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BALLOT ACCESS

Being listed on the ballot is almost always the basic first step in winning an election, but for alternative candidates running under the banner of third parties or as independents, getting on the ballot is not easy. Controversies over ballot access erupt frequently in the United States.

Under the U.S. two-party system, the Democratic and Republican parties are ensured a place on the ballot in every partisan election for office. They also control the election bureaucracy in most jurisdictions and frequently resist the listing of splinter groups that could siphon votes from their candidates.

Since the advent of the ballot type known as the secret or Australian ballot in the late 1800s, states rather than parties have compiled the official election ballots. This task is one of the major functions of the states in the elections process shared with the federal government.

The ballot access issue received unusual attention during the 2004 presidential election campaign of Ralph Nader, a well-known consumer activist running on a strongly liberal agenda. Nader had run for president in 2000 as the nominee of the Green Party, which had received enough votes in previous elections to qualify for automatic ballot status in many states. Nader was on the ballot that year in forty-seven states and the District of Columbia; he was excluded only in North Carolina, Oregon, and South Dakota. Although he only received 2.7 percent of the national popular vote, his vote total exceeded the margin between Republican George W. Bush and Democrat Al Gore in Florida and New Hampshire, two states that were crucial to Bush's narrow electoral vote victory margin—leading to a long-lasting debate about whether Nader had spoiled Gore's chances for victory.

In 2004, however, Nader took a very different route, running as an independent rather than seeking the Green Party's nomination, and had a minuscule impact. Nader faced formidable obstacles to getting on the ballot in many places and was

listed in only thirty-four states. He ended up with 463,653 votes nationally, 0.4 percent of the national total and less than one-sixth of the nearly 2.9 million votes he had received just four years earlier.

Some experts and activists on the ballot access issue have said it can take as many as 1 million petition signatures collected nationwide for an independent presidential candidate to obtain ballot status in all fifty states and the District of Columbia. Given the need to establish organizations and set up a campaign infrastructure in each state where ballot access is sought, the process has been prohibitive for all but the best-funded candidates.

Those who find the major-party nominees wanting consider the ballot access obstacle course unfair, and many of them say it is undemocratic. “In order to keep our political system healthy, we must once again allow people the freedom to vote for the qualified candidate of their choice. Such freedom is not only essential to the health of our government but also our right as citizens of the United States,” wrote Richard Winger, a tireless advocate of easing ballot restrictions, in 1994, the year after he founded the publication *Ballot Access News*.

Third parties also complain that many states force them to file too early to try to secure a place on the general election ballot, weeks or months before they know who their candidates will be. Some states require all parties to hold primaries to nominate candidates, which small third parties often are not prepared to do, especially early in the election year when the major parties have clustered their primaries.

The states’ right to require petitions for ballot access was upheld by the Supreme Court in *Jenness v. Fortson* (1971). The Court ruled that a state could require separate petitions for each candidate of a new party, with a maximum of signatures from 5 percent of the number of voters registered in the previous election for the office.

States also may specify how the signatures are gathered. Requirements may include one or more of the following:

- A minimum percentage must be obtained from each congressional district to show statewide support.
- Signatures from persons who voted in the major-party primaries are unacceptable.
- No solicitation of signatures may be conducted by persons who live outside the district.
- Signers are required to pledge that they intend to vote for the new party’s candidate.
- A limited time period is allowed for the collection of signatures.
- Signers are required to provide information they are not likely to know, such as their voter registration number or voting precinct designation.

Defenders of ballot access rules state that the requirements are not aimed at stifling alternative voices but, rather, at keeping ballots from becoming unwieldy,

avoiding confusing voters with too many choices, and discouraging frivolous candidacies. They point out that states with low ballot access requirements can end up with laundry lists of candidates. One example they cite is the 1996 special election primary in Maryland's Seventh Congressional District following Democratic representative Kweisi Mfume's resignation to become president of the national NAACP. Twenty-seven Democratic candidates piled onto the ballot. Elijah E. Cummings, then a veteran state legislator, won the primary with 37 percent. He went on to win the general election before settling in to dominate the Baltimore-based district's politics for many years.

See also Third Parties; Two-Party System

BALLOT TYPES

When the first elections were held in Britain's North American colonies, English balloting customs prevailed. In some elections, the colonists cast written ballots. But because many voters could not read, the election official sometimes called for a voice vote or a show of hands. In other elections, voters would make their choice known on an issue or candidate by throwing an object symbolic of their choice, for example, a kernel of corn for a yea, a dried bean for a nay, into a receptacle.

During the colonial period, the most commonly used methods of voting appear to have been the voice vote or the show of hands. Although there is a record of another kind of ballot—the secret ballot—being used in 1634 by freemen to oust an unpopular English governor, its widespread use in American elections did not happen until more than two centuries later.

From the beginning of the revolutionary period to the early part of the nineteenth century, another method of balloting came into favor. In this system, an eligible voter would write the name of his choice or choices on a slip of paper and then pass it to an election judge who would then drop it in the ballot box.

The increasing growth and subsequent domination of political parties over the political process in the early and middle nineteenth century soon spelled changes in this style of balloting, however. Political operatives have been nothing if not clever over the years about using voting procedures to further their own and their party's interests. Illiteracy or the barest traces of literacy were commonplace in the early United States, and party leaders decided to make it easier for uneducated voters, whose ability to write was likely confined to their signature, and exceptionally useful for themselves. Party representatives would hand out preprinted lists of their party's nominees, which the individual voter could then turn over to the election

judge for deposit in the ballot box. The illiterate voter was spared the laborious task of reading or writing out a long list of names (indeed, of reading or writing anything), and the party leader greatly aided his entire slate of nominees, enhancing the party's unity and political power.

Because the list of offices to be voted upon steadily increased through the nineteenth century, getting all the names printed entailed using long strips of paper that resembled the railroad tickets of the day. The list of a party's candidates for a specific election came to be called—and remains—the *ticket*.

The ticket system of voting was tailor-made for corruption and was soon riddled with it. Those who dispensed the ballots outside polling places, it was charged, could easily ensure that their chosen voters voted the way the leaders wanted. Because a voter had to choose a particular ticket before entering the polling place, the leaders or their operatives at the polling place made sure the voter entered with their ticket and no one else's. Intimidation of voters became rife, making a mockery of the democratic voting process. Choices, in short, could not be freely made and expressed; many voters were told how to vote, some were bribed, and others were intimidated, often by the threat or actual use of physical violence.

Any voting system that encouraged the growth of one party's domination of a state's or city's political life was guaranteed efforts by that party to preserve it. Abuses, many in the election process, spawned widespread demands for reform down to the most fundamental element of an election—the ballot.

The most important innovation introduced by this reform movement was the adoption in the United States of the so-called Australian ballot, which had first been used in South Australia in 1856. Joseph P. Harris, author of a definitive study of the American electoral system, defines the Australian ballot as “an official ballot, printed at public expense, by public officers, containing the names of all candidates duly nominated, and distributed at the polls by the election officers.”

Besides ostensibly removing the elements that unduly favored one party over another in the preparation and distribution of earlier ballots, the Australian ballot carried the essential ingredient of secrecy; the voter would cast his ballot in secret, and it would be counted in such a way that it was impossible to determine how the voter voted. With this kind of ballot came the shielded voting booth, followed by the voting machine, so that the individual voter was free from prying eyes.

After the exceptionally close 1884 presidential election, replete with charges of vote fraud and fears of a deadlocked election, the winner, Democrat Grover Cleveland, campaigned hard for the reform measure that eventually became the Electoral Count Act. This measure gave each state final authority in determining the legality of its choice of electors. After its passage, the secret ballot movement gained momentum across the country. The Australian ballot was first adopted by Kentucky

in 1888 and soon was in place in all the states except South Carolina, which did not adopt it until 1950.

The Australian ballot form is used in all elections in all states now; and although the actual forms of the ballot may change considerably from state to state, they have fit into one of five major categories:

- *Office Group.* The candidates of all parties running for a particular office are listed in a vertical column with the office being contested listed at the top of the column. This form of ballot was adopted to discourage straight-ticket voting by forcing the voter to read each name for each office and, it was hoped, reflect further on a candidate's individual merit before marking the ballot.
- *Party Column.* In this form, all the candidates of a particular political party are listed in a vertical column. The party lists are arranged side by side, and a single vertical column at the left margin displays the office being contested. This form of ballot, some critics say, encourages "straight-ticket" voting.
- *Party Circle.* A political party, on this kind of ballot, will have a circle or box printed at the top of its list of candidates, and the voter, by making a mark in the box, signifies that he or she is voting for the party's ticket.
- *Party Emblem.* Several states allowed the printing of some kind of party emblem (the Democrats' donkey, the Republicans' elephant, for example) at either the head of a party's column of candidates or next to the name of each of its candidates. This makes identification of a nominee's party affiliation more obvious to the less-literate voter.
- *Write In.* Depending on the state and the office involved, it usually is possible to use the write-in vote—a means of voting for a candidate not listed on the ballot. Some candidates are left off because they decided to run after the deadline for inclusion on the ballot had passed. States that did not permit write-ins or paste-ons were referred to as having "no-Johnny-come-lately" ballots.

In recent years, concerns over election security and accuracy have resulted in switches from punch-card machines to electronic touchscreen voting machines to paper ballots that are then scanned into machines. In addition, with the increasing popularity of voting by mail, many ballots are filled out at home and mailed or dropped in drop boxes.

Many ballots today include initiatives and referendums, removal from office, and bond issue questions that require voter approval by a simple yes or no. Given the complexity of some of these questions, which are usually couched in formal, legislative language, most initiative or referendum ballots add an "explanatory or interpretive statement" to aid voters in making a fully informed choice.

The style of any state's ballot is set by that state's election laws, those statutes agreed upon by its legislators to impose upon all those involved in the actual election process a firm set of rules and procedures that will leave virtually no room for deviation, whether through chance or an individual election official's discretionary choice—though this is hardly universal. The implementation and oversight of the state's election laws are delegated to a state board of elections, the state's governor, or, the most common arrangement, the secretary of state, who also serves as the chief election officer.

In voting analyst Harris's definition, the chief election officer “publishes the election laws, receives the official returns and usually tabulates the results for the official canvassing board, certifies to the county officers in charge of printing the ballots the names of candidates for state office, certifies the form of the ballot and the working of referendum propositions, and attends to various other clerical details in connection with state elections.”

At the next level down, most states' election laws require local officials, such as the county clerk, board of supervisors, or the mayor and city council, to supervise officials of a specific voting district, be it a county or a city. At the lowest level are the only election officials most voters ever see—those present at their particular voting place on Election Day. Here is where the voter lists and district registers are used to ascertain their eligibility and where the ballots, in whatever form, are cast, counted, and certified. In case of a recount or contested election, further counting and certification takes place later at the election board headquarters, where absentee voting ballots, in most locations, are also counted.

Even though most state laws require these voting-district boards to be nonpartisan, in most jurisdictions the party in the majority gets the majority of positions on the board, which can lead, in some cases, to partisanship or to somewhat less benign treatment of voters from the minority parties. Therefore, the officials that run the actual voting districts, writes Harris, “determine the character of elections.”

See also Split-Ticket and Straight-Ticket Voting; Voting Machines

BANDWAGON EFFECT

The term *bandwagon effect* is used to describe the attraction that successful campaigns have for voters, particularly those who may be undecided as Election Day nears. If a popular candidate seems to be rolling along to victory, people may “hop on the bandwagon” to be on the winning side.

The term derives from the spectacle of the old-time circus bandwagon coming down Main Street, blaring joyous music and tempting young boys to climb aboard. Indeed, the word *bandwagon* still conjures up visions of bright colors, balloons, and celebration.

Political consultants and campaign managers try to cultivate an image of a confident and happy campaign, even if polling shows that their candidate is headed for defeat. They play on voter psychology, knowing that people hesitate to waste votes on a losing cause.

For that reason, the bandwagon effect is a serious element in the controversy over the news media's forecasting election results while the polls are still open in some parts of the country or in parts of a state where a close statewide race is being decided. Some voters, hearing that their candidate is winning, may rush to the polls to be on the bandwagon. Others may stay home thinking the race is over.

This concern ties in with controversies over the use of exit polls by the television networks to try to quickly call outcomes after each state's polling places close. The first big flap of this kind occurred in 1980. Exit polls indicated that Ronald Reagan would defeat incumbent president Jimmy Carter—a prediction that was confirmed when actual returns started coming in from states in the East—prompting Carter to concede while the polls were still open in the West. Some Democrats complained afterward that the bandwagon effect had caused some western Democratic voters to stay home.

The exit poll issue again flared up in the 2000 presidential race, during the controversial contest between Republican George W. Bush and Democrat Al Gore for Florida's crucial electoral votes. Republicans attempted to counter Gore's claim of widespread vote-counting irregularities by arguing that voter turnout in the strongly conservative panhandle region had been suppressed by the networks' use of exit poll data to make early (and erroneous) projections of a Gore victory in Florida. While the polls in most of Florida closed at 7:00 p.m. eastern time, the Panhandle is in the central time zone, so its polls closed an hour later.

In recent years, social media has played a role in creating a bandwagon effect, as tweets and posts from or about a candidate can foster a sense of momentum or inevitability about a campaign.

Perhaps the most consistent illustration of the bandwagon effect in recent campaigns, however, has occurred in the major parties' presidential nominating process. Since the early 1970s when primaries became the main instrument of determining voters' presidential preferences, each party's front-running candidate has tended to gain momentum from victories in the early primaries, with the bandwagon effect quickly forcing other contenders from the race.

See also Electoral Behavior; Exit Polls; Forecasting Election Results; Polling; Social Media and Elections; Voter Apathy

Further Readings

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BELLWETHER

In politics, a bellwether is a candidate or place that indicates the likely outcome of an election. It takes its name from shepherds' practice of putting a bell on the lead male sheep to signal which way the flock is heading.

For years, Maine enjoyed a reputation as the bellwether in presidential elections. From 1860 to 1932 it voted for the winning candidate in all but three of the nineteen elections, prompting the saying, "As Maine goes, so goes the nation."

But that reputation was built on a flawed premise. The reason Maine had such a consistent record was that it was a Republican Party stronghold during an era of Republican dominance in presidential politics. Its reputation came crashing down during the Great Depression, when the repudiation of Republican president Herbert Hoover and the rise of Franklin D. Roosevelt heralded a new era of Democratic Party preeminence. In 1936, when Roosevelt was elected to a second term in a landslide, Maine and Vermont were the only states that favored Republican nominee Alfred M. Landon—spurring Democratic National Committee chairman James A. Farley to quip, "As Maine goes, so goes Vermont."

Other states and even local jurisdictions have emerged at times as bellwethers. Missouri, home of 1948 presidential winner Harry S. Truman, had a rather sturdy reputation. An amalgam of large industrial cities with sizable minority populations, growing suburbs, and rural areas—including many that have a southern orientation—Missouri was perhaps the epitome of an electoral "swing" state.

The last time—before 2008—Missouri voted for the losing presidential candidate was in 1956, when Democratic challenger Adlai E. Stevenson outpolled Republican incumbent president Dwight D. Eisenhower by a margin of just two-tenths of one percentage point. Between then and 2004, the state voted Republican in all seven races won by that party and Democratic in that party's five White House victories. However, the record was broken in 2008 when the state went for Senator John McCain (R-Ariz.), who lost the presidential contest to Illinois senator Barack Obama. But Missouri nearly retained its record: McCain bested Obama by only 3,903 votes out of nearly 3 million cast.

In the first years of the twenty-first century, it appeared the conservative strain in Missouri politics might be taking precedence over its bellwether characteristic by turning the state dependably Republican. Republican Jim Talent narrowly ousted interim Democratic senator Jean Carnahan in a 2002 special election; Republican George W. Bush, who carried Missouri by just three points in his 2000 presidential win, boosted his margin to seven points in 2004; and Republican Matt Blunt won a close race for governor in 2004 to end a twelve-year Democratic hold on the office. But in 2008, Democrat Jeremiah W. “Jay” Nixon won the governorship with 58 percent of the vote.

Missouri’s bellwether reputation had been burnished in 2006, a strong year for Democrats nationally, when voters in its Senate election ousted the well-regarded Talent in favor of Democrat Claire McCaskill, who had narrowly lost the 2004 governor’s election to Blunt.

While the term *bellwether* is most often applied to the voting behavior of states and localities, it also is applied to individual candidates whose prospects of victory are seen as indicators for the national outcome of an election. During the 2006 midterm congressional elections, for example, television networks and political publications such as Congressional Quarterly’s CQPolitics.com previewed the “races to watch” early on election night that would provide indications of whether the Democrats would succeed in their effort to end the Republicans’ twelve-year control of the U.S. House of Representatives. When the states with the earliest poll closing times produced defeats for Republican incumbents such as Kentucky’s Anne M. Northup and Indiana’s Chris Chocoma, John Hostettler, and Mike Sodrel, it became clear that it would be a good night for the Democrats. They went on to gain thirty House seats in the election, fifteen more than they needed for a majority.

See also Front-Loading; Landslide

BICAMERAL

The U.S. Congress, like the legislatures of every state except Nebraska, is bicameral. It consists of two chambers, the Senate and the House of Representatives. A unicameral legislature has but one house.

When the Constitution was being drafted at Philadelphia in 1787, the founders agreed from the outset that Congress, which they designed to be the heart of the republic, would be bicameral. They disagreed, however, on how the members of each chamber would be elected.

Their debate on the question helps to explain why they favored a two-house lawmaking body rather than a single-house body. Precedence was one factor. The founders were familiar with bicameralism in the British Parliament, most of the colonial governments, and ten of the thirteen states. (The remaining three original states eventually converted to bicameral legislatures.)

As Virginia delegate George Mason put it during the Constitutional Convention, the minds of Americans were settled on two points: “an attachment to republican government [and] an attachment to more than one branch in the Legislature.” With two branches or houses to the legislature, the delegates were able to resolve a dispute that threatened to break up the convention and the effort to frame a new government. It concerned the fears of small states that they would be dominated by the larger states if seats in both chambers were apportioned according to population, as proposed for the House. The solution, known as the Great Compromise or Connecticut Compromise, was to give each state two senators regardless of population. Even the smallest state was also assured at least one representative.

Convention delegates who were suspicious of a national government preferred election to the House of Representatives by the state legislatures. “The people immediately should have as little to do” with electing the government as possible, said Roger Sherman of Connecticut, because “they want [lack] information and are constantly liable to be misled.”

The majority, however, twice defeated election by the legislatures. Popular election for the House was agreed to with only one state dissenting. The government “ought to possess . . . the mind or sense of the people at large,” said Pennsylvania delegate James Wilson.

There was little support for the view that the people also should elect the Senate. Nor did the delegates think that the House should choose members of the Senate from among persons nominated by the state legislatures. Election of the Senate by the state legislatures was agreed to with only two states dissenting. Direct election of senators did not become the rule in every state until ratification of the Seventeenth Amendment in 1913.

The lower houses of the state legislatures served as models for the U.S. House. At the time, all the states had at least one chamber elected by popular vote. The three unicameral legislatures—in Georgia, Pennsylvania, and Vermont—also were popularly elected.

The founders intended the Senate to be a restraining influence on the House, and the Senate still claims to be the more deliberative body. George Washington is said to have called the Senate “the saucer where the political passions of the nation are cooled.”

See also Direct Election; Unicameral

BILINGUAL VOTERS

The federal Voting Rights Act of 1965, which guaranteed the right to vote to racial minorities, also required states and localities to provide voting and other election-related information to millions of Americans whose primary language is not English.

As of July 1, 2019, the nation's Latino population, according to the U.S. Census Bureau, was 60.6 million, or 18.5 percent of the total. This marked an increase of 10.1 million people since the 2010 Census, when the percentage of total U.S. population was 16.3 percent. The increases in recent decades were concentrated in the South and West. Political analysts said this gave Latinos—who traditionally had voted Democratic—the necessary votes to control elections in Texas, California, and less populous southwestern states, if larger numbers of their group could be brought into the voting booth.

Nevertheless, Latinos voted in smaller proportional numbers than members of other groups. For example, exit polls showed that Hispanics made up around 5 percent of the nation's electorate in the 2006 midterm congressional elections. There were a variety of reasons for this disproportion, including substantial numbers of recent immigrants who were not citizens, many of whom had entered and were residing in the United States illegally. In addition, the percentage of Latino residents younger than the voting age of eighteen was somewhat higher than that of the nation as a whole. Further, Latinos' lower rate of political participation may also be attributed to the language barrier. By the 2018 midterm elections, according to a Pew Research study, Latinos made up 9.6 percent of the electorate, still not commensurate with Latino representation in the United States but a large increase over the 2006 figure.

In the late twentieth and early twenty-first centuries, the United States experienced the largest wave of immigration in nearly a century. The majority of the new immigrants came from Mexico and Spanish-speaking nations in Latin America. It is immigrants such as these that the Voting Rights Act is meant to serve. More than forty years after its enactment, however, the act's provisions remain subject to contention. An English-only movement believes that providing bilingual voter information discourages assimilation, while supporters of bilingual voting assistance see it as an inclusive measure that allows all citizens to be engaged in their government.

With portions of the Voting Rights Act set to expire in 2007, Congress in 2006 debated the bilingual provisions, but lawmakers were reluctant to risk alienating Hispanic voters. In a near-unanimous vote across both chambers, Congress approved a twenty-five-year extension of the temporary provisions of the act,

including the bilingual voting requirements. President George W. Bush signed the bill on July 27, 2006.

Yet, in November 2006, Arizona voters approved a state constitutional amendment making English the state's official language and requiring the government to provide services—with the exception of voting procedures proscribed by the Voting Rights Act—in English only. That made Arizona the twenty-eighth state to make English its official language and suggested that the issue of bilingual voting remained open for debate. By 2021, more than half the states had some type of official-English requirements in place.

Even as debate continues over whether bilingual election services benefit or hold back Hispanic Americans, politicians of both parties—including Republican George W. Bush in his successful 1994 and 1998 campaigns for governor of heavily Hispanic Texas and his victorious 2000 and 2004 bids for president—have adjusted to the realities of this fast-growing constituency by addressing Hispanic audiences at least partially in Spanish and by advertising in Spanish-language media. Doing so is particularly important in states such as California, Texas, New York, Florida, and Arizona, where Hispanics make up such substantial portions of the overall population that they can tip the balance in a close statewide contest.

Democrats, long seen as the major party that is more sympathetic to minority groups and lower-income Americans, generally have enjoyed an overall advantage over Republicans among Hispanic voters. This has been true among such large segments of the Hispanic population as Mexican Americans and Puerto Ricans; the latter are U.S. citizens with automatic voting rights as residents of a U.S. commonwealth. The Republican leanings among Cuban Americans stem largely from the GOP's overall anticommunist attitude and specific opposition to the communist regime of Cuban president Fidel Castro.

The Republicans' efforts to wean a substantial number of Hispanics away from the Democratic Party have been hindered in recent years by a deep split within the GOP over immigration, particularly how to deal with the millions of Hispanics who entered and are living in the United States illegally. Bush and many other business-oriented Republicans long advocated a position that the U.S. economy needs immigrant laborers to take the low-wage jobs that Americans do not want. But when Bush pressed the Republican-controlled 109th Congress (2005–2007) to pass legislation creating a guest-worker program that would include a possible path to citizenship for many undocumented immigrants, there was a populist backlash among many conservative Republicans who viewed the proposal as providing a form of amnesty to those who broke immigration laws.

Republican president Donald Trump espoused hardline policies and rhetoric toward immigrants, including draconian measures such as separating children from their

parents at the border. While his Democratic opponents, Hillary Clinton in 2016 and Joseph R. Biden in 2020, fared better with Latino voters than Trump did, he increased his percentage of Latino support in some key swing states, according to 2020 exit polls.

Effect of Federal Laws

The 1965 Voting Rights Act banned literacy tests for voting. It also stipulated that a citizen could not be denied the vote because of an inability to read or write English, if he or she had successfully completed the sixth grade (or the equivalent depending on state requirements) in a school under the American flag conducted in a language other than English.

In *Katzenbach v. Morgan* (1966) the Supreme Court upheld the provision on accredited American flag schools. It was intended to enfranchise Puerto Ricans educated in such schools, living in the United States but unable to demonstrate literacy in English.

In 1975, Congress extended the act for seven years and expanded the bilingual provisions. Additional protection was given to persons of Spanish heritage, Asian Americans, and Alaskan natives. Federal preclearance of state election law changes was required in any jurisdiction where the Census Bureau had determined the following: more than 5 percent of the voting-age citizens were of a single language minority; election materials had been printed only in English for the 1972 presidential election; or fewer than 50 percent of the voting-age citizens had registered or voted in the 1972 presidential election.

In 1982, Congress extended the bilingual election provisions to 1992 and the rest of the act to 2007. Ten years later, the bilingual requirements also were renewed to 2007. The amendment required that bilingual services be provided in jurisdictions with ten thousand or more non-English speakers, even if they did not make up 5 percent of the population. Among the first to be affected were several counties in the Los Angeles, San Francisco, Chicago, and Philadelphia areas.

The 1993 Motor Voter Act, enabling citizens to register to vote while obtaining a driver's license, greatly expanded the voter registration rolls all across the country, including sections where many voters had limited proficiency in English. Affected communities had to recruit and train bilingual poll workers. In some jurisdictions, outmoded voting systems proved to be inadequate to handle the added requirements.

Santa Clara County, California, for example, had to provide ballots in Vietnamese and Chinese. It also had to seek a replacement for its aged punch-hole system "because the length of the ballot and the use of bilingual ballots has made the continued use of Votomatic impossible."

See also Asian American and Pacific Islander Voters; Black Voters; Latino Candidates; Latino Voters; Literacy Tests; Motor Voter Act; Voter Registration; Voting Rights Act

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BLACK CANDIDATES

Given the country's long history of racism, most Americans saw it as a milestone when the United States elected its first Black president, Democrat Barack Obama, in 2008 and reelected him in 2012. Another milestone occurred in the 2020 election, when Democrat Kamala D. Harris, whose parents had moved to the United States from Jamaica and India, was elected vice president, becoming the first Black American, Asian American, and woman to hold that office.

The 117th Congress, which took office in January 2021, included a record number of Black Americans holding seats in Congress—sixty in total as of May 2021, accounting for about thirteen percent of lawmakers, about the same as the percentage of Black Americans in the United States. The Senate included three Black members, Democrats Cory Booker of New Jersey and Raphael Warnock of Georgia and Republican Tim Scott of South Carolina. While the vast majority of Black House members were Democrats, the chamber did include two newly elected Black Republican members, Burgess Owens of Utah and Byron Donalds of Florida.

Barack Obama: First Black President

Obama's decisive victory in 2008 over Republican John McCain, with 365 electoral votes to McCain's 173, represented a high point for many Americans, both Black and white, who were optimistic that the presence of a Black man in the White House would usher in a new era of greater racial tolerance.

Obama, born in 1961, grew up in Hawaii and Indonesia, the son of a white mother from Kansas and a father from Kenya, whom the young Obama rarely saw. His maternal grandparents played a major role in Obama's life, helping to raise him. Obama graduated from Columbia University, worked in Chicago as a community organizer, and then graduated from Harvard Law School, before returning to Chicago.

He won election to the Illinois state Senate in 1996, and then ran for a U.S. Senate seat in 2004. At that year's Democratic National Convention, he electrified the audience with a powerful speech that brought him to national attention and won his Senate race a few months later.

As a first-term senator, he jumped into the 2008 presidential race. The front-runner for the Democratic nomination was U.S. senator and former first lady Hillary Clinton, and the two waged a fierce battle for delegates, with Obama emerging victorious. He later named Clinton his secretary of state.

Obama won reelection in 2012 against Republican Mitt Romney, taking 332 electoral votes to Romney's 206.

His eight years in office were marked by angry partisan conflicts over health care, wars in the Middle East, and the economy, among other issues. Obama himself remained popular among Democratic voters, but anger against his presidency helped fuel the rise of his successor, Republican Donald Trump.

Kamala D. Harris: First Black Vice President

Harris's election to the vice presidency in 2020 marked three firsts: the first woman vice president, the first Black vice president, and the first Asian American vice president. Democratic presidential nominee Joseph R. Biden chose Harris as his running mate after a lengthy primary season where the two competed against each other, clashing at a candidate debate over issues involving busing and race relations.

But Biden, who had promised to pick a woman vice presidential candidate to run with him, settled on Harris as someone who could fill the role as his second in command. Harris had served as the attorney general of the largest state, California, and was at the time a U.S. senator from California.

Harris was named the vice-presidential nominee at a time when racial tensions were roiling the country in the wake of police shootings of African Americans that led to protests by Black Lives Matters activists and other supporters of racial justice causes.

Born in 1964 in Oakland, California, Harris graduated from Howard University and the University of California, Hastings College of Law. She was elected as California's attorney general in 2010 and as U.S. senator in 2016.

History of Black Representation in Congress

John W. Menard was the first Black person elected to Congress. But his 1868 election in Louisiana was disputed, and the House refused to seat him in the 40th Congress. Hiram R. Revels of Mississippi, who filled an unexpired senate term from February 1870 to March 1871, was the first Black person to serve in Congress.

Joseph H. Rainey of South Carolina was the first Black person to serve in the House, from December 1870 to March 1879.

These elections followed the Civil War and were part of the postwar Reconstruction era (1865–1877), when some white voters in the South were disenfranchised and Confederate veterans were not allowed to hold office. Sixteen Black men, from Alabama, Georgia, Florida, Louisiana, Mississippi, North Carolina, and South Carolina, were sent to Congress during that period.

But from the end of Reconstruction until the end of the nineteenth century, a period of more than twenty years, just seven Black men were elected to Congress, from the Carolinas and Virginia. As with their predecessors, they were Republicans, and the party identified more with support for Black voting rights. But as federal controls were lifted in the South, poll taxes, literacy tests, and violence eroded Black voting rights.

Table African Americans in Congress, 1869–2021

<i>Congress</i>	<i>House</i>		<i>Senate</i>		<i>Congress</i>	<i>House</i>		<i>Senate</i>	
	<i>D</i>	<i>R</i>	<i>D</i>	<i>R</i>		<i>D</i>	<i>R</i>	<i>D</i>	<i>R</i>
41st (1869)	—	2	—	1	87th (1961)	3	—	—	—
42d (1871)	—	5	—	—	88th (1963)	4	—	—	—
43d (1873)	—	7	—	—	89th (1965)	5	—	—	—
44th (1875)	—	7	—	1	90th (1967)	5	—	—	1
45th (1877)	—	3	—	1	91st (1969)	9	—	—	1
46th (1879)	—	—	—	1	92d (1971)	13	—	—	1
47th (1881)	—	2	—	—	93d (1973)	16	—	—	1
48th (1883)	—	2	—	—	94th (1975)	16	—	—	1
49th (1885)	—	2	—	—	95th (1977)	15	—	—	1
50th (1887)	—	—	—	—	96th (1979)	15	—	—	—
51st (1889)	—	3	—	—	97th (1981)	17	—	—	—
52d (1891)	—	1	—	—	98th (1983)	20	—	—	—
53d (1893)	—	1	—	—	99th (1985)	20	—	—	—
54th (1895)	—	1	—	—	100th (1987)	22	—	—	—
55th (1897)	—	1	—	—	101st (1989)	23	—	—	—
56th (1899) ^a	—	1	—	—	102d (1991)	25	1	—	—

71st	(1929)	—	1	—	—	103d	(1993)	38	1	1	—
72d	(1931)	—	1	—	—	104th	(1995)	37	2	1	—
73d	(1933)	—	1	—	—	105th	(1997)	36	1	1	—
74th	(1935)	1	—	—	—	106th	(1999)	36	1	—	—
75th	(1937)	1	—	—	—	107th	(2001)	36	1	—	—
76th	(1939)	1	—	—	—	108th	(2003)	37	—	—	—
77th	(1941)	1	—	—	—	109th	(2005)	40	—	1	—
78th	(1943)	1	—	—	—	110th	(2007)	40	—	1	—
79th	(1945)	2	—	—	—	111th	(2009)	39	—	1	—
80th	(1947)	2	—	—	—	112th	(2011)	40	2	—	—
81st	(1949)	2	—	—	—	113th	(2013)	43	0	1	1
82d	(1951)	2	—	—	—	114th	(2015)	44	2	1	1
83d	(1953)	2	—	—	—	115th	(2017)	45	2	2	1
84th	(1955)	3	—	—	—	116th	(2019)	53	1	2	1
85th	(1957)	3	—	—	—	117th	(2021)	55	2	2	1
86th	(1959)	3	—	—	—						

Sources: Black Americans in Congress, 1870–1977, H.Doc. 95258, 95th Cong., 1st sess., 1977; *Congressional Quarterly Almanac*, various years; *Guide to U.S. Elections*, 7th ed. (Washington, DC: CQ Press, 2016), 916; Congressional Research Service; U.S. House of Representatives; U.S. Senate.

Note: Does not include nonvoting delegates. Figures represent seats held at the beginning of a Congress. Senate figures for the 111th Congress were as of January 15, 2009. President-elect Barack Obama of Illinois resigned his seat in November 2008. Black American Roland W. Burris assumed the seat on January 15, 2009.

^a After the Fifty-sixth Congress, there were no Black members in either the House or Senate until the Seventy-first Congress.

The last Black person elected to the House in the nineteenth century was Republican George Henry White of North Carolina; he was elected in 1896 and 1898 but did not seek renomination in 1900. For nearly three decades, there were no Black members of Congress—not until Oscar De Priest (R-Ill.) entered the House in 1929 and served three terms.

During the next quarter-century, just three other Black candidates were elected to Congress: Arthur W. Mitchell in 1934, William L. Dawson in 1942, and Adam

Clayton Powell, Jr. in 1944. All three represented city-based Black constituencies, in Chicago (Mitchell and Dawson) and New York (Powell). And all three were Democrats, part of a shift in Black voting habits that started with the New Deal.

Under President Franklin D. Roosevelt, a majority of Black voters left the party of Abraham Lincoln to join a coalition of Depression-era urban laborers, farmers, and intellectuals. Mitchell, the first Black Democrat elected to the House, won in the Democratic sweep in the 1934 election, a year that also removed the Republican, De Priest, and began a fifty-six-year absence of Black representation among House Republicans.

That pattern ended in November 1990 with the election of Gary Franks, a Black Republican real-estate investor from Waterbury, Connecticut, who had once captained Yale's basketball team. Franks lost his reelection bid in 1996.

House Democrats, meanwhile, gained Black members. Only two were added in the 1950s—Charles C. Diggs, Jr. (D-Mich.) and Robert N. C. Nix (D-Pa.). Five more won election in the 1960s and fourteen each in the 1970s and 1980s. The number of Black Americans elected to Congress more than doubled during the 1990s. Thirty-six were elected to the House—all but two of them Democrats—and one, Moseley Braun, to the Senate.

The Supreme Court's "one-person, one-vote" rulings in the early 1960s, ratification of the Twenty-fourth Amendment in 1964, and congressional passage of the 1965 Voting Rights Act led to increased voting opportunities for Black Americans. The Voting Rights Act provided for federal oversight in jurisdictions where Black registration and voting was especially low; the Twenty-fourth Amendment outlawed poll taxes and similar restrictions on voting; and the courts ended a southern practice of diluting Black voting power by gerrymandering voting districts.

In 1968, Representative Shirley Chisholm (D-N.Y.) became the first Black woman elected to Congress. She was joined in the House by Yvonne Brathwaite Burke (D-Calif.) and Barbara C. Jordan (D-Texas), who served from 1973 until 1979. In a 1973 special election, Cardiss Collins won the House seat held by her late husband, George W. Collins. Next came Katie Hall (D-Ind.), a special election winner in November 1982, followed by two victors in the November 1990 general election, Maxine Waters (D-Calif.) and Barbara-Rose Collins (D-Mich.).

Jordan and Andrew Young (D-Ga.), elected in 1972, were the first Black Americans in the twentieth century to represent states formerly in the Old Confederacy. Both Georgia and Texas later elected other Black representatives, who were joined by Black House members from Tennessee (Harold E. Ford, Jr.), Mississippi (Mike Espy), and Louisiana (William J. Jefferson).

The 103rd Congress (1993–1995) included several firsts for Black Americans. In addition to Moseley Braun becoming the first Black woman ever elected to the Senate, the House delegations from Alabama, Florida, North Carolina, South Carolina,

and Virginia included Black members for the first time since Reconstruction. Georgia elected its first Black woman representative, Cynthia McKinney.

Black Americans' gains in the 1992 elections were in large part due to redistricting designed to increase minority strength in Congress—a legacy of the civil rights era. This effort to draw so-called minority-majority districts, however, was attacked as the decade of the 1990s wore on, and by the end of the decade, the Supreme Court set new standards that limited this method of increasing Black representation in Congress.

The new generation of Black Americans elected to Congress in the 1990s reflected the changes underway since the civil rights era. Many came to Congress with experience in state legislatures and other local government posts.

Bobby L. Rush of Illinois, a leader of the Black Panther movement during the 1960s, had served for a decade on the Chicago city council. Earl F. Hilliard, Alabama's first Black representative since Reconstruction, was an eighteen-year veteran of his state's legislature. Cynthia McKinney had served in the Georgia state legislature, and Corrine Brown had been a member of the Florida legislature. In a 1995 special election, Jesse L. Jackson, Jr., whose father, the Reverend Jesse Jackson, Sr., was a civil rights leader and two-time Democratic presidential candidate, won election from Illinois. He was thirty-one years old when he was sent to Congress.

In 1996, Julia Carson of Indiana won the seat of her former boss, Democrat Andrew Jacobs, Jr., becoming the first Black American to represent Indianapolis in the House. She had served in both the Indiana House and Senate. Carolyn Cheeks Kilpatrick, also Black woman, was elected to her House seat after serving seventeen years in the Michigan House. In 1998, Black American Democrat Stephanie Tubbs Jones, a judge and prosecutor in Cuyahoga County, won the Cleveland district seat of retiring Black representative Louis Stokes.

As the number of Blacks continued to increase in the House, those elected earlier gained seniority and, in some cases, committee chair positions. Dawson was chair of the Committee on Expenditures in the Executive Departments (later renamed the Government Operations Committee) from 1949 until his death in 1970 (except for 1953–1955 when the Republicans controlled the House). Other Black chairs included Powell (Education and Labor Committee, 1961–1967); William H. Gray III (D-Pa.) (Budget Committee, 1985–1989); Augustus F. Hawkins (D-Calif.) (Education and Labor, 1984–1991); and Louis Stokes (D-Ohio) (Permanent Select Committee on Intelligence, 1987–1989 and Standards of Official Conduct, 1981–1985, 1991–1993).

In 1989, Democrats elected Gray to the leadership post of majority whip. Gray held the post until 1991 when he left Congress to become president of the United Negro College Fund. In 1991, Representative John Lewis (D-Ga.), a veteran of the civil rights movement, joined the House Democratic leadership as a chief deputy whip.

By the end of the century, several Black members had served in the House for more than twenty-five years.

In 2015, at the start of the 114th Congress, of the forty-six Black members of Congress, almost all identified with the same political party. For several Congresses, there were no Black Republican members, after the retirement at the end of the 107th Congress of J. C. Watts of Oklahoma, a former professional football player and youth minister who was elected secretary of the House Republican Conference.

At the start of the 117th Congress (2021–2023), Black members held several top Democratic leadership positions in the House. James Clyburn was majority whip, Hakeem Jeffries was caucus chair, G. K. Butterfield, Jr. was senior chief deputy whip, and Sheila Jackson Lee and Terri Sewell were chief deputy whips. Black lawmakers chaired six House committees.

Success gained by Black candidates at different points in U.S. history has tended to create a racist backlash. The post–Civil War Reconstruction period was followed by an era marked by harsh Jim Crow laws discriminating against Black Americans in the South. And the presidency of Barack Obama was followed by a president, Donald Trump, whose bigoted and often violent rhetoric and desire to return to an earlier, less diverse America represented the opposite of Obama’s tenure in the White House.

Redistricting Battles

Following the 1990 census, many states redrew congressional district lines under the 1965 Voting Rights Act, which included provisions requiring that interests of minority voters be protected. Districts where minorities accounted for a majority of the voting age population were known as majority-minority districts. As state mapmakers moved district lines this way and that to include minority voters, many old boundaries were moved. In some states, oddly shaped majority-minority districts emerged.

Congressional remapping that went to extreme lengths to elect minorities soon came under scrutiny by the Supreme Court. In 1993, in *Shaw v. Reno*, the Court decided against North Carolina’s oddly shaped majority-minority districts, inviting a new set of lawsuits that challenged the constitutionality of districts drawn to ensure the election of minorities.

Two years later in *Miller v. Johnson*, the Court struck down a Georgia plan that created three Black-majority districts. The Court cast doubt on any district lines for which race was the “predominant factor.” In 1995, a panel of three federal judges imposed a new plan, reducing the Black population share to about one-third in two of the districts.

Even though the Black-majority 11th District in Georgia was invalidated by the decision, Cynthia A. McKinney, the district’s Black representative, scored a victory in 1996 in the newly drawn white-majority 4th District. Only one-third of the new

district's voting age population was Black, compared with 64 percent in her old district. Indeed, all three of Georgia's Black Democrats in the House were reelected to redrawn districts in 1996. Moreover, McKinney won again in 1998 and 2000 in the redrawn district.

Black Americans in the U.S. Senate

Eleven African Americans have served in the U.S. Senate. The first was Hiram R. Revels, sent by the Mississippi state legislature to the U.S. Senate during Reconstruction, in 1870. The second, Blanche K. Bruce, also from Mississippi, was elected by the state legislature in 1874.

After Bruce departed from the Senate in 1881, no other Black person was part of that chamber until Edward W. Brooke (R-Mass.), who served from 1967 to 1979. Illinois Democrat Carol Moseley Braun was elected to the Senate in 1992, becoming the first Black woman to gain a Senate seat. She served a single term, losing her reelection bid in 1998.

In 2004, Obama became the third popularly elected Black senator. He was the only Black senator until resigning his seat in November 2008 after winning the presidency. Roland W. Burris, who also was Black, was appointed to fill his Senate term.

In 2013, Tim Scott was appointed to a U.S. Senate seat from South Carolina, becoming the first member of the GOP to represent a Southern state in the Senate since Reconstruction. He won a special election in 2014 and then won election to a full term in 2016.

William "Mo" Cowan was appointed to fill the Senate seat vacated in early 2013 by John F. Kerry (D-Mass.), who left to become Obama's second-term secretary of state. He served only a few months, until a special election was held that summer.

Later that year, Cory Booker, a Democrat who had served as mayor of Newark, New Jersey, won a special election to represent his state in the Senate. He won a full term in 2014 and was reelected in 2020.

Harris became the second Black woman senator when she won her senate seat in 2016. Harris, a former state attorney general, left the Senate after winning election as the first Black, female, and Asian American vice president in 2020.

Raphael G. Warnock, the pastor of Ebenezer Baptist Church in Atlanta, won a runoff election in January 2021 in Georgia. He defeated appointed Republican senator Kelly Loeffler for a two-year term ending in January 2023.

Black American Governors

The first Black American to serve as governor was Pinckney Benton Stewart Pinchback of Louisiana, who was president of the state Senate and in that role took over

the governor's duties for thirty-six days, from December 9, 1872 to January 13, 1873, when governor-elect Henry C. Warmoth faced impeachment proceedings.

It would be more than a century before a Black was popularly elected as governor of a state. That milestone came in 1989, when Democrat L. Douglas Wilder won election as governor of Virginia. An attorney who became the first Black American elected to the state Senate since Reconstruction, he also served four years as lieutenant governor before winning election as governor. He later was elected mayor of Richmond, Virginia.

David A. Patterson, also a Democrat, served as governor of New York from 2008 to 2010. A former state Senate minority leader, he was elected lieutenant governor in 2006, the first Black American to hold that post. When Governor Eliot Spitzer resigned his seat in 2008, Patterson became governor.

The second Black American candidate to be popularly elected to a governorship was Democrat Deval Patrick of Massachusetts, who served from January 2007 through January 2015. He won election twice. Before serving as governor, Patrick was vice president and general counsel for Texaco and executive vice president, general counsel, and corporate secretary of the Coca-Cola Company.

See also Asian American and Pacific Islander Candidates; Gerrymander; Latino Candidates; LGBTQ Candidates; Literacy Tests; Minority-Majority District; Native American Candidates; One Person, One Vote; Poll Taxes; Racial Redistricting; Supreme Court and Reapportionment and Redistricting; Voting Rights Act

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BLACK VOTERS

The struggle of Blacks for full voting rights in the United States is almost as old as the country itself. In many ways, the struggle ended in 1965 with passage of the historic Voting Rights Act. Yet, there are still many instances where impediments are placed in the way of Black Americans' right to vote, and as of 2021, a number of Republican-run states were implementing new voting laws that opponents viewed as discriminatory toward minority voter participation.

In the early days of the Republic, voting was restricted to adult white males, but only about half of them were eligible to vote. States required ownership of property or payment of taxes, which excluded poor white men. Slaves, Native Americans, and women could not vote. By the early twentieth century, most of the ineligible groups had broken down their barriers to the franchise. But voting discrimination against Black Americans was the last to be rectified.

The U.S. Constitution sanctioned slavery. The constitutional provision that declared a Black person to be three-fifths a person for U.S. Census considerations was the ugly codification of what many early Americans considered Blacks to be: property. In *Scott v. Sandford* (1857), popularly known as the *Dred Scott Case*, the Supreme Court confirmed this notion, holding that slaves were property, not included under the word *citizen* in the Constitution, and therefore unable to claim any of the rights and privileges of many white Americans.

Although a tiny fraction of free Blacks in the northern states had some voting rights at the beginning of the nineteenth century, they were the exception. In 1861, when the Civil War broke out, twenty-seven of the thirty-three states prohibited Blacks from voting. Before World War II began in the 1940s for the United States, only about 150,000 Blacks in the South, or about 3 percent of the estimated population of 5 million Blacks of voting age in that region, were registered to vote.

Slavery and the Civil War

The Civil War was not fought only about slavery, as many popular versions of American history suggest, but also over the issues of states' rights and the North-South balance of power in national politics. When President Abraham Lincoln issued the Emancipation Proclamation on January 1, 1863, it granted freedom to slaves in states fighting against the Union. Although the proclamation was questionable legally and was motivated partly by a hope to enlist Blacks as Union soldiers, it led to the extension of the long-denied vote to Blacks. Lincoln had openly expressed the desire to move slowly and cautiously on the inclusion of Blacks in the

democratic process, however, saying he wished to give priority to “very intelligent” Blacks and to Blacks who had fought on the Union side.

Black suffrage after the Civil War was seen primarily as a system for the Radical Republicans to control Congress by permanently negating the disproportionate political power of the southern planters. In many southern states, “Black codes” had been passed that effectively prohibited Blacks from voting and holding office. The Radical Republicans in Congress after the war’s end responded to these codes by passing a number of measures to bring Blacks into political life, the most important of which was the Reconstruction Act of 1867. The act set up military governments in the states of the Confederacy and tied their readmission to the Union to passage of the Fourteenth Amendment.

Many scholars believe that after the Bill of Rights, the Fourteenth Amendment is the most important addition to the Constitution. The amendment, particularly after expanded interpretations by the Supreme Court in the twentieth century, bans *states* from limiting the “privileges and immunities” of American citizens and orders *states* to respect all citizens’ rights to “due process” and “equal protection of the laws.” The provisions contained in the Bill of Rights deal with the relationship between a citizen and the federal government, and it took many years before these provisions were made applicable to the states. The Fourteenth Amendment, ratified in 1868, reduces the representation in Congress of states that deny the franchise to any male over twenty-one, a punishment that has never been carried out. The Fifteenth Amendment, which grants the franchise to all adult males regardless of race or “previous condition of servitude,” was ratified the following year.

The addition of Blacks to the American electorate was a crucial factor in Republican Ulysses S. Grant’s slim 300,000-vote margin of victory in the 1868 presidential election—a year in which Blacks first won election to state and federal offices, as federal troops with ties to the Republican Party enforced their voting rights in the former Confederate states. Between 1870 and 1900, twenty-two southern Blacks won election to Congress, and two Black Republicans from Mississippi served in the U.S. Senate.

“Jim Crow” Laws

Between 1858 and 1876, the Republican congressional majority had grown substantially with the addition of seven new northern states. The party also twice benefited from congressional reapportionment and redistricting. No longer fearful that the “King Cotton” planters would obstruct them, the Republicans abandoned Reconstruction; as part of the political deal that gave the disputed 1876 presidential election to Republican Rutherford B. Hayes, the Republicans agreed to remove federal troops from the South and to allow southern states—where the long-dominant

Democrats were quickly restored to power—to enact measures that restricted Blacks’ ability to participate in politics and the full life of the community. Without federal protection, the vast majority of Blacks were essentially disenfranchised.

The states of the old Confederacy kept Blacks from voting with an arsenal of racially discriminatory measures known as “Jim Crow” laws. Among these were poll taxes, literacy tests, property requirements, tests of morality, and grandfather clauses, which exempted poor whites from the measures by guaranteeing the vote to citizens whose ancestors had voted or had served in the state militia.

Another device was the white primary, which allowed the politically dominant Democratic Party to exclude Blacks with the twisted legal argument that the party was a private organization and therefore not covered by the Fourteenth Amendment. While most Blacks who had voted counted themselves as Republicans, most southern whites were Democrats. Given the measures that kept Blacks from the polls and the growing threat of violence for those few who could overcome the various barriers and dare to vote, the Democratic Southern primary became the region’s important election.

In the 1944 Supreme Court case *Smith v. Allwright*, white primaries were struck down in an interpretation that seemed sufficiently broad to forestall any evasion. The marginally increased Black participation in southern Democratic primaries, however, did not seriously challenge white political control for another twenty years. Political scientist V. O. Key, Jr. estimated that between 400,000 and 600,000 Blacks in eleven southern states voted in 1946, only 10 percent to 12 percent of the total population of adult Blacks in the region.

In response to the wide range of voter registration requirements that restricted ballot access to Blacks and vulnerable whites, such as illiterates, the total vote in southern states dropped by as much as 60 percent between 1884 and 1904.

Assault on Voting Discrimination

In the twentieth century, Congress and the federal courts mounted a sustained assault against voting discrimination against Blacks. In 1915, the Supreme Court, in *Guinn v. United States*, ruled the grandfather clause unconstitutional. The white primary fell in 1944, and the Court, in the 1966 decision *Harper v. Virginia Board of Elections*, declared state poll tax requirements for voting in state elections unconstitutional.

The Civil Rights Act of 1957 established the Civil Rights Commission, which was empowered to study voter discrimination. The act also greatly expanded the attorney general’s power to bring federal lawsuits against anyone restricting Blacks’ right to vote. A 1960 law gave the Justice Department the power to bring further legal action in cases that disclosed patterns of discrimination. It also authorized the appointment of federal officials to monitor elections.

Even these efforts to enhance voter rights for Blacks provided insufficient protections. During the early 1960s, state legal barriers remained in place, and extreme opponents of the civil rights movement committed acts of violence against some Blacks who tried to register to vote and the whites who were trying to assist them.

The big breakthroughs for Blacks occurred in the mid-1960s, during the presidency of Democrat Lyndon B. Johnson. The 1964 Civil Rights Act required states to adopt uniform election procedures for all citizens, mandated that states show sufficient cause for rejecting voters who had completed the sixth grade or demonstrated an equivalent level of intellectual competence, and made the procedures for federal consideration of voting rights cases easier. Also in 1964, the ratification of the Twenty-fourth Amendment banned the use of the poll tax in federal elections.

Efforts to expand the franchise for Blacks gained major momentum in early 1965, after Alabama troopers in the city of Selma used tear gas and clubs to break up a planned voting rights march from that city to the state capital of Montgomery. Among those injured was civil rights activist John Lewis, who later would go on to a long career in the U.S. House representing Atlanta, Georgia.

Later in 1965, passage of the sweeping Voting Rights Act suspended literacy tests. The act also required federal supervision of voter registration in all states and counties that on November 1, 1964, still had literacy tests or other qualifying examinations and where less than 50 percent of all voting-age citizens had voted in the 1964 presidential election. Jurisdictions under federal supervision henceforth needed Washington's approval for any changes in election procedures. This act alone added an estimated 1 million Blacks to the voting rolls.

A 1970 amendment to the Voting Rights Act suspended all literacy tests for five years, regardless of whether they were discriminatory. Later that year, the Supreme Court upheld the law's constitutionality, and the tests were abolished permanently in 1975. Further, the "trigger" for federal involvement was applied to additional states and jurisdictions by amendments passed in 1970, 1975, and 1982. The 1982 law extended for an additional twenty-five years the provisions requiring nine states and parts of thirteen others to seek Washington's approval for election law changes.

The 1982 amendments to the 1965 Voting Rights Act also allowed states to create minority-majority legislative districts by concentrating Black and Hispanic voters.

The Republican Party was initially wary of this development as minority voters at the time leaned strongly toward the Democratic Party; they worried that the creation of more minority-dominated districts would enable the Democrats to expand their strength. But a conservative swing in the nation, especially among white voters in the former Democratic stronghold of the South, benefited the Republican Party. Further, by the early 1990s, leading Republican strategists joined with some supporters of increased minority representation. While promoting expanded minority representation helped improve the party's image among Black and Hispanic voters,

redistricting plans that concentrated minority voters in a handful of districts also boosted the dominance of conservative white voters in surrounding districts.

As a result, while the number of minority-represented districts grew as a result of redistricting plans enacted in the early 1990s, so did the number of suburban and outlying districts in which white Republicans supplanted traditionally conservative southern Democrats. This phenomenon greatly abetted the Republicans' successful efforts in 1994 to gain a House majority that would last twelve years.

Not all white conservative voters were enamored of this strategy, known as "stacking of voters," though. In the 1993 *Shaw v. Reno* decision, the Supreme Court ruled that districts drawn to improve chances of minority representation could be so "bizarre" in shape that they could be considered unconstitutional racial redistricting or gerrymandering. Striking down three districts in Texas and one in North Carolina as unconstitutional, the Court ruled in *Bush v. Vera* (1996) that the districts were drawn with race as the overwhelming factor.

While Democrats in the early twenty-first century maintained large advantages in support from Blacks and Latinos, both major parties openly competed for their backing. But minority advocates nonetheless contend there are instances in which minority voters are impeded in exercising their right to vote.

For example, during the contested 2000 presidential election, there were allegations of efforts to intimidate or mislead Blacks to keep them from voting in Florida. In 2004, some Democrats and Black activists accused Republican officials in Ohio of subterfuges that blocked Blacks from voting in another close presidential vote. The votes in both states clinched Republican George W. Bush's presidential victories.

With the federal Voting Rights Act amendments enacted in 1982 set to expire in 2007, a twenty-five-year extension of the nonpermanent provisions was passed by the Republican-controlled Congress in 2006 and signed into law by Bush that July. The measure was enacted over the objections of some lawmakers and officials from states covered by the preclearance provisions requiring them to get approval from the U.S. Justice Department or the federal district court in Washington, D.C., prior to making any changes to election procedures and district maps. The affected states argued unsuccessfully that the provisions were unnecessarily time-consuming and expensive, given the removal of strictures against minority voting, the vast increase in Black voter registration and participation, and the sizable roster of Black elected officials in those states.

However, in 2013, the Supreme Court invalidated a key section of the Voting Rights Act, in a judgment holding that the states bound by the act's preclearance mechanism no longer needed approval from federal authorities to make changes to state election laws. The landmark case, *Shelby County v. Holder*, was decided on a 5–4 vote, with the court's conservatives voting in favor and liberals voting against.

The years following the 2016 election of Republican president Donald Trump saw the rise of the Black Lives Matter movement and an increased focus on turning out Black voters in the divisive 2020 presidential campaign, which pitted Trump against his Democratic challenger, Joseph R. Biden. Black voters, especially Black women, were seen as crucial to Biden's victory.

In 2021, the Biden administration and the Democratic leadership in Congress backed federal legislation called the For the People Act, which included provisions to make it easier to vote absentee and harder for states to cut people from the voting rolls. As of spring 2021, it was not clear whether the measure, which passed the House, would make it through the Senate. Meanwhile, some Republican-led states, including Georgia, Iowa, and Arkansas, passed voting bills viewed by opponents as making it more difficult for Black and other minority voters to participate.

See also Asian American and Pacific Islander Voters; Black Candidates; Civil Rights Act; Gerrymander; Grandfather Clause; Latino Voters; LGBTQ Voters; Literacy Tests; Minority-Majority District; Native American Voters; One Person, One Vote; Poll Taxes; Racial Redistricting; Reapportionment and Redistricting; Right to Vote; Supreme Court and Reapportionment and Redistricting; Voting Rights Act; Women Voters

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BLUE DOG DEMOCRATS

The Blue Dog Coalition of conservative and centrist House Democrats was formed in the wake of the party's sweeping losses in the 1994 midterm elections, in which the Republican Party took control of both the House of Representatives—for the first time in forty years—and the Senate.

The 1994 elections took a particular toll on Democrats from conservative-voting areas, especially in the South, a region where the Republicans had already eroded the Democrats' long-standing dominance. Republicans widely targeted Democrats in these areas by seeking to tie them to a national Democratic Party that the GOP described as too liberal.

The Blue Dogs emerged as part of an effort to stem that trend. They attempted to impress upon voters that there was a viable conservative wing of the congressional Democratic Party and persuade the more liberal party leadership that conservatives needed to play a bigger role in Democratic agenda setting.

The coalition took its name from a series of quirky paintings by New Orleans artist George Rodrigue featuring a wide-eyed blue dog; a piece showing the blue dog in front of the U.S. Capitol became the group's logo. But the name also was a play on "yellow dog Democrat," an old expression from the days of the Democratic "Solid South." The label referred to a party loyalist who would vote for a yellow dog rather than a Republican, whose party was reviled for decades in the South because of its association with Abraham Lincoln and the Civil War.

The Blue Dog Coalition faced an almost immediate setback, as five of its initial twenty-one members switched parties in 1995 to join the new House Republican majority. The Blue Dogs also struggled to achieve the bipartisan outreach on issues such as a balanced federal budget that they had hoped would temper some of the more hard-line conservative objectives of the congressional Republican leadership.

Republican gains in the South played a major role in the party's takeovers of the U.S. House and Senate in the 1994 election and subsequent dominance over the next dozen years. The diminished numbers of southern Democrats in Congress also dramatically altered the once-formidable conservative coalition they had formed with Republicans. The GOP determined it could achieve most of its goals without the votes of the Blue Dogs and other conservative Democrats and focused its efforts on maintaining party unity rather than reaching out to potentially sympathetic Democrats. That marginalization led some political scientists to dismiss the conservative coalition as a remnant of the era when the South was largely a one-party Democratic monolith.

Yet, rather than fading away, the Blue Dog Coalition grew to more than forty members as its leaders, focusing on the group's central theme of fiscal responsibility, reached out from the most conservative wing of the Democratic Party to those holding more centrist views. Democratic leaders—frustrated by failed attempts in a series of election cycles to overturn the GOP's dominance of Congress—also became more accommodating to the input of Blue Dogs and other center-right Democrats in shaping the party's electoral strategy.

As of 2021, the group included nineteen House members.

BORDER STATES

The term *border state* has various definitions based on its context. For example, in international affairs, such as trade, immigration, and border security, a border state would be one that abuts Canada, Mexico, or, under some definitions, one of the nation's coastlines.

In a political sense, though, "border state" has been mainly used to characterize states located on the cusp between the northern and southern regions of the United States.

As defined in the mid-nineteenth century, there were four border states: Delaware, Kentucky, Maryland, and Missouri. Although these states allowed slavery, they did not secede from the Union, and they fought on the Northern side in the Civil War. When the western counties of Virginia split off and became the state of West Virginia in 1863, a fifth border state was created.

All five technically were Southern states because they were below the Mason-Dixon Line, the generally accepted demarcation between the North and the South. Surveyors Charles Mason and Jeremiah Dixon established the line in the 1760s as the border between Pennsylvania and Maryland. But the five states came to be called border states rather than southern states because of their proximity to the Confederate border and their loyalty to the Union.

Over the years, political scientists, geographers, and statisticians have altered the list of what they consider to be "border states." The U.S. Bureau of the Census, however, does not use the border state classification. It divides the fifty states into four regions (Northeast, Midwest, South, and West) and further divides each of those into two subregions, except for the South, which has three subregions. Under the Census Bureau grouping, four of the five original border states are listed under the South except for Missouri, which is under Midwest.

But other organizations use different criteria for organizing the states. *Congressional Quarterly*, for instance, includes Kentucky and West Virginia in its definition of southern states. But Maryland and Delaware, which long had quite conservative voting tendencies, have moved to the left politically and now have voting tendencies that place them with the states of the Northeast region.

While some question whether Maryland and Delaware still fit the political definition of border states, other political and demographic changes over time could shift states into that category. Virginia, for example, was long a bastion of southern conservatism; the state's capital of Richmond was the capital of the Confederacy. That once made Virginia solidly Democratic and in the latter part of the twentieth century shifted the state dependably into the Republican column. But the vast population growth of the northern Virginia suburbs of Washington, D.C.—which have more in common with the Northeast Corridor than the Deep South—has given that region a Democratic edge, making Virginia more of a swing state, and perhaps a

traditional border state, in the early twenty-first century. In fact, Virginia in 2008 voted for Barack Obama, a Black Democrat, who comfortably carried the state with 52.6 percent of the total vote. It was only the third time since 1948, and the first since 1964, that the state went Democratic for president. A Democrat, Joseph R. Biden, again carried the state in 2020 with 54.1 percent of the vote.

Further Readings

- Harris, William C. *Lincoln and the Border States: Preserving the Union*. Lawrence: University of Kansas Press, 2011.
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BROKERED CONVENTION

Now a thing of the past, brokered national party conventions were not unusual after conventions came into general use as presidential nominating devices in the mid-nineteenth century. They were so called because power brokers—influential party leaders, financiers, and favorite sons—“wheeled and dealt” to steer the nomination to the candidate of their choice, who was not necessarily the first choice of the delegates in the hall.

Two controversial rules, since abolished by the Democrats and never used by the Republicans, made Democratic Party conventions especially susceptible to manipulation by power brokers. They were the two-thirds rule, which required a two-thirds majority vote for nomination, and the unit rule, which enabled the majority of a state delegation to cast all the delegation’s votes as a bloc.

The need for a two-thirds majority helped to make multiple balloting a characteristic of Democratic conventions for many years until the party dropped the rule in 1936. The record was 103 roll calls taken in 1924 before the convention settled on John W. Davis of New York as the party’s nominee to oppose the Republican incumbent, Calvin Coolidge.

By contrast, only one GOP convention took more than ten roll calls to nominate a presidential candidate. That was in 1880, when James A. Garfield won on the thirty-sixth ballot.

Many of the Democrats’ multiple ballots were used to dispense with favorite-son candidates, whose names were placed in nomination by various state delegations. Like brokered conventions, favorite-son candidates are now largely relics of a bygone era. Both were outmoded by the rise of primaries, which diminished the role

of the conventions, and by presidential selection reforms that democratized the nominating process. Since 1952, neither of the major parties has taken more than one ballot to nominate a standard bearer.

Although the Democrats' rules made their conventions more vulnerable to domination by party bosses, one of the most famous of brokered conventions was a Republican event—the 1912 convention that pitted the forces of President William Howard Taft against those of former president Theodore Roosevelt.

Because the permanent convention chair would not be filled until the many credentials disputes were settled, the temporary chair was unusually powerful at the divided convention. The post was won by Senator Elihu Root of New York, whose rulings helped Taft to win the credentials fight and eventually the nomination. Accusing Root of steamroller tactics, Roosevelt supporters rubbed sandpaper and blew horns to imitate the sound of a steamroller. Roosevelt's own candidacy as nominee of the Progressive, or "Bull Moose," party split the GOP vote and helped Democrat Woodrow Wilson to win the presidency.

Wilson's own nomination in 1912 required forty-six roll calls and provided an example of a convention that party leaders were unable to broker in favor of the first ballot leader, House speaker Champ Clark of Missouri. Clark received a majority on the tenth ballot, but he was never able to win the 730 votes needed for nomination under the two-thirds rule. It was the first time since 1844 that a majority vote-getter on an earlier ballot ultimately lost the Democratic nomination.

Normally, the absence of a clear front-runner at the outset is the hallmark of a brokered convention. Jockeying for the lead position takes place among the favorite son and other candidates, their supporters, and the power brokers. The Republican convention of 1896, however, was in a sense brokered in advance by industrialist Mark Hanna, who engineered the first-ballot nomination of Ohio governor William McKinley. Hanna, McKinley's mentor and campaign manager, wooed delegates for his candidate for more than a year before the convention. When the opening gavel sounded, McKinley's nomination was almost a foregone conclusion.

See also Delegates; Favorite Son; National Party Conventions; Presidential Selection Reforms; Primary Types; Two-Thirds Rule; Unit Rule

BUNDLING

The gathering together of individual campaign contributions is known as *bundling*. The technique enables a political action committee (PAC) or party committee to stay

within the campaign finance laws and still present a candidate with a gift large enough to gain his or her attention and possibly ensure access to the officeholder.

Bundling is just one of several methods developed by businesses, interest groups, and others to circumvent the contribution limits imposed by Congress since the 1970s to lessen the influence of big money in campaigns for federal office. In the wake of the passage of the campaign finance law known as the Bipartisan Campaign Reform Act (BCRA) of 2002, the most common of these other avenues has been the practice known as *independent expenditure*, in which political parties and interest groups may use regulated hard money contributions to abet a candidate's election as long as those expenditures are made without the candidate's prior knowledge or cooperation.

Another common practice over the years has been the use of soft money or unregulated donations to parties for use on campaign activities. Provisions of BCRA barred the use of soft money in campaigns for federal offices (it was still permitted in some state-level campaigns). In response, there was a major expansion in the use of political action committees exempt from Federal Election Committee regulation because they are set up under Section 527 of the Internal Revenue Code and thus could accept soft-money contributions from interest groups and individuals who previously poured those funds into the national party organizations.

The use of bundling predated the current federal limits on campaign contributions. The liberal-oriented Council for a Livable World (CLW) originated the technique in 1962 by soliciting checks payable to George S. McGovern's Senate campaign in South Dakota.

A variation on the bundling system is the "political donor network," pioneered in 1985 as EMILY's List—its name an acronym from the phrase "Early Money Is Like Yeast—it makes dough rise." The group was formed to provide financial resources to abet the election chances of Democratic female candidates who favored abortion rights. EMILY's List has been the largest single PAC in terms of receipts over the past several election cycles, including 2005–2006, when the group reported more than \$34 million in contributions. In February 2007, the organization indicated that it had raised more than \$240 million since its founding.

Corporate executives use bundling to aggregate their political contributions into larger sums. Like other individuals, they face strict limits on how much money they may give to an individual candidate. This was set for many years at \$1,000 per candidate per election—with the primary and general election contests in each election cycle deemed separate elections—but the limit was raised to \$2,000 with the enactment of BCRA. An inflation-adjustment clause boosted the figure to \$2,900 for the 2021–2022 cycle.

Even with the increase, an individual contribution would not necessarily draw the candidate's attention. But if ten executives each gave \$2,900, the \$29,000 bundle

would make more of an impression. In fact, that amount is more than double the maximum amount (\$10,000) that a nonmulticandidate political action committee may contribute to any one candidate over two years.

From time to time, the news media have published allegations that some bundled contributions were actually illegal gifts that corporations paid to their executives or employees as “bonuses,” with the understanding that they were to be passed on to the candidate the company wished to help.

The practice of bundling came under unusual scrutiny after the Democrats gained control of both chambers of Congress following the 2006 campaign in which the party’s candidates cited several highly publicized ethics controversies to accuse Republicans of a “culture of corruption.” A package of rules changes aimed at tightening regulations on members’ contacts with lobbyists produced by the Senate in the early days of the 110th Congress included an unexpected provision: a requirement that lobbyists file quarterly reports listing all of their contributions to candidates, including those that they collected from other individuals and then bundled before transmitting them to the candidates’ treasuries. A parallel House measure, passed in May 2007, contained a provision that also would require lobbyists to report bundled contributions.

The bundling provisions were part of larger lobbying reform bills that required a House-Senate conference committee to resolve differences between each chamber’s version. The final bill, which cleared and was signed into law in September 2007, required campaign committees—including a candidate’s campaign committee, a party committee, or a leadership PAC—to provide reports to the Federal Election Commission two times a year on the bundled campaign contributions they received from a lobbyist or a committee established or controlled by a lobbyist in excess of \$15,000 over six months. The reports had to include the names, address, and employer of each lobbyist “reasonably known” to have provided two or more bundled contributions, as well as the total amount of contributions provided by that lobbyist. As of 2021, the FEC required that bundled contributions of \$19,300 or more per year be reported by the committees receiving the contributions.

See also Campaign Finance; Hard Money; Interest Group; Political Action Committees; Soft Money