



## U.S. Constitutional Provisions

### Article I, Section 2:

#### States Determine Qualifications to Vote

" The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature."

### Article I, Section 4:

#### States Conduct Congressional Elections

" 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."

U.S. Senators were originally chosen by their respective State Legislatures until the passage in 1913 of the 17th Amendment which provides for the direct popular election of Senators.

### Article II, Section 1:

#### States Conduct Presidential Elections

This section establishes the right of the States to appoint Electors to the Electoral College. It reads, in part:

"Each State shall appoint, in such Manner as the Legislature thereof may direct, a number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector."

and later:

"The Congress may determine the Time of choosing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States."

The clause separating these two paragraphs describes the original manner in which presidential Electors were to cast their votes for President and Vice President - a

procedure which was slightly altered in 1804 by the passage of the 12th Amendment.

There is nothing in the Constitution - or for that matter in federal statute - that requires States to conduct a direct popular vote for President (or for presidential Electors). The manner of choosing presidential Electors remains a matter for each State, although all States since 1860 have employed the direct popular vote for presidential Electors. Before that, however, several States chose their Electors by a vote of their State Legislature rather than by popular vote.

#### The 15th Amendment (1870)

##### Eliminating Racial Barriers

" 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."

#### The 19th Amendment (1920)

##### Eliminating Sexual Barriers

"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."

#### The 24th Amendment (1964)

##### Eliminating Poll Taxes

"The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax."

The Voting Rights Act of 1965, as amended, extends the prohibition on poll taxes to cover all elections by virtue of the 14th, 15th and 24th Amendments to the Constitution (see also *Harper v. Virginia State Board of Elections* 383 U.S. 663, 86 S. Ct. 1079, 16 L.Ed. 2d. 169 (1966)).

#### The 26th Amendment (1971)

##### 18 Year-old Vote

"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."