

# Who Should Be Able to Vote?: Voting Requirements Past, Present, and Future

An Inquiry Pack to Accompany [LegalTimelines.org](https://www.legaltimelines.org)

**Inquiry Question:** In the future, what qualifications, if any, should be required in order to vote?

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**Teacher Note:** If you'd like to simplify or shorten this Inquiry Pack, you may choose to use only select sources. We recommend prioritizing the sources marked with a yellow star. ★

In this Inquiry Pack, those are Sources A, C, D, and F.

For guidance on accessibility strategies, graphic organizers, and additional instructional supports, please visit the Teacher Resources section at:

[https://legaltimelines.org/teacher-resources/.](https://legaltimelines.org/teacher-resources/)

## Introduction: Voting Requirements Past, Present, and Future

There have always been requirements to be eligible to vote in the United States. Throughout history they have ranged from identity requirements (e.g., gender, race, citizenship status, age, etc.) to residency requirements to wealth requirements and more. What, if any, requirements should people have to meet in order to vote in the United States?

### Past Voting Requirements

Through much of the United States' early history, the federal government had little to do with setting voting requirements. This is because the Constitution **delegates** that power to the states. However, the federal government does control citizenship status, which is one requirement to vote in national elections. Historically, the federal government denied citizenship to Black people, many immigrant groups, and Native Americans. Thus, these groups of people were denied the right to vote. Prior to 1920, women were typically denied the right to vote by state governments, even though they had legal citizenship.

State governments have a lot of power to set voting requirements. Many early state constitutions required that voters be white, property-owning, Protestant men. Over time, these requirements have changed. Wealth and religious requirements were usually the first to be dropped. This gave voting access to non-landowning white men and white men of all religions. Other state requirements, like those about race, sex, and age, were changed through **constitutional amendments**. The 14<sup>th</sup> and 15<sup>th</sup> Amendments helped establish Black men's legal right to vote by making it illegal to deny voting rights on the basis of race. The 19<sup>th</sup> Amendment granted **suffrage** to women. The 26<sup>th</sup> Amendment established the voting age as 18. Previously, many states set the voting age at 21.

After the Civil War, many states sought to get around the voting rights recently protected for Black men by creating seemingly **race-neutral** laws to **disenfranchise** them. Common strategies included **poll taxes** and **literacy tests**. Many Black men could not afford to pay poll taxes. They were also denied a good education, so many Black men also could not pass literacy tests. White men who could not pass such tests or pay the taxes could usually still vote. This is because many states allowed any person whose grandfather could vote to skip taking such tests or paying the poll tax. This let states deny Black men the vote while claiming that the restrictions were not about race. It was not until 1964 that poll taxes were made unconstitutional by the ratification of the 24<sup>th</sup> Amendment.

### Present Voting Requirements

Today, there are many requirements people must meet in order to vote. One requirement for almost all elections is citizenship. Many, but not all, states have a residency requirement, where a voter must live in their community for a certain number of days before they are eligible to vote. Another requirement is age. Nearly all states require voters to be 18 years of age or older. In many states, 17-year-olds are allowed to vote in primary and special elections if they will turn 18 by the general election. A few cities allow 16-year-olds to vote in local elections. As of 2024, 35 states have some form of a voter identification (ID) law, which requires voters to present valid identification in order to vote. In 10 states, people who have been convicted of **felonies** lose their rights to vote forever, as of 2024.

Many of these requirements are controversial, especially felon voting rights and voter ID laws. Opponents of these laws argue that they continue past obstacles to voting because they have an unequal impact on racial minorities. Others argue that these laws are fair. They say these laws protect against **voter fraud** and help ensure that honest, respectable citizens are allowed to vote.

In the future, what requirements do you think should exist in order to vote?

## Glossary

- **constitutional amendments**: changes to the Constitution
- **delegates**: gives a job to someone else
- **disenfranchise**: to prevent a person or group of people from having a right, especially the right to vote
- **felonies**: certain serious crimes that often involve violence and are punishable by more than one year in prison
- **literacy tests**: reading and writing tests
- **poll taxes**: a tax of a fixed amount of money that people must pay in order to vote.
- **race-neutral**: not based on or targeted to any specific race of people
- **suffrage**: voting
- **voter fraud**: illegally voting in an election (such as using a fake ballot or voting twice)

## State Voting Laws: Past

★ **Source A: “Many States Have Odd Election Laws” Article in *The Pensacola Journal* (1916)<sup>1</sup>**

<p><b>FONTAINE</b></p> <p>going the rounds of the United Miss Fontaine, who is introducing ic.</p> <hr/> <h1>MANY STATES HAVE ODD ELECTION LAWS</h1> <hr/> <p>By no means all the men of twenty-one in the country are qualified voters, for the varying laws of the states places certain restrictions on suffrage that becomes exceedingly important in presidential years.</p> <p>Florida bars “duelists and their abettors.”</p> <p>More than a dozen states bar delinquent taxpayers from voting.</p> <p>Michigan and several other states bar Indians with tribal relations.</p> <p>Mississippi bars from the voting privilege all Indians who are not taxed.</p> <p>Ability to read the state consti-</p>	<p>tution is a necessary qualification in Wyoming.</p> <p>Vermonters cannot vote if they lack the approbation of the local board of civil authority.</p> <p>Vagrants are not voters in Alabama, nor are embezzlers of public funds, if there are any such, in California.</p> <p>Idiots, the insane persons convicted of felonies are barred from the voting privilege in nearly all the states.</p> <p>Delaware, New Jersey, South Carolina, Virginia and most of the New England states penalize pauperism by taking away the voting privilege.</p> <p>Mississippi puts up the bars against bigamists and New York specially disqualifies from voting any person who has been convicted of bribery.</p> <p>Until a comparatively recent date several of the states denied the franchise to “unamnestied Confederates against the United States.”</p> <p>Ohio refuses to let United States soldiers, sailors or marines vote, as do Virginia, Utah, Texas, South Dakota, Oregon, New Jersey, Montana, Missouri, Indiana and Arizona.</p> <p>As practically every state bars con-</p>	<p>viets from the voting privilege and there are more than 100,000 convicts in the prisons of the country, election day will mean nothing to a whole army of them.</p> <p>Two years' residence is a necessary qualification for voting in nearly all of the southern states, while one year and in many cases only six months' residence is required in other sections of the country.</p> <p>The residents of the District of Columbia have never enjoyed the right to vote for president or other national officers, since the territory embraced in it was ceded to the United States and became the seat of the federal government.</p> <p>Women will vote in this general election in twelve states, Illinois Colorado, Kansas, Wyoming, Montana, Utah, Arizona, Idaho, Washington, Oregon, California, and Nevada, a fact which the national campaign managers of all parties have taken into consideration. These states' representation in the electoral college amounts to 91 votes. It is easily conceivable that if voting as a unit, the women might decide the election, as there are more than 4,000,000 to vote.</p>
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**Source A Information:** This article is from the November 6, 1916, edition of *The Pensacola Journal*, based out of Pensacola, Florida. The article shares current voting laws in dozens of states across the country at the time. ([See source at Library of Congress.](#))


*Glossary of key terms from the source:*

- *approbation*: approval
- *bigamists*: people who marry someone while still being legally married to someone else
- *“duelists and their abettors”*: people who participate in a pre-arranged fight and the people who help them in their fight
- *embezzlers*: people who steal money that others have trusted them with
- *felonies*: certain serious crimes that often involve violence and are punishable by more than one year in prison
- *pauperism*: being financially supported by the government because of lack of wealth
- *“Unamnestied Confederates against the United States”*: people who previously fought for the South in the Civil War who did not pledge an oath of allegiance to the United States after the Civil War ended
- *vagrants*: people without homes

**Source B: “To the Colored Men of Voting Age in the Southern States” (1900)<sup>2</sup>**

## The Things that Qualify a Colored Man to Vote in the Southern States

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N order that you may know what will be demanded of you to vote under the Constitutions and laws of the several Southern States, we give below the substantial requirements of each, to wit :—

IN Alabama, Louisiana, Mississippi, North Carolina, South Carolina, Virginia and Tennessee

*YOU MUST PAY YOUR POLL TAX.*

*YOU MUST REGISTER AND HOLD YOUR CERTIFICATE OF REGISTRATION.*

*If you can read and write you can register.*

IN Alabama, Louisiana and South Carolina

*If you cannot read and write you can register if you own \$300 worth of property.*

IN Arkansas and Georgia

*YOU MUST PAY YOUR POLL TAX.*

IN Florida, Kentucky, Texas and West Virginia

*You must reside in the State.*

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*A man convicted of almost any crime may be barred from voting.*

### General Advice

You are urged to pay all of your taxes at the required time, and especially your poll tax which is by the Constitution of every Southern State made a special fund for the support of the free public schools.

You are also admonished against the commission of any crime, great or small, as the conviction of almost any crime will deprive you of your right to vote, and put upon you lasting shame and disgrace.

It is especially urged that as voters you should seek to be on friendly terms with your white neighbors in the communities in which you live, so that you may consult with them about your common interests; and that you should ally yourselves with the best people in your community for the general good. It is of the utmost importance to the race, and it cannot be urged too strongly upon your attention that nothing should influence your vote except a desire to serve the best interests of the country, and of your State.

**Source B Information:** This pamphlet was published around 1900 by the Press of E.A. Wright in Philadelphia, PA. The first page provides an overview of common voting laws in Southern states, and the next several pages review specific state laws. The “General Advice” section is on the last page in the pamphlet. (See source at [Library of Congress](#).)

### Questions to Consider for Sources A and B:

1. **Observe:** What voting requirements are mentioned in each of the sources?
2. **Reflect:**
  - a. How are these sources connected to one another?
  - b. Which voting requirements mentioned in these sources seem fair and which seem unfair?
  - c. What do you think was the purpose of the second source (“To the Colored Men of Voting Age...”)? In particular, what does it tell you about voting requirements for Black men in the South?
3. **Question:** Write one question you have about these sources.

## State Voting Laws: Present

### ★ Source C: Opinions in *Crawford v. Marion County Election Board* (2008)<sup>3</sup>

#### Concurring Opinion

There is no question about the legitimacy or importance of the State's interest in counting only the votes of eligible voters. Moreover, the interest in orderly administration and accurate recordkeeping provides a sufficient justification for carefully identifying all voters participating in the election process. While the most effective method of preventing election fraud may well be debatable, the propriety of doing so is perfectly clear.

#### Dissenting Opinion

The Indiana Voter ID Law is thus unconstitutional: the state interests fail to justify the practical limitations placed on the right to vote, and the law imposes an unreasonable and irrelevant burden on voters who are poor and old. I would vacate the judgment of the Seventh Circuit, and remand for further proceedings.

**Source C Information:** In 2008, the Supreme Court heard the case of *Crawford v. Marion County Election Board*. In the case, the Court had to determine whether an Indiana law requiring that all voters present photo identification was constitutional. The state of Indiana (Marion County Election Board) won in a 6-3 ruling. The Court's decision was issued in two opinions, one written by Justice Stevens (above) and another written by Justice Scalia. There were two dissenting opinions (meaning opinions that did not agree with the ruling). The one above was written by Justice Souter and joined by Justice Ginsburg. ([See source at Justia.](#))

*Glossary of key terms from the source:*

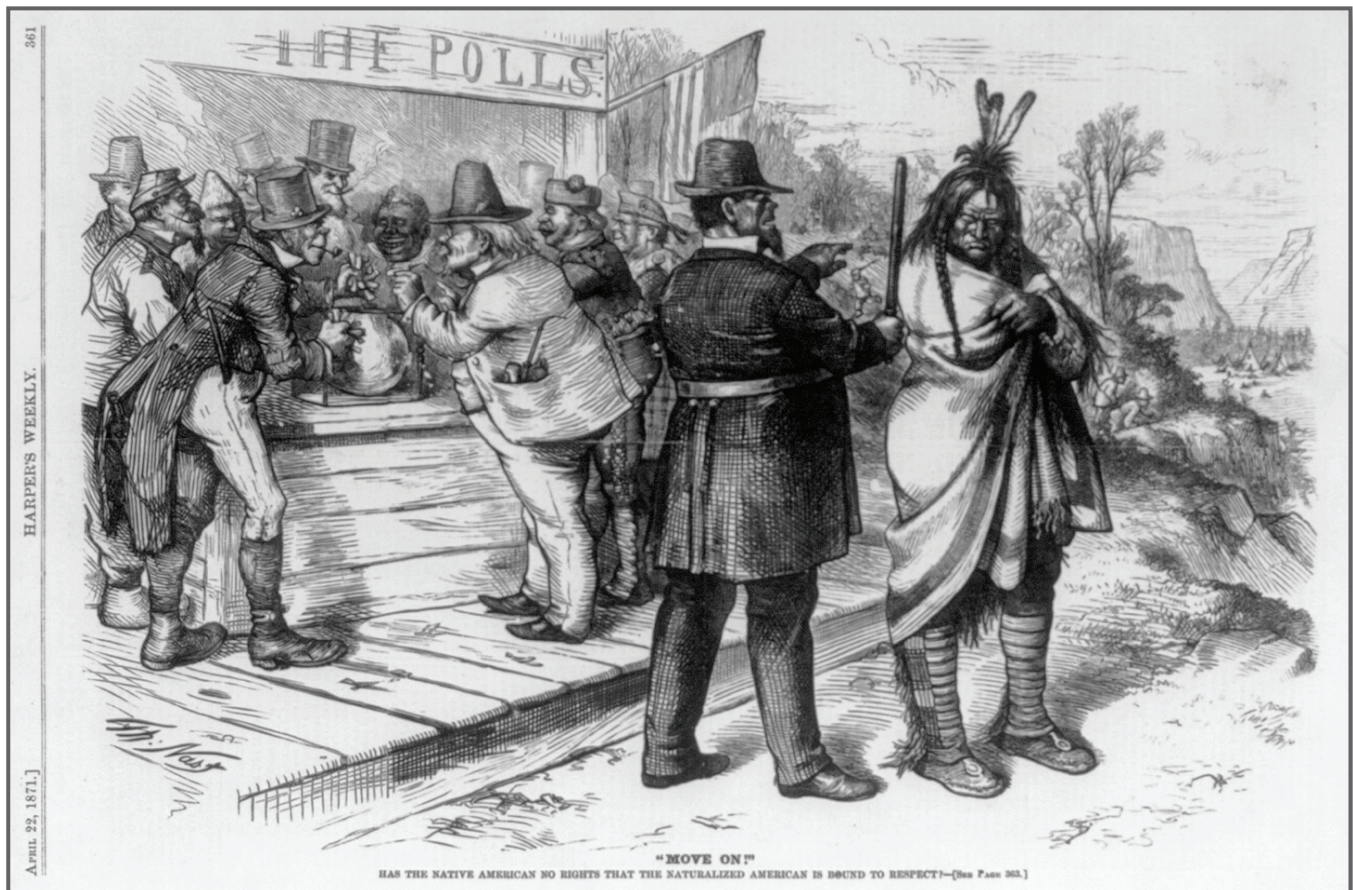
- *administration*: management of a process
- *fraud*: using lying or deception to gain something—e.g., lying in order to vote twice in one election
- *legitimacy*: being lawful because it is allowed or supported by the law
- *propriety*: correctness, acceptability
- *state interests*: the benefits to the state
- *vacate*: cancel

**Questions to Consider for Source C:**

- 1. Observe:** What do you notice about this source?
- 2. Reflect:**
  - a. What clashing interests are presented in the concurring and dissenting opinions?
  - b. Which interest would you agree with?
- 3. Question:** Write one question you have about this source.

## Federal Voting Laws: Past

### ★ Source D: “Move On!” Editorial Cartoon by Thomas Nast (1871)<sup>4</sup>



### Transcription of Source D

**“MOVE ON!”**  
HAS THE NATIVE AMERICAN NO RIGHTS THAT  
THE NATURALIZED AMERICAN IS BOUND TO RESPECT?

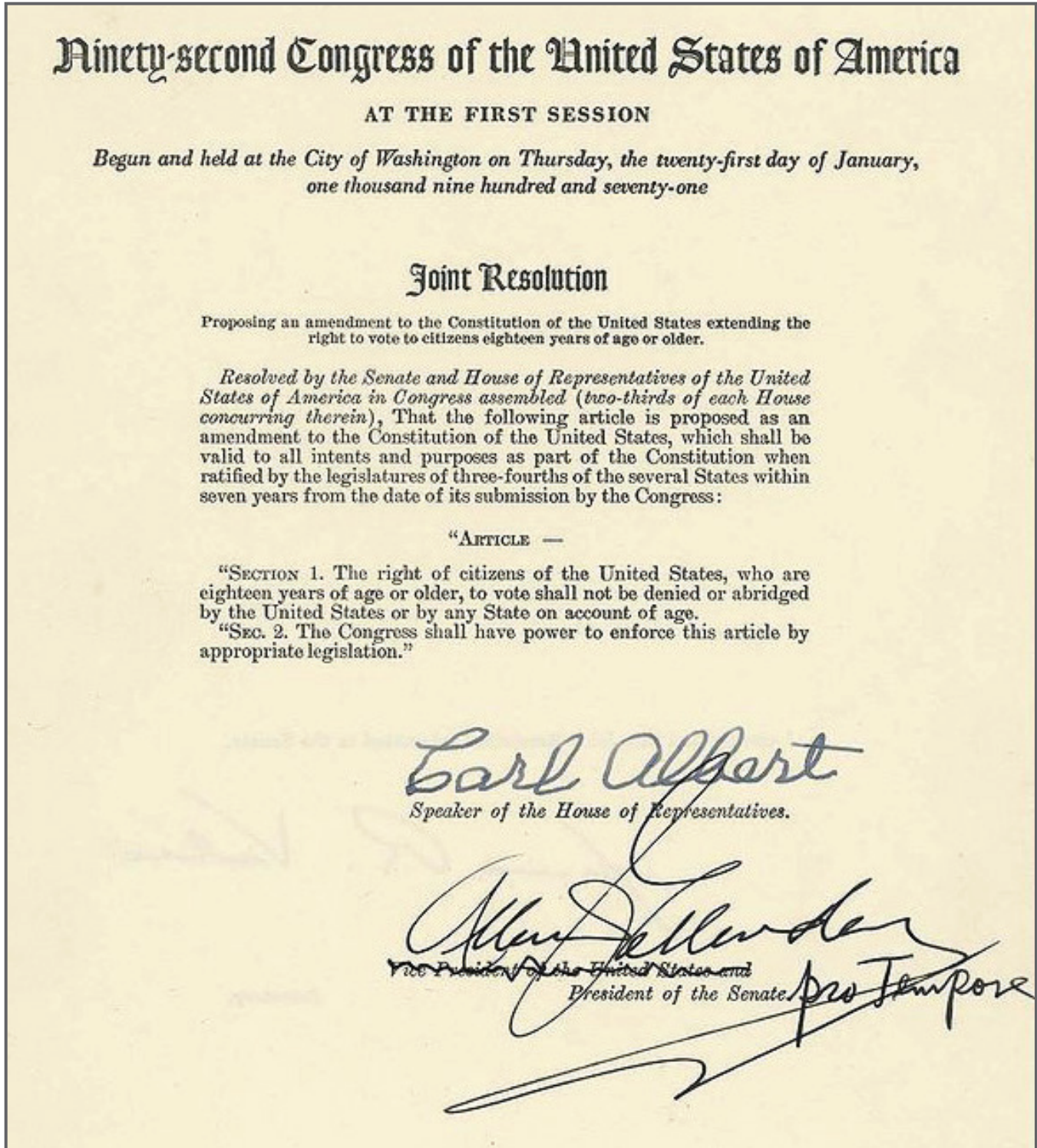
**Source D Information:** This Thomas Nast cartoon was published in *Harper's Weekly* on April 22, 1871. Nast was a popular editorial cartoonist and spent much of his career working for *Harper's Weekly*, a political magazine based out of New York. The text at the bottom of the cartoon is similar to a line in the majority opinion from the *Dred Scott v. Sandford* (1857) case, in which the Court ruled that Black people were not U.S. citizens. In that case, the Court wrote, “[Black people] had no rights which the white man was bound to respect.” About 10 years after the publication of this cartoon, John Elk, a Native American man who gave up his tribal affiliation, lost his bid to be able to vote when the Supreme Court ruled that the 14<sup>th</sup> Amendment’s Citizenship Clause did not apply to Native Americans. The 1924 Indian Citizenship Act eventually granted all Native Americans citizenship and the right to vote. ([See source at Library of Congress.](#))

**Questions to Consider for Source D:**

- 1. Observe:** What images and symbols do you see? What might they mean?
- 2. Reflect:**
  - a.** What does this source tell you about voting requirements imposed by the federal government?
  - b.** What message is the source trying to convey?
- 3. Question:** Write one question you have about this source.

## Federal Voting Laws: Present

**Source E: Joint Resolution Proposing an Amendment to Extend Voting Age to 18 (1971)<sup>5</sup>**



## Transcription of Source E

### JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States extending the right to vote to citizens eighteen years of age or older.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein),* That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

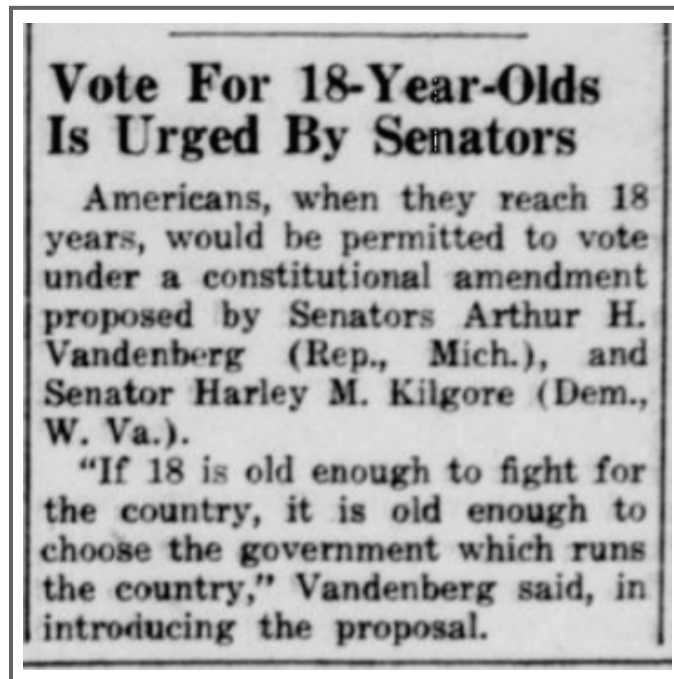
“Article—

“SECTION 1. 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.

“SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.”

**Source E Information:** In March 1971, the 26<sup>th</sup> Amendment to the Constitution was proposed. It was ratified (approved) by three-fourths of the states by July 1, 1971. The Vietnam War played a major role in building support for this amendment’s success. At the time, 18-year-olds were drafted by the U.S. military to fight a war but were not of legal age to vote. “Old enough to fight, old enough to vote” became a common slogan during that time. ([See source at Wikimedia.](#))

★ **Source F: “Vote for 18-Year-Olds Is Urged By Senators” *The Potters Herald* (1947)<sup>6</sup>**



Transcription of Source F

Vote For 18-Year-Olds  
Is Urged By Senators

Americans, when they reach 18 years, would be permitted to vote under a constitutional amendment proposed by Senators Arthur H. Vandenberg (Rep., Mich.), and Senator Harley M. Kilgore (Dem., W. Va.).

“If 18 is old enough to fight for the country, it is old enough to choose the government which runs the country,” Vandenberg said, in introducing the proposal.

**Source F Information:** Several politicians supported decreasing the voting age to 18 prior to the 26<sup>th</sup> Amendment’s ratification in 1971. For example, long before the 26<sup>th</sup> Amendment, President Dwight D. Eisenhower advocated for it in his 1954 State of the Union address. This short article from *The Potters Herald* (Ohio) was published in 1947. Although the proposed amendment was not ratified at the time, it paved the way for the successful ratification of the 26<sup>th</sup> Amendment in 1971. ([See source at Library of Congress.](#))

**Questions to Consider for Sources E and F:**

- 1. Observe:** What do you notice about each source?
- 2. Reflect:**
  - a.** What do these sources tell you about voting requirements?
  - b.** Do you agree or disagree with Senator Vandenberg’s reasoning to support the amendment in Source F?
- 3. Question:** Write one question you have about these sources.

## **Inquiry Question**

**In the future, what qualifications, if any, should be required in order to vote?**

Explain your answer using the timeline and available documents.

## **Inquiry Extension Question**

**Should the age limit for voters in your state be different from what it is now? Why or why not?**

Explain your answer using your own research, the timeline, and available sources.

## Notes

<sup>1</sup> “Many States Have Odd Election Laws,” *The Pensacola Journal*, November 6, 1916. From Library of Congress Chronicling America, <https://chroniclingamerica.loc.gov/lccn/sn87062268/1916-11-06/ed-1/seq-3/>.

<sup>2</sup> “To the colored men of voting age in the southern states,” Pamphlet, [190-?]. From Library of Congress African American Pamphlet Collection, <https://www.loc.gov/resource/rbaapc.33200/?sp=4>.

<sup>3</sup> *Crawford v. Marion County Election Board*, 553 U.S. 181 (2008). From Justia, <https://supreme.justia.com/cases/federal/us/553/181/>.

<sup>4</sup> Thomas Nast, “Move On!” Illustration, *Harper’s Weekly*, April 22, 1871. From Library of Congress Prints and Photographs Online Catalog, <https://www.loc.gov/resource/cph.3b25032/>.

<sup>5</sup> “Joint Resolution Proposing the Twenty-sixth Amendment to the United States Constitution,” Photograph, 1971, Wikipedia, [https://upload.wikimedia.org/wikipedia/commons/b/b0/26th\\_Amendment\\_Pg1of1\\_AC.jpg](https://upload.wikimedia.org/wikipedia/commons/b/b0/26th_Amendment_Pg1of1_AC.jpg).

<sup>6</sup> “Vote For 18-Year-Olds Is Urged By Senators,” *The Potters Herald*, March 13, 1947, From Library of Congress Chronicling America, <https://chroniclingamerica.loc.gov/lccn/sn78000533/1947-03-13/ed-1/seq-5/#date1=1935&index=0&>.