# Citizenship

The United States is sometimes referred to as a "nation of immigrants." You may have also heard the phrase "melting pot." In its short history the United States has seen many waves of [immigrants](http://bensguide.gpo.gov/9-12/glossary.html#Immigrant) come to its shores and borders. For reasons such as political or religious persecution or in search of better economic conditions, many people have fled their native lands to live in America, the land of the free. This has resulted in a very diverse U.S. population. People living here have different heritages, religious beliefs, ethnicity, languages, and national origins. Though there are these differences, Americans are bound together by basic political values and principles described in historical documents.

However, living in the United States does not automatically make one an American citizen. Residents of the United States can be [aliens](http://bensguide.gpo.gov/9-12/glossary.html#Alien), [nationals](http://bensguide.gpo.gov/9-12/glossary.html#National), or [citizens](http://bensguide.gpo.gov/9-12/glossary.html#Citizen). Aliens are people who have emigrated from a foreign country. They have some of the same freedoms and legal rights as U.S. citizens, but they cannot vote in elections. American nationals are natives of American territorial possessions. They have all the legal protections which citizens have, but they do not have the full political rights of U.S. citizens. Persons born in the U.S. or born to U.S. citizens in foreign countries are automatically citizens of the United States. Persons born in other countries who want to become citizens must apply for and pass a citizenship test. Those who become citizens in this manner are naturalized citizens.

All American citizens enjoy the freedoms, protections, and legal rights which the Constitution promises.

# Duties and Responsibilities of Citizens

The right to vote is a duty as well as a privilege. It is important for all citizens to vote in every election to make sure that the democratic, representative system of government is maintained. Persons who do not vote lose their voice in the government.

Before voting in an election, each citizen should be well informed about the issues and candidates. Resources such as [GPO Access](http://www.gpoaccess.gov/index.html) can help citizens keep current on issues facing the Congress and how members of Congress vote on these issues. The political parties distribute brochures, pamphlets and newsletters about their candidates, the party platform, and the party view on important issues. Citizens can read this information to learn about the differences among the parties. Some candidates are independent and do not belong to a political party. These candidates distribute their own information. Radio, television, newspapers, and magazines provide information, also. Each citizen needs to make his/her own decision about who would be the best representatives by considering all sides of the issues.

State and local elections involve voting on issues or laws that are of concern to the citizens, such as businesses, schools, neighborhoods, transportation, safety or health. In many states, the voters have a direct part in the lawmaking process. For example, a law that has been passed in the state legislature may be sent back to the voters to accept or reject. The voters decide directly if a new law should be put into effect. This is known as the power of [referendum](http://bensguide.gpo.gov/9-12/glossary.html#Referendum). Another form of direct lawmaking by the voters in some states is the [initiative](http://bensguide.gpo.gov/9-12/glossary.html#Initiative). In this process, a group of voters signs a petition asking for a specific law. If enough people have signed the petition, the qualified voters must be given a chance to vote for or against the proposed law. The law will go into effect if more than half (a majority) of the votes are in favor of the law. These two processes, referendum and initiative, show the authority of the people in the U.S. system of government and the importance of being a well-informed citizen. To keep the laws responsive to the needs of state and community, it is important to vote and be represented.

# Rights of Citizens: The Bill of Rights

When the Constitution was ratified in 1789, many people were concerned that it did not protect certain freedoms. They thought that the Constitution should be changed or amended to protect these freedoms. On December 15, 1791, ten [amendments](http://bensguide.gpo.gov/9-12/glossary.html#Amendment) were added to the Constitution. The first eight amendments set out or enumerate the substantive and procedural individual rights associated with that description. The 9th and 10th amendments are general rules of interpretation of the relationship among the people, the State governments, and the Federal Government. These amendments guarantee certain freedoms and rights, so they are known as the Bill of Rights.

**Amendment I** - "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

**Amendment II** - "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed."

**Amendment III** - "No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law."

**Amendment IV** - "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

**Amendment V** - "No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation."

**Amendment VI** - "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence."

**Amendment VII** - "In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law."

**Amendment VIII** - "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted."

**Amendment IX** - "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."

**Amendment X** - "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

# Becoming a U.S. Citizen

The process by which people from foreign countries become U.S. citizens is called [naturalization](http://bensguide.gpo.gov/9-12/glossary.html#Naturalization). There are three steps in this process:

1. File an application.
2. Take a naturalization examination.
3. Appear for a court hearing.

To become a citizen, or to be naturalized, a person must meet certain requirements:

* Be at least 18 years old.
* Have lived in the U.S. as a legal resident for at least 5 years.
* Be of good moral character and loyal to the U.S.
* Be able to read, write, speak and understand basic English.
* Have basic knowledge and understanding of the history, government structure and the Constitution of the U.S.
* Be willing to take an oath of allegiance to the U.S.

# Applying for Citizenship: The Naturalization Examination

The Bureau of Citizen and Immigration Services (formerly known as the INS) will review the application package and schedule an interview for the applicant. The examiner will ask the applicant questions about his/her application and will help the applicant file the petition for [naturalization](http://bensguide.gpo.gov/9-12/glossary.html#Naturalization), the legal paper that is filed in the naturalization court. The applicant will need to pay a fee when filing the petition if he or she passes the naturalization examination.

The examiner asks the applicant some questions about the U.S. system of government and U.S. history to see if the applicant has basic knowledge of these subjects. The applicant does not have to be able to read or write English to pass this part of the examination.

The examiner also will test the applicant’s English reading and writing skills by giving a simple dictation test. The applicant also will be asked to sign his/her name in English. Two types of applicants do not have to take the English literacy examination. These are applicants who are:

* Physically unable to read or write, or
* 50 years old or more and have lived in the U.S. (as a permanent legal resident) for 20 years or more

# Applying for Citizenship: The Application

An application to file a petition for naturalization needs to be obtained from the local [Bureau of Citizenship and Immigration Services](http://frwebgate.access.gpo.gov/cgi-bin/leaving.cgi?from=exitkids.html&to=http://www.uscis.gov/portal/site/uscis&alias=Bureau+of+Citizenship+and+Immigration+Services&log=linklog) (formerly known as the INS) office. The forms needed are free to the applicant:

* Application
* Biographic information sheet
* Fingerprint chart

The application must be filled out completely and truthfully. There are instructions on the form to help the applicant answer the questions. The applicant will be asked to gives these answers under oath when she/he appears for the examination. If the answers are not truthful, the applicant may not be granted citizenship.

The biographic information sheet must be filled out completely. It contains information similar to the application form.

Applicants need to fill in the personal information, such as name, address, birthdate, etc., on the fingerprint chart. Fingerprints can be taken at a police station, sheriff’s office or some INS offices. The applicant must sign the fingerprint chart in the presence of the person taking the fingerprints. The person taking the fingerprints must sign the chart also.

Along with the application, a biographic information sheet and fingerprint chart, the applicant must have three unsigned photographs of his/her face. The application package gives specific information on what is needed.

# Applying for Citizenship: The Court Hearing

After the examination is complete and the petition is filed, the applicant must appear in court for a final hearing. The examiner tells the judge that the applicant is qualified for naturalization and should be made a citizen. If the examiner believes that the applicant is not qualified for naturalization, the applicant can appear at the final hearing (with a lawyer, if desired). The applicant can ask the judge for citizenship. The judge will listen to the applicant’s reasons and will decide on naturalization.

If an applicant cannot appear to meet the examiner to file the petition or cannot appear in court because of an illness or physical disability, it may be possible for other arrangements to be made.

When it has been decided that an applicant is to become a citizen, the applicant must take an oath of allegiance or loyalty to the US. When he/she takes the oath, the applicant gives up loyalty to another country. Upon taking the oath, the applicant promises to support and defend the U.S. Constitution and the laws of the United States of America.

After the oath of citizenship is taken, the judge signs an order granting naturalization. The new citizen is given a certificate or naturalization-the official paper showing the person is a U.S. citizen. (If a large number of people become citizens at a court hearing, the certificates may be mailed to the new citizens later.) If a new citizen changes his/her name or the certificate of naturalization is lost, damaged or destroyed, it is important to apply for a new certificate. The local Bureau of Citizen and Immigration Services office will supply the application form for the new certificate.

# The Oath of Citizenship

I hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty of whom or which I have heretofore been a subject or citizen; that I will support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will bear arms on behalf of the United States when required by law; that I will perform noncombatant service in the Armed Forces of the United States when required by the law; that I will perform work of national importance under civilian direction when required by the law; and that I take this obligation freely without any mental reservation or purpose of evasion; so help me God. In acknowledgement whereof I have hereunto affixed my signature.

In some cases, INS allows the oath to be taken without the clauses:

"… that I will bear arms on behalf of the United States when required by law; that I will perform non-combatant service in the Armed Forces of the United States when required by law…"

# Voter Registration

Any citizen of the United States over the age of 18, and who meets certain state requirements, may vote in Federal elections. This has not always been the case. When the United States first won its independence, there were many restrictions on who could vote. In some states, only white male landowners over the age of 21 could vote. Beginning in 1870, however, a series of Constitutional Amendments (15th, 17th, 19th, 23rd, 24th, and 26th) and passage of certain pieces of legislation have extended voting privileges to more and more citizens.

It is everyone's civic responsibility to vote, but in order to do so you must be registered. Requirements for registration and registration deadlines vary from state to state and the District of Columbia. North Dakota is the only state that does not require voters to register.

Registration forms may be obtained from the local election officials in your county or from the state's election office. You can also register to vote when applying for services at:

* state departments of motor vehicle or drivers' licensing offices
* state offices providing public assistance
* state offices providing State-funded programs for the disabled
* armed forces recruitment offices

In addition to these locations, many states offer registration opportunities at public libraries, post offices, unemployment offices, public high schools and universities, and through organizations such as the League of Women Voters.

The National Mail Voter Registration Form is the one document that allows you to register to vote from anywhere in the United States. While the form is available online and accepted by most states, not all states accept a computer generated form. Get the answers to all your registration questions and the form from the Federal Election Commission's (FEC) Web site.

# Election of Representatives

When the first Congress met in 1789, there were 59 representatives in the House of Representatives. As the number of states increased and as the population grew, the number of representatives increased significantly. A law passed in 1911 fixed the size of the House of Representatives at 435 members. Members of the House are up for reelection every two years. The number of persons representing each state depends upon its population as reported in the nation's [decennial](http://bensguide.gpo.gov/9-12/glossary.html#Decennial) census counts. Each state is divided into congressional districts accordingly. There is a representative for every congressional district and every state has at least one congressional district.

In order to be elected to the House of Representatives one must be at least 25 years old by the time one takes the oath of office, a citizen of the U.S. for at least seven years, and a resident of the state from which one is elected. These qualifications were established in Article I, Section 2 of the Constitution.

Most states have primary elections to decide which candidates will be on the November general election ballot. Some states parties hold conventions in conjunction with the primary. If a candidate is unopposed, there may not be a [primary election](http://bensguide.gpo.gov/9-12/glossary.html#Primary). Those who represent a major political party are automatically placed on a state's primary ballot. Minor party candidates are chosen by their party's rules while independent candidates nominate themselves. Independent candidates and those representing minor parties must meet various state requirements to be placed on the general election ballot. An example of this would be to submit a petition with a certain number of registered voters.

Senate and Representative elections differ in who votes for the candidates. All eligible voters within a state may vote for Senator. A Representative is elected by only those eligible voters residing in the congressional district that the candidate will represent. Election winners are decided by the plurality rule. That is, the person who receives the highest number of votes wins. This may not necessarily be a majority of the votes.

# Election of Senators

Each state has two senators who are elected to serve six-year terms. Every two years one third of the Senate is up for reelection. To be able to run in an election for the Senate one must be 30 years old by the time one takes the oath of office, a citizen of the U.S. for at least nine years, and a resident of the state from which one is elected. These qualifications were established in Article I, Section 3 of the Constitution.

Most states have primary elections to decide which candidates will be on the November general election ballot. Some states parties hold conventions in conjunction with the primary. If a candidate is unopposed, there may not be a [primary election](http://bensguide.gpo.gov/9-12/glossary.html#Primary). Those who represent a major political party are automatically placed on a state's primary ballot. Minor party candidates are chosen by their party's rules while independent candidates nominate themselves. Independent candidates and those representing minor parties must meet various state requirements to be placed on the general election ballot. An example of this would be to submit a petition with a certain number of registered voters.

Before 1913 senators were chosen by their state legislatures. The Founding Fathers believed that since the senators represented the state, the state legislature should elect them. The 17th Amendment to the Constitution now requires senators to be elected by a direct vote of those s/he will represent. Election winners are decided by the plurality rule. That is, the person who receives the highest number of votes wins. This may not necessarily be a majority of the votes. For example, in an election with three candidates, one candidate may receive only 38% of the vote, another 32%, and the third 30%. Although no candidate has received a majority of more than 50% of the votes, the candidate with 38% wins because s/he has the most votes (the plurality).

**Election of the President & Vice President: Primary Election**

According to the United States Constitution, a presidential election is to be held once every fourth year. The process of electing a President and Vice-President begins long before Election Day. Candidates from both major and minor political parties and independent candidates begin to raise money and campaign at least one year in advance of the general presidential election. In order to officially represent a political party, a candidate must be nominated by that party.

This primary nomination process is a contest that often produces factions within political parties. These divisions impact the policy stances and agendas of the candidates running for nomination as they attempt to garner the support of party leaders and activists. The nominating process officially begins with the first state primaries and caucuses, which usually occur in the month of February of the election year. It is at these local events that voters are given their first chance to participate in electing the nation’s next President.

There are many factors that influence who will ultimately become the candidate for a party. The public’s perception of the candidates is influenced by such things as media reports, public opinion polls, candidate preference surveys, and advertising. These factors will help determine the perceived strengths and weaknesses of the candidates in the months leading up to the caucuses and primaries.

The spring of an election year is characterized by vigorous campaigning for primaries and caucuses all over the nation. This process reaches its crescendo at the national conventions of the political parties. Once at the national party conventions, the delegates from the states cast votes for the person who will represent the political party in the November general election. In order to secure a party’s nomination, a candidate must receive a majority of the votes from the delegates. It is not unusual for delegates to vote several times before one candidate secures the majority of the votes and officially becomes that party’s candidate for the election to determine the next President of the United States. The candidate for President then must choose a vice-presidential candidate. Generally, a running mate is chosen that will in some way balance the party’s ticket for the general election. This balance may be geographic (choosing a running mate that is very popular in one region where the Presidential candidate is not) or ideological (choosing a running mate with a different ideological framework than the presidential candidate), and the balance is intended to make the overall general election ticket of a political party acceptable to as wide a range of voters as possible.

If a President is running for re-election, this nomination process must be completed. Even if the President does not face any opposition from within his own political party, the national convention will still occur. The conventions are extravaganzas, full of pageantry and showmanship. They serve to help jump start the general election campaign for the presidential candidates.

# Election of the President & Vice President: General Election

The national conventions of the political parties are the culmination of the primary election process. Once the national conventions have been held, and the candidates from the political parties have been nominated and chosen, the presidential election begins in earnest as a contest between the candidates from the political parties. Any divisions or factions that have surfaced within a political party up to the nomination process tend to be set aside and the entire party becomes unified behind its candidate and begins to work to get that person elected.

Some people choose to run for president without being affiliated with a political party. Such independent candidates need not concern themselves with getting nominated by a party, but must meet other requirements. For example, such candidates are required to collect a large number of signatures to support their nominations. The sources of funding used by independent candidates comes from personal funds and loans as well as fundraising campaigns.

An independent candidate for President must file a declaration of candidacy and a certification of the candidate's selection for vice president with the secretary of state prior to circulation of the candidate's nominating petitions. The candidate and the candidate's selection for vice president must sign the certification before it is filed. No petition or certificate of nomination may be circulated prior to the first day of January of the year in which the election will be held. Once the required number of signatures is received by the person, s/he is able to run in the general election.

The candidates campaign right up until Election Day, when the nation finally votes for its President. The candidates travel throughout the country, making public appearance and giving speeches. The parties and the candidates use media advertising, direct mailings, telephone campaigns, and other means to persuade the voters to choose one candidate over the other(s). Often, these measures also serve to point out the weaknesses of the candidates from the other parties involved in the general election.

In this national presidential election, every citizen of legal age (who has taken the steps necessary in his/her state to meet the voting requirements, such as registering to vote) has an opportunity to vote. However, the President is not chosen by direct popular vote. The Constitution requires that a process known as the Electoral College ultimately decides who will win the general election.

# Election of the President & Vice President: Electoral College

The Electoral College is a method of indirect popular election of the President of the United States. The authors of the Constitution put this system in place so that careful and calm deliberation would lead to the selection of the best-qualified candidate. Voters in each state actually cast a vote for a block of electors who are pledged to vote for a particular candidate. These electors, in turn, vote for the presidential candidate. Each state is apportioned a number of electors equal to the total number of their Congressional delegation.

After Election Day, on the first Monday after the second Wednesday in December, these electors assemble in their state capitals, cast their ballots, and officially select the next President of the United States. Legally, the electors may vote for someone other than the candidate for whom they were pledged to vote. This phenomenon is known as the "unfaithful" or "faithless" elector. Generally, this does not happen. Therefore, the candidate who receives the most votes in a state at the general election will be the candidate for whom the electors later cast their votes. Two votes are taken, one for President and one for Vice President. Electors are restricted from voting for two candidates from their state. The candidate who wins in a state is awarded all of that state’s Electoral College votes, except in Maine and Nebraska where the electoral may be split.

The votes of the electors are then sent to Congress where the President of the Senate opens the certificates, and counts the votes. This takes place on January 6, unless that date falls on a Sunday. In that case, the votes are counted on the next day. An absolute majority is necessary to prevail in the presidential and the vice presidential elections, that is, half the total plus one electoral votes are required. With 538 Electors, a candidate must receive at least 270 votes to be elected to the office of President or Vice President.

Should no presidential candidate receive an absolute majority, the House of Representatives determines who the next president will be. Each state may cast one vote and an absolute majority is needed to win. Similarly, the Senate decides who the next Vice President will be if there is no absolute majority after the Electoral College vote. Elections have been decided by Congress in the past. The House of Representatives elected Thomas Jefferson president in the election of 1800 when the Electoral College vote resulted in a tie. When the Electoral College vote was so split that none of the candidates received an absolute majority in the election of 1824 the House elected John Quincy Adams President. Richard Johnson was elected Vice President by the Senate when he failed to receive an absolute majority of electoral votes in the election of 1836.

The President-elect and Vice President-elect take the oath of office and are inaugurated two weeks later, on January 20th.

# Election of the President & Vice President: Election Day

The Constitution (Article II, Section 1) provides that "Congress shall determine the Time of choosing the Electors, and the Day on which they shall give their votes; which Day shall be the same throughout the United States." In 1792, legislation was enacted establishing the first Wednesday in December as the day on which presidential electors were to assemble and vote, and further required that the States appoint electors within 34 days prior to the date set for the electors to vote. In 1845, Congress enacted legislation providing a uniform date for the choice of electors in all states, establishing **"Tuesday next after the first Monday in the month of November of the year in which they are to be appointed."**

**Why November?**

The decision to create a single day for the selection of Presidential electors was intended, in part, to prevent election abuses. The reason that November was chosen was that the United States was largely a rural and agrarian nation. Since the harvesting of crops was normally completed by this time, farmers were free to vote. Also, since November is before the onset of winter, traveling would be easier (particularly in the northern states that experienced harsh winter weather).

**Why Tuesday after the first Monday?**

Tuesday was chosen partly because it gave a full day's travel time between Sunday, which was widely observed by religious groups as a strict day of rest (except for traveling) and voting day. Two days were given for travel to give voters the time to travel by foot or by horse to the nearest polling place, usually the county's seat.

Finally, the choice of Tuesday after the first Monday was established to prevent elections from falling on the first day of the month. The first date of the month was typically reserved for court business at the county seat and would not make a good day to hold elections. By making the Tuesday following the first Monday in November election day, Congress had insured that this would not happen.