



Voter Qualifications

2022

Presented by the Oklahoma State Election Board

Introduction

- ▶ At times in our history, voting requirements were very restrictive. The following exercise is intended to demonstrate how many people once were prevented by law from voting.
- ▶ For purposes of this demonstration, if you are under 18, pretend that you are 18.

Everyone please stand up

Sit down if:

- ▶ You do not own property
 - ▶ If you are under 18, sit down if your family does not own property
- ▶ You are not white
- ▶ You are not male
- ▶ You do not have \$1.50 to pay to be able to vote
- ▶ You do not have \$30 to pay to be able to vote
- ▶ You have not lived in this state for at least 3 years
- ▶ You cannot read English
- ▶ You are under the age of 21

If you're still standing up, please sit.

These requirements were, at one time, all requirements for voting.

If those requirements were still in effect today, and if you had to sit down when one of them was read, you would not be eligible to vote.

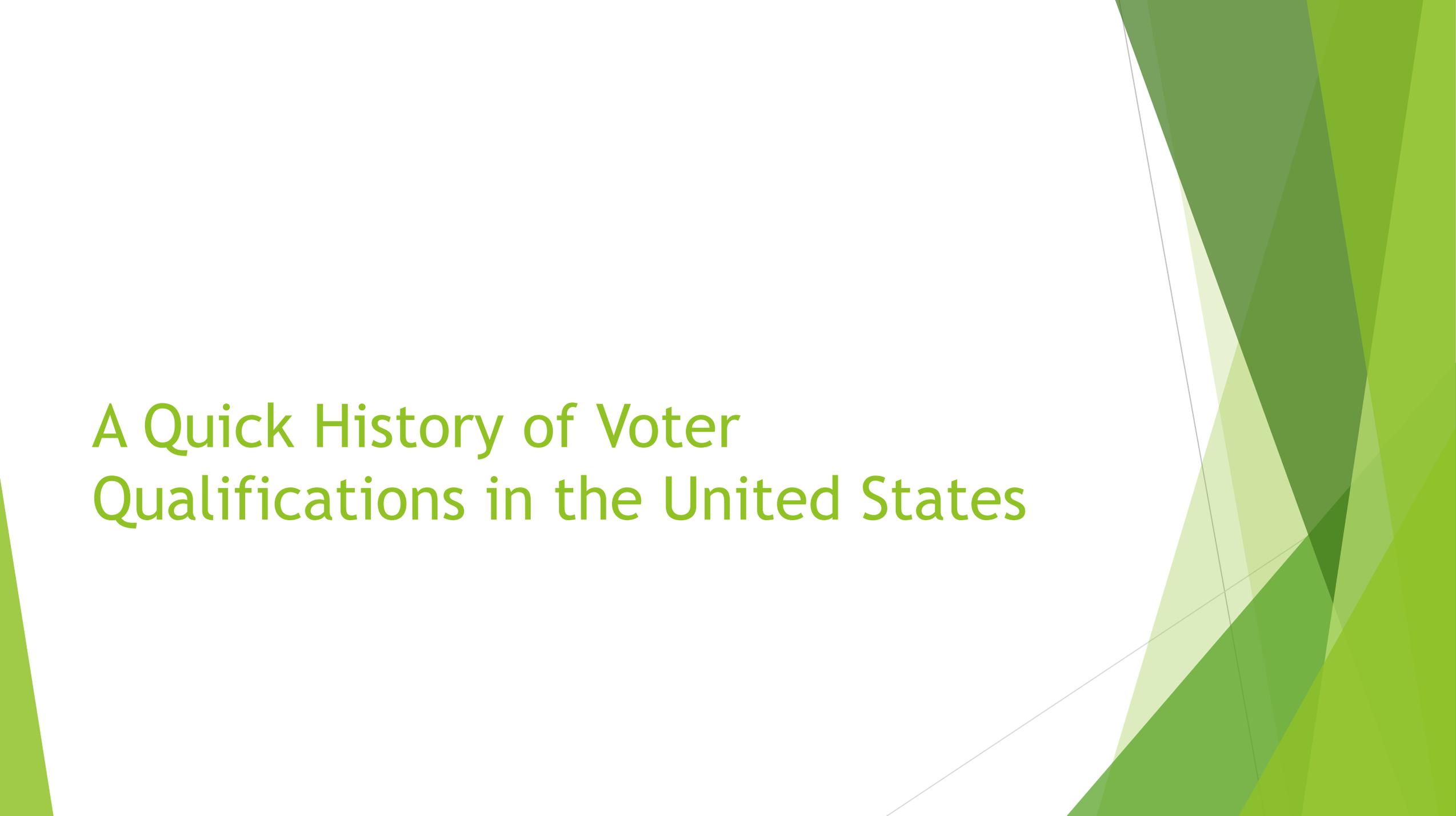
States once set voting requirements

The Tenth Amendment to the United States Constitution provides that all powers not specifically given to the federal government or denied to the states belong to the states. One of these powers is the right to set voting requirements.

Fortunately, none of those are requirements for voting in Oklahoma today. If you are 18 years old, a United States citizen residing in Oklahoma, and if you have not been convicted of a felony (a serious crime), you can vote.

Everyone who is now qualified to vote,
please stand up.

Your right to vote is guaranteed to you by
amendments to the Constitution, laws passed by
Congress, and by decisions of the United States
Supreme Court.

The background features abstract, overlapping geometric shapes in various shades of green, ranging from light lime to dark forest green. These shapes are primarily located on the right side of the slide, creating a modern, layered effect. The text is positioned on the left side of the slide, set against a plain white background.

A Quick History of Voter Qualifications in the United States

Property Requirements

Property requirements concerned the ownership of real estate – land, a house, etc. – and were common in the early years of our country. By 1820, however, most of the new states entering the Union did not have property ownership requirements for voting. By 1850, this requirement had been dropped by most other states. In some states, property ownership requirements for voting in a few special types of elections may still exist.

Requirements Based on Race



The Fourteenth Amendment

In 1869, the Fourteenth Amendment to the United States Constitution was ratified. It provided citizenship to the African-Americans freed from slavery following the Civil War. It also provided that no state can deny to any person equal protection of the laws.

The Fifteenth Amendment

In 1870, the Fifteenth Amendment to the Constitution was ratified. It provided that "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 servitude." It also provided that "the Congress shall have power to enforce this article by appropriate legislation."

The Dawes Act

- ▶ Prior to 1887, Native Americans were not considered citizens of the United States.
- ▶ In 1887, the Dawes Act granted citizenship to Native Americans who were willing to disassociate themselves from their tribe.
- ▶ Citizenship made those who accepted it technically eligible to vote.

Continued Limitations

However, these amendments were not enough to guarantee the right to vote to all citizens. Some states continued to prevent people of color and many others from voting by requiring voters to pay a poll tax. Some states required that persons pass a reading test before being permitted to register to vote.

Limitations cont.

In fact, voter registration itself is one of the methods used following the Civil War to limit the right to vote. These and many other requirements imposed by the states kept most people who were not white males from voting.

Citizenship for Native Americans

In 1924, all Native Americans were granted citizenship and the right to vote, regardless of tribal affiliation.

The Magnuson Act

In 1943, Chinese immigrants were given the right to citizenship and the right to vote.

The Twenty-Fourth Amendment

- ▶ In 1964, the Twenty-Fourth Amendment was ratified. It provides that states cannot require people to pay a poll tax to vote for President and Vice President, United States Senator or United States Representative.
- ▶ However, states still had the right to charge a poll tax for voting in other elections. Many people still were being denied the right to vote in most elections.

The Voting Rights Act

Finally in 1965, Congress passed the Voting Rights Act. This law and amendments and extensions to it prevented the states from charging poll taxes. The United States Supreme Court has upheld the Voting Rights Act over restrictive state laws many, many times.

The Voting Rights Act cont

For example, in 1966, in the case of Harper v. Virginia Board of Elections, the Court ruled that poll taxes "introduce wealth or payment of a fee as a measure of a voter's qualifications..." For this reason, the Court said poll taxes violate the equal protection clause of the Fourteenth Amendment.

Requirements Based on Sex

- ▶ In 1920, the Nineteenth Amendment to the United States Constitution was ratified. It provided that the "...right of citizens of the United States to vote shall not be denied or abridged by the United States or any state on account of sex."
- ▶ Until the ratification of the Twenty-Fourth Amendment in 1964 and the passing of the Voting Rights Act in 1965, many women, particularly women of color, were denied the right to vote using the same requirements that restricted the rights of many men.

Residency Requirements

Some states still require that you live in the state for a certain period of time before you can register to vote there, but the Voting Rights Act limits the amount of time that a state can require. Oklahoma requires only that you swear or affirm you are a resident of the state. It does not require that you live here for any certain length of time before registering to vote.

Age Requirements

In 1971, the Twenty-Sixth Amendment was ratified. It provided that the "...right of citizens of the United States, who are 18 years of age or older, to vote shall not be denied or abridged by the United States or any state on account of age."

Other Restrictions



An Amendment to the Voting Rights Act

In 1975, an amendment to the Voting Rights Act made it possible for non-English speaking people to vote by requiring that ballots be printed in their language or that interpreters be provided at the polling place to translate the ballots for them.

Voting Accessibility for the Elderly and Handicapped Act

In 1985, Congress passed the Voting Accessibility for the Elderly and Handicapped Act. This federal law requires the states to make polling places accessible to elderly and handicapped voters, and also to make voter registration locations and materials accessible to physically and visually disabled persons.

The Americans with Disabilities Act

The Americans with Disabilities Act, passed by Congress in 1990, also requires the government to make its services – including elections and voter registration materials – accessible to persons with various disabilities.

The Uniformed and Overseas Citizens Absentee Voting Act

In 1986, the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) granted the right to vote to United States Military and Uniformed Services, Merchant Marine, and other citizens overseas, living on bases in the United States, abroad, or aboard a ship.

Military and Overseas Voter Empowerment Act

Significant amendments to UOCAVA were enacted in 2010 in a bill known as the Military and Overseas Voter Empowerment Act (MOVE Act) that requires that states provide absentee ballots to covered voters not fewer than 45 days prior to elections for federal offices.

The National Voter Registration Act

In 1993, Congress passed the National Voter Registration Act. This federal law requires the states to make their voter registration rules more uniform. You now can register to vote by mail in most states. Also, in most states, you can register to vote when you get your driver license – if you are 18 years old or older. And you also can register to vote when you apply for certain kinds of help from government agencies. In a few states, you can even register to vote on election day and vote that same day. And one state – North Dakota – doesn't require voter registration at all.

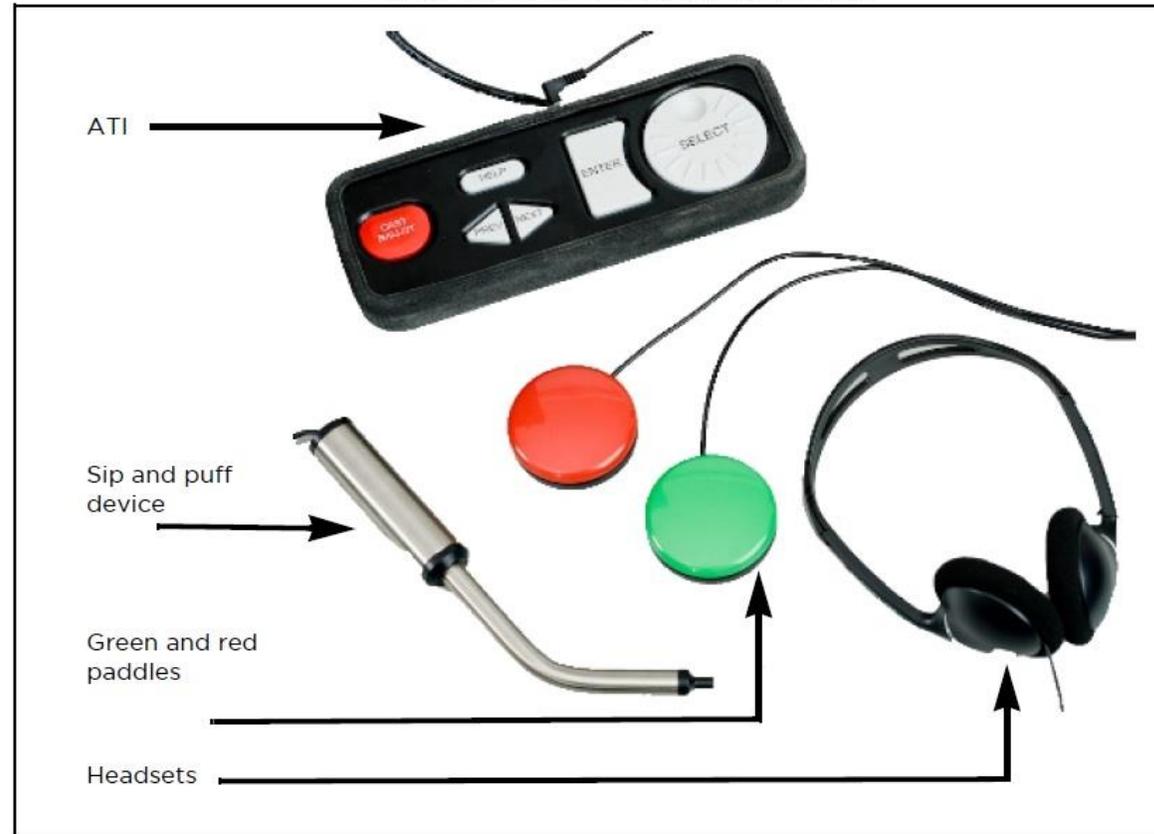
Help America Vote Act

In 2002, Congress passed the Help America Vote Act. Among its many requirements is one that concerns voting accessibility for persons with disabilities, including visual disabilities. The law requires the states to provide a voting system that offers persons with disabilities the opportunity to vote with the same level of privacy and independence as all other voters.

Help America Vote Act, Cont.

In Oklahoma, our voting machines are equipped with an Audio Tactile Interface that allows voters with disabilities to listen to the ballot and cast their votes independently.

Figure 2. ATI and supporting devices



Election Laws

- ▶ The laws around elections and voter registration are ever-evolving.
- ▶ If you have any questions about election laws or voter registration requirements, contact your County Election Board.

Resources Online

- ▶ Oklahoma State Election Board:
www.oklahoma.gov/elections
- ▶ State of Oklahoma Home Page: www.ok.gov
- ▶ United States Bureau of the Census:
www.census.gov
- ▶ United States Election Assistance Commission:
www.eac.gov
- ▶ Federal Voting Assistance Program: www.fvap.gov
- ▶ National Archives and Records Administration:
www.archives.gov/federal-register/electoral-college/about.html