

# Voting Rights Then and Now

Compelling Question:

Grade Level		Time	Common Core Standards
K-2	3-5	Two 45-minute class periods	Reading: R1, R2 Writing: W2 Speaking & Listening: SL1, SL4
MS	HS		



## Web Related Connections

### Lessons

- [Ballot Initiatives Expand Voting Rights](#)
- [The Selma to Montgomery March for Voting Rights](#)
- [Martin Luther King, Jr. and Civil Rights: Relevancy for Today](#)
- [Should We Keep the Electoral College?](#)
- [Elections and the Youth Vote](#)

### Other Resources

- [Civil Rights Movement](#)
- [Teaching about Elections](#)
- [100 Years of the 19th Amendment](#)

## Key Words

(See ADL's [Education Glossary Terms](#).)

absentee ballot  
advocate  
amendments  
citizenship  
conventional wisdom  
democracy  
disenfranchisement  
felon  
impersonation  
provisional ballot  
purging  
registration  
restrictions  
restoration  
suppression  
voter suppression  
warranted

## LESSON OVERVIEW

In August 2015, we commemorated 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 Black people 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 fifty years the Voting Rights Act secured and safeguarded the right to vote for millions of Americans.

Over the past several years, there have been developments that threaten voting rights. In addition to the 2013 Supreme Court ruling *Shelby County v. Holder* 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 American, Latinx, young and elderly people's ability to vote. There are also tactics that some states use to intimidate or scare voters so that less people vote. Voting rights for all is a key component of any democracy and that right is in peril for hundreds of many 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.

## 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 people's ability to vote.
- Students will understand and analyze their own state's voting rules and restrictions.

## MATERIALS & PREPARATION

- "Explaining Election 2020 Facts: Voter Suppression" YouTube video (2020, 1:30 min., Associated Press, [www.youtube.com/watch?v=-jdPOeBnBPY](http://www.youtube.com/watch?v=-jdPOeBnBPY))
- [Would You Be Able to Vote If...? Worksheet](#) (one copy for each student)
- [Background Information on the Voting Rights Act of 1965, the Selma to Montgomery March and Current Day Voting Restrictions](#)

- “How voting in the U.S. is harder than just checking a box” (one copy for each student; optionally, assign reading as homework prior to conducting this lesson)
- [Voting Restrictions and Voter Suppression Laws](#) (one copy for each student)

## PROCEDURES

### My Experience with Voting

1. 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 survey 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?*
2. 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, 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.
  - You can only vote if you are willing and able to wait in line for at least four hours.
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. Watch the video “[Explaining Election 2020 Facts: Voter Suppression](#).” After watching, engage students in a brief discussion by asking the following questions:
  - What did you already know?
  - What did you learn that you didn’t know before?
  - Why has voting gotten more difficult in some places and for certain groups of people?
  - What are some examples of voter suppression?
2. Share with students some or all of the [background information on the Voting Rights Act of 1965, the Selma to Montgomery March and current day voting restrictions](#).
3. 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 “[How voting in the U.S. is harder than just checking a box](#)” 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 the following questions:
  - 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 are different examples of voter suppression that the article cites?
  - How do you think people feel when they want and intend to vote, but cannot?
  - What do you think can/should be done about voter suppression?



### Small Group Project: Voting Restrictions and Voter Suppression (Optional)

1. Explain to students that they are going to learn more about some of the 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.
2. 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 states have enacted these laws?
3. Explain to students that they are going to research voting laws and restrictions in their own state. They can work alone or in small groups or you can divide the class into different small groups and have each focus on a

different area of voting rules and restrictions. Provide the following resources to help students learn more about voting rights and restrictions in their state.

- <https://www.usa.gov/election-office>
  - <https://www.usvotefoundation.org/vote/state-elections/state-voting-laws-requirements.htm>
  - <https://www.brennancenter.org/our-work/research-reports/voting-laws-roundup-2020>
  - <https://www.aclu.org/news/civil-liberties/block-the-vote-voter-suppression-in-2020/>
  - <https://www.vote.org/>
4. Provide a specific amount of time (e.g., two weeks) for students 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 PowerPoint presentation, 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 specific laws restrict the ability to vote? Are there laws that expand the ability to vote? Please explain.
  - What do state 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? Who do they impact the least?
  - What can be done to enable more people to vote and counteract the restrictions and barriers to voting?

### 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](#)
- [“I was born, raised and live in North Carolina. And I can't vote – because I moved”](#) (*The Guardian*, November 4, 2014)
- [The Truth About Voter Fraud](#) (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)
- [Democracy Diverted: Polling Place Closures and the Right to Vote](#) (The Leadership Conference Education Fund, 2019)
- [Vote Suppression](#) (Brennan Center for Justice)
- [“7 Signs Voter Suppression Could Be Happening Near You”](#) (DoSomething.org)
- [“Voter Suppression Is Still One of the Greatest Obstacles to a More Just America”](#) (*TIME*, June 12, 2020)
- [“Voters Turned Away Because of Texas Photo ID Law”](#) (Brennan Center for Justice, October 28, 2014)

## 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.
R2: Determine central ideas or themes of a text and analyze their development, summarize the key supporting details and ideas.
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 context.
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.
SL4: 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.

## 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.

VOTING RULE	YES	NO
1. You can only vote after 5pm at your school.	<input type="checkbox"/>	<input type="checkbox"/>
2. You can only vote if you have an ID that includes a photo.	<input type="checkbox"/>	<input type="checkbox"/>
3. You can only vote if you have working papers.	<input type="checkbox"/>	<input type="checkbox"/>
4. You can only vote if you voted in the last school election.	<input type="checkbox"/>	<input type="checkbox"/>
5. You can only vote if you bring a copy of your birth certificate.	<input type="checkbox"/>	<input type="checkbox"/>
6. You can only vote if you are able and willing to wait in line for at least four hours.	<input type="checkbox"/>	<input type="checkbox"/>

## Background Information on the Voting Rights Act of 1965, the Selma to Montgomery March and Current Day Voting Restrictions

- 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.
- The Constitution stipulates that states decide the “times, places and manner of holding elections for Senators and Representatives,” which also applies to Presidential elections. 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 voter registration and making it more difficult to register to vote, (3) eliminating certain early voting days/timeframes (evening, Sundays) or limiting the amount of early voting, (4) closing and/or reducing voting places, causing confusion and creating longer lines and (5) not allowing people convicted of felonies to vote. These laws disenfranchise eligible voters and disproportionately affect people of color, elderly and 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.”



## How voting in the U.S. is harder than just checking a box

By Mark Niquette, Bloomberg Quick Takes on 5.28.2020

Reprinted with permission from <https://newsela.com/read/lib-how-voting-in-US-is-hard/id/2001009205/>.

Word Count **1033**

Level **MAX**



A voting booth sits at a polling station in Milwaukee, Wisconsin, April 7, 2020. Photographer: Thomas Werner for Bloomberg

Elections are a hallmark of democracy. Voting in the U.S.? That's complicated. The nation's founders restricted the vote to those who held property or paid taxes, which effectively meant white men. Even now, decades after constitutional amendments enfranchised blacks and women, most felons can't vote, most people have to work on Election Day, some states require advance registration to vote, people without proper identification might not have their vote counted and letting voters send their ballots by mail is highly contested, even during a pandemic. Leaving office in 2017, former President Barack Obama described the U.S. as "the only country in the advanced world that makes it harder to vote rather than easier."

### 1. How many Americans vote?

The 136.8 million ballots tallied in the 2016 presidential election represented 56% of the 245.5 million voting-age Americans, according to the Pew Research Center. That put the U.S. 26th of 32 in voter participation among Organization for Economic Cooperation and Development nations in their most recent national elections. A significant chunk of American adults, roughly one in three, weren't registered to vote in 2016.

### 2. Why don't more Americans vote?

Many reasons. For some, not voting is a statement of discontent with the system and the choices: One in four registered voters didn't vote in 2016 because they didn't like the candidates or campaign issues, Pew found, while



others didn't think their vote would make a difference or were too busy. Some states make it easier to vote by allowing registration and voting on the same day, with ample early voting and balloting-by-mail opportunities; others make it more difficult with requirements that some voter-rights advocates argue are onerous. Conventional wisdom holds that high turnout favors Democrats because it means more nonwhite and low-income voters are participating, though that doesn't always hold true.

### 3. How do states limit voting?

From the 1890s to the 1960s, some states let people vote only if they first paid a poll tax, passed a literacy test or had a registered voter vouch for their good character. The common denominator was a desire to discourage blacks from voting. The Voting Rights Act of 1965 outlawed these practices. These days, the fight is largely over state laws requiring voters to show proper ID and efforts to remove voters from registration rolls if it's been a while since they voted.

### 4. Why is this left to individual states to decide?

The Constitution says state legislatures decide the "times, places and manner of holding elections for Senators and Representatives," a principle extended to voting for president. But Congress "may at any time by law make or alter such regulations." That's what it did with the Voting Rights Act. A key piece of that law required nine mostly Southern states, plus other counties and municipalities with a history of such practices, to get court or Justice Department approval for any proposed change in voting rules. In 2013, the Supreme Court threw out that requirement, declaring that the country's progress in overcoming racial discrimination in voting meant it no longer was warranted. That ruling opened the door to a wave of new state laws that voter advocates say are designed to limit turnout.

### 5. How many states have done that?

Since 2010, 25 states have enacted measures "making it harder to vote," including restrictions on registration, cutbacks to early voting and strict photo ID laws, according to the Brennan Center for Justice at New York University.

### 6. How do voter ID laws work?

In the seven states with the strictest laws, a voter must present a driver's license or other official identification document with a photo on it; those lacking a photo ID may cast only a provisional ballot and then must take additional steps after Election Day, such as bring acceptable ID to an election office, for that vote to be counted, according to the National Conference of State Legislatures. Advocates of such laws, who tend to be Republicans, say that if you need to prove who you are to board a plane, you should have to do the same to vote. Opponents of such laws say they discourage voting especially by poor people, who often don't have photo ID, and that in-person voter impersonation on Election Day is exceedingly rare.

### 7. How is voter registration being targeted?

States keep their registration rolls accurate by periodically removing, or "purging," the names of people who have died, moved or become ineligible to vote. But the practice in states including Georgia and Wisconsin has drawn legal challenges on grounds it goes too far and prevents eligible people from voting or is a form of voter suppression. Some states have also imposed restrictions on voter-registration drives, including requiring training beforehand.

### 8. How could voting be made easier?

Periodic efforts to move Election Day to the weekend, or make it a holiday, have failed. (While much of the world holds elections on weekends, the U.S. still does it on Tuesdays, which was seen as most convenient for 19th century Americans.) But 40 states now allow early voting, which means they start opening polling places days or even weeks before the election; in more than half of those states, the early-voting period includes at least one Saturday or Sunday, according to the National Conference of State Legislatures. Five states accept mail-in ballots

for all elections, while many others are loosening rules for absentee voting by mail this November due to the pandemic. And many states now allow felons to re-register to vote, or to apply for restoration of their voting rights, after their incarceration ends.

#### 9. Why not allow voting online?

A dozen nations including Australia, Canada, France and India have experimented with online voting since 2000, but only Estonia has fully adopted it. Some U.S. states let military personnel and citizens who are overseas vote by web or app, but overall, the U.S. has moved in the opposite direction, toward having paper ballots or paper receipts that could be audited in case of doubts over an election's outcome. The National Academies of Sciences, Engineering, and Medicine concluded in a 2018 study that "no known technology guarantees the secrecy, security, and verifiability of a marked ballot transmitted over the internet."

---

Reprinted with permission from "How voting in the U.S. is harder than just checking a box," Newsela, May 28, 2020, <https://newsela.com/read/lib-how-voting-in-US-is-hard/id/2001009205/>.



# Voting Restrictions and Voter Suppression Laws

Since about 2010, many voters in the U.S. have experienced shifts and changes in their voting rights. The majority of these changes are due to new laws and restrictions in the following areas: (1) Voter ID Laws, (2) Voter Registration Restrictions, (3) Elimination of Certain Early Voting Days, (4) Precinct Closures and (5) Felony Disenfranchisement.

## VOTER 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. [36 out of 50 states require that IDs be shown at the polls](#). Obtaining an ID, however, is not a simple process for all eligible voters. Typically, there is a cost associated with getting an ID. Sometimes, applicants are required to show certain residency documents, which they may not have on hand or are also costly and difficult to locate. The requirements to receive an ID can be especially burdensome for lower income communities, and the [U.S. Government Accountability Office estimates ID laws reduce voter turnout by 2 to 3 percentage points](#).

## VOTER REGISTRATION RESTRICTIONS

Restrictions to voter registration can include requiring a person to [prove citizenship](#), show specific kinds of ID, or [limiting the time span in which you can register to vote](#). Citizenship can only be proven through a birth document or passport, two documents that are not commonly carried around. Due to this barrier, many people are unable to prove their citizenship when asked at a polling center and are then denied their right to vote. Additionally, some states close voter registration almost a month before the election takes place. This is long before the election is at the forefront of most citizens' minds.

## ELIMINATION OF CERTAIN EARLY VOTING DAYS

Many states now have early voting, Early voting enables people to vote before Election Day, which gives them more time and flexibility to vote. In recent years, some states have [limited weeknight and Sunday early voting, times that are quite popular with Black voters](#). For example, in past years, churches and community centers have run "Souls to the Polls" drives in which groups of voters would go from church to Sunday early voting centers to cast their votes. Limiting early voting times limits people's ability to vote.

## PRECINCT CLOSURES

States are [no longer required to contact voters when they choose to close a voting precinct](#). Voting place closures can cause many obstacles to voters, especially those of lower socio-economic status who may be unable to reach the new place to vote. In addition, reducing precincts may also create longer lines at those that remain open, and confusion as to where people may cast their vote.

## FELONY DISENFRANCHISEMENT

Many people who have been convicted of felony crimes are stripped of their right to vote. The laws prohibiting these individuals from voting [may differ from state to state](#). The variation of laws depending on the state in which you live, however, can be considered [voter suppression itself](#), as this confusion is meant to discourage those convicted of felonies from casting votes even when they still have the right to vote. These laws disproportionately affect Black Americans, [who often receive harsher sentences than white Americans for the same crime](#). States with the strictest felony disenfranchisement laws have extensive histories of suppressing Black individuals' rights.