On August 6, 2015, we commemorate the 50th anniversary of the Voting Rights Act which was signed into law by President Lyndon Johnson in 1965. The Voting Rights Act is landmark federal legislation that was enacted during the Civil Rights Movement and was intended to prevent racial discrimination in voting. Prior to that, even though African Americans had the right to vote, barriers such as literacy tests, poll taxes, intimidation, threats and even violence prevented many people of color from voting. For almost 50 years the Voting Rights Act secured and safeguarded the right to vote for millions of Americans.

There have been recent developments, however, that threaten voting rights. In addition to the 2013 Supreme Court ruling <i>Shelby County v. Holder</i> that gutted key elements of the Voting Rights Act, in many states there are restrictions on voting rights that disenfranchise Americans and disproportionately impact African Americans, Latinos, young people and elderly voters. Voting rights for all is a key component of any democracy and that right is in peril for hundreds of thousands of Americans.

This lesson provides an opportunity for high school students to explore the difference between the right to vote and the ability to vote, learn more about the Voting Rights Act of 1965 and reflect on some of the current day threats to voting rights and what can be done about it.


**Grade Level:** grades 9–12

**Time:** Two 45 minute class periods

**Common Core Anchor Standards:** Reading, Writing, Speaking and Listening

**Learning Objectives:**

- Students will explore the complex nature of voting rights.
- Students will learn about the Voting Rights Act of 1965 and what led to its passage.
- Students will read and reflect upon state laws that restrict many Americans’ ability to vote.
- Students will analyze specific states with voting restrictions and voter suppression and share that information with their classmates.
Material:

- Would You Be Able to Vote If...? Worksheet (one copy for each student)
- “Voters Turned Away Because of Texas Photo ID Law” (one copy for each student)
- Voting Restrictions and Voter Suppression Laws (one copy for each student)
- State Laws (one copy for each student)

Vocabulary:

Review the following vocabulary words and make sure students know their meanings. (See ADL’s “Glossary of Education Terms.”)

- absentee
- draconian
- proof
- acceptable
- exemption
- requirements
- discrimination
- limits
- restrictions
- disenfranchised
- observe
- suppression
- documents
- polling

MY EXPERIENCE WITH VOTING

Begin the lesson by asking students: When was the last time you voted for something? (To elicit more from students, tell them this may include a school election, an online poll such as the Teen Choice Awards or voting for a contestant on a reality show such as “The Voice.”) Then ask: Why did you vote? How did it feel to vote? Did you experience any barriers to voting? If so, what were the barriers?

Explain that they are going to discuss the Voting Rights Act, which was federal legislation passed in 1965 to address issues of voting discrimination based on race. Although people of color had the right to vote during that time, various methods were used to prevent them from voting, including literacy tests, poll taxes, grandfather clauses, the disenfranchisement of people with felony convictions, intimidation, threats, and even violence. Explain that they will also discuss the ways in which certain voters—particularly people of color, the elderly and young people—are currently being disenfranchised from voting.

RIGHT TO VOTE VS. ABILITY TO VOTE

1. Tell students that in order to learn and reflect upon the complex nature of voting rights, they are going to do a short “simulation” activity.

2. Explain to students that they should pretend they are voting for student council president and for this particular election, they feel strongly that their vote counts because the student council president will have a say about ____________ (insert a policy/program that you think is important to your students such as school start times, cell phone policy, homework policy, dress code, cafeteria food, discipline policies, school facilities, etc.). Tell students that everyone has the right to vote but that there are some specific rules about voting in this election.

3. Read each of the rules below one at a time and after reading each, ask: If this was a rule, would you be able to vote? At this point, you can either have the students raise their hands “yes” or “no,” move to one
side of the room if "yes" and another side if "no" or use the Would You Be Able to Vote If...? Worksheet to jot down their response silently and privately. After each question is asked and answered, have one or two students briefly say why they answered yes or no.

- You can only vote after 5pm at your school.
- You can only vote if you have an ID that includes a photo.
- You can only vote if you have working papers.
- You can only vote if you voted in the last school election.
- You can only vote if you bring a copy of your birth certificate.

4. After going through all five responses, engage students in a discussion by asking the following questions:

- Were any of the questions difficult to answer and if so, which ones and why?
- How did you feel if you were able to vote?
- How did you feel if you were not able to vote?
- In what situations were you unable to vote?
- Do you think it’s fair that certain people were able to vote and others were not? Explain.
- From what you know about voting in the United States, is there anything in this simulation that resonated for you about our actual elections?
- What can we do to make sure (in this scenario) everyone who wants to vote can?

INFORMATION SHARING: VOTING RIGHTS ACT OF 1965 AND VOTING RIGHTS TODAY

1. Provide some background information on the Voting Rights Act of 1965, the Selma to Montgomery March and current day voting restrictions, sharing some or all of the following points:

- After the enactment of the Civil Rights Act of 1964 which largely addressed racial discrimination and segregation, voting rights for African Americans remained difficult during that time, especially in the South. Local activists, along with Martin Luther King, Jr., decided to organize a huge protest march from Selma to Montgomery, Alabama. The purpose of the march was to push for voting rights legislation and to protest the death of Jimmie Lee Jackson, who had been killed by a police officer when he tried to register to vote. It took three attempts to complete the march; the first attempt on March 7 came to be known as “Bloody Sunday” because Alabama state troopers rushed the marchers at the Edmund Pettis Bridge with whips, nightsticks and tear gas and beat them back to Selma. The third attempt on March 21 was successful; 8,000 people of all races and religions walked from Selma to Montgomery and arrived there on March 25 to a crowd of more than 25,000 supporters. On March 15, President Johnson announced to a joint session of Congress that he would bring them an effective voting rights bill.

- The Voting Rights Act of 1965 was designed to address racial discrimination in voting. It prohibits discrimination based on race, and requires certain jurisdictions to provide bilingual assistance to language minority voters. Section 5 of the Act requires federal “preclearance” before covered jurisdictions (i.e., specified jurisdictions with a history of practices that restrict minority voting rights) may make changes in existing voting practices or procedures. The Act also provides the Department of Justice with the authority to appoint federal observers and examiners to monitor
elections to ensure that they are conducted fairly. Initial enforcement efforts targeted, among other things, literacy tests, poll taxes and discriminatory registration practices.

- In 2013, the Supreme Court, in a case called *Shelby County v. Holder*, struck down key provisions of the Voting Rights Act (VRA). It held that Section 4 of the Voting Rights Act, which sets out the formula that is used to determine which state and local governments must comply with Section 5’s preclearance requirement, is unconstitutional and can no longer be used. This means that the formula used to decide which places would have to preclear their laws could no longer be used, and so no jurisdictions and states would have to preclear their laws going forward. The Supreme Court specifically left the door open for Congress to create a new formula to determine which states and localities would have to preclear their laws.

- Over the past few years since about 2010, some states have enacted voting laws that restrict voting which include: (1) requiring voter ID, proof of citizenship and/or photo ID to vote, (2) restricting early in-person voting and (3) making voter registration more difficult. These laws disenfranchise eligible voters and disproportionately affect people of color, the elderly, young voters and those who live in poverty.

- Legislators claim these voting laws are enacted in order to prevent voter fraud but the Brennan Center for Justice, which did an extensive study of voter fraud, concludes: “Allegations of widespread voter fraud, however, often prove greatly exaggerated. It is easy to grab headlines with a lurid claim, the follow-up—when any exists—is not usually deemed newsworthy. Yet on closer examination, many of the claims of voter fraud amount to a great deal of smoke without much fire. The allegations simply do not pan out.”

2. Engage students in a brief discussion by asking the following questions:

- What did you learn about voting that you didn’t know before?
- What is surprising about what you learned?
- How do you feel about what you heard?
- Do you have any experiences that ring true with what you heard?

**READING ACTIVITY**

1. Distribute a copy of the article “*Voters Turned Away Because of Texas Photo ID Law*” to each student and give them about ten minutes to read it silently. You may also provide the article for homework the night before so they are prepared to discuss it in class.

2. After reading the article, engage students in a discussion by asking:

- What did you learn that you didn’t know before?
- How did you feel while reading the article?
- What is the perspective or point of view of the article?
- What were the different reasons as to why people were unable to vote?
- How do you think some of the people felt as they were prevented from voting?
- What do you think can/should be done about people’s inability to vote?
SMALL GROUP PROJECT: VOTING RESTRICTIONS AND VOTER SUPPRESSION LAWS

1. Explain to students that they are going to learn more about some of the recent voting restrictions and voter suppression laws. Distribute a copy of the Voting Restrictions and Voter Suppression Laws to each student and read aloud, having students take turns reading. Engage students in a brief discussion by asking the following questions:
   - What are some of the laws that prevent or restrict people from voting?
   - Who do you think would be most impacted by these laws?
   - Why do you think states have enacted these laws?

2. Divide students into six small groups and assign each small group one of these six states which have some of the most restrictive voting laws in the United States: (1) Texas, (2) Wisconsin, (3) Tennessee, (4) North Carolina, (5) North Dakota and (6) Ohio. Explain that each group will work together to learn about and then develop a class presentation about their state’s voting restrictions and voter suppression laws.

3. Distribute a copy of the State Laws handout to each student. Explain that this handout provides some basic information and additional websites for each of the six states. The group’s task is to learn more about their assigned state’s voting restrictions and voter suppression laws; they can begin with the handout but they should do internet research on their own to get more information. As a group project assignment, they will have an amount of time (e.g. two weeks) to conduct the research, compile the information and create a group presentation to share what they learned with the class. The presentation can be a power point presentation or Prezi, an infographic, a video or a written paper. Their project should answer the following questions:
   - What are the voting laws in your state and how have they changed over the past few years?
   - What do legislators say about why they need to enact these laws? Why do you think they are enacting the laws?
   - Who do these laws impact the most?
   - What can be done to enable more people to vote/counteract the restrictions and barriers to voting?

4. On the day when presentations are due, have each small group present their state and what they learned.

CLOSING

After all the groups have presented their findings, have each person share one thing they learned from a presentation other than their own.

ADDITIONAL READING AND RESOURCES

- “A 93-year-old woman among those facing voting hurdles in 2014” (MSNBC, November 1, 2014)
- ADL: Safeguarding the Right to Vote
- American Civil Liberties Union: Voting Rights
- Brennan Center for Justice: Voting Rights and Election
• “Congressional Democrats Introduce Ambitious New Bill to Restore the Voting Rights Act” *(The Nation, June 24, 2015)*
• “I was born, raised and live in North Carolina. And I can’t vote – because I moved” *(The Guardian, November 4, 2014)*
• “Photo ID not that easy to obtain” *(San Antonio Express-News, June 12, 2015)*
• *The Truth About Voter Fraud* (New York: Brennan Center for Justice, 2007)
• “This is what it’s like to try to get a Voter ID when you’re disabled, poor or don’t drive” *(The Washington Post, October 29, 2014)*

### COMMON CORE ANCHOR STANDARDS

<table>
<thead>
<tr>
<th>Content Area/Standard</th>
<th>Reading</th>
<th>Writing</th>
<th>Speaking and Listening</th>
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<tbody>
<tr>
<td><strong>Reading</strong></td>
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<tr>
<td>Standard 1: 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.</td>
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<td>Standard 2: Determine central ideas or themes of a text and analyze their development, summarize the key supporting details and ideas.</td>
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<tr>
<td><strong>Writing</strong></td>
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<tr>
<td>Standard 2: Write informative/explanatory texts to examine and convey complex ideas and information clearly and accurately through the effective selection, organization and analysis of context.</td>
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<tr>
<td><strong>Speaking and Listening</strong></td>
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<tr>
<td>Standard 1: 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.</td>
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<td>Standard 4: Present information, findings and supportive evidence such that listeners can follow the line of reasoning and the organization, development and style are appropriate to task, purpose and audience.</td>
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WOULD YOU BE ABLE TO VOTE IF…? WORKSHEET

**Directions:** If each of the following statements were voting rules, check “Yes” if you would be able to vote or “No” if you would not be able to vote.

<table>
<thead>
<tr>
<th>VOTING RULE</th>
<th>YES</th>
<th>NO</th>
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<tbody>
<tr>
<td>1. You can only vote after 5pm at your school.</td>
<td></td>
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VOTERS TURNED AWAY BECAUSE OF TEXAS PHOTO ID LAW

Brennan Center for Justice
October 28, 2014

Voting is now underway in Texas, a state with one of the strictest voter ID laws in the nation. This is the first federal election since the U.S. Supreme Court gutted a key provision of the Voting Rights Act, which would have required Texas to get government approval for these changes. Below are stories from actual voters and the difficulties they've encountered. Initials are used for those voters who wish to remain anonymous. In many cases, Texas failed these voters twice — first by requiring identification they did not have, and second by not training election officials to help them navigate the rules.

A costly, time-consuming barrier

Jesus Garcia was born in Texas and lives in Mercedes. He was unable to vote with his driver's license, which expired about a year ago. He went to the Weslaco Department of Public Safety (DPS) office twice and both times was unable to get an ID. His birth certificate was stolen and he does not have a copy. He wants to get identification, but to get both a replacement birth certificate and a new ID would be more than $30 combined. He is working a lot of hours, but money is tight. With rent, water, electricity, and everything else, Mr. Garcia is not sure he will be able to afford those documents, much less before the election.

Even if he does have the money, he will need to go through the whole process of getting the documents and going to the office again, when he has already tried to vote once and gone to a DPS office twice. Mr. Garcia thinks it is unfair that he cannot vote with the documents he has. He was born here and he has an ID with his picture on it; it’s just expired. He has a voter registration card, and voted in past elections.
Deputized to register but denied the ballot

Krystal Watson is a student at Wiley College in Texas, a historically black college. She is originally from Louisiana and has voted in past elections in Texas. This year, she signed up as a deputy registrar and registered about 100 people to vote. The person who deputized her told her the registration rules but not about the new voter ID requirement. When she herself went to vote, she was not allowed to cast a ballot because she had a Louisiana driver’s license and a Wiley College ID, but not the ID required by the law.

Ms. Watson stated that she has observed many other students having trouble voting. She didn’t know whether she would be have the time or resources to get an identification card, which would require her to bring in her birth certificate.

“You can’t vote with this card”

Mr. R is an American in his 30s who lives in the small southern Texas town of Edcouch. He and his wife were both turned away from the polls last week because they do not have satisfactory identification under the new ID law. Mr. R had a driver’s license that was valid until 2015, but it was taken away from him in connection with a DUI. Mr. R tried to use a driver’s license that expired in 2009 — which he had used successfully to vote at the same polling location the last time he voted — as identification. This time, when he went to the polls during early voting, he was told, “You can’t vote with this card.”

The poll workers Mr. R encountered were unfamiliar with the basics under the new strict photo ID law. Mr. R was not told anything about how to get an Election Identification Certificate (EIC), the allegedly free ID available to people who want to vote, but don’t have a qualifying ID. Nor was he offered a provisional ballot, which would have given him additional time to obtain ID. Mr. R said he was unlikely to go and get an EIC once he learned that he’d have to procure it from the DPS, a law enforcement agency, because he owes traffic fines he can’t afford.

Disabled voters can participate — but only if family members foot the bill...

Esmeralda Torres is a disabled American who lives in Elsa. She first learned about the new ID law when she tried to vote. She was blocked because she didn’t have acceptable ID. Her disabilities preclude her from driving and make it hard for her to get around. Ms. Torres had previously tried to get an ID but had been rejected because she lived with her sister and had few documents containing both her name and her physical address.

Ms. Torres was eventually able to get a Texas state ID, but only because she has a supportive and strong advocate in her sister, who took time off of work to drive Ms. Torres to a DPS office, and loaned her the $16 necessary to pay for a Texas state ID (she chose to get a Texas state ID rather than an EIC because an EIC cannot be used for any purposes other than voting). Ms. Torres might have qualified for an exemption to the Texas photo ID law for people with disabilities, but no one — not even the poll workers who blocked her from voting the first time — ever told her of this option.

...Or heroic volunteers step in

Olester McGriff, an African-American man, lives in Dallas. He has voted in several Texas elections. This year when he went to the polls he was unable to vote due to the new photo ID law. Mr. McGriff had a kidney transplant and can no longer drive; his driver’s license expired in 2008. He tried to get an ID twice prior to voting. In May, he visited an office in Grand Prairie and was told he could not get an ID because he was outside of Dallas County. In July, he visited an office in Irving and was told they were out of IDs and would have to come back another day.
He is unable to get around easily. Mr. McGriff got to the polls during early voting because Susan McMinn, an experienced election volunteer, gave him a ride. He brought with him his expired driver's license, his birth certificate, his voter registration card, and other documentation, but none were sufficient under Texas's new photo ID requirement. Getting the EIC would have been difficult for him — it would have required multiple additional trips and he cannot drive.

Despite his health and mobility problems, the poll workers did not suggest that he vote by absentee ballot — an option available to him because he had a disability. Eventually, he was given an absentee ballot application, but it was only because, Ms. McMinn, the volunteer, suggested the idea, and then pushed a poll worker to review the rules after having already told Mr. McGriff it was too late. After the poll worker confirmed her mistake, Mr. McGriff was able to get an absentee ballot application. But when he tried to get stamps at the election office, election workers did not inform him that his absentee ballot would include return postage, so Ms. McMinn and Mr. McGriff had to spend additional time driving around in search of postage. Ms. McMinn paid the $2 in postage, as Mr. McGriff is living on a tight budget. She drove him back to drop off his application, and a few days later he successfully voted by mail.

**Even with help, would-be voters turned away**

Gary Gross has been serving as a get-out-the-vote volunteer, giving voters rides to the polls during early voting. He encountered a voter who could not meet the new photo ID requirement. Even after Mr. Gross spent more than an hour trying to help the voter find out the rules from election officials, the voter was unable to cast a ballot or get the identification he needed. The voter's driver's license expired in March — there was no question as to the voter's identity, but the ID did not count. Through Mr. Gross' help, the voter found out he is theoretically eligible for a "free" election identification certificate, but the voter does not have a birth certificate, so he lacks the documentation he needs to get the EIC.

**Countless others disenfranchised**

No one knows how many other voters are being turned away because of the draconian new law. For example, one election official reported that in one day of early voting at a single site, seven voters were turned away because they had expired or insufficient ID. One can only hope that as poll workers become more familiar with the new system, legitimate voters will be allowed to cast ballots — or at least furnished with the correct information on how to do so.

**Help is available!**

Voters in need of assistance with the new voter identification requirements, or with other questions about the voting process, should call 1-866-OUR-VOTE, where trained volunteers are standing by to assist voters and answer any questions they may have. The hotline is run by [Election Protection](http://www.electionprotection.org), a nonpartisan coalition of voter protection organizations.
VOTING RESTRICTIONS AND VOTER SUPPRESSION LAWS

Since about 2010, many Americans have experienced shifts and changes in their voting rights. The majority of these changes are due to new laws and restrictions in the following three areas: (1) ID Laws/Photo ID Laws, (2) Early Voting and (3) Voter Registration Drives.

ID LAWS/PHOTO ID LAWS
All people must prove that they are who they say they are when they vote. However, what constitutes proof is now a subject of major controversy with certain states setting strict guidelines for what forms of identification are accepted. Many states require people to sign a voting roll, and their signatures must match the one on their voter registration form. Some states accept non-photo identifications such as a bank statement with the individual’s name and address. Nearly half of the voting bills introduced recently that restrict access are aimed at establishing voter ID requirement or tightening pre-existing ones.

In addition, many states require individuals to have a photo ID, or even a government-issued photo ID, in order to vote. Specific requirements vary from state to state, but for these states, adequate government-issued photo IDs may include: government-issued driver’s licenses; military photo identification cards; government-issued photo identification cards; passports; and gun permits. Employee photo IDs issued within the state and student IDs are other forms of accepted photo ID in certain states. Some studies show that approximately 11% of eligible voters do not have a government-issued photo ID. Therefore, in states where government-issued photo ID is the only acceptable ID in order to vote, many people are prevented from voting. Since 2011, 34 states have introduced photo ID laws.

EARLY VOTING
Most states have a way for eligible voters to cast a ballot before Election Day, either during the early voting period or by requesting an absentee ballot. In 33 states and D.C., any eligible, registered voter may vote during a designated early voting period prior to Election Day. In addition, all states will mail an absentee ballot to certain voters who request one; however 20 states require an excuse for why the person needs to vote absentee. Early voting allows voters to visit a voting location to cast a ballot without having to offer an excuse as to why the voter is unable to vote on Election Day. For many voters, particularly those who rely on hourly wages or who work more than one job, going to the polls on Election Day (a Tuesday) may be difficult, so early voting reduces barriers to voting. However, since 2011 nine states have introduced bills to reduce early voting periods.

REGISTRATION DRIVES
In the United States, individuals must register to vote. Community-based drives help individuals navigate the registration process. These drives assist people who might not register, or register successfully, on their own or who are more likely to register after seeing others in their community do so. Members of minority groups are especially likely to register through private voter registration drives. In addition, studies have shown that voters are more likely to vote if they have registered through community-based efforts. For decades, community-based voter registration drives have increased the numbers of registered voters. In recent years, however, some states have worked to make it more difficult for these drives to operate. Since 2011, sixteen states have introduced bills to limit registration. These limitations vary with some being much more prohibitive than others.
STATE LAWS

TEXAS
- New voter ID law places major limits on the type of IDs acceptable for voting, now considered the harshest voter ID law in the U.S.
- Websites:
  - https://www.brennancenter.org/blog/texas-photo-id-law-blocks-legitimate-voters
  - https://www.brennancenter.org/analysis/voter-id-laws-passed-2011

WISCONSIN
- Strict new voter ID law and cutbacks to early voting are slated to go into effect in Wisconsin for the first time November 2015, one of the country’s most restrictive voting laws.
- Eliminated weekend early voting, preventing registration drives
- Websites:
  - https://www.brennancenter.org/analysis/voter-id-laws-passed-2011

TENNESSEE
- Photo ID required to vote, reduced early voting period and proof of citizenship required to register.
- Proof of citizenship requirement applies only to individuals flagged by state officials as potential non-citizens based on a database check.
- Websites:
  - https://www.brennancenter.org/analysis/student-voting-guide-tennessee
  - https://www.brennancenter.org/analysis/voter-id-laws-passed-2011

NORTH CAROLINA
- Eliminated same-day registration, reduced early voting period, ended pre-registration for 16- and 17-year-olds and instituted photo ID requirement.
- All effective in 2014 except for the ID requirement (which is slated to go into effect in 2016).
- Websites:
  - https://www.acluofnorthcarolina.org/blog/Categories/Listings/voting-rights.html
  - https://www.brennancenter.org/analysis/voter-id-laws-passed-2011
NORTH DAKOTA

- This session, passed a bill making its already-restrictive voter ID law even stricter
- So far (in this session of Congress) it is the only restrictive law passed and signed
- New law allows for only four forms of ID: (1) a current North Dakota driver’s license, (2) non-driver ID card, (3) a tribal ID or a long-term care certificate (patients with chronic diseases, the disabled, elderly and others who get extended care)
- Websites:
  - https://www.brennancenter.org/analysis/voter-id-laws-passed-2011

OHIO

- Prohibited individuals who lack identification or a Social Security number from voting even with a provisional ballot.
- Reduced early voting period and eliminated same day registration
- Introduced bill to limit voter registration mobilization efforts and reduce other registration opportunities.
- Websites:
  - https://www.brennancenter.org/analysis/voter-id-laws-passed-2011
  - http://www.acluohio.org/resources/publications/voting-rights