



Voting Rights Scholar Exchange Briefing Document

Join Jeffrey Rosen, president and CEO of the National Constitution Center, to examine the history of voting rights in America. Where in the Constitution are we given the right to vote? How was this right added through the amendment process and what actions have been taken to ensure voter equity?

- Watch the May 20 session here: <https://constitutioncenter.org/interactive-constitution/educational-video/scholar-exchange-voting-rights-in-america>

More helpful links:

- Watch recordings of all of our past Scholar Exchange sessions on our YouTube page: <https://www.youtube.com/user/ConstitutionCenter>
- Keep an eye out for new fall 2020 classes on our website: <https://constitutioncenter.org/interactive-constitution/classroom-exchanges/online-civic-learning-opportunities>

INTRODUCTION

Big Questions

- What does the Constitution say about voting rights? What's in there, and what isn't?
- Who can vote in America (and when)?
- Before the Constitution, who could vote, and which governments controlled the vote? (Federalism)
- How did Reconstruction transform voting rights in America? What were its limits?
- Which groups benefited from the 15th, 19th, 23rd, 24th, and 26th Amendments?

The Constitution

- Article I, [Section 2](#), [Section 3](#), and [Section 4](#)
- [Article II, Section 1](#)
- [12th Amendment](#)
- [14th Amendment](#)
- [15th Amendment](#)
- [17th Amendment](#)
- [19th Amendment](#)
- [23rd Amendment](#)
- [24th Amendment](#)



- [26th Amendment](#)

FOUNDING STORIES

Founding Era

- The original Constitution doesn't include a constitutional right to vote. Neither does the Bill of Rights. For the founding generation, voting wasn't considered a natural right. Therefore, the states had the power to decide the voting rights of their citizens.
- In the 1820s and 1830s—the Age of Jacksonian Democracy—we see a move towards universal white male suffrage. But we still see restrictions for many other groups, including women and African Americans.
- In 1848, abolitionists Elizabeth Cady and Lucretia Mott organized a convention to discuss women's issues in Seneca Falls, New York.
 - [Declaration of Sentiments](#): “We hold these truths to be self-evident; that all men and women are created equal.”
- In the 1857 *Dred Scott* decision, the Supreme Court denied citizenship to African Americans throughout the country.

The Reconstruction Era

- The [13th Amendment](#) abolished slavery.
- The [14th Amendment](#) overturned *Dred Scott* and wrote the Declaration of Independence's promise of freedom and equality into the Constitution.
- Under the [Reconstruction Act of 1867](#)—covering the ex-Confederate South—a large majority of the nation's African American men secured the right to vote. (Ten states in the South now protected African American voting rights under Military Reconstruction, but many in the border states didn't.)
- By 1868, Republicans began pushing in earnest for (what would become) the 15th Amendment. Many prominent suffragists also denounced the amendment because they viewed it as a new barrier to women's rights. This split the longstanding alliance between abolitionists and suffragists.
- The [15th Amendment](#) was ratified in February 1870.
- Congressional Republicans passed the [Enforcements Acts of 1870 and 1871](#) to protect voting rights under the new amendment. (However, many conservative Republicans and Democrats viewed this as an unprecedented intrusion into state authority.)
- Over time, white Southerners regained political power and suppressed African American voting rights—through a mix of violence and Jim Crow laws like poll taxes and literacy tests.

Later Amendments

- The [17th Amendment](#) provides for the popular election of U.S. Senators.
- The [19th Amendment](#) bans gender discrimination in voting.
- The [23rd Amendment](#) grants the District of Columbia three electors in the Electoral College—giving D.C. a voice in presidential elections.
- The [24th Amendment](#) bans poll taxes in national elections.
- The [26th Amendment](#) protects voting rights for those 18 and older.

Legislation

- [The Indian Citizen Act of 1924](#)
- [Voting Rights Act of 1965](#)



SUPREME COURT CASES

- [*Minor v. Happersett*](#) (1875)
- [*United States v. Reese*](#) (1876)
- [*Ex Parte Yarbrough*](#) (1884)
- [*Giles v. Harris*](#) (1903)
- [*James v. Bowman*](#) (1903)
- [*Myers v. Anderson*](#) (1915)
- [*Smith v. Allwright*](#) (1944)
- [*Colegrove v. Green*](#) (1946)
- [*Baker v. Carr*](#) (1962)
- [*Reynolds v. Sims*](#) (1964)
- [*Gomillion v. Lightfoot*](#) (1960)
- [*Harper v. Virginia Board of Elections*](#) (1966)
- [*Shaw v. Reno*](#) (1993)
- [*Rucho v. Common Cause*](#) (2019)

Relating to the Voting Rights Act of 1965

- [*South Carolina v. Katzenbach*](#) (1966)
- [*Shelby County v. Holder*](#) (2013)

Relating to Voter ID Laws

- [*Crawford v. Marion County Election Board*](#) (2008)

