



CONSTITUTIONAL CONNECTOR

Elections: How Should We Encourage and Safeguard Voting?

As citizens convene in public forums to deliberate on the value of the American election system and their voting rights and responsibilities, these Constitutional Connections provide considerations for shared judgement and collective action to connect these salient issues to the understanding of the U.S. Constitution.

Article I, Section 4: The Elections Clause: The times, places and manner of holding elections for Senators and Representatives, shall be prescribed in each state by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

14th Amendment But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

15th Amendment 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 condition of servitude.

19th Amendment 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 sex.

26th Amendment The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

Related constitutional topics: Elections Clause, Federalism, Separation of Powers, Direct and Indirect Election, Representation, Electoral College, Congressional redistricting, gerrymandering, Voting Rights Act 1965, Enfranchisement/disfranchisement, voter suppression.

Questions for inquiry

- If the responsibility of elections is reserved to the states, how can citizens be adversely affected by inconsistent application of voting rights and election administration across the states?
- What are the responsibilities of the federal and state governments and independent commissions in administering fair and equitable elections and how has this manifested over time? (See Voting Rights Acts 1965, National Voter Registration Act 1993, and Help America Vote Act 2002). How do we ensure our elections are safe and secure?

- With the expansion of the franchise through amendments to the constitution and legislation, are some groups of citizens still disenfranchised today and what are the contemporary means of voter suppression? Should there be additional constitutional amendments to preserve the voting rights of all Americans?
- Should there be national standards, which make voting rights consistent from one state to another?
- Should redistricting authority be given only to independent commissions and not to the majority party?
- Should the electoral college be replaced by a system of majority voting of who gets the most votes wins?

Resources

https://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=4968&context=fss_papers

<https://constitutioncenter.org/interactive-constitution/interpretation/article-i/clauses/762>

<https://www.eac.gov/about-the-eac/help-america-vote-act.aspx>

<https://www.justice.gov/crt/history-federal-voting-rights-laws>

<https://www.theatlantic.com/national/archive/2013/08/what-does-the-constitution-actually-say-about-voting-rights/278782/>

<https://circle.tufts.edu/>

<https://www.allinchallenge.org/>