# Twenty-fourth Amendment

(1964)

#### WHAT IT SAYS

Section 1. 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.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

#### A COMPLEX LEGISLATIVE SCHEME IS THWARTED

In 1965, African American citizens of Virginia had hope that the recently passed Voting Rights Act would finally guarantee them the right to vote. Literacy tests were now illegal, and the Twenty-fourth Amendment had eliminated the poll tax as a voting requirement. Virginia was one of the last five states to maintain the poll tax as late as 1964. But the Virginia legislature had anticipated the amendment. The legislature eliminated the poll tax as a prerequisite to voting in federal elections, but it introduced a requirement that voters either pay the customary poll tax or file a certificate of residence six months before the election. Filing a certificate was cumbersome and time-consuming.

Disgruntled citizens filed two classaction suits against this complicated and discriminatory procedure, claiming that the statute violated the Fourteenth, Seventeenth, and Twenty-fourth Amendments. The courts were on their side. In *Harman v. Forssenius* (1965), the U.S. Supreme Court found the Virginia statute to be in violation of the Twentyfourth Amendment. "The State may not impose a penalty upon those who exercise a right guaranteed by the Constitution," the Court stated, especially considering that "the Virginia poll tax was born of a desire to disenfranchise the Negro." The residency requirement was too burdensome as an alternative to the poll tax, especially as the Twenty-fourth Amendment had ruled out the poll tax.

The Supreme Court's decision marked a definite shift in thinking from previous years. Before the Twentyfourth Amendment, the Supreme Court and other federal courts upheld poll taxes as the right of the states to impose, so long as they applied to all citizens equally. Passage of the amendment shifted the legal emphasis to protecting vulnerable groups' right to vote. The Court sought to remove the threat of complex legislative schemes established to disenfranchise certain voters.

#### WHAT IT MEANS

Although the Fifteenth Amendment prohibited voting discrimination on account of race, many southern states enacted laws to make it difficult for African Americans to vote. The Twenty-fourth Amendment was designed to address one particular injustice, the poll tax. The requirement to pay a fee in order to vote kept low-income citizens, both white and black, from taking part in elections. The Twenty-fourth Amendment made it illegal to charge any voter for the right to cast a ballot in any federal election.

> "I'm as much a Southerner as anyone, but this is a moderate proposal. It seems to me the South can help its own cause by taking an affirmative position on this."

> —Florida Senator Spessard L. Holland, defending the constitutional amendment to outlaw the poll tax, speaking in the Senate in 1962

## Twenty-fourth Amendment

#### **New Hampshire eliminates** property requirement

#### literacy tests for voting

#### "Grandfather clause" is struck down

**→** 1915

**→** 1792

New Hampshire is the first state to eliminate the rule that only property owners and taxpayers can vote. Following New Hampshire's lead, other states begin to shift away from such restrictions in an effort to open the electorate to all white males over age twenty-one. In 1856, North Carolina becomes the last state to eliminate property holding as a requirement for voting.

In Williams v. Mississippi, the U.S. Supreme Court held that literacy tests for voting did not violate the Fourteenth Amendment's equal protection clause so long as there was no proof that they were being given in a discriminatory fashion to exclude voters because of their race.

The Supreme Court upholds

**►** 1898

In Guinn v. United States, the U.S. Supreme Court declares unconstitutional the "grandfather clause" in the Oklahoma Constitution, which allows illiterate men to vote if they can prove that their grandfathers had held the right. This provision allows illiterate white men to vote, but not illiterate blacks, as most of their grandfathers had been slaves.

#### Congress passes the Civil Rights Act of 1964

In a sweeping move, Congress passes the Civil Rights Act of 1964, which bars discrimination on the basis of race, national origin, religion, and gender in voting, pu blic accommodations (such as restaurants and hotels), the workplace, and schools.

#### The Voting Rights Act of 1965 is adopted

1965

Believing the social gains that African Americans achieved by the Civil Rights Act of 1964 can best be protected by exercising the right to vote, Congress writes a comprehensive voting rights law. It temporarily suspends literacy tests and provides for the appointment of federal examiners with the power to register qualified citizens to vote. Under this law, any racially discriminatory act that prevents Americans from voting is prohibited.

#### The Supreme Court strikes down Virginia's residency requirement

▶ 1965

Following ratification of the Twentyfourth Amendment, Virginia amends its poll tax law. Voters can either pay the poll tax or file a "certificate of residency" proving they lived in the state six months prior to the election. In Harman v. Forssenius, the Supreme Court rules that the burden of proving residency so far in advance of an election violates the Twenty-fourth Amendment.

### TIMELINE

#### Poll taxes are upheld as constitutional

#### Alabama literacy tests are found unconstitutional

#### North Carolina's literacy tests are upheld

**►** 1937 -

▶ 1949 -

**►** 1959

Many southern states adopt the policy of charging voters a poll tax. This tactic denies the right to vote to both black and white voters who cannot afford the tax. In Breedlove v. Suttles, Breedlove, a twentyeight-year-old white male, seeks to have Georgia's poll tax declared unconstitutional. The Supreme Court holds that the statute does not violate the Constitution, as it does not discriminate arbitrarily.

In Davis v. Schnell, the U.S. Supreme court finds that an Alabama constitutional amendment that requires citizens to pass a test demonstrating their understanding of an article of the federal Constitution in order to vote violates that very document. The legislative history of the Amendment discloses that the tests are intended to disenfranchise African Americans.

In Lassiter v. Northampton County Board of Elections, the U.S. Supreme Court rules that the state of North Carolina's requirement that all voters pass a literacy test in order to vote is constitutional. The Court finds that the policy is not inconsistent with the Fourteenth and Fifteenth Amendments' standards of fairness.

#### Poll taxes are ruled unconstitutional

"Durational residency" rule is found unconstitutional

**Congress strengthens** the Voting Rights Act

**1966** 

**►** 1972

1982

In Harper v. Virginia Board of Elections, the U.S. Supreme Court overrules its earlier decision in Breedlove v. Suttles (1937) and declares that the use of a poll tax at state elections is unconstitutional. The Court holds that discrimination based on economic status is in violation of the equal protection clause of the Fourteenth Amendment. As a result of this ruling and the passage of the Twenty-fourth Amendment, poll taxes can no longer be used in federal or state elections.

Tennessee passes a "durational residency" rule for citizens to qualify to vote. Under this rule, voters must live in the state for one year and in the county for ninety days before being allowed to vote. In Dunn v. Blumstein, the U.S. Supreme Court strikes down the residency rule as an unconstitutional restriction on the right to vote. The Court notes that there are other ways to achieve the state's goals of deterring voter fraud and ensuring that voters are knowledgeable without blocking otherwise eligible voters from participating in elections.

Renewing its commitment to voting rights for another twenty-five years, Congress extends the authority of the Justice Department to review legislative redistricting in some southern states. In Mobile v. Bolden (1980), the Supreme Court rejects a class action suit by African Americans who argue that electing the Mobile, Alabama, city council on an at-large basis—meaning that council members were elected by the city population as a whole rather than in neighborhood-based districts-dilutes the black vote. The Court finds that atlarge elections are racially neutral. In response to this ruling, Congress amends the Voting Rights Act to permit a finding of racial discrimination without proof that the state specifically intends to discriminate.