

## Local Politics Matter

# America's Broken Electoral Process

## Voting Rights For All Citizens



Activists often opine about low voter participation in this country, but fail to recognize the link between today's voting problems and the Country's long ugly legacy of voter suppression that is woven into the fabric of our Constitution. Voting in America has never been easy and it has never been for all voting aged adults. Many politicians still cling to the belief that voting should be reserved for the privileged few.

When the Declaration of Independence was signed in 1776, only white protestant male land owners over the age of 21 were given the right to vote and for the next two hundred and forty plus years, progressive and liberal politicians and activists have waged an unending battle to secure voting rights for ordinary citizens of every race, religion, ethnicity and gender.

The Constitution was drafted by those in power, white men. They could not come to agreement on a national voting standard so they did not specifically address an individual's right to vote in the Constitution. They chose instead to give the states the authority to establish their own voting laws. These white male land owners were in power and they passed laws to stay in power. In most states they contin-

ued the practice of denying voting rights to everyone other than themselves. By controlling the vote, they controlled the levers of power. They were not inclined to share power, not with women, not with the ordinary masses and certainly not with people of color.

The predominant means for denying people the vote was to prevent them from becoming citizens. This practice continues to this day. In 1790 Congress passed the [Naturalization Act of 1790](#). It explicitly stated that only "free white" immigrants of good character could become naturalized citizens. Native Americans, Blacks both free and enslaved, indentured servants, Asians & Muslims could not become citizens until the passage of the [14<sup>th</sup> Amendment to the Constitution](#) in 1868. It stated that "all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside", but in 1876 the Supreme Court ruled that Native Americans were not covered by the 14<sup>th</sup> Amendment. The Chinese Exclusion Act which passed in 1882 denied persons of Chinese ancestry the ability to become citizens and in 1922 the Supreme Court ruled that persons of Japanese heritage could not become naturalized citizens. This practice has been repeated throughout our history as different groups immi-

grated to the country.

Throughout the 19<sup>th</sup> and 20<sup>th</sup> centuries laws, acts and treaties were passed and the Constitution was amended to affect citizenship and voting rights. However, many of these citizens found that becoming a citizen didn't guarantee them the right to vote. Voting laws remained under the jurisdictional control of the states and the states were notorious for using both legal and illegal tactics to prevent nonwhite citizens from voting. For example, in 1848 Mexicans living in territories conquered in the Mexican-American war were guaranteed citizenship under the [Treaty of Guadalupe-Hildago](#), but those in power denied many of these new citizens voting rights by using English language requirements. Other tactics used throughout this time included poll taxes, literacy tests, violence and intimidation. Federal laws would be passed to grant and protect voting rights but state and local governments would pass laws to prevent groups that they didn't want to vote from registering to vote.

Despite passage of the [Voting Rights Act in 1965](#), the legacy of denying and suppressing voting rights is alive and well today. This seems strange for a country that prides itself on being a democracy built on free, open and fair elections. Hell, we even monitor elections in other countries to ensure that their elections are conducted fairly. The hypocrisy is breathtaking.

Our Constitution remains silent regarding voting being a right that cannot be abridged or taken away from any citizen of this country. As a result, many politicians in states that benefit from suppressing the vote of select groups manipulate state and local voting laws. They

discriminate in issuing voting equipment, provide unequal access to voting locations, purge voter rolls and use discriminatory criteria for issuing and mandating voter identification. In short, they suppress and prevent the votes of people who don't support them and maximize the votes of their supporters all the while claiming that their efforts serve to protect voting rights.

Only a select group of citizens are directly impacted by voter suppression so most of the country has been indifferent to these issues. They have not been supportive of attempts to improve and secure our electoral process. But, things changed dramatically in the 2016 presidential election. Russia was able to take advantage of the deliberate security gaps in our electoral process and corrupt our election. Now that we know that it can and did happen, and anyone's vote can be impacted, what will we do? Will we get to work and have an honest discussion about voting integrity and voting rights in this country or will we continue to pretend that all is well?

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