

Democracy and Diversity
Voting Rights

POP QUIZ

1. **True or False.** A state can require a person to be at least 21 years old to vote.

Answer:

2. **True or False.** Before the Voting Rights Act of 1965, black registered voters in the deep south were still virtually nonexistent.

Answer:

3. **True or False.** It was once very common for citizens in some parts of the United States to have to pay a fee, known as a poll tax, before they could vote

Answer:

4. **True or False.** Can a state pass a law that denies convicted felons the right to vote until five years after completion of their full sentences?

Answer:

5. **True or False.** Can a state require a person to be a resident for at least a year before he or she can vote?

Answer:

6. **True of False.** Any person who votes in state elections may also vote in federal elections.

Answer:

7. **True or False.** A state can require everyone who registers to vote to pass a literacy test, with more difficult tests given to blacks than to whites?

Answer:

8. **True or False.** The federal government sets all rules about voting in the United States.

Answer:

9. True or False. Typically, citizens must register to vote one year in advance of an election.

Answer:

10. True or False. A pretrial lawyer can use his preemptory challenge and dismiss all black potential jurors without providing a reason.

Answer:

11. An individual has the right to a jury of their peers, even for many minor petty offenses.

Answer:

12. Match the Constitutional amendment to the groups enfranchised for federal elections.

(a) Women: 15th 19th 23rd 26th

(b) 18-year-olds: 15th 19th 23rd 26th

(c) Residents of the District of Columbia: 15th 19th 23rd 26th

(d) Previously enslaved persons: 15th 19th 23rd 26th

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POP QUIZ ANSWER SHEET

1. **False.** The Twenty-Sixth Amendment to the United States Constitution, adopted in 1971, guarantees the right to vote to citizens who are eighteen years and older.
2. **True.** This Act suspended the use of discriminatory tests that had been used in the southern states to prevent blacks from registering.
3. **True.** A specified sum of money or “poll tax” was levied on each person who voted in many jurisdictions in the early days of the republic, and even as recently as the 1960s in five Southern states. The tax often had the effect of blocking minorities and the poor from voting. Poll taxes as a prerequisite to voting were prohibited by the 24th Amendment to the U.S. Constitution, ratified in 1964. President Johnson , at ceremonies celebrating the ratification of the amendment, stated that by abolishing the poll tax the American people “reaffirmed the simple but unbreakable theme of this Republic: Nothing is so valuable as liberty and nothing is so necessary to liberty as the freedom to vote without bans or barriers... There can be no one too poor to vote.”

The U. S. Supreme Court in *Harper v. Virginia State Board of Elections*, 383 U.S. 663 (1966), struck down a similar poll tax as a violation of the equal protection clause of the Fourteenth Amendment. The Court said, “Voter qualifications have no relation to wealth nor to paying or not paying this or any other tax.” The Twenty-fourth Amendment abolished poll taxes in all federal elections.
4. **True.** This case is based on *Richardson v. Ramirez*, 418 U.S. 24 (1974), in which the Supreme Court held the equal protection clause of the Fourteenth Amendment does not prohibit a state from disenfranchising convicted felons who had completed their sentence and paroles. The Court relied heavily on Section Two of the Fourteenth Amendment, which allows for the abridgement of the franchise for “participation in rebellion or other crime.”
5. **False.** The Supreme Court in *Dunn v. Blumstein*, 405 U.S. 330 (1972), struck down a Tennessee law similar to this example. The Court said that residency requirements were not valid “unless the State can demonstrate that such laws are ‘necessary to promote a compelling government interest.’”
6. **True.** The Fifteenth Amendment says that no state may deprive any person of the right to vote regardless of race, color, or previous condition of servitude.

7. **False.** The Voting Rights Act of 1965 (as amended in 1970, 1975 and 1982) bans literacy tests as a requirement of voting. The Supreme Court in *South Carolina v. Katzenbach* upheld the constitutionality of this provision of the Voting Rights Act.
8. **False.** Individual states may legislate the matter of qualifications, although they cannot violate the U. S. Constitution, which prohibits discrimination on the basis of race or gender and protects the rights of persons 18 years of age and older to vote. An example of a permissible qualification is a state's requirement that a person be a resident of that state in order to vote.
9. **False.** The Voting Rights Act of 1965 requires that registration polls remain open until 30 days before an election.
10. **False.** The Supreme Court in *Batson v. Kentucky (1986)* ruled that this practice violates defendant's Sixth Amendment right to a jury drawn from a cross section of the community, and his Fourteenth Amendment right to equal protection of law.
11. **True.** In *Duncan v. Louisiana (1975)*, Justice White highlighted the importance of a jury in the administration of equal justice: "providing an accused with the right to be tried by a jury of his peers gave him an inestimable safeguard against the corrupt or overzealous prosecutor and against the compliant, biased, or eccentric judge."
12. **Women:** 19th Amendment, ratified in 1920. Previously, some states had permitted women to vote, but this amendment extended the right to all American women.

18-year-olds: 26th Amendment, ratified in 1971. In 1970, Congress extended the Voting Rights Act of 1965, the legislation that removed literacy tests and other discriminatory practices used to prevent blacks from voting. In doing so, Congress included a provision lowering the qualifying age for voting from 21 to 18 in all national, state and local elections.

Many states challenged this provision, arguing that it was unconstitutional for the federal government to establish voting qualifications for state and local elections. In *Oregon v. Mitchell*, 400 U.S. 112 (1970), the Supreme Court decided this constitutional issue. The Court held that Congress was empowered to lower the voting age for federal elections-thanks to the "Necessary and Proper" Clause of the Constitution, as well as several other provisions-but had exceeded its power by applying the lower age to state and local elections.

To comply with this decision, substantial sums of money would need to be expended to create separate election systems, one federal and one for all others, and to maintain different registration records. States farsightedly decided that such

a system would be too confusing, impractical and expensive to run. Thus, the Twenty-Sixth Amendment was proposed and approved by Congress in March 1971, and ratification completed barely four months later.

Residents of the District of Columbia: 23rd Amendment, ratified in 1961. The amendment permits residents of the District to vote for the president and vice-president-but does not give the District members of Congress or the Senate with full voting rights.

Previously enslaved persons: 15th Amendment, ratified in 1870. The Fifteenth Amendment was part of a natural progression in the amendments following on the heels of the Civil War. The Thirteenth Amendment outlawed slavery; the Fourteenth Amendment granted citizenship to all people born or naturalized in the United States. The Fifteenth Amendment-which states, “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,”-was designed to further protect the rights of the newly freed slaves by eliminating barriers to their voting.

In practice, however, many blacks in the South were not enfranchised by this amendment. In the years following the ratification of the Fifteenth Amendment, Southern states passed laws that in effect nullified the federal law. Some of these states required citizens to pay a fee, known as a poll tax, before being allowed to vote. In addition, grandfather clauses-limiting the voting right of blacks to those whose fathers or grandfathers voted before the Civil War-were added to the constitutions of several Southern states. Other barriers included “white primaries” and discriminatory literacy tests.