

Ballot Initiatives Expand Voting Rights

Compelling Question: How can ballot initiatives expand voting rights?

Grade Level		Time	Common Core Standards
K-2	3-5	50 Minutes	Reading: R1, R4, R7 Writing: W2 Speaking & Listening: SL1 Language: L3, L6
MS	HS		



Web Related Connections

Lessons

[Census Question Controversy](#)

[The First Amendment and Our Freedoms](#)

[The Selma to Montgomery March for Voting Rights](#)

[Voting Rights Then and Now](#)

Other Resources

[10 Ways Youth Can Engage in Activism](#)

[Teaching about Elections](#)

[Helping Student Make Sense of News Stories about Bias and Injustice](#)

Key Words

amendment
ballot initiative
Constitution
disenfranchise
electoral college
federal
gerrymander
identification
legislation
opposition
voter suppression

LESSON OVERVIEW

Voting rights were on the ballot in the 2018 midterm elections, with several states enacting ballot initiatives to expand voting rights. These initiatives include rules about redistricting, same-day voter registration, automatic voter registration and restoring the voting rights of people convicted of felonies. While voting restrictions and suppression have negatively impacted people's ability to vote in recent years, these measures expand voting rights in some states.

This lesson provides an opportunity for students to learn about ballot initiatives in general, reflect on recent voting rights ballot measures enacted during the midterm elections, read primary and secondary sources on specific ballot initiatives and write their own ballot initiative to expand voting rights.

LEARNING OBJECTIVES

- Students will understand the purpose of ballot initiatives.
- Students will read primary and secondary sources to explore the way that ballot initiatives will expand voting rights.
- Students will reflect on specific ballot initiatives and then express their opinions by voting.
- Students will write their own voting rights ballot initiative.

MATERIALS & PREPARATION

- [Questions for Small Group Discussion](#) (one for each student)
- [Group A: Florida Amendment 4](#) (one for each student in Group A)
- [Group B: Maryland Question 2](#) (one for each student in Group B)
- [Group C: Michigan Proposal 3](#) (one for each student in Group C)
- [Group D: Nevada Question 5](#) (one for each student in Group D)
- Index cards (one for each student)

PROCEDURES



Information Sharing

1. Begin the lesson by asking students: *Have you heard anything about voting rights and the recent midterm elections?*
2. Explain that during the 2018 midterm elections, there were several “ballot initiatives” intended to expand voting rights in those states.
3. Ask: *Does anyone know what a ballot measure or ballot initiative is?*
4. Explain that **ballot initiatives/measures** are questions that appear on ballots during elections where voters can approve (vote “yes”) or reject (vote “no”) the question. Ballot initiatives allow eligible voters in U.S. states to vote for new legislation (laws). They are different than the way most legislation is passed because usually our elected officials (i.e., Congress, Senators) write and pass laws. In contrast, these ballot initiatives allow citizens to vote directly on legislation.

You can share this example: before same-sex marriage was passed by the Supreme Court and was legal in all 50 states, individual states voted in favor of it. Most were passed by their state’s legislature, but a few states enacted same-sex marriage by ballot initiative, including Maine.
5. Ask students: *What do you know about voting?* If they do not have a lot to say, ask additional questions like: *At what age can people vote? What do people vote for? Where do you vote? How do you register to vote?* Record their responses on the board and share some or all of the following information, depending on what they already know.
 - Elections in the U.S. are held for government officials at the federal, state and local levels. All members of the federal Congress are directly elected by the people of each state. There are also many elected officials who are elected at the state level, including a Governor and state legislators. There are also elected officials at the local level, in counties, cities, towns, boroughs, villages, etc.
 - While there are some voting rules that are uniform for all (e.g., all eligible voters must be 18 years old and U.S. citizens), other rules vary by state (e.g., whether there is early and mail-in voting, voter registration deadlines, eligibility of convicted felons, etc.). The Constitution sets parameters for the election of federal officials but state law regulates most aspects of elections in the U.S. including primaries, eligibility of voters (besides what’s in the Constitution), the running of each state’s electoral college, the running of state and local elections and ballot initiatives. All elections are administered by the individual states.
 - In recent years, the issue of voter restriction and suppression has been a strong presence in our elections. Some states have enacted voting laws that change or make it difficult for people to vote including: requiring voter ID, proof of citizenship and/or photo ID to vote; restricting early in-person voting; making voter registration more difficult; preventing convicted felons from voting; purging voter registers; and moving electoral boundaries to exclude or include certain voter demographic groups (called “gerrymandering”). These laws disenfranchise eligible voters and disproportionately affect people of color, the elderly, young voters and those who live in poverty.
6. Have students turn and talk with a partner and respond to this question: *How would you feel if you had the right to vote but couldn’t because of some of these restrictions or rules?*
7. Explain that in the 2018 midterm elections, several ballot measures/initiatives were passed that actually expand voting rights. These measures include the following: restoring voting rights to people who are convicted of a felony once they have completed their sentences, same-day voter registration, automatic voter registration and anti-gerrymandering (shifting the job of drawing state legislative and congressional districts to independent redistricting commissions, rather than lawmakers).
8. Tell students that during the lesson, they will learn about some of these voting rights ballot initiatives.



Reading/Research Jigsaw Activity

1. Explain to students that they will read and discuss information about different ballot initiatives using a “jigsaw” strategy. Tell students that the jigsaw strategy provides an opportunity for small groups of students to learn about different aspects of a topic and then teach each other.

Note to Teacher: Watch [this video](#) to learn more about the jigsaw strategy.

2. Divide students into four equal-size groups and designate them Groups A, B, C and D. Distribute to each student [Questions for Small Group Discussion](#) along with the handout for their designated group’s ballot initiative as outlined below, which includes background information from Ballotpedia and the original wording of the ballot measure.

[Group A: Florida Amendment 4](#)

[Group B: Maryland Question 2](#)

[Group C: Michigan Proposal 3](#)

[Group D: Nevada Question 5](#)

3. Tell each group their task is to read the handout that provides information of their ballot initiative. As a group, they will then complete the Questions for Small Group Discussion handout, which asks them to describe the ballot initiative in their own words, describe arguments on both sides (yes and no), what other states have similar laws, how the vote turned out and their reflections about the ballot measure. Give them at least 20 minutes for this process; check in periodically with the groups to see if they need more time.
4. After each of the four groups have read and discussed their ballot initiative and completed the questions, divide the students into new groups with four students in each group. Each group should have a member from each of the previous A, B, C and D groups, which means each new small group of four students will have one representative for each of the ballot initiatives.
5. In these newly formed groups, each student will tell the others in the group about their ballot initiative, sharing pertinent information from their group discussion handout. Provide 8–10 minutes for this process.
6. After the jigsaw process is complete, reconvene the class and engage students in a discussion by asking some or all the following questions:
 - What was it like to be in the role of teaching others?
 - What was it like to learn new information from your peers?
 - What did you learn that you didn’t know before?
 - What do these ballot initiatives have in common? How are they different?
 - Did you find yourself agreeing or disagreeing with some of the ballot measures? Please explain.
 - Thinking about all of the ballot initiatives as a whole, what conclusion about voting rights can you draw?
 - What did you learn about voting rights?
 - Did you change your mind about the importance of voting rights? Please explain.
 - Why do you think voters propose and pass ballot initiatives?
 - What are the pros and cons of using ballot initiatives to expand voting rights?

Mock Voting Activity

1. Explain to students that now that they know more about each of these ballot initiatives, they will vote on them. Distribute one index card to each student and have them write each of the four ballot initiatives on their card as follows:

Florida Amendment 4

Maryland Question 2

Michigan Proposal 3

Nevada Question 5

2. Have one student from each of the A, B, C, and D groups read the yes and no vote from their ballot initiative handout. For example, for the Florida Amendment 4, the student would say:

A “yes” vote supports this amendment to automatically restore the right to vote for people with prior felony convictions, except those convicted of murder or a felony sexual offense, upon completion of their sentences, including prison, parole, and probation.

A “no” vote opposes this amendment to automatically restore the right to vote for people with prior felony convictions, except those convicted of murder or a felony sexual offense, upon completion of their sentences, including prison, parole, and probation.

3. Have students vote by indicating their vote for each on their index cards. Tally the votes and share aloud the results.



Writing Activity (Optional or Homework)

1. If time permits or for homework, have students write their own ballot initiative based on what they learned about how ballot initiatives are written. They should first consider the goal of their initiative in terms of expanding voting rights. Then they will write a title and summary of the intent of the initiative and what will be accomplished as a result of the ballot initiative.

Closing

Have students each share one ballot initiative they would try to enact if they could; it could be about voting rights or another issue.

ADDITIONAL READING

- [“Before the Fights Over Recounts: An Election Day Vote on Voting”](#) (*The New York Times*, November 2, 2018)
- [“Midterm Voters Significantly Expanded The Right To Vote”](#) (*Huffington Post*, November 7, 2018)
- [“Midterms Live Results”](#) (Vox, November 13, 2018)
- [“These midterm victories will expand voting rights, curb gerrymandering”](#) (Axios, November 7, 2018)

Common Core Standards

CONTENT AREA/STANDARD
Reading
R1: Read closely to determine what the text says explicitly and to make logical inferences from it; cite specific textual evidence when writing or speaking to support conclusions drawn from the text.
R4: Interpret words and phrases as they are used in a text, including determining technical, connotative, and figurative meanings, and analyze how specific word choices shape meaning or tone.
R7: Integrate and evaluate content presented in diverse media and formats, including visually and quantitatively, as well as in words.
Writing
W2: Write informative/explanatory texts to examine and convey complex ideas and information clearly and accurately through the effective selection, organization, and analysis of content.
Speaking and Listening
SL1: Prepare for and participate effectively in a range of conversations and collaborations with diverse partners, building on others' ideas and expressing their own clearly and persuasively.
Language
L3: Apply knowledge of language to understand how language functions in different contexts, to make effective choices for meaning or style, and to comprehend more fully when reading or listening.
L6: Acquire and use accurately a range of general academic and domain-specific words and phrases sufficient for reading, writing, speaking, and listening at the college and career readiness level; demonstrate independence in gathering vocabulary knowledge when encountering an unknown term important to comprehension or expression.

Group A: Florida Amendment 4

Excerpted from [Ballotpedia](#).

Summary

Florida Amendment 4, the **Voting Rights Restoration for Felons Initiative**, was on the ballot in Florida as an initiated constitutional amendment¹ on November 6, 2018. It was **approved**.

A "yes" vote supported this amendment to automatically restore the right to vote for people with prior felony convictions, except those convicted of murder or a felony sexual offense, upon completion of their sentences, including prison, parole, and probation.

A "no" vote opposed this amendment to automatically restore the right to vote for people with prior felony convictions, except those convicted of murder or a felony sexual offense, upon completion of their sentences, including prison, parole, and probation.

A [60 percent supermajority vote](#) was required for the approval of Amendment 4. The following are the election results:

Florida Amendment 4		
Result	Votes	Percentage
✓ Yes	5,146,993	64.54%
No	2,827,809	35.46%

Precincts reporting: 99%

Source: Florida Department of State Division of Elections' [Election Watch](#)

Background

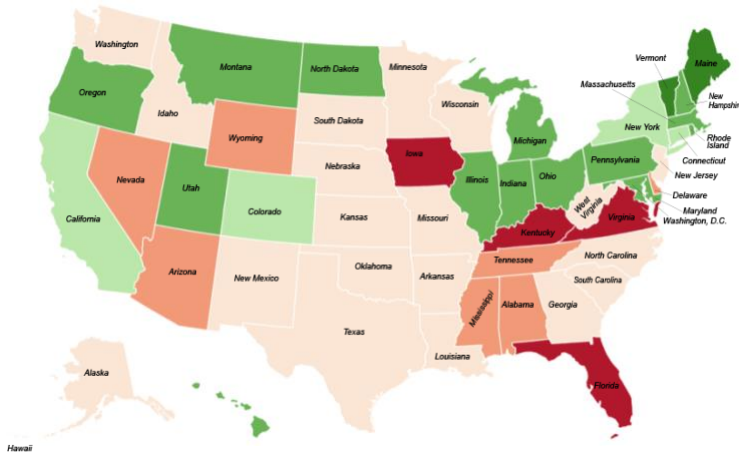
Going into the 2018 election, Florida was one of four states—the three others are Iowa, Kentucky, and Virginia—where convicted felons did not regain the right to vote, until and unless a state officer or [board](#) restored an individual's voting rights. This felon voting law was part of the original Florida Constitution of 1968—the state constitution active in 2018—as well as the state constitutions of 1885 and 1868.

Under former Florida Governor [Charlie Crist](#) (who was elected as a Republican, changed his affiliation to unaffiliated toward the end of his term in office, and registered as a Democrat in 2012 after his time as governor), the [Executive Clemency Board](#) automatically restored the rights of felons who had completed their sentences, paid restitution and had no pending criminal charges. In 2011, current Governor [Rick Scott](#) (R) eliminated those reforms made by the Crist administration. Under Scott's administration, convicted felons had to wait five or seven years, depending on the type of offense, after the completion of their sentences to request that the board consider the restoration of their voting and other civil rights. On February 1, 2018, U.S. District Court Judge Mark Walker ruled Florida's the process under Scott's administration for the restoration of voting abilities for felons unconstitutional, saying it violated the First Amendment and the Fourteenth Amendment. Gov. Scott announced that he would appeal the ruling to [U.S. Court of Appeals for the Eleventh Circuit](#). The Eleventh Circuit concurred with Gov. Scott's request, staying the lower court's ruling.

Of the 50 states, two states—Maine and Vermont—do not rescind the right to vote for convicted felons, allowing them to vote while incarcerated; 14 states and Washington, D.C., restore voting rights upon completion of a prison sentence; four states restore voting rights upon completion of prison and parole time; 19 states restore the

¹ An initiated constitutional amendment is an amendment to a state's constitution that comes about through the initiative process (The ballot initiative is a means by which a [petition](#) signed by a certain minimum number of registered voters can bring about a public vote on a proposed [statute](#) or [constitutional amendment](#)).

right to vote after prison time, parole, and probation are completed; and seven states have systems where certain convicted felons voting laws across the United States:



Key: (1) Dark Green--convicted felons always retained the right to vote; (2) Medium Green--right to vote after prison term completed; (3) Light Green--right to vote right to vote after prison, parole, and probation completed; (5) Medium Red--certain felons never regain right to vote; (6) Dark Red--no felons regain right to vote.

Source: Ballotpedia

For the November 2018 election, Florida Amendment 4 was designed to restore voting rights for convicted felons, except those convicted of murder or a felony sexual offense, upon the completion of all terms of sentence, including prison, parole, and probation.

Supporting and Opposing Arguments

Arguments *for* Amendment 4

The following is an abbreviated illustration of supporting entities and arguments for purposes of this reading. See Ballotpedia for a complete and detailed listing of officials, organizations, individuals and media editorials and their arguments in support of Amendment 4.

- **The League of Women Voters of Florida** stated, “The League was one of the sponsors of this initiative. Florida is one of only four states that permanently bars felons from voting after their sentences are completed. This restriction on voting is a vestige of Florida’s post-Civil War Constitution. Everyone deserves a second chance.”
- **Melba Pearson**, Deputy Director for the ACLU of Florida said, “Let’s look at what voting entails: It gives you the ability to have a say on your roads, on who is going to be on your school board to help educate your kids and who is going to be trying to get funding for your neighborhood. These are all important things that have to do with the communities people live in and if you take away people’s right to vote and say ‘you can never be fully engaged in the community,’ how are you encouraging them to reintegrate and be part of said community?”
- **Reggie Garcia**, a Florida lawyer and the author of two books on executive clemency including “Second Chances-Florida Pardons, Restoration of Civil Rights, Gun Rights and More,” wrote the following in *the Tallahassee Democrat*. “Data from the Florida Commission on Offender Review proves that the vast majority of felons who get their voting and other civil rights back do not commit new crimes. They have learned their lesson and are trying to earn the second chance they have been given. Under Florida’s constitution, getting voting and other civil rights restored currently requires a grant of mercy, and the process simply takes too long. A 5- or 7-year waiting period must pass before you can even apply. Some felons seeking voting and other civil rights can be approved without a hearing, but most must wait several years to get a hearing and a decision because there are approximately 23,000 pending applications for all types of executive clemency.”
- **Florida Today** said: “We expect convicted felons to fulfill their sentences, pay their dues to society and live law-abiding lives. Yet, we deprive them of a fundamental right in reintegrating them into society: voting.”

- **The New York Times** said: “One hundred and fifty years after Florida enshrined this awful law, there’s only one clear way to get rid of it. Legal challenges have fallen short, the governor is no friend to voting rights, and lawmakers have limited power when it comes to constitutional amendments. It’s time for Florida’s voters to step up and restore the most fundamental constitutional right to more than a million of their neighbors.”
- **The Herald-Tribune** said: “Despite having paid their debts to society, more than 1.5 million ex-felons in Florida—the largest number of any state—are denied voting rights. This is morally wrong. It is also unnecessarily punitive: Denying voting rights does nothing to protect public safety or advance the common good; it erects yet another barrier that makes it more difficult for former inmates to reintegrate into society. We recommend voting YES, for Amendment 4.”

Arguments **against** Amendment 4

The following is an abbreviated illustration of supporting entities and arguments for purposes of this reading. See [Ballotpedia](#) for a complete and detailed listing of officials, organizations, individuals and media editorials and their arguments in opposition of Amendment 4.

- **Richard Harrison**, executive director of Floridians For A Sensible Voting Rights Policy, said: “Other than murder and sexual felonies, it [the initiative] treats all other felonies as though they were the same. It’s a blanket, automatic restoration of voting rights. If it gets on the ballot, your only choice will be an all or nothing, yes or no vote on the amendment. If it passes, neither you nor anyone else will ever be allowed to consider the specifics of the crime or the post-release history of the criminal before that new voter registration card is issued.”
- **Paul Wright**, founder and executive director of the Human Rights Defense Center, a nonprofit based in Lake Worth that advocates for progressive criminal justice reform, wrote the following in the *Tallahassee Democrat*: “The problem with Amendment 4 is that it perpetuates the discrimination and bigotry of disenfranchisement against a subclass of ex-felons – those convicted of murder or sex crimes. If Amendment 4 passes, it will enshrine into our state constitution discrimination against convicted murderers and sex offenders that will make enfranchising them virtually impossible. While some may point to the serious nature of their offenses, they have nothing to do with voting. The punishment of disenfranchisement does not fit the crime. I was convicted of murder in Washington State in 1987 for killing a drug dealer during an armed robbery. In 1990, while serving a 25-year sentence, I started a nonprofit magazine from my prison cell which today employs 18 people to advocate for just, humane and fair criminal justice policies. I pay taxes, work to improve my community and am a productive member of society. But the backers of Amendment 4 would deny me the right to vote.”
- **The News-Press** said, “No on Amendment 4: This isn’t a vote against ex-felons who have served their sentence for certain crimes, including parole and probation, and want their voting rights restored. We believe the Legislature should be addressing this issue and giving those rights back to felons who have earned their way back and deserve to vote. Currently, former felons must wait at least 5 years after completing their sentences to ask the Florida Clemency Board, made up by the governor and the Cabinet, to restore their rights. If passed, Amendment 4 impacts 1.5 million Floridians. Florida is one of four states that disenfranchises former felons permanently.”

Official Ballot Wording and Constitutional Amendment

CONSTITUTIONAL AMENDMENT
ARTICLE VI, SECTION 4

BALLOT TITLE: Voting Restoration Amendment

BALLOT SUMMARY: This amendment restores the voting rights of Floridians with felony convictions after they complete all terms of their sentence including parole or probation. The amendment would not apply to those

convicted of murder or sexual offenses, who would continue to be permanently barred from voting unless the Governor and Cabinet vote to restore their voting rights on a case by case basis.

FULL TEXT: Article VI, Section 4 ([download full text of Constitution](#)).

Disqualifications.—

(a) No person convicted of a felony, or adjudicated in this or any other state to be mentally incompetent, shall be qualified to vote or hold office until restoration of civil rights or removal of disability. Except as provided in subsection (b) of this section, any disqualification from voting arising from a felony conviction shall terminate and voting rights shall be restored upon completion of all terms of sentence including parole or probation. (b) No person convicted of murder or a felony sexual offense shall be qualified to vote until restoration of civil rights. (bc) No person may appear on the ballot for re-election to any of the following offices:

- (1) Florida representative,
- (2) Florida senator,
- (3) Florida Lieutenant governor,
- (4) any office of the Florida cabinet,
- (5) U.S. Representative from Florida, or (6) U.S. Senator from Florida

if, by the end of the current term of office, the person will have served (or, but for resignation, would have served) in that office for eight consecutive years.

Note: Words underlined are additions; words stricken are deletions.

Group B: Maryland Question 2

Excerpted from [Ballotpedia](#).

Summary

Maryland Question 2, the **Election-Day Voter Registration Amendment**, was on the ballot in Maryland as a [legislatively referred constitutional amendment](#)¹ on November 6, 2018. It was **approved**.

A "yes" vote supported amending the state constitution to authorize the state legislature to enact a process for registering qualified individuals to vote at a precinct polling place on election day.

A "no" vote opposed this amending the state constitution to allow election-day voter registration, thereby leaving in place same-day voter registration during the early voting period but not on election day.

In Maryland, a constitutional amendment must be passed by a [60 percent supermajority vote](#) in each house of the state legislature during one legislative session. The following are the election results:

Maryland Question 2		
Result	Votes	Percentage
✓ Yes	1,389,489	67.20%
No	678,191	32.80%

Precincts reporting: 99%

Source: *The New York Times*' [Maryland Election Results](#)

Background

Maryland permits online voter registration, allows no-excuse absentee voting and early voting, and most voters in Maryland do not have to present identification at the polls.

According to the Maryland State Board of Elections, to register to vote in Maryland one must be a United States citizen and Maryland resident who is at least 16 years old. Although a 16-year-old can register to vote, he or she cannot vote in an election until he or she is 18 years old.

Going into the 2018 election, Maryland allowed voters to register or update their existing registration during the early voting period, but not on election day. In 2013, the Maryland State Legislature approved a bill that authorized same-day voter registration during the early voting period. It also expanded the early voting period from six days to eight days. The law became effective on July 1, 2013.

As of June 2018, the District of Columbia and the following 16 states permitted Election Day registration (EDR),² which allows voters to register or update their existing registration on Election Day:

- California
- Colorado
- Connecticut
- Hawaii
- Idaho
- Illinois
- Iowa
- Maine
- Minnesota
- Montana
- New Hampshire
- Utah
- Vermont
- Washington
- Wisconsin
- Wyoming

¹ A legislatively referred constitutional amendment is a proposed [constitutional amendment](#) that appears on a state's [ballot](#) as a [ballot measure](#) because the [state legislature](#) in that state voted to put it before the voters. A legislatively referred constitutional amendment is a limited form of [direct democracy](#) with comparison to the [initiated constitutional amendment](#).

² Also called same-day voter registration (SDVR).

Maryland Question 2 was designed to amend the state constitution to authorize the Maryland Legislature to enact a process for registering qualified individuals to vote at a precinct polling place on election day.

Supporting and Opposing Arguments

Arguments *for* Question 2

The following is an abbreviated illustration of supporting entities and arguments for purposes of this reading. See [Ballotpedia](#) for a complete and detailed listing of those in support of Maryland Question 2.

- **Rep. Al Carr (D-18)**, one of the sponsors of the bill, said, “A number of states are making it harder and harder to vote but in Maryland, we’re trying to make it easier. Passing this measure is a step forward in the right direction.”
- **The Washington Post** wrote: “Democracy is best served when all voices are heard. Arbitrary deadlines that prevent many citizens from exercising a basic right for no good reason need to be eliminated. Political scientists who analyzed and ranked state election laws for the “time and effort” it takes to vote concluded that same-day registration offers the most effective means of getting more citizens to participate in elections. [...] We urge a yes vote on Question 2.”

Arguments *against* Question 2

The following argument was made in opposition of Maryland Question 2.

- **The Baltimore Sun** wrote: “Regarding Question 2, we are against the constitutional amendment that would allow “Same-Day Registration and Voting at the Precinct Polling Place on Election Day. [...] While we do not believe voting fraud is as rampant as some might have you believe, it certainly is an issue, and allowing people to register to vote on Election Day could create more headaches than it is worth during what is already a chaotic day for election judges. Not only that, same-day registration could cause already long lines at polling places to become even longer [...] Right now, there are plenty of opportunities to register to vote [...]”

Official Ballot Wording and Constitutional Amendment

CONSTITUTIONAL AMENDMENT

ARTICLE I Elective Franchise, SECTIONS 1 AND 2

BALLOT TITLE: Election Day Voter Registration

BALLOT LANGUAGE: Authorizes the General Assembly to enact legislation to allow a qualified individual to register and vote at a precinct polling place on Election Day. The current law requires voter registration to close before Election Day. (Amending Article 1, sections 1 and 2, and adding Section 2A to the Maryland constitution.)

FULL TEXT: Article I, Sections 1 and 2 ([download full text of Constitution](#))

Section 1

All elections shall be by ballot. Except as provided in Section 2A or Section 3 of this article, every citizen of the United States, of the age of 18 years or upwards, who is a resident of the State as of the time for the closing of registration next preceding the election, shall be entitled to vote in the ward or election district in which the citizen resides at all elections to be held in this State. A person once entitled to vote in any election district, shall be entitled to vote there until the person shall have acquired a residence in another election district or ward in this State.

Section 2

~~The~~ Except as provided in Section 2A of this Article, the General Assembly shall provide by law for a uniform Registration of the names of all voters in this State, who possess the qualifications prescribed in this Article, which Registration shall be conclusive evidence to the Judges of Election of the right of every person, thus registered, to

vote at any election thereafter held in this State; but no person shall vote, at any election, Federal or State, hereafter to be held in this State, or at any municipal election in the City of Baltimore, unless ~~his~~ the person's name appears in the list of registered voters; the names of all persons shall be added to the list of qualified voters by the officers of Registration, who have the qualifications prescribed in the first section of this Article, and who are not disqualified under the provisions of the second and third sections thereof.

Section 2A

The General Assembly shall have the power to allow a qualified individual to register and vote at a precinct polling place on election day.

Note: Words underlined are additions; words stricken are deletions.

Group C: Michigan Proposal 3

Excerpted from [Ballotpedia](#).

Summary

Michigan Proposal 3, the **Voting Policies in State Constitution Initiative**, was on the ballot in Michigan as an initiated constitutional amendment¹ on November 6, 2018. The measure was **approved**.

A "yes" vote supported adding eight voting policies to the Michigan Constitution, including straight-ticket voting, automatic voter registration, same-day voter registration, and no-excuse absentee voting.

A "no" vote opposed adding eight voting policies to the state constitution, maintaining that straight-ticket voting, automatic voter registration, same-day voter registration, and no-excuse absentee voting are not used in Michigan.

The following are the election results:

Michigan Proposal 3		
Result	Votes	Percentage
✓ Yes	2,766,489	66.91%
No	1,368,032	33.09%

Precincts reporting: 100%

Source: Ruth Johnson, Secretary of State Department of State [2018 Michigan Election Results](#)

Background

Some voting policies existed in state statute, but not the state constitution. Going into the 2018 election, the Constitution required legislature to enact laws for secret ballots. On the state level, the following voting policies existed:

- Military members and overseas voters received an absentee ballot at least 45 days before the election.
- Eligible persons could register to vote by mail until 30 days before an election.
- Eligible persons could register to vote in person at a clerk's office until 30 days before an election.
- Specific criteria had to be met to vote absentee, including at least one of the following: (a) 60 years old or older; (b) unable to vote without assistance at the polls; (c) expected to be out-of-town on election day; (d) in jail awaiting arraignment or trial; (e) unable to attend the polls for religious reasons; or (f) appointed to work as an election inspector in a precinct outside of the inspector's home precinct.
- Election results could be audited.

Michigan Proposal 3 proposed modifying some of these policies and adding the following new policies to the state constitution: same-day voter registration; straight-ticket voting; automatic voter registration; and no-excuse absentee voting.

¹ An initiated constitutional amendment is an amendment to a state's constitution that comes about through the initiative process (The ballot initiative is a means by which a [petition](#) signed by a certain minimum number of registered voters can bring about a public vote on a proposed [statute](#) or [constitutional amendment](#)).

Same-day Voter Registration by State

As of September 2018, Washington, D.C. and the following 18 states had enacted same-day registration provisions. Same-day voter registration enables voters to register and vote at the same time. Same-day registration is sometimes referred to as Election Day registration (EDR).

- | | | | |
|-----------------------------------|---------------------------------|---------------------------------------|----------------------------------|
| <input type="radio"/> California | <input type="radio"/> Illinois | <input type="radio"/> Montana | <input type="radio"/> Washington |
| <input type="radio"/> Colorado | <input type="radio"/> Iowa | <input type="radio"/> New Hampshire | <input type="radio"/> Wisconsin |
| <input type="radio"/> Connecticut | <input type="radio"/> Maine | <input type="radio"/> North Carolina* | <input type="radio"/> Wyoming |
| <input type="radio"/> Hawaii | <input type="radio"/> Maryland* | <input type="radio"/> Utah | |
| <input type="radio"/> Idaho | <input type="radio"/> Minnesota | <input type="radio"/> Vermont | |

*Provides for same-day registration only during the early voting period.

Straight-ticket Voting by State

Straight-ticket voting, also known as straight-party voting, enables a voter to select one political party's complete slate of candidates for every office by making a single mark on his or her ballot.

Michigan had straight-ticket voting until the general election in 2018. In 2016, the Michigan State Legislature voted to eliminate straight-ticket voting. Gov. Rick Snyder (R) signed the legislation. The law was put on hold pending litigation that claimed the rescission of the straight-ticket voting discriminated against African-Americans. On September 5, 2018, the United States Court of Appeals for the Sixth Circuit allowed the bill to go into effect in Michigan. Petitioners appealed to the U.S. Supreme Court, which declined to intervene in the case on September 7, 2018, letting the appeals court's ruling stand.

Voters in Michigan had twice overturned legislation to eliminate straight-ticket voting through [veto referendums](#). In 1964, voters defeated [Proposal C](#). In 2002, voters rejected [Proposal 1](#).

As of September 2018, the following eight states provided for straight-ticket voting.

- | | | | |
|-------------------------------|--------------------------------|--------------------------------------|------------------------------|
| <input type="radio"/> Alabama | <input type="radio"/> Kentucky | <input type="radio"/> Pennsylvania | <input type="radio"/> Texas* |
| <input type="radio"/> Indiana | <input type="radio"/> Oklahoma | <input type="radio"/> South Carolina | <input type="radio"/> Utah |

* Texas adopted a bill that will eliminate straight-ticket voting beginning in 2020.

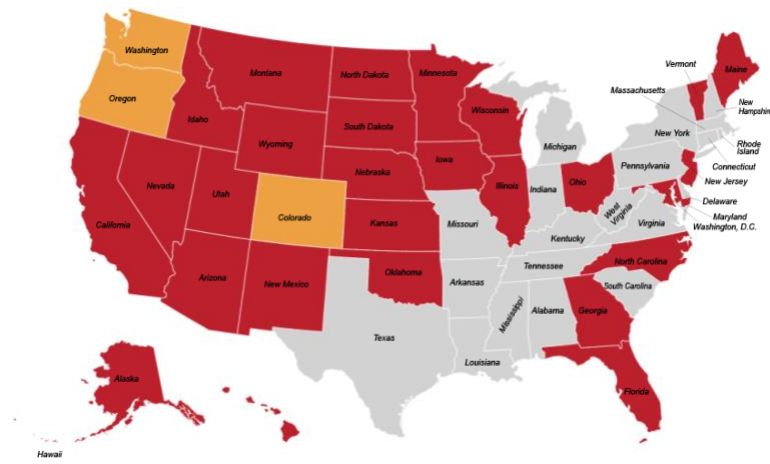
Automatic Voter Registration by State

As of September 2018, Washington, D.C. and the following 14 states had enacted [automatic voter registration](#) policies. Under an automatic voter registration system, eligible voters are automatically registered to vote whenever they interact with government agencies (e.g., departments of motor vehicles). Eligible voters are registered by default, although they may request not to be registered.

- | | | | |
|-----------------------------------|-------------------------------------|------------------------------------|-------------------------------------|
| <input type="radio"/> Alaska | <input type="radio"/> Georgia | <input type="radio"/> New Jersey | <input type="radio"/> Washington |
| <input type="radio"/> California | <input type="radio"/> Illinois | <input type="radio"/> Oregon | <input type="radio"/> West Virginia |
| <input type="radio"/> Colorado | <input type="radio"/> Maryland | <input type="radio"/> Rhode Island | |
| <input type="radio"/> Connecticut | <input type="radio"/> Massachusetts | <input type="radio"/> Vermont | |

No-excuse Absentee Voting by State

As of September 2018, 27 states and Washington, D.C. allowed any citizen to cast an absentee ballot (this practice is referred to as no-excuse absentee voting):



Key: (1) Red--provide for no-excuse absentee voting; (2) Orange--conduct elections using mail-in ballots; (3) Gray--does not provide no-excuse absentee voting

Source: Ballotpedia

Supporting and Opposing Arguments

Arguments *for* Proposal 3

The following is an abbreviated illustration of supporting entities and arguments for purposes of this reading. See Ballotpedia for a complete and detailed listing of officials, organizations, unions, individuals and media editorials and their arguments in support of Proposal 3.

- **The League of Women Voters of Florida** stated, “The League was one of the sponsors of this initiative. Florida is one of only four states that permanently bars felons from voting after their sentences are completed. This restriction on voting is a vestige of Florida’s post-Civil War Constitution. Everyone deserves a second chance.”
- Promote the Vote campaign stated: “We need a voting system that works for all citizens in Michigan. Period. From working parents who struggle with long voting lines, far-away polling places and no time off work to vote, to people who frequently move for jobs or military service, we need to set up our system so that every eligible Michigander can have their voice heard on Election Day. The good news is that the fix to our election system— restoring faith in our democracy— isn’t a hard one. We can ensure all eligible Americans have access to a secure vote, an up-to-date system and accurate voter lists. In fact, most of these reforms in this constitutional amendment have been in existence for decades in other states. The citizens of Michigan deserve the same access to the ballot enjoyed by other citizens across this country.”
- **Detroit Free Press**: “But safeguards that preserve and protect voters’ right are so important, and the parties’ propensity to manipulate them for partisan advantage so pronounced, that Proposal 3’s sponsors have reason to demand the added security of a constitutional guarantee. The right to vote is the foundation of governmental legitimacy, and voters can best protect it by voting Yes on Proposal 3.”
- **Lansing State Journal**: “If our democracy is to be “of the people, by the people and for the people,” Michigan should make voting easier. That’s why the LSJ Editorial Board supports passage of Proposal 3, a constitutional amendment that will authorize automatic and Election Day voter registration, no-reason absentee voting and straight ticket voting.”

Arguments against Proposal 3

The following is an abbreviated illustration of supporting entities and arguments for purposes of this reading. See [Ballotpedia](#) for a complete and detailed listing of those in opposition of Proposal 3.

- **Fred Woodhams**, a spokesperson for Secretary of State Ruth Johnson (R), said, "Secretary Johnson has concerns about the same-day registration portion of the proposal although she has not endorsed or opposed the proposal. She does not believe clerks would have sufficient time to mail out a forward-able mailing to confirm a voter's address as they do now. A person would be able to sign the affidavit to register to vote without showing identification and present a single proof of residency. The lack of identity confirmation could open the door to registration fraud that would be difficult to detect on Election Day."
- **The Detroit News**: "But this proposal would allow would-be voters to show up at the polls on Election Day and ask to be registered. Polling places would become clerks' offices, requiring more staffing and leading to voting delays. It would also make validating voter eligibility more difficult. Michigan does very well at registering eligible voters. Roughly 95 percent of those eligible to vote are on the registration rolls. Prop 2 deals with too many separate issues that would be better debated one-by-one by the Legislature. Voters should say No."

Official Ballot Wording and Constitutional Amendment

CONSTITUTIONAL AMENDMENT ARTICLE II, SECTION 4

BALLOT TITLE: Proposal 18-3. A proposal to authorize automatic and Election Day voter registration, no-reason absentee voting, and straight ticket voting; and add current legal requirements for military and overseas voting and postelection audits to the Michigan Constitution.

BALLOT SUMMARY: This proposed constitutional amendment would allow a United States citizen who is qualified to vote in Michigan to:

- Become automatically registered to vote when applying for, updating or renewing a driver's license or state-issued personal identification card, unless the person declines.
- Simultaneously register to vote with proof of residency and obtain a ballot during the 2-week period prior to an election, up to and including Election Day.
- Obtain an absent voter ballot without providing a reason.
- Cast a straight-ticket vote for all candidates of a particular political party when voting in a partisan general election.

Should this proposal be adopted? [] YES [] NO

FULL TEXT: Article II, Section 4 ([download full text of Constitution](#)).

Place and manner of elections.

(1) Every citizen of the United States who is an elector qualified to vote in Michigan shall have the following rights:

(A) The right, once registered, to vote a secret ballot in all elections. (B) The right, if serving in the military or living overseas, to have an absent voter ballot sent to them at least forty-five (45) days before an election upon application. (C) The right, once registered, to a "straight party" vote option on partisan general election ballots. In partisan elections, the ballot shall include a position at the top of the ballot by which the voter may, by a single selection, record a straight party ticket vote for all the candidates of one (1) party. The voter may vote a split or mixed ticket. (D) The right to be automatically registered to vote as a result of conducting business with the secretary of state regarding a driver's license or personal identification card, unless the person declines such registration. (E) The right to register to vote for an election by mailing a completed voter registration application on or before the fifteenth (15th) day before that election to an election official authorized to receive voter registration applications. (F) The right to register to vote for an election by (1) appearing in person and submitting a completed voter registration application on or before the fifteenth (15th) day before that election to an election official authorized to receive voter registration applications, or (2)

beginning on the fourteenth (14th) day before that election and continuing through the day of that election, appearing in person, submitting a completed voter registration application and providing proof of residency to an election official responsible for maintaining custody of the registration file where the person resides, or their deputies. persons registered in accordance with subsection (1)(f) shall be immediately eligible to receive a regular or absent voter ballot. (G) The right, once registered, to vote an absent voter ballot without giving a reason, during the forty (40) days before an election, and the right to choose whether the absent voter ballot is applied for, received and submitted in person or by mail. during that time, election officials authorized to issue absent voter ballots shall be available in at least one (1) location to issue and receive absent voter ballots during the election officials' regularly scheduled business hours and for at least eight (8) hours during the Saturday and/or Dunday immediately prior to the election. Those election officials shall have the authority to make absent voter ballots available for voting in person at additional times and places beyond what is required herein. (H) The right to have the results of statewide elections audited, in such manner as prescribed by law, to ensure the accuracy and integrity of elections. All rights set forth in this subsection shall be self-executing. This subsection shall be liberally construed in favor of voters' rights in order to effectuate its purposes. Nothing contained in this subsection shall prevent the legislature from expanding voters' rights beyond what is provided herein. This subsection and any portion hereof shall be severable. If any portion of this subsection is held invalid or unenforceable as to any person or circumstance, that invalidity or unenforceability shall not affect the validity, enforceability, or application of any other portion of this subsection.

(2) Except as otherwise provided in this constitution or in the constitution or laws of the United States, the legislature shall enact laws to regulate the time, place and manner of all nominations and elections, ~~except as otherwise provided in this constitution or in the constitution and laws of the United States. The legislature shall enact laws~~ to preserve the purity of elections, to preserve the secrecy of the ballot, to guard against abuses of the elective franchise, and to provide for a system of voter registration and absentee voting. No law shall be enacted which permits a candidate in any partisan primary or partisan election to have a ballot designation except when required for identification of candidates for the same office who have the same or similar surnames.

Note: Words underlined are additions; words stricken are deletions.

Group D: Nevada Question 5

Excerpted from [Ballotpedia](#).

Summary

Nevada Question 5, the **Automatic Voter Registration via DMV Initiative**, was on the ballot in Nevada as an indirect initiated state statute¹ on November 6, 2018. The measure was **approved**.

A "yes" vote supported this initiative to provide for the automatic voter registration of eligible citizens when receiving certain services from the Nevada Department of Motor Vehicles (DMV).

A "no" vote opposed this initiative to provide for the automatic voter registration of eligible citizens when receiving certain services from the DMV.

The following are the election results:

Nevada Question 5		
Result	Votes	Percentage
✓ Yes	567,739	59.57%
No	385,297	40.43%

Precincts reporting: 100%

Source: Nevada Secretary of State [Silver State 2018 Election Night Results](#)

Background

Going into the 2018 election, registering to vote was something that eligible individuals needed to select to do in Nevada. This is often referred to as an *opt-in system* of voter registration, as eligible individuals need to opt-in to the voter rolls. Enacting an automatic voter registration (AVR)² system would change voter registration from an opt-in system to an opt-out system.

An *opt-out system* of voter registration is one in which an individual is placed on the voter rolls unless an individual declines registration. Therefore, in states with AVR, the government is responsible for registering individuals, and individuals who do not want the government to register them must choose not to register to vote.

As of 2018, none of the automatic voter registration systems in the U.S. enrolled individuals as registered voters based on citizenship or residential status alone. Rather, AVR was utilized when individuals interacted with specific government agencies, such as state departments of motor vehicles.

As of August 15, 2018, Washington, D.C. and the following 14 states had enacted automatic voter registration policies:

- Alaska
- Colorado
- Georgia
- Maryland
- California
- Connecticut
- Illinois
- Massachusetts

¹ An indirect initiated state statute has the following characteristics: (1) It is citizen-initiated, through the collection of signatures, (2) Once the signatures are collected, the proposed law is sent to that state's state legislature; (3) Depending on the specific laws in that state, the state legislature typically can either choose: (a) not to act on the measure at all, in which case the measure is placed on the state's statewide ballot and the voters decide its fate, (b) to pass the law as written by the group that initiated it, (c) to amend and then pass the law or (d) to come up with a law of its own addressing the same subject as the citizen-initiated measure and place that law on the ballot along with the citizen-initiated measure, allowing the state's voters to choose the version they prefer.

² Under an automatic voter registration system, eligible voters are automatically registered to vote whenever they interact with government agencies (e.g., departments of motor vehicles). Eligible voters are registered by default, although they may request not to be registered.

- New Jersey
- Oregon
- Rhode Island
- Vermont
- Washington
- West Virginia

For the November 2018 election, Nevada Question 5 was designed to provide automatic voter registration to eligible citizens who submit an application for the issuance or renewal of a driver’s license or identification card or an address change at the Nevada Department of Motor Vehicles (DMV).

Supporting and Opposing Arguments

Arguments *for* Question 5

- **iVote**, the organization that designed the initiative, said the following in support of automatic voter registration:

“According to the Pew Center on States, as of 2012, approximately 51 million eligible Americans are not registered to vote. This number represents a disproportionate share of low-income voters, people of color, and younger Americans. 30 percent of eligible African Americans, 40 percent of Hispanics, 45 percent of Asian Americans, and 41 percent of young adults (ages 18-24), were not registered to vote in 2008.

An Oxford Journal study of Google search terms for registration after registration deadlines had passed, found that between three and four million eligible Americans would have voted, but were too late to register.

In short, the opt-in nature of registration is leaving a lot of our democracy at home. By making registration automatic and universal, we have the potential to bring new—disproportionately minority and young—voting power to bear in our elections.”

Arguments *against* Question 5

- **Gov. Brian Sandoval (R)**, in a statement explaining his veto of the initiative, said:

“IP1 advances a worthy goal by encouraging more eligible Nevadans to register to vote. However, such a result must partner with sound policy. IP1 fails this test because it extinguishes a fundamental, individual choice—the right of eligible voters to decide for themselves whether they desire to apply to register to vote— forfeiting this basic decision to state government. ... the core freedom of deciding whether one wishes to initiate voter registration belongs to the individual, not the government.

Moreover, if IP1 became law, it would create an unnecessary risk that people who are not qualified voters may unintentionally apply to vote, subjecting them to possible criminal prosecution, fines, and other legal action.”

Official Ballot Wording and State Statute

NEVADA REVISED STATUTES
TITLE 24 Elections, CHAPTER 293

BALLOT TITLE: Shall Chapter 293 of the Nevada Revised Statutes be amended to establish a system that will automatically register an eligible person to vote, or update that person’s existing Nevada voter registration information, at the time the person applies to the Nevada Department of Motor Vehicles for the issuance or renewal of any type of driver’s license or identification card, or makes a request to change the address on such a license or identification card, unless the person affirmatively declines in writing? [] YES [] NO

BALLOT SUMMARY: EXPLANATION—This ballot measure proposes to amend Chapter 293 of the Nevada Revised Statutes to require the Secretary of State, the Department of Motor Vehicles (DMV), and each county clerk to cooperatively establish a system that automatically registers to vote an eligible person when the person submits an application for the issuance or renewal of or change of address for any type of driver’s license or

identification card issued by the DMV. If the person is already registered to vote, the system would automatically update his or her existing Nevada voter registration information. The person would be allowed to affirmatively decline in writing to register to vote if he or she did not want to register to vote.

The system established by the Secretary of State, the DMV, and each county clerk pursuant to this measure must allow voter registration information collected by the DMV to be transmitted electronically to the Secretary of State and the county clerks for the purpose of registering the person to vote or updating the voter registration information of the person for the purpose of correcting the statewide voter registration list. Pursuant to the measure, this electronic transmission of voter registration information must be secure. The storage of any voter registration information collected pursuant to the measure must also be secure.

Prior to concluding the person's transaction, the ballot measure requires the DMV to notify each person who submits an application for the issuance or renewal of or change of address for any type of driver's license or identification card issued by the DMV of the following information:

- The qualifications to vote in Nevada;
- That the person will be automatically registered to vote unless he or she affirmatively declines in writing;
- That indicating a political party affiliation or no political party affiliation is voluntary;
- That the person may indicate a political party affiliation on the voter registration form;
- That the person will not be able to vote at a primary election for candidates for partisan offices of a major political party unless the person indicates a major political party affiliation;
- That the decision of whether to register to vote or not will not affect the person's transactions with the DMV or the DMV's services;
- That the person's decision regarding whether to register to vote or not cannot legally be disclosed to the public; and
- That any information collected by the DMV for automatic voter registration cannot be used for any purpose other than voter registration.

According to the measure, if the person does not affirmatively decline in writing to register to vote, certain personal information will be transmitted to the appropriate county election official who will determine if the application to register to vote is complete. The county election official must notify the person if the application is incomplete and additional information is required.

A "Yes" vote would amend Chapter 293 of the Nevada Revised Statutes to establish a system that will automatically register to vote, or update the existing Nevada registration information of, any eligible person who applies to the Department of Motor Vehicles for the issuance or renewal of any type of Nevada driver's license or identification card, or who makes a request to change the address on such a license or identification card, unless the person affirmatively declines in writing.

A "No" vote would not amend Chapter 293 of the Nevada Revised Statutes to establish an automatic voter registration system for any eligible person who applies to the Department of Motor Vehicles for the issuance or renewal of any type of Nevada driver's license or identification card, or who makes a request to change the address on such a license or identification card.

DIGEST—Under current law, the Department of Motor Vehicles (DMV) is designated as a voter registration agency. As such, the DMV must perform certain activities related to voter registration, including posting instructions regarding the voter registration process and providing an application to register to vote to each person who applies for the issuance or renewal of any type of driver's license or identification card issued by the DMV. Current law also requires the DMV to forward each application to register to vote to the county election official in the county where the applicant resides. If approved by the voters, this measure will have a financial impact on the Secretary of State, DMV, and county election officials; however, the extent of the financial impact will depend on the nature of the system that is cooperatively established pursuant to the requirements of this measure.

If approved, this ballot measure will not remove or eliminate any of the requirements of the DMV as it relates to being a voter registration agency and providing an application to register to vote to each person who applies for the issuance or renewal of any type of driver's license or identification card issued by the DMV. Instead, the ballot measure seeks to change voter registration at the DMV from an "opt in" process to an "opt out" process, meaning

the person applying for the issuance or renewal of a driver's license or identification card issued by the DMV would need to affirmatively decline in writing in order to opt out of being registered to vote. Under current law, individuals applying for the issuance or renewal of a driver's license or identification card issued by the DMV must opt in in order to register to vote by taking certain actions. Because of this proposed switch to an "opt out" process, the change sought by this measure is often described as automatic voter registration.

FULL TEXT: For the full text of the statute and proposed revisions, see State of Nevada Statewide Ballot Questions 2018, www.washoecounty.us/voters/files/18_election_files/18_ballot_questions_public_book.pdf.