



The Gilder Lehrman Institute & Annenberg Public Policy Center:
The Civic Mission of the Nation

Voting Rights

by Liette Gidlow, PhD

Who has the right to vote in the United States? And when and why has the answer to that question changed over time? Americans have long been captivated by stories that describe the United States as a nation that has continually grown more democratic over time. The idea is that sure, American democracy hasn't always been perfect, and, a long time ago, people of color and women of all races were excluded, but eventually those mistakes were fixed and America evolved into the true democracy it is today.

Historians, however, know that the history of voting rights in this nation is far more complicated. Laws about who can vote have always varied by state and changed over time. The explanation for this lies in the US Constitution—in both what it says and what it does not. The Elections Clause (Article I, Section 4) specifies that state governments get to decide the details of who can vote, and when, and how, but nowhere does the Constitution guarantee to anyone an affirmative right to vote. So states have enacted the laws spelling out qualifications for voting and changed them from time to time to reflect the political pressures of the day. The long history of voting rights in the US is not a story of perpetual democratic expansion; rather, it is a story of a perpetual contest over who can vote.

So how has the American electorate changed over the nation's history? The short answer is that while it has grown much larger, the US has never been a nation with universal suffrage or even "universal manhood suffrage." Rather, ballot access has often been granted to persons with the particular characteristics—gender, race, ethnicity, or class background—favored in that era.

When the Constitution was ratified in 1788, most states limited suffrage to "freeholders" (land owners) or taxpayers, almost all of whom were White men of means. Still, as late as 1810, most states did not require that voters be White, and Black men who were freeholders are known to have voted in at least five states. By the 1830s, most White men over 21 were enfranchised regardless of their economic status. A majority of states even granted alien suffrage, allowing European immigrant men to vote if they had begun, but not yet completed, the process of becoming citizens.

But as White men's ballot access expanded, Black men's ballot access shrank. In the 1830s, new states entered the Union with constitutions that required that voters be White men, and three states that had long permitted Black men to vote revoked the privilege despite the outcry from Black communities.

The aftermath of the Civil War brought great changes to voting rights laws. The Reconstruction Act (1867) required seceded states both to enfranchise Black men and to disenfranchise former Confederates. In 1867 and 1868, Black men voted widely in the South for the first time. In 1870, the Fifteenth Amendment was ratified. It barred all states from denying suffrage on the basis of race, bringing Black men into the electorate in the many states outside the South that still had race restrictions on the books. In southern states, however, Black men's voting rights quickly eroded, the victim first of election violence perpetrated by resentful Whites and then of legal changes that in effect blocked them from the polls. Women, most of them White, gained full suffrage first in federal territories, led by Wyoming in 1869. More states granted voting rights to women before a federal amendment, the Nineteenth Amendment, was ratified in 1920. But despite the Fifteenth and Nineteenth Amendments, many people of color, including African Americans in the South, many Spanish speakers in the South and West, American Indians, and Chinese Americans and Japanese Americans found that they still could not vote.

After World War II, a fresh wave of activism by Black Americans created a path to the ballot box not only for southern Blacks but for other disenfranchised groups as well. In 1965, Congress finally passed the Voting Rights Act (VRA), which created robust federal oversight of elections in places with a history of disenfranchisement and effectively extended voting rights on a mass basis to southern Blacks and to Americans whose primary language was not English. The Twenty-Fourth Amendment in 1964 and the Twenty-Sixth Amendment in 1971 further extended voting rights by abolishing poll taxes and dropping the voting age to eighteen.

Political developments since about 2010, however, have cracked the consensus behind the VRA. The Supreme Court reversed course and struck down the VRA's key enforcement provisions in *Shelby v. Holder* (2013). More recently, public concerns about fraud have fueled a push to raise barriers to the ballot. According to the [Brennan Center](#), nineteen states passed legislation to restrict ballot access in 2021 alone.

In short, today's debates over voter qualifications echo similar debates across nearly 250 years of American history. The right to vote in the United States has never been guaranteed: it has always been precarious, contingent, and contested.

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