

How Did We Get to 100 Years?

The United States is a republican government, meaning citizens choose representatives to work on their behalf. For the land of the free and home of the brave, minorities felt like a burden since their voices were muted and no one cared what they wanted. Before the 15th and 19th Amendments, certain groups felt silenced, specifically, African Americans and females; alienated from the rest of the country. Their part to play in the country wasn't to enjoy their freedom; instead, live and serve. The right to universal suffrage for minorities was the catalyst for an increase of reform.

For a long period of time, the African American community struggled to gain respect. With the ratification of the 15th Amendment in 1870 minorities were finally recognized. This amendment states that citizens could not be denied the right to vote on race, color, or previous servitude, and that congress has the power to enforce the Amendment through appropriate legislation.¹ This can be seen with the Voting Rights Act of 1965, ensuring both the 14th and 15th Amendments. Unfortunately, females' voices were not heard until 50 years later. The ratification of the 19th Amendment in 1920, finally granted all women the right to vote.

It's a continuous battle for suffrage. The pinnacle started when Susan B. Anthony was put on trial for voting in the 1872 presidential election.² The female suffragists relied on the hope of the Supreme Court to give females a voice. Another important court case that gained attention was Minor v. Happersett 1874. Virginia and Francis Minor, female suffragists, were barred from registering to vote because Missouri law restricted the right to male suffrage only. The Minors sued because they felt their privileges and immunities of citizenship were being violated, in a unanimous decision the right of suffrage was not protected by the 14th Amendment because protected privileges of citizens didn't include voting³. Another important case to set precedents is Elk v. Wilkins in 1884. Native American John Elk was denied the right to vote after he left his reservation and began living in a predominantly white state, Nebraska. He sued under the 14th Amendment citizenship clause, and the 15th Amendment guaranteeing all men have the right to vote. Siding with Wilkins, the 14th and 15th Amendment did not apply to Native Americans who were not natural born, and the only way a non U.S. citizen could become one is through the naturalization process.

Despite the 14th, 15th, and 19th Amendments, the right to vote was taken away by white supremacists through a number of voter restrictions including annual poll taxes, literacy tests, and grandfather clauses. A case regarding voting barriers is Harper v. Virginia Board of Elections 1966. Virginia resident Annie Harper couldn't pay the state poll tax of \$1.50, and filed suit claiming the tax deprived indigent residents of their right under the Equal Protection Clause, 14th Amendment. The court agreed that it violated the Equal Protection Clause, setting a new precedent that voting had no connection to wealth. Another barrier case is South Carolina v. Katzenbach 1966. The Voting Rights Act of 1965 prevented states from using a test or device to deny a citizen the right to vote, but did this act violate state

¹ Richard H. Pildes and Bradley A. Smith, *The Fifteenth Amendment*, Common Interpretation, 2020.

² Salman Khan, *The Nineteenth Amendment*, APUSH: KC-7.1.II.B (KC), PCE (Theme), Unit 7: Learning Objective D, 2016.

³ Allison Lange, Ph.D, *Minor v. Happersett*, The Legal Case of Minor v. Happersett, 2015.

rights to implement and control elections? With the enforcement clause, Congress had the power to prevent racial discrimination voting through legislation, as well as enact the Voting Rights Act in full force. The majority of those barriers have vanished, but new ones arise in the 21st century with voter identification, language barriers, poll purges, facility closures, lack of funding for elections, provisional ballot requirements, and reduced hours.

In spite of the obstacles, some states have been incorporating new laws to aid the most conventional form of political participation. Florida, Nevada, and Colorado created legislation to help citizens. Colorado was the first to enact change with Voter Access and Modernized Elections Act 2013. This changed the voting eligibility of residents living in state and precinct at least 30 days prior to election now to 22 days and no minimum time of living by a precinct.⁴ In 2018, Florida passed Voting Rights Restoration for Felons Initiative, restoring the right to vote after prison time, parole, and probation. Another state to join was Nevada's Assembly bill 431 in 2019. The bill stated that any Nevada felon is immediately restored the right to vote upon the individuals release from prison. Before Nevada's new voting act for felons, the government wanted to make voter registration as easy as possible to increase voter turnout. The Automatic Voter Registration System (AVR) in 2018 streamlines the process of registering to vote at the DMV, serving a benefit to Nevada. AVR will fix common issues such as address change, paper form delays, and keep voter information secured.⁵ Nevada, Florida, and Colorado are implementing changes for the most important aspect to America's republic government.

The Judicial Branch practices Judicial review, the process of deciding whether the law is constitutional or not. The Supreme Court protects civil liberties of citizens through interpretation of the amendments and Bill of Rights. If a law is passed that violates civil liberties, the court can force states to adhere to the U.S. Constitution. The Judicial branch demonstrated their importance in voting in a 5-4 vote of the unconstitutional Voting Rights Act of 1964 Section 4. Nine southern states changed their elections with no federal approval, and practiced racial gerrymandering. The Act required that states must receive clearance from the Justice Department before changing voting procedures.

American voting is ranked 31st in voter turnout, below the spectrum compared to Belgium and Turkey whose voting rates are around 86.4% and climbing. However, solutions for America are allowing people to register on election day, a none of the above suggestion, rank candidate system, required votes, or switching election day to the weekend. There's an endless amount of possibilities to help increase voter turnout for America, the only step left is to put it into action.

⁴ ACLU of Colorado, *HB13-303: Voter Access & Modernized Elections Act*, Voting Rights, 2013.

⁵ ACLU of Nevada, *Support Automatic Voter Registration*, Voting Rights, 2018.

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