

## Chapter 6: Voters and Voter Behavior Section 1: The Constitution and the Right to Vote

**Key Terms:** suffrage; franchise; electorate

### A. The History of Voting Rights

1. In the early 1800s religious, property-ownership, and tax-payment qualifications were removed, and **almost, but not all**, all white males could vote.
2. After the Civil War, the 15th amendment removed racial barriers, though African-Americans remained largely disfranchised.
3. In 1920 the 19th Amendment granted women suffrage.
4. In the 1960 Congress banned poll taxes, passed the Voting Rights Act, and granted the vote to residents of Washington, D.C., all of which expanded voting rights for African-Americans.
5. In 1971 the 26th Amendment granted suffrage to 18-year-olds. Suffrage is the right to vote. Franchise is another term with the same meaning. Electorate is the potential voting population

### B. The Power to Set Voting Qualifications

1. The Constitution reserves to the States the right to set suffrage requirements, but restricts the States' use of that power.
2. These restrictions prohibit the States from withholding suffrage from groups protected by the constitution, African-Americans, Hispanics, women, and persons 18 years old and above.
3. They also forbid the use of poll taxes and require the States to allow all persons qualified to vote for the lower house of the State legislature to vote for members of Congress.

## Chapter 6: Voters and Voter Behavior Section 2: Voter Qualifications Among the States

**Key Terms:** transient, registration, purge, poll books, literacy, poll tax

### A. Citizenship and Residence

1. Citizenship
  - a. Aliens are not allowed to vote, although it is not prohibited by the Constitution.
  - b. Only one State constitution, Minnesota, draws a distinction between native-born and naturalized citizens.

## 2. Residence

- a. All States have residence requirements in order to prevent election fraud and ensure that citizens have had time to familiarize themselves with relevant political issues before voting.
- b. In 1972 the United States Supreme Court ruled that no State can require a waiting period of longer than 30 days.
- c. Almost all States deny the vote to transients.

## 3. Age

- a. The 26th Amendment sets 18 as the cap on the minimum age for voting in any election.
- b. A growing number of States allow many 17-year-olds to cast ballots in primary elections if they will turn 18 before the general election.

## B. Other Qualifications

### 1. Registration

- a. States require voters to prove their identity when they register to vote in order to avoid election fraud. **Registration** is a procedure of voter identification, intended to prevent fraudulent voting.
- b. There is a growing trend toward easing voter registration laws, which discriminate against the poor and less-educated.
- c. 1993 Motor Voter Law allows qualified citizens to register to vote when they apply for or renew their drivers license and to register to vote by mail.

### 2. Literacy

- a. **Literacy** is a person's ability to read and write. Literacy tests were used to ensure that voters had the capacity to cast an informed ballot, but they were also used to discriminate against African-Americans and Hispanics.
- b. As a result, Congress banned the use of literacy tests in 1970.

### 3. Tax Payment

- a. Poll taxes were once common in the South to inhibit voting. The **poll tax** was a tax payment required by some States before a person was allowed to vote. Property ownership, as proved by a payment of property taxes, was a common suffrage requirement.
- b. Congress and the United States Supreme Court banned all taxes as a condition for voting during the 1960s.

### 4. Who May Not Vote

- a. In a democracy, suffrage must be widely distributed.
- b. Every State denies suffrage to those who are mentally incompetent, and most also disfranchise **felons**, i.e., those convicted of serious crimes.

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**VERNON'S TEXAS STATUTES AND CODES ANNOTATED  
ELECTION CODE  
TITLE 2. VOTER QUALIFICATIONS AND REGISTRATION  
CHAPTER 11. QUALIFICATIONS AND REQUIREMENTS FOR VOTING**

Section 11.002 Qualified Voter

In this code, "qualified voter" means a person who:

- (1) is 18 years of age or older;
- (2) is a United States citizen;
- (3) has not been determined mentally incompetent by a final judgment of a court;
- (4) has not been finally convicted of a felony or, if so convicted, has:
  - been issued discharge papers by the pardons and paroles division or institutional division of the Texas Department of Criminal Justice, or by a federal or other
  - (A) state correctional institution or parole board, or completed a period of probation ordered by any court and at least two years have elapsed from the date of the issuance or completion; or
  - (B) been pardoned or otherwise released from the resulting disability to vote;
- (5) is a resident of this state; and
- (6) is a registered voter.

**Chapter 6: Voters and Voter Behavior  
Section 3: Suffrage and Civil Rights**

**Key Words:** gerrymandering, injunction, preclearance, suffrage

**A. The 15th Amendment**

1. The purpose of the 15th Amendment (1870) was to grant suffrage to newly freed slaves.
2. White supremacists in the South devised numerous methods of preventing African Americans from voting. These methods included the literacy test, poll taxes, "white primaries", gerrymandering and other methods. In addition, violence and threats were often used to prevent African Americans from voting.

-**Gerrymandering:** The practice of drawing electoral district lines in order to limit the voting strength of a particular group or party.

-The **White Primary** was used in the South. In the "Solid South", the Democratic candidate for an office was almost guaranteed a win in the election. Political parties in several southern states were registered as "Private Associations", and as such, could choose who could join. These parties, especially the Democrats, would simply refuse to

admit African Americans as members, effectively insuring that an African American could never run for office.

3. Between the 1950s and the 1970s, Congress passed a number of civil rights laws designed to end the disfranchisement of African Americans.

### **B. The Civil Rights Acts of 1957 and 1960**

1. The Civil Rights Act of 1957 set up a federal Civil Rights Commission and gave the attorney general the power to seek injunction against any person or group that sought to interfere with the voting rights of qualified persons.

2. The Civil Rights Act of 1960 provided for the appointment of federal voting referees, who could be sent anywhere a federal court found discrimination.

### **C. The Civil Rights Act of 1964**

1. The Civil Rights Act of 1964 outlawed job discrimination.

2. It also forbade States to use voter registration requirements in a discriminatory manner.

### **D. The Voting Rights Act of 1965 and its Amendments**

1. The Voting Rights Act of 1965 was a vigorous attempt to enforce the 15th Amendment by attacking discriminatory practices in the South and sending in federal officials to ensure that African Americans were allowed to vote.

2. The law has been extended three times, expanding its coverage to States and counties outside the South and to "language minorities" - Hispanics, Native Americans, Asian Americans, and Alaskan natives.

3. **Preclearance:** This law created the idea of preclearance, which was used where a majority of the electoral had not voted in 1964. The law declared that these states could not have new election laws, or changed existing elections laws, without first having them precleared by the Department of Justice. This examination of laws continues until the state or county can show that it has not applied any discriminatory voting procedures for a period of 10 years.

## **Chapter 6: Voters and Voter Behavior**

### **Section 4: Voter Behavior**

**Key Words:** off-year election, political efficacy, political socialization, gender gap, party identification, straight-ticket voting, independent

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### **A. The Size of the Problem**

1. Only about half of the eligible voters turn out in presidential elections.

2. Only about a third of eligible voters turn out in off-year elections.

3. Little-Recognized Aspects of the Problem.

- a. More people vote in federal than in State and local elections.
- b. In general, the farther down the ballot an office is, the fewer the number of votes that will be cast for it. This phenomenon is called "ballot fatigue."
- c. Turnout is lower in off-year elections, primaries, and special elections than it is in presidential-year elections.

## **B. Why People Do Not Vote**

### **1. "Cannot-Voters"**

- a. Approximately 17 million Americans do not vote because they cannot.
- b. Cannot-voters include aliens, the mentally or physically handicapped, and people in prison.
- c. Some people cannot vote because their religious beliefs forbid them to participate in government.

### **2. Actual Nonvoters**

- a. Many people do not vote because they are satisfied with the political system as it is and believe that the outcome of elections will not affect them.
- b. Many others do not vote because they distrust the political process and do not think that they have any effective political power. These people have no sense of political efficacy, or the idea that their input will not influence the system.
- c. Bad weather, "time-zone fallout," and cumbersome election procedures keep some away from the polls.
  - Time Zone Fallout is based on the idea that the polls close on the east coast earlier than they do on the west coast. By the time some voters on the west coast go to vote, media is already predicting a winner based their assessment of voting on the east coast. Many west coast voters decide not to vote because they feel the issue is already decided. But, in reality, the media results are only a prediction and the west coast vote could make a big impact on the results.

### **3. Comparing Voters and Nonvoters**

- a. Voters are most likely to be people at the higher end of the social, economic, and educational ladder, active in their communities, and who experience few cross-pressures.
- b. Nonvoters are most likely to be under 35, unmarried and unskilled, and living in the South or in a rural area.
- c. People with a high sense of political efficacy vote no matter what their personal background.
- d. The greater the degree of candidate competition, the higher the voter turnout is likely to be.

### **C. Voters and Voting Behavior**

1. Observers learn about voter behavior through three main sources:
  - They carefully study the result of particular elections.
  - They conduct and study public opinion polls.
  - They try to understand **political socialization** - all of the complex influences that go into how people see the political world and their role within it.
2. Sociological factors include a voter's personal social characteristics, such as age, race, religion, and so on.
3. Psychological factors include how a particular voter sees parties, candidates, and issues in an election.

### **D. The Sociological Factors**

1. Income, Occupation - Business and professional people and those from higher income groups tend to support the Republican Party while manual workers and those from lower income groups tend to support the Democratic Party.
2. Education - The more education a voter has, the more likely he or she is to vote Republican.
3. Sex, Age - In recent years, men and younger voters have been more likely to vote Republican.
4. Religious, Ethnic Background - Jews, Catholics, and nonwhites tend to support the Democratic party.
5. Geography - Traditionally, Southerners and residents of large northeastern cities have been strongly Democratic.
6. Family, Other Group Affiliations - People in the same family or circle of friends tend to vote alike.

### **E. The Psychological Factors**

1. Party Identification - A voter's loyalty to one political party is the single most important predictor of how that person will vote. Party identification leads to straight-ticket voting. The increase in split-ticket voting in the recent past indicates that party identification may be weakening. This would indicate an increasing number of voters who consider themselves independents.
2. Candidates and Issues - Although many voters usually vote for one party or the other, they may switch allegiances in a given election based on the particular candidates or issues involved.