

CHALLENGES FOR DEMOCRACY

Voting: Rights and Suppression

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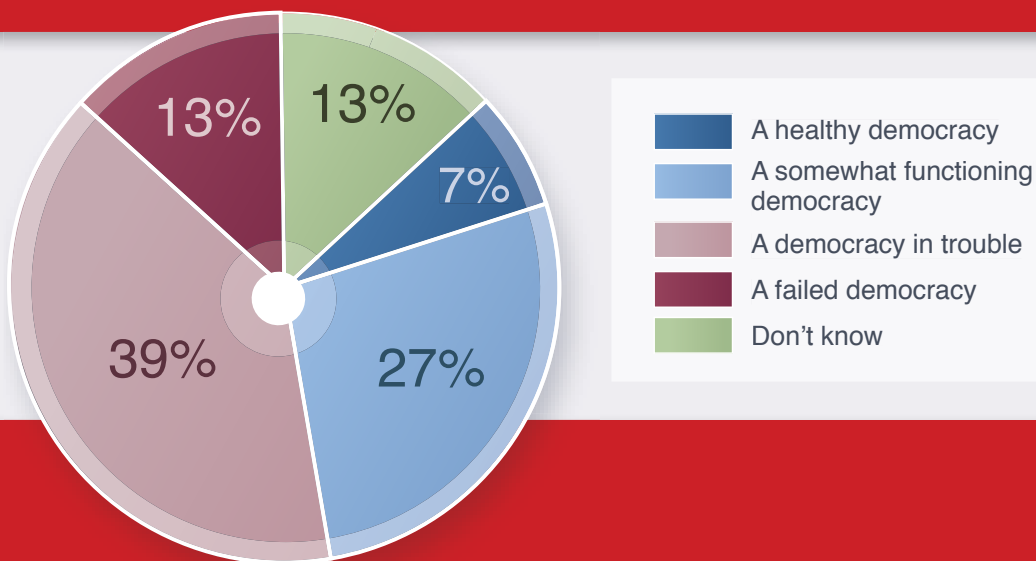
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★ Young Americans Have Low Opinion of US Democracy ★

American democracy has been experiencing many challenges. Foremost among those challenges is the widespread perception that US democracy is either “in trouble” or “failing.” This is the view of a majority of young Americans, age eighteen to twenty-nine. A national poll conducted in Fall 2021 by the Harvard Kennedy School Institute of Politics finds that only 7 percent of young adults view the United States as a “healthy democracy.”

Which of the following phrases best describes the United States today?



Source: “Harvard Youth Poll,” Harvard Kennedy School Institute of Politics, December 1, 2021.
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CHAPTER ONE

Voting Rights in the United States

Throughout American history, millions of people have been shut out of the voting process. When the US Constitution was enacted in 1783, the vote was only available to White, male property owners. Most states began allowing White men who did not own property to vote during the 1840s. Black men could not vote until 1870, when they were granted voting rights by the Fifteenth Amendment to the Constitution: “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 guarantee of voting rights, Black Americans were restricted by onerous laws that prevented them from voting in southern states for nearly a century. Women, who began fighting for voting rights in the 1850s, could not vote until 1920, when the Nineteenth Amendment was added to the Constitution. Native Americans could not vote in most states until 1924.

The ability to cast a ballot is one of the most hard-won rights in American history. But in 2020 only about two-thirds of the voting-eligible population voted in the presidential election. And this was the highest percentage in at least sixty years. Voter participation was greater than usual because of a unique set of circumstances surrounding the election. According to the Pew Research Center, 83 percent of Americans said it really mattered who won in the bitter fight between Trump and Biden. Another factor was the COVID-19 pandemic, which was killing thousands of people ev-

ery day around the time of the November election. Most states sent mail-in ballots to all registered voters to reduce face-to-face contact at the polls. This made it much easier for people to cast a ballot and undoubtedly helped increase voter participation.

Even with the higher-than-usual turnout in 2020, one-third of the electorate, or around 80 million Americans, did not vote. And the number of nonvoters in midterm elections, held between presidential elections, is usually much higher. In the 2018 midterms only around half of voting-age citizens cast a ballot. During the 2014 midterms voter turnout was a dismal 42 percent.

Millions of voters are apathetic; they dislike politics or believe their votes do not matter. Some are discouraged from voting in presidential elections because of the way presidents are picked through the Electoral College. This system, outlined in the Constitution, grants states the right to pick the president depending on the outcome of the popular vote in their state. In states that are dominated by one party, those in the opposing party have little reason to vote for a president since their votes will be outnumbered when it comes to choosing the president in the Electoral College.

Factors other than apathy help drive down voter turnout. Since the early 2010s dozens of states have made it harder to vote. Florida, Tennessee, Kentucky, and other states cut off voter registration around one month before an election. Voters who do not plan ahead by registering to vote cannot cast a ballot on Election Day. At least thirty-three states have voter identification requirements that shut out voters who lack a driver's license or other form of official ID. Some states also have complex bureaucratic processes that make voting by mail difficult. According to researcher Sean McElwee at the voting reform think tank Demos, "This new generation of election policies and rules are targeted at certain groups and disproportionately affect people of color, people who are poor, and young people."⁸



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—Sean McElwee, voting reform researcher

States Make the Rules

Voting rights remain a contentious issue in the twenty-first century because of the way the US Constitution was written in the 1780s. The elections clause in the Constitution empowers the states to determine the “Times, Places, And Manner” of elections. This means there are no centralized rules that govern elections for the entire country. Legislators in each state decide how people register to vote, how votes are counted, how fraud is prevented, and other issues that govern voting processes. This means that voting can be very easy in one state and very difficult in another. This is not the case in most democracies, where one set of rules governs all elections within that country. For example, German voters follow the same election rules in the state of Bavaria as they do in the state of Saxony.

The election powers granted to state legislators were responsible for one of the longest-running battles over voting rights in US history. In the decades after the Civil War, states in the South

In the 2020 election, most states sent voters mail-in ballots that they could complete at home and drop in a mailbox. This made it easier to vote and is believed to have increased voter participation.



The Electoral College

In the twenty-first century, two men were elected president after losing the popular vote: George W. Bush in 2000 and Donald Trump in 2016. This was due to a feature of American democracy called the Electoral College. This system for picking a president and vice president was established in the Constitution.

When voters go to the polls every four years to elect a president, they are not technically voting for the candidate of their choice. They are voting for a slate of delegates, called electors, who represent their state in the Electoral College. After the election, the electors cast their votes for the candidate who won the popular vote in their state. Although presidential candidate Hillary Clinton received 2.8 million more votes than Trump in 2016, she won the popular vote in fewer states. When all the electoral votes were counted, Trump received 306 while Clinton received 238.

Many Americans think the Electoral College is archaic, antidemocratic, and outdated. In a 2021 Pew Research Center poll, 55 percent of Americans surveyed said that the winner of the popular vote nationwide should win the presidency. Only 43 percent supported the Electoral College.

passed dozens of laws to prevent Black Americans from voting. Since the right to vote is called the franchise, the effect of these laws is referred to as disenfranchisement. The voting struggle of civil rights activist Fannie Lou Hamer is perhaps one of the best-known examples of Black disenfranchisement.

In the early 1960s Hamer lived and worked on a plantation in Sunflower County, Mississippi. At the time Black people made up 65 percent of the population in Mississippi, but only 2 percent were registered to vote. Whites, who made up 33 percent of the state, held all political offices. White people in Mississippi and other states throughout the South held on to power through state laws that made it nearly impossible for Black people to vote.

When Hamer tried to register to vote in Indianola, Mississippi, in 1962, she had to fill out a registration document, officially called a literacy test, which contained twenty-one questions. Literacy tests were only given to Black citizens who tried to register to vote. Small errors in filling out the form, such as missing a comma in the date, would lead to immediate disqualification. When Hamer tried to register, one of the questions on the literacy test

required her to write a paragraph explaining the meaning of complex regulations in the Mississippi state constitution. Hamer could not provide a response that was satisfactory to the county clerk, and she was not allowed to register to vote.

The day after Hamer attempted to practice her constitutional right to register to vote, she was fired from her job. She was also evicted from the plantation where she had lived for eighteen years. Undaunted, Hamer studied the state constitution and passed the literacy test in January 1963. But when she tried to vote in the primary election the following March, she could not cast a ballot. She was told she had failed to pay what was called a poll tax. The Mississippi poll tax was two dollars, equal to around twenty dollars in 2021. Hamer paid the poll tax and voted. She went on to become one of the leading voting rights activists of the 1960s. But on various occasions Hamer was arrested, severely beaten, and shot at for trying to exercise her voting rights.

Passing the Civil Rights Act

Literacy tests and poll taxes were enforced in Alabama, Georgia, Louisiana, South Carolina, Virginia, and elsewhere. In some states, like Louisiana, the literacy tests contained confusing, convoluted questions that were impossible to answer. The late civil rights activist and former US representative John Lewis once described the onerous test administered by county clerks in his home state of Alabama:

[The literacy test] was a sixty-eight-question survey about obscure aspects of state and federal regulation. Citizens might be asked to recite verbatim long portions of the U.S. Constitution. Some were even asked irrelevant questions such as the number of bubbles in a bar of soap. Black people with Ph.D. and M.A. degrees were routinely told they did not read well enough to pass the test.⁹



Fannie Lou Hamer, pictured here in 1964, was arrested, beaten, and shot at for trying to exercise her voting rights in Mississippi during the 1960s.

Many of those who overcame ballot box barriers had to then face violence from racist organizations, including White Citizens' Councils and the Ku Klux Klan. As Lewis wrote in 2005, "People who tried to register to vote or who encouraged black citizens to register were arrested, jailed, beaten, and killed. Some were fired from their jobs, separated from their families, evicted from their homes, and threatened with the loss of everything they had."¹⁰

The issue of voter suppression in the South made national headlines for years before the government finally acted. Congress passed the Voting Rights Act of 1965



"People who tried to register to vote or who encouraged black citizens to register were arrested, jailed, beaten, and killed."¹⁰

—John Lewis, civil rights activist

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