



## Determining Who Can Vote

### Activity

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### Inquiry Question

How has the right to vote been limited or extended to various U.S. citizens throughout the country's history?

The road to fair voting rights in America has been a long one. Review the timeline and background source to learn about how voting rights have either been limited or extended throughout U.S. history. Then, select and **describe** examples of events that illustrate expanding or limiting rights, paying particular attention to the constitutional amendments that have changed who has the right to vote.

### Clarifying Questions

- What are voting rights?
- Why is the right to vote important?
- Who has always had the right to vote? Who has not?

### Vocabulary

- **suffrage:** the right to vote.
- **Fifteenth Amendment:** the amendment to the U.S. Constitution ratified in 1870 that prohibits depriving people of their voting rights on the basis of "race, color, or previous condition of servitude" and essentially extended voting rights to African American males.
- **poll tax:** a tax or fee charged for the act of voting, which deprives people who cannot afford the tax of the right to vote.
- **literacy tests:** written tests administered to prospective voters in many Southern states in the Jim Crow era; since many African Americans who had been freed from slavery were illiterate, literacy tests were designed to filter them out of the voting process.

- **Nineteenth Amendment:** the amendment to the U.S. Constitution ratified in 1920 that grants the vote to all women.
- **Twenty-fourth Amendment:** the amendment to the U.S. Constitution ratified in 1964 that prohibits the use of the poll tax.
- **Twenty-sixth Amendment:** the amendment to the U.S. Constitution ratified in 1971 that sets the voting age for citizens at age 18 or older.

## **Background Information**

In a representative democracy like the United States, voting is a key aspect of civic participation. The right to vote gives U.S. citizens a say in who will represent them in government and consider their interests when public policy is made. Additionally, voting allows citizens to hold their elected officials accountable if they feel they are not representing their interests by voting new officials into office. Without the right to vote, citizens would have no influence over how and by whom they are governed.

In the early years of the United States, certain groups were prevented from voting because they did not meet eligibility requirements. Over time, specific steps have been taken to further extend voting rights to more and more citizens.

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**Author:** John R. Vile, political scientist

**Description:** This reference article discusses the history of voting rights in the United States and how voting rights were expanded to more citizens over time.

### Context and Things to Consider

- Look at who had the right to vote at the time of the nation's founding. Who was denied the right at that time?
- Note the significance of the Fifteenth Amendment. Who did it extend voting rights to, and who did it leave out? Also note how some people tried to suppress African Americans' voting rights.
- Note how and when women won the right to vote.
- Note the political pressure that pushed for the passage of the Twenty-sixth Amendment.
- Look at the debates over felons' voting rights and the use of voter ID requirements.

## Voting Rights

In a democracy, or republic, like the United States, few rights are more important than the right to vote. Although representatives undoubtedly try to listen to all of their constituents, they are especially likely to respond to those who vote. In addition, voting for candidates who share their priorities and goals is the most direct way for citizens to influence public policy. Voting is also a means for citizens to hold elected officials accountable—officials who do not carry out the will of the people can be voted out of office on Election Day.



### Expanding Suffrage



Voting in the United States was originally very limited: at the time of the nation's founding, only white, male property owners were allowed to vote. Women, men who could not afford to own property, and nonwhite people had no direct say in government.

During the Jacksonian Era, Americans began to adopt increasingly liberal views of voting rights. As many states revised their constitutions during this period, most of them eliminated property requirements for voting, although they continued to limit the vote to white males.

The Fifteenth Amendment (1870) to the U.S. Constitution nationalized voting requirements and sought to expand suffrage to nonwhite men. In theory, this meant that no man could be denied the right to vote based on his race.



In practice, however, many states imposed voting requirements that prevented African Americans from exercising their right to vote. These included literacy tests, grandfather clauses (no required literacy test if one's grandfather had voted), poll taxes (taxes paid as a condition to voting), and all-white primaries.



Such regulations were frequently waived for whites, which meant African Americans who could not read, whose grandfathers had not voted, and who could not afford the poll tax would not be allowed to vote. In addition, African Americans who sought to vote or register to vote were often terrorized by the Ku Klux Klan.

Even after African American men were (in theory) granted the right to vote, women were still excluded from the franchise. Those in the woman suffrage movement, who had been allies of the abolition movement hoped that women would be granted the right to vote when African Americans were. But this did not come to pass.

Instead, the woman suffrage movement would work for another 50 years to secure women's voting rights. With the help of the progressive movement, and after women played a significant role in the war effort on the home front during World War I, women were finally granted the right to vote with the Nineteenth Amendment (1920).

### **The Civil Rights Movement and the Voting Rights Act**

During World War II, African American men served in segregated military units while African American women made contributions to the war effort at home, and the postwar period saw a push to guarantee African Americans' civil rights. In 1948, President Harry Truman desegregated the U.S. armed forces with executive order 9981. In 1954, the Supreme Court overturned the separate but equal doctrine in *Brown v. Board of Education*.

In a landmark voting rights case, the Supreme Court in *Gomillion v. Lightfoot* (1960) invalidated an oddly-shaped, or gerrymandered, district that was designed to keep African Americans from voting in Tuskegee, Alabama. The ruling helped increase attention paid to the voting rights of African Americans. In 1964, the Twenty-fourth Amendment eliminated the poll tax as a condition for voting. A number of other civil rights laws also addressed voting issues, eliminating literacy tests where they had been applied in a discriminatory fashion and sending in federal registrars to enroll voters.

In 1964, the Mississippi Summer Project, also known as "Freedom Summer," sent hundreds of black and white student volunteers to the Deep South to run African American voter registration drives, establish Freedom Schools, and get the black community involved in politics.

The following year, the 1965 Selma to Montgomery march led to passage of the Voting Rights Act. The Voting Rights Act gave the federal government the power to enforce voting rights, particularly in states that had a history of suppressing the African American vote. This allowed more African Americans than ever to exercise their right to vote.

### **The Twenty-sixth Amendment**

The 1960s also saw increasing pressure to lower the voting age to 18. At the time, the voting age was dictated by the states, and most states set this limit at 21. Meanwhile, the military draft, which was being used to supply soldiers to fight in the Vietnam War, applied to all men aged 18 or older. This meant that many individuals called to fight and potentially die in the war were not old enough to vote and therefore had no say in electing the government officials who were conducting the war. The movement to lower the voting age culminated with the adoption of the Twenty-sixth Amendment in 1971.

### **Voting Controversies Today**

The decades since the passage of the Twenty-sixth Amendment has seen continued debate over voting rights. Some have argued that the voting age should be lowered further to increase voter turnout and political participation. Debate also surrounds the issue of convicted felons' voting rights. Felons are often stripped of their voting rights once convicted of a crime, and whether or not those rights can be restored once a felon has served their time varies from state to state.

State voter ID laws, which require voters to show state-approved identification in order to vote, have been

particularly controversial. Proponents of voter ID laws argue that they are necessary to prevent voting fraud. Opponents of voter ID laws, on the other hand, argue that they place an undue burden on racial minorities and the poor, who often cannot afford the necessary documentation, and that evidence showing that voter fraud is rare proves such laws are unnecessary.

### **Nita Lang**

Nita Lang is an editorial specialist for ABC-CLIO's electronic program. She writes, edits, and acquires content for the company's award-winning databases, including *American Government*, *Popular Culture Universe*, and the American Mosaic databases. She has a BA in English from the University of Puget Sound in Tacoma, Washington, and two decades of experience working with educational content.

<https://schoollibraryconnection.com/Content/StudentActivity/2254542>

Entry ID: 200925

**Creator:** ABC-CLIO

**Description:** This timeline shows the major events in the history of voting rights in the United States.

### **Context and Things to Consider**

- Look at the types of limitations that states put on voter eligibility in the 1780s and 1790s.
- Note the partial expansion of voting rights in the 1800s. Consider the challenges that some eligible voters faced when trying to exercise their right to vote.
- Look for examples of laws passed in recent decades that make it difficult for some citizens to participate in voting. Also look for examples of efforts to remove such obstacles.

## **Voting Rights: Timeline**

**2023** - In the case of *Allen v. Milligan*, the U.S. Supreme Court upholds Section 2 of the Voting Rights Act when it rules that Alabama's congressional district maps violate the act by diluting the power of Black voters. Although African Americans make up 27% of the state's population, the maps limit their political influence to only one of the state's seven congressional districts.

**2021** - The Brennan Center for Justice reports that over the course of the year, 19 states passed laws restricting voting access.

**2020** - In September, a federal appeals court in Florida rules that the state can require people with felony convictions to pay any outstanding court fines or fees before their right to vote is restored. Moreover, the state does not have to inform such individuals of the amount they owe. The decision will likely prevent significant numbers of potential voters from participating in the 2020 presidential election. In May, a federal judge in Florida had ruled that a state law instituting that requirement was unconstitutional. The state legislature had passed the law in response to a voter-approved 2018 amendment to the Florida Constitution allowing most convicted felons to vote after completing their sentence, probation, and parole. The judge determined that the law discriminated against those unable to pay outstanding fines and violated the

Twenty-fourth Amendment to the U.S. Constitution, which states that a person's right to vote cannot be denied "by reason of failure to pay poll tax or other tax."

**2020** - In April, Wisconsin's Republican-controlled legislature refuses to cancel in-person voting despite the ongoing COVID-19 epidemic and requests from voters, poll workers, public health officials, and elected officials to delay the primary elections. Widespread reports suggest many voters who requested absentee ballots never received them, forcing constituents to choose between going to the polls to vote and risking exposure to COVID-19, or staying home and forfeiting their vote. Crowds of people and long wait times at the polls in Wisconsin prompt other states to take measures to avoid the same situation in their own polling places by expanding absentee and early voting. Just days after the election, Sen. Kamala Harris of California introduced to Congress the VoteSafe Act of 2020, which allocates \$5 billion to expand mail-in absentee voting and early in-person voting, as well as improving the safety, accessibility, and efficiency of in-person voting.

**2019** - In October, a federal judge grants a temporary injunction to 20 plaintiffs halting a new Florida law requiring people with past felony convictions to pay any fines, fees, or restitution they owe the state or their victims, even if they cannot afford to, before registering to vote. The Republican-controlled state legislature enacted the law after Floridians voted in 2018 to approve an amendment restoring voting rights to former felons.

**2015** - Oregon becomes the first state to pass automatic voter registration.

**2013** - On June 25, the U.S. Supreme Court strikes down Section 4 of the Voting Rights Act (1965), the provision that requires some states—those with a history of voting-related racial discrimination—to get any changes to voting regulations pre-approved by the federal government. Chief Justice John Roberts, in his majority opinion, stated that while the law had successfully dealt with past racial discrimination, Congress must now address current circumstances.

**2013** - On June 17, the U.S. Supreme Court strikes down an Arizona law requiring would-be voters to show proof of citizenship. The justices rule that the state cannot add additional requirements (in this case physical proof of citizenship) to the 1993 National Voter Registration Act, which was designed to promote voter registration by making the process easier.



**2009** - The Military and Overseas Voter Empowerment Act expands the provisions protecting the rights of citizens living overseas to vote in federal elections.

**2008** - In April, the Supreme Court upholds an Indiana law requiring voters to show photo identification in order to prevent voter fraud. Opponents of the law had argued that the requirement unfairly disenfranchises minority, elderly, and poor voters.

**2006** - The Voting Rights Act is extended through 2031.

**2006** - Indiana becomes the first state to enact requirements that voters show photo identification in order to vote.

**2002** - The Help America Vote Act creates mandatory minimum standards for states to follow in conducting elections, including replacing outdated equipment, the creation of statewide databases of registered voters, and allowing provisional voting.

**1993** - The National Voter Registration Act, also known as the Motor Voter Bill, is signed into law by President Bill Clinton.

**1990** - Congress passes the Americans with Disabilities Act (ADA), which expands the responsibilities of state and local election officials in guaranteeing accessibility for all, regardless of physical disabilities, to registration and polling places.

**1986** - The Uniformed and Overseas Citizens Absentee Voting Act is passed in an effort to protect the federal voting rights of U.S. citizens living abroad. The act requires that states allow these citizens to register to vote and receive absentee ballots.

**1982** - The Voting Rights Act of 1965 is extended for 25 years.

**1975** - An amendment to the Voting Rights Act requires ballot information to be provided in languages other than the English.

**1974** - In *Richardson v. Ramirez*, the U.S. Supreme Court rules that states may disenfranchise convicted felons under the Fourteenth Amendment.

**1971** - The Twenty-sixth Amendment to the U.S. Constitution is ratified, guaranteeing to those 18 years of

age and older the right to vote in federal and state elections.

**1966** - The U.S. Supreme Court in *Harper v. Virginia State Board of Elections* declares unconstitutional the use of the poll tax as a condition for voting in state elections, thereby outlawing a procedure long used by state legislatures to limit the right to vote.

**1965** - In August, President Lyndon B. Johnson signs the Voting Rights Act into law. The act prohibits all preconditions—such as literacy tests and poll taxes—for voting that had been used to prevent or discourage African Americans from registering to vote.

**1964** - The Mississippi Summer Project, also known as "Freedom Summer," sends hundreds of Black and white student volunteers to the Deep South to run African American voter registration drives and encourage the Black community to get involved in politics.

**1964** - In *Reynolds v. Sims*, the U.S. Supreme Court rules that state legislative districts must be apportioned as equally as possible according to population, based on the principle of "one man, one vote."

**1964** - The Twenty-fourth Amendment to the U.S. Constitution is ratified, prohibiting the use of the poll tax

**1961** - The Twenty-third Amendment to the U.S. Constitution grants residents of Washington, D.C., the right to vote in presidential elections. However, the amendment does not extend the right to D.C. citizens to vote for congressional representatives.

**1960** - In *Gomillion v. Lightfoot*, the U.S. Supreme Court rules that racial gerrymandering in Tuskegee, Alabama, violates the Fifteenth Amendment's guarantee of minority voting rights.

**1959** - The U.S. Supreme Court upholds literacy tests for voting in North Carolina in *Lassiter v. Northampton County Board of Elections*.

**1957** - The Civil Rights Act of 1957 allows the Department of Justice to bring lawsuits on behalf of African Americans who have been denied their voting rights.

**1952** - Under the McCarran-Walter Act, Japanese Americans born in the U.S. are granted citizenship and thus the right to vote.

**1937** - The Supreme Court upholds Georgia's poll tax in *Breedlove v. Suttles*.

**1924** - Congress passes the Indian Citizenship Act, granting all Native Americans citizenship. However, many states continue to enact laws designed to prohibit Native Americans from voting. That practice will continue in some locations until passage of the 1965 Voting Rights Act finally establishes the right to vote for all Native Americans.

**1920** - The Nineteenth Amendment to the U.S. Constitution is ratified, guaranteeing women the right to vote in federal and state elections.

**1915** - Oklahoma's grandfather clause is ruled unconstitutional in *Guinn v. United States*.

**1898** - In *Williams v. Mississippi*, the U.S. Supreme Court rules that the state of Mississippi's requirement that potential voters pass literacy tests is constitutional. The Court ignores the fact that the tests are intended to disenfranchise African Americans, many of whom had been enslaved and were forbidden by law to learn to read and write. Several other states pass similar measures after the ruling.

**1895** - In addition to a literacy test as a precondition for voting, the South Carolina constitutional convention establishes a grandfather clause that states that until 1898 any person who could vote in 1867, his descendants, or any naturalized citizen is exempt from the literacy requirement. This provision is intended to disenfranchise Black people while allowing illiterate white people to vote.

**1888** - Florida institutes a poll tax and several other measures directed at African American voters. By 1892, voter turnout among African Americans will drop from 62% to 11%.

**1884** - In *Elk v. Wilkins*, the U.S. Supreme Court rules that the Fourteenth and Fifteenth Amendments do not apply to Native Americans.

**1882** - Under the Chinese Exclusion Act, Chinese Americans are denied U.S. citizenship and thus are also denied the right to vote.

**1875** - In its ruling on the case *Minor v. Happersett*, the Supreme Court upholds a Missouri law granting voting eligibility only to men.

**1870** - The Fifteenth Amendment is ratified, guaranteeing that "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 race, color, or previous condition of servitude." Despite this amendment, many African Americans encounter obstacles

designed by those wishing to prevent them from exercising the right to vote.

**1870** - Women in Utah are granted the right to vote by the state legislature. Congress will rescind the right in 1887 as part of the effort against polygamy.

**1869** - Women in Wyoming Territory are granted the right to vote.

**1856** - North Carolina removes property qualifications for voter eligibility, the last state to do so. White men in all the states now have the right to vote.

**1848** - The Seneca Falls Convention is held in Seneca Falls, New York. The first U.S. conference on women's rights, its most controversial resolution is women's right to vote.

**1828** - Maryland removes religious restrictions on voting. It is the last state to do so. States are no longer allowed to deny voting rights based on voters' religious affiliations.

**1792** - Under its new state constitution, New Hampshire grants the vote to all male inhabitants. The provision contains an exception preventing "paupers" from voting.

**1788** - The U.S. Constitution is ratified. It gives states the right to determine who is eligible to vote. Many of the states will restrict voting eligibility to property-owning white males.

**1780** - The Massachusetts constitution grants suffrage to all male citizens of age, excluding "paupers" and those under guardianships. Would-be voters are also required to be able to read the U.S. Constitution in English and write their names.

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Entry ID: 2234122

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Determining Who Can Vote

**Define and Illustrate an Idea**

Inquiry Question

The road to fair voting rights in America has been a long one. Review the timeline and background source to learn about how voting rights have either been limited or extended throughout U.S. history. Then, select and describe examples of events that illustrate expanding or limiting rights, paying particular attention to the constitutional amendments that have changed who has the right to vote.

Event and Date	How Did This Extend or Limit Voting Rights?
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How has the right to vote been limited or extended to various U.S. citizens throughout the country's history?

Response

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