** (ratified 1971)

“The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any state on account of age.”

Each of those four amendments also contained the provision that “The Congress shall have power to enforce this article by appropriate legislation.” Congress has used that power time and again to enact laws which have struck down special qualifications or “abridgements” of the right to vote. Lengthy residence requirements, tax payments, property ownership, and literacy tests no longer can be bars to the right to vote. Most states do disqualify mental incompetents, prison inmates, election-law violators, and vagrants. It can be said, however, that today virtually every adult citizen can vote. We have achieved an essentially unrestricted franchise. As Chief Justice Earl Warren observed, “history has seen a continuing expansion of the scope of suffrage in this country. The right to vote freely for the candidate of one’s choice is of the essence of a democratic society, and any restrictions on that right strike at the heart of representative government.” (*Reynolds v. Sims* 377 U.S. 533 (1964))