

VOTING RECORDS: GENEALOGY'S BEST KEPT SECRET

By Pam Vestal, Generations Genealogy
www.generationsgen.com
generationsgen@gmail.com

Voting records are some of the most underused records available to genealogists, but they are often wonderfully rich resources. At very least, these records locate our ancestors in a particular place and time, but at best they can reveal occupations, residences, naturalizations, migration, vital statistics, even physical descriptions.

The history of voting in America is the story of rights granted and rights denied. Consider when and where your ancestor lived, and what impact that time and place would have had on his rights. Would he have been allowed to vote? Here are some of the deciding factors:

Age:

Before the Revolution, voting for the House of Burgesses and other colonial legislatures was restricted to white male property owners over the age of 21. Oral votes were tallied by sheriffs and deputies, and some of these lists still exist online and in state archives and state libraries. After the Revolution, this policy continued in most places, but no federal standard was set. The new constitution left the matter to the states. However, almost all voters had to be at least 21 year old until the passage of the 26th Amendment in 1971, which lowered the age to 18. Some states did adopt a lower voting age during the mid-20th century, so check the laws in your area when considering local elections.

Property ownership: Many states required voters to own property, although some voters qualified by having substantial income. Pennsylvania abolished property requirements in 1776. By contrast, South Carolina demanded large land holdings and required candidates for office to possess even more property. The last property-ownership requirements were eliminated in 1856.

Race and Ethnicity:

Some states allowed free African-Americans to vote in the early days of the nation, only to remove that opportunity after a few years. New Jersey initially gave the vote to “free inhabitants” with few restrictions, but subsequently excluded African-Americans, women, and aliens in 1807. After the Civil War, racial restrictions to citizenship were lifted, and the 15th Amendment granted the constitutional right to vote. Nonetheless, new voting restrictions arose in many states. “Jim Crow laws” were passed, using literacy tests, poll taxes, and the Grandfather Clause to prevent African-Americans from voting, and violence was an ongoing problem. Evidence of these restrictions can be found in newspapers and archives. Various court rulings challenged and altered access

for these voters at the local level, culminating in the 1965 Voting Rights Act, which required formerly restrictive states to get federal approval to change voting laws. There have been subsequent alterations to this Act.

Some Mexicans gained American citizenship when their land was annexed into Texas during the Mexican-American War. Nonetheless, voting rights continued to be restricted by the threat of violence and by required literacy tests. In *Hernández v. State of Texas*, the Supreme Court ruled that citizens of Mexican descent were protected under the 14th Amendment and thereby entitled to vote.

However, the Supreme Court ruled that some Native Americans were *not* entitled to the same rights under the 14th Amendment because they were subject to tribal law, not federal law. Although treaties with the government had granted citizenship to about 2/3 of Native Americans, those on tribal land had to wait until the 1924 Indian Citizenship Act granted them the vote. However, local laws and policies continued to interfere, and because authority of the states trumped federal authority on this issue, some states continued to deny the vote to this group until 1957.

The 1882 Chinese Exclusion Act and subsequent acts prevented Chinese immigrants from becoming citizens and therefore from voting until 1943. People of Japanese descent were added in 1922. The McCarran-Walter Act of 1952 granted citizenship to this disenfranchised group. Asian Indians were barred from 1923 until 1946.

Gender: The women's suffrage movement gained momentum after the 1848 Seneca Falls Convention. Records of female voters have been found as early as 1868, and the Wyoming Territory granted full suffrage to women a year later. The 19th amendment was ratified in 1920, but some women were still without voting rights as a result of the 1907 Expatriation Act, which disenfranchised American-born women who married aliens. The Cable Act of 1922 changed this, but those who had lost citizenship had to complete the naturalization process to be repatriated as if they had been foreign-born. Check naturalization statutes through 1940, when all women were able to gain independent citizenship regardless of marital limitations.

THE RECORDS

Conflict is a genealogist's best friend, because conflict leads to documentation. For example, controversy over discrimination on racial and ethnic grounds has generated many records, from newspaper articles and trial records to local petitions and state and federal legislation. There are, for example, extensive records on the Ku Klux Klan at the National Archives.

Might your ancestor have been embroiled in any religious, ethnic, racial, gender-related, work-related, economic, or other political issues? Research your ancestors' religious and other beliefs, interests and occupations, because they may have joined organizations or political movements that left documents behind. And don't forget to

research the law for that time and place. That's what determined who could and couldn't vote, and what kind of proof of identity and citizenship were required. Presence on a poll list or voting register offers indirect evidence that the ancestor met all of the qualifications of a voter, from property ownership to literacy, as defined by law. A great resource for researching the law without charge is at www.law.cornell.edu, where you can search for laws by topic or by jurisdiction.

Absence from voter lists that your ancestor qualified to appear in may offer indirect evidence of youthful age, insufficient assets, or a prohibited religion. If taxes were overdue, they may not have been allowed to vote. Look for delinquent tax lists if your ancestors' names are absent. Also check the 1870 census to see if your ancestor indicated that he felt his right to vote had been illegally restricted.

Voting records make great census substitutes and fill in gaps for other burned or lost records. They can also document migration.

To find these records: Google "historical election records" for your state, county, and town. "Historical voting registers" and "Poll Lists" are other good search phrases, although tax lists are sometimes called poll lists. Use Cyndi's List (www.cyndislist.com), FamilySearch (www.familysearch.org), Ancestry.com (www.ancestry.com) and other genealogical websites.

At the state level, the Secretary of State has authority over elections, and although they may not hold the records, they may be able to help you locate them. At the County level, it is often the County Clerk or the Board of Elections. These are public records, so even contemporary voter registration information should be accessible. Some older records, including British pre-Revolutionary War poll lists, have been moved to genealogical or state libraries, archives, universities, or historical societies.

Newspapers sometimes published the names of registered voters and also documented controversial issues of the day, as well as the stories of political candidates and their supporters and opponents. Stanford University has an excellent interactive map for finding out what newspapers were available at a particular time, in a particular place, at http://web.stanford.edu/group/ruralwest/cgi-bin/drupal/visualizations/us_newspapers. The Historic American Newspaper Collection at the Library of Congress (Chronicling America), and websites such as GenealogyBank, Newspapers.com, and Smalltownnewspapers.com are also valuable resources.

To find manuscript collections pertaining to organizations your ancestors may have belonged to, search Archivegrid (<http://beta.worldcat.org/archivegrid/>) or NUCMC, the National Union Catalog of Manuscript Collections (www.loc.gov/coll/nucmc).

Voter lists have been retained all over the world, and these and other websites may provide documentation for your ancestors before and after they crossed the pond.