



**CLASSROOM LAW PROJECT
PRESENTS**

ELECTION 2020 WHY VOTING MATTERS

UNIT 3

Voter Rights & Access

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Voter Rights & Access

Essential Questions:

- Lesson 3.1 – What is the history of Voting Rights in the U.S.?
- Lesson 3.2 – What is Gerrymandering and how does it affect voter rights?
- Lesson 3.3 – How has voter access been limited in recent years?

Objectives:

Students will be able to

- Discuss what parts of the US Constitution deal with voter rights
- Identify the major moments in the history of voting rights in America
- Explain the current challenges to voting rights
- Design a solution for fair voter access
- Hold a simulated Congressional hearing on voter suppression

Unit 3 Standards:

OR 2018 Grade 8 Social Studies Standards

8.2
8.5
8.7
8.8
8.10
8.29
8.30
8.32
8.33
8.34
8.35

OR 2018 High School Social Studies Standards

HS.1
HS.4
HS.10
HS.11
HS.13
HS.54
HS.61
HS.67
HS.71
HS.73
HS.74
HS.76

Grades 11/12 CCSS Literacy in History & Social Studies

11-12.RH.1
11-12.RH.2
11-12.RH.3
11-12.RH.8
11-12.RH.9
11-12.WHST.1
11-12.WHST.2
11-12.WHST.9

Grade 8 CCSS Literacy in History/Social Studies

6-8.RH.1
6-8.RH.2
6-8.RH.3
6-8.RH.5
6-8.RH.8
6-8.WHST.1
6-8.WHST.2
6-8.WHST.9

Grades 9/10 CCSS Literacy in History & Social Studies

9-10.RH.1
9-10.RH.2
9-10.RH.4
9-10.RH.5
9-10.RH.8
9-10.RH.9
9-10.WHST.1
9-10.WHST.4
9-10.WHST.9

Unit Vocabulary

- Suffrage
- Gerrymandering
- Voter I.D.
- The Voting Rights Act of 1965
- The 14th Amendment
- The 19th Amendment
- The 26th Amendment
- Voter Suppression

Materials and Handouts

3.1 What is the history of Voting Rights in the U.S.?

Handouts:

- Excerpts from the US Constitution & Legislation regarding voting rights
- Who REALLY Gets to Vote: a Timeline
- Activity - KWL Outline to Analyze who gets to vote
- Article – Ex-felons in Florida must pay Fines before Voting, Appeals Court Rules
- Background Information: Felon Voting Rights across the United States
- Activity Analysis: Pro & Con of Felon Voting Rights
- Guide to a Structured Academic Controversy around Voting Rights for 16-yr olds
- SAC background articles for students
 - Article: A major American city may soon allow 16-year-olds to vote
 - Article: How Old do you have to be to Vote? These teen activists are changing the game.
 - Article: Oregon may lower the voting age to 16
 - Editorial: National Youth Rights Association: Top 10 Reasons to Lower the Voting Age
 - Editorial: Don't lower the voting age, raise it.
- Activity – Structured Academic Controversy Analysis form
- Activity – Final Reflection: Voting Rights Priorities

3.2 What is gerrymandering and how does it affect voter rights?

Handouts:

- What is gerrymandering
- Article: What Pennsylvania's new congressional map means
- Article: Drive Against Gerrymandering Finds New Life in Ballot Measures
- A Solution Tree analysis of gerrymandering

3.3 How has voter access been limited in recent years?

Handouts:

- Background Article: "Voter suppression in the US from the Civil War to Today"
- Case File: *Shelby County v. Holder* (from Oyez.org)
- Background: Results of *Shelby County v. Holder*
- Article: "Jim Crow 2.0? How Kentucky's Poll Closures Could Suppress Black Votes"
- Maps: The Section 5 States from Jim Crow Era & Voter Suppression Laws enacted after *Shelby*
- Guide to Holding a simulated Congressional Hearing
- Outline to prepare for hearing testimony
- Hearing Evaluation Form (for observing hearings)

What is the History of Voting Rights in the U.S.?

Handouts / Activities

- Excerpts from the US Constitution & Legislation regarding voting rights
- Who REALLY Gets to Vote: a Timeline
- Activity - KWL Outline to Analyze who gets to vote

- Article – Ex-felons in Florida must pay Fines before Voting, Appeals Court Rules
- Background Information: Felon Voting Rights across the United States
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- Guide to a Structured Academic Controversy around Voting Rights for 16-yr olds
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- Activity – Structured Academic Controversy Analysis form

- Activity – Final Reflection: Voting Rights Priorities

Lesson Overview:

Interestingly, there is no explicit right to vote in the Constitution. But through the years, various groups have been added to the list of “eligible voters.” In this lesson, not only do students have the opportunity to look again at the US Constitution, but they will be able to see other laws that have been passed through history that have affected the right to vote for various groups. A constant refrain as students consider these issues should be the theme of this year: **Why Voting Matters**, and this lesson will focus on how that is affected by *who* gets to vote. Have our laws gone far enough to ensure everyone can vote? Your students may have some thoughts on this as they go through this unit.

Suggested Opener: Pros and cons to expanding voting eligibility are often a challenge to consider. What would be good about more people being able to vote? What might be bad about that? This would also be a good place to insert a current event about the coming election and some challenges people may be having with voting.

You might also brainstorm with your class “who is allowed to vote?” Once they come up with all of their ideas about who can vote, try a second list of who SHOULD be allowed to vote in addition to their first list. This lesson will answer the first question, and students will get the opportunity to consider the second question in more detail.

Lesson Options / Steps:

1. Jigsaw or read through together the **U.S. Constitution & Legislation excerpts** about voting rights and **Who Really Gets to Vote timeline** of voting access in the United States. Pair and Share discussions might be prompted by the question of what appears in these readings to motivate changes in law about who gets to vote? The answers require students to consider the time and the issues around each historical even they read.
2. Consider with your class what they already knew from this timeline and what surprised them about what they learned from this history. A modified K-W-L exercise is provided here as a way for students to reflect and analyze the information.
3. The next module considers the issue of felon voting rights. The articles provided address one of the most recent controversies around felon voting rights in Florida, and an overview of felon voting rights across the country give students a wider perspective. A Pro/Con analysis form is provided here and could be used as a jumping-off point to construct a persuasive essay or presentation on the topic.
4. The final module focuses on the issue of lowering the voting age. This module is formed around conducting a structured academic controversy – or consensus building exercise. This kind of exercise can easily be translated to digital learning by putting the small groups into breakout rooms as they do the various steps of the discussion. A guide to conducting an SAC is included and multiple background articles for students to read are provided, along with a form they can fill out as they work through the topic together.
5. Finally, a worksheet for a Proposal for Voting Rights is included if you would like to challenge your students to compose a law that encompasses all the protections for voting they believe are important. A “Voters’ Rights Priorities” reflection is also included to ask students to reflect on what they have learned in this section.

Supplemental Lesson Ideas:

1. Investigate more fully felons’ right to vote. Find out what Oregon’s law is regarding convicted felons’ right to vote. Discuss these questions:
 - Should a person who pays his or her debt to society should be allowed to vote?
 - Does the kind of crime a person was convicted of affect your opinion?
2. Research voting in other countries and ask students to consider issues such as Australia’s mandatory voting rule or how other countries hold elections on weekends or holidays.

Voting Rights in the U.S. Constitution & Legislation

1787 - The U.S. Constitution is ratified

The Constitution, as originally written, did not define a citizen. Any citizen of a state was deemed a citizen of the nation. At the time, most states only granted the right to vote to white male property owners. By 1850, most landowner requirements were eliminated.

1865 - Amendment XIII

In the aftermath of the Civil War, three amendments were ratified that expressly addressed the role of blacks in America: the Thirteenth, Fourteenth and Fifteenth Amendments. The Thirteenth Amendment was the first step towards full suffrage for black adult males, because it abolished slavery in the U.S.

1868 - Amendment XIV

The Fourteenth Amendment to the Constitution defines the U.S. citizen, and thus clarifies who may vote: "All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside." Children of immigrants, even illegal immigrants, are citizens and may vote when they come of age. However, this amendment does not expressly grant suffrage to non-whites and women. It does set the legal age for voting at 21. This amendment also allows a state to remove the right to vote for "participation in rebellion, or other crime." As a result, most states still ban incarcerated felons from voting, and several states extend that ban to ex-felons.

1870 - Amendment XV

The Fifteenth Amendment forbids the federal government and the states from using a citizen's race, color or previous status as a slave as a disqualification for voting. By this amendment, suffrage is granted for black adult males, but not females. Many in the women's suffrage movement condemned the Fourteenth and Fifteenth Amendments as unfair to women.

1920 - Amendment XIX

By the turn of the century, women were voting in many western states, but most states still banned them from the voting booth. In 1920, after several failed attempts, the Nineteenth Amendment was ratified. This amendment prohibits states or the federal government from restricting suffrage based on gender.

**excerpted from CNN's Student News One Sheet: The Right to Vote*

1961 - Amendment XXIII

This amendment finally granted District of Columbia voters the ability to participate in presidential elections.

1964 - Amendment XXIV

In the century that followed the Civil War, racial tension persisted. Five southern states still had a poll tax, which was eliminated by this amendment. The Supreme Court declared that even a \$1.50 poll tax was an unfair burden.

1965 - The Voting Rights Act

After blacks were granted the right to vote in 1871, literacy requirements, physical violence, property destruction, hiding the polls and economic pressures still kept many blacks from voting, particularly in the South. In some states, a voter could vote in primary elections only if his grandfather had been able to vote in primaries; other states only allowed whites to vote in the primaries. The Voting Rights Act was enacted in direct response to the Civil Rights movement. The act bans literacy tests and provides federal enforcement of voter registration and voting rights.

1971 - Amendment XXVI

During the Vietnam War, many Americans felt it was unfair to send citizens to fight a war without the right to vote. This amendment sets the voting age at 18 across the nation for all elections.

1975 - Voting Rights Act Reauthorization

By 1972, most adult citizens of the U.S. had the right to vote based on provisions in the Constitution. Congress amended the Voting Rights Act in 1975 to include language assistance for minority voters, who often could not vote if ballots and instructions were only available in English.

1990 - Americans with Disabilities Act

The ADA addressed the need for physical access to the ballot box for all Americans

Who Really Gets to Vote?

Voting Timeline 1776-2000's

1776 - White men with property can vote. Free black men can vote in New Jersey, Pennsylvania and Connecticut. (In Maryland between 1776-1783 free black men could vote, after 1810 no black men at all were allowed to vote.)

1789 - Establishment of US democracy. White men with property can vote. Poor people, Women, Native Americans, and African- Americans cannot vote.

1790 – 1790 Naturalization Act. The right to vote is tied directly to citizenship status; it is only for whites who have lived in the country for 2 years. In 1798 the law is changed so immigrant whites have to live in the US for 14 years before they can become citizens. This changed to 5 years after 1902.

1820 - The property laws are taken off the books and whites can vote even if they do not own property. But they must pay a poll tax or be able to read and, in some places, they must pass religious tests before they can vote.

1848 - The Treaty of Guadalupe-Hidalgo ends the Mexican-American War. The treaty guarantees citizenship to Mexicans living in the newly acquired territories of Arizona, California, New Mexico, Texas and Nevada. However, Mexican-Americans are not allowed to vote despite having US citizenship. Property laws, language and literacy requirements are the favored way of keeping people from voting. There are also the Night Riders who use intimidation and violence.

1866 - The Civil War ends in 1865. Civil Rights Act of 1866 grants citizenship to native-born Americans but excludes Native Americans.

1870 - The 15th Amendment establishes the right of African-American males to vote. In the South especially, poll taxes, reading requirements, physical violence, property destruction, hiding the polls, and economic pressures keep most African-Americans from voting. The Ku Klux Klan is a major part of the violence and intimidation used to keep African-Americans from voting.

1882 - The Chinese Exclusion Act bars people of Chinese ancestry from becoming citizens. They cannot vote.

1887 - The Dawes Act gives citizenship only to Native Americans who give up their tribal affiliations.

1920 – 19th Amendment allows women to vote nationwide. (Prior to 1920, women in the Wyoming and Utah territory and Colorado had full voting rights.)

1921 - The Sons of America are organized to fight for equality and the rights of Mexican Americans as citizens, including the right to vote. It will be **1975** before the right to vote is available to all Mexican-Americans.

1922 - In the case of *Takao v. United States* the US Supreme Court upholds the 1790 Naturalization Act that barred Asian-Americans from becoming citizens. This enforces the policy of no voting rights for Asian immigrants.

1923 - A court ruling decides that Asian Indians are eligible for citizenship. Technically, as citizens, they can now vote. However, almost all immigrants who are people of color continue to be denied the right to vote.

1924 - The service of Native Americans during World War I helps to bring about the 1924 Indian Citizenship Act. The Act grants Native Americans citizenship, but many western states refuse to allow them to vote. Some of the tactics used to discourage voting includes physical violence, destruction of property, economic pressures, poll taxes, hiding the polls and reading requirements.

1943 - The Chinese Exclusion Act is repealed, making immigrants of Chinese ancestry eligible for citizenship.

1946 - Filipinos are now allowed to become citizens.

1952 - The McCarran-Walter Act repeals racial restrictions of 1790 Naturalization Law. First generation Japanese can now become citizens.

1965 - In a direct response to the Civil Rights movement led by Dr. Martin Luther King Jr. and others, The Voting Rights Act of 1965 is enacted. It bans literacy tests in the Deep South and provides federal enforcement of black voter registration and voting rights. This Act affects Virginia, Alabama, Georgia, Louisiana, Mississippi, North Carolina, and South Carolina. It also applies in Alaska.

1970 - The 1970 Voting Rights Act bans literacy tests in 20 states including New York, Illinois, California and Texas.

1971 - The 26th Amendment gives voting rights to 18 year olds in response to protests about men under 21 drafted for the Vietnam War but not able to vote.

1975 - The Voting Rights Act is amended to include language assistance to minority voters. Language requirements have been used routinely to keep the vote from US born citizens who speak other languages. Now the Voting Rights Act has some real impact and enforcement in the Southwest.

1990 - The Americans with Disabilities Act requires access to the polls and to the ballot.

2000 – Vote fraud scandals in Florida and elsewhere. Thousands of eligible voters are prevented from voting. Over one million ballots are never counted.

2001 – Help America Vote Act (HAVA) is passed and requires states to upgrade to electronic voting.

2013 – In the Supreme Court's 5-4 decision in *Shelby County v. Holder*, the 1965 Voting Rights Act is altered to remove restrictions on states which historically had limited voter access and immediately states begin enacting policies that limit access to voting polls.

NAME: _____

KNOW, WONDER, LEARNED

Based on what you've read from the Constitution and the Timeline of United States voting rights, complete the following to help you analyze the information

What I now KNOW:

What I still WONDER:

What I've LEARNED:

Topic:

Topic:

Topic:

Topic:

Ex-Felons in Florida Must Pay Fines Before Voting, Appeals Court Rules

New York Times
By Patricia Mazzei
Sept. 11, 2020

In a reversal, a court said Floridians who had completed sentences for felonies must pay fines and fees before voting. The State Constitution was amended in 2018 to restore their rights.

MIAMI — Four months after a federal judge ruled that it was akin to an unconstitutional poll tax for Florida to require that people with serious criminal convictions pay court fines and fees before they can register to vote, an appeals court narrowly overturned that decision on Friday.

The court's 6-4 ruling dealt a significant blow to civil rights groups that have fought to expand the voter rolls with hundreds of thousands of people who had completed prison time and parole for felony convictions. It also undermined what had seemed like a major referendum victory in 2018 and served as another reminder of the decisive role that a slew of legal cases could play before the presidential election.

The U.S. Court of Appeals for the 11th Circuit in Atlanta ruled that a Florida law passed in 2019 was constitutional, reversing the lower court ruling in May that said it discriminated against people who had been convicted of felonies,

many of whom are indigent, by imposing an unlawful "pay-to-vote system."

The legal battle followed an amendment to the State Constitution in 2018, when Florida's voters decided to end the disenfranchisement of those convicted of felonies, except for murder and sexual offenses. Florida is a perennially close state in presidential elections, and any effort to limit ballot access could play a role in November, particularly if it affects a mostly low-income and disadvantaged population likely to lean more toward Democrats. The deadline to register is Oct. 5.

This week, a federal appeals court ruled that Texas could keep restricting mail voting for people under 65, and the Wisconsin Supreme Court ruled that the mailing of absentee ballots should be paused until it decides whether the Green Party's presidential nominee should be on the ballot. Both were seen as potential impediments to voting that were likely to benefit Republicans.

In the Florida case, the appeals court sided with the administration of Gov. Ron DeSantis, a Republican, and found that the felons who sued had failed to prove a violation to the equal protection clause of the 14th Amendment to the Constitution.

"If a State may decide that those who commit serious crimes are presumptively unfit for the franchise," the 11th Circuit ruled, "it may also conclude that those who have completed their sentences are the best candidates for re-enfranchisement."

Five of the six judges who supported the 60-page decision were appointed to the court by President Trump. Two of those judges were also former Florida Supreme Court justices named to that bench by Mr. DeSantis. (One of the former justices, Judge Barbara Lagoa, was named by Mr. Trump this week as among those he would consider nominating to a potential future seat on the Supreme Court.)

Restoring felons' voting rights could vastly grow the electorate in the nation's biggest presidential battleground state. An expert for the American Civil Liberties Union and other civil rights groups testified at trial that more than 774,000 felons in Florida owe legal financial obligations.

"This ruling runs counter to the foundational principle that Americans do not have to pay to vote," Julie Ebenstein, a senior staff attorney with the A.C.L.U.'s Voting Rights Project, said in a statement. "The gravity of this decision cannot be overstated. It is an affront to the spirit of democracy."

The civil rights groups representing the felons pledged to keep fighting and could appeal to the Supreme Court. But the court has already sided once in the case with the state of Florida, rejecting an emergency application to lift the appeals court's stay while the outcome was pending.

In a statement, Fred Piccolo, a spokesman for Mr. DeSantis, said Friday's decision underscored that Amendment 4, as the referendum was known, would restore the rights of felons only if they had completed the entirety of sentences, including paying court fines and fees. (At the time Amendment 4 passed, Florida was one of three states that prevented people with felony records from voting.)

"All terms of a sentence means all terms," Mr. Piccolo said. "There are multiple avenues to restore rights, pay off debts and seek financial forgiveness from one's victims. Second chances and the rule of law are not mutually exclusive."

Four judges dissented in a pair of lengthy and scathing opinions. "I doubt that today's

decision — which blesses Florida's neutering of Amendment 4 — will be viewed as kindly by history," Judge Adalberto Jordan, who was appointed to the appeals court by President Barack Obama, wrote in one of them. The DeSantis administration has argued that voters knew that felons would have to pay their outstanding debts before becoming eligible to vote.

The state has no centralized system to let felons know how much they might owe, and the appeals court said states were not required to provide a process for felons to learn whether they are eligible.

The Florida Rights Restoration Coalition, which organized the Amendment 4 campaign, has raised about \$4 million to help more than 4,000 "returning citizens" pay their outstanding court fines and fees, according to Neil G. Volz, the coalition's political director.

Florida's division of elections had received 85,000 voter registrations as of May from former felons who believed they had been re-enfranchised by Amendment 4. The division must screen those registrations to see whether the would-be voters had paid their financial obligations. Only then could any of them be removed from the voter rolls, the appeals court said.

"Florida has yet to complete its screening of any of the registrations," the appeals ruling noted. "Until it does, it will not have credible and reliable information supporting anyone's removal from the voter rolls, and all 85,000 felons will be entitled to vote."

Rebecca R. Ruiz contributed reporting from New York. Patricia Mazzei is the Miami bureau chief, covering Florida and Puerto Rico. Before joining The Times, she was the political writer for The Miami Herald. She was born and raised in Venezuela, and is bilingual in Spanish.

Felon Voting Rights Across the United States

Statistics and Information provided by the National Conference of State Legislatures (NCSL)

Updated: 9/3/2020

Restoration of Voting Rights for Felons



It has been common practice in the United States to make felons ineligible to vote, in some cases permanently. Over the last few decades, the general trend has been toward reinstating the right to vote at some point, although this is a state-by-state policy choice. (See Recent State Action below for a chronology.)

Currently, state approaches to felon disenfranchisement vary tremendously. NCSL has divided states into four categories, as detailed in Table 1 below.

In all cases, "automatic restoration" does not mean that voter registration is automatic.

Typically prison officials automatically inform election officials that an individual's rights have been restored. The person is then responsible for re-registering through normal processes. Some states, California is one example, require that voter registration information be provided to formerly incarcerated people.

In summary:

- In Maine and Vermont, felons never lose their right to vote, even while they are incarcerated.
- In 16 states and the District of Columbia, felons lose their voting rights only while incarcerated, and receive automatic restoration upon release.
- In 21 states, felons lose their voting rights during incarceration, and for a period of time after, typically while on parole and/or probation. Voting rights are automatically restored after this time period. Former felons may also have to pay any outstanding fines, fees or restitution before their rights are restored as well.
- In 11 states felons lose their voting rights indefinitely for some crimes, or require a governor's pardon in order for voting rights to be restored, face an additional waiting period after completion of sentence (including parole and probation) or require additional action before voting rights can be restored. These states are listed in the fourth category on Table 1. Details on these states are found in Table 2 below.

Table One: Restoration of Voting Rights After Felony Convictions

Never Lose Right to Vote	Lost Only While Incarcerated Automatic Restoration After Release	Lost Until Completion of Sentence (Parole and/or Probation) Automatic Restoration After	Lost Until Completion of Sentence In Some States a Post-Sentencing Waiting Period Additional Action Required for Restoration (1)
Maine	Colorado	Alaska	Alabama
Vermont	District of Columbia	Arkansas	Arizona
	Hawaii	California (2)	Delaware
	Illinois	Connecticut	Florida (4)
	Indiana	Georgia	Iowa
	Maryland (3)	Idaho	Kentucky
	Massachusetts	Kansas	Mississippi
	Michigan	Louisiana	Nebraska
	Montana	Minnesota	Tennessee
	Nevada	Missouri	Virginia
	New Jersey	New Mexico	Wyoming
	New Hampshire	New York (5)	
	North Dakota	North Carolina	
	Ohio	Oklahoma	
	Oregon	South Carolina	
	Pennsylvania	South Dakota	
	Rhode Island	Texas	
	Utah	Washington	
		West Virginia	
		Wisconsin	

Table 1 Notes:

(1) Details on the process for restoration of rights is included in Table 2 below.

(2) In 2016, California passed legislation allowing those in county jails to vote while incarcerated, but not those in state or federal prison.

(3) In Maryland, convictions for buying or selling votes can only be restored through pardon.

(4) An initiated constitutional amendment in 2018 restored the right to vote for those with prior felony convictions, except those convicted of murder or a felony sexual offense, who must still petition the governor for restoration of voting rights on a case by case

basis. In July 2019, SB 7066 was signed by the governor of Florida which defined "completion of sentence" to include: release from imprisonment, termination of any ordered probation, fulfillment of any terms ordered by the courts, termination of any ordered supervision, full payment of any ordered restitution and the full payment of any ordered fines, fees or costs.

(5) New York Governor Andrew Cuomo issued an executive order removing the restriction on parolees voting. New York already allows those on probation to vote. The order may be challenged in court.

Table Two: Details on Policies for Restoration of Rights

State	Details on Policies for Restoration of Rights
Alabama	The Alabama Constitution states that "No person convicted of a felony involving moral turpitude, or who is mentally incompetent, shall be qualified to vote until restoration of civil and political rights or removal of disability" (Ala. Const. Art. VIII, § 177). Before 2017 there was no comprehensive list of felonies that involve moral turpitude which would disqualify a person from voting. In 2017, HB 282 defined which crimes fit this category (Ala. Code § 17-3-30.1).
Arizona	A conviction for a felony suspends the rights of the person to vote (A.R.S. § 13-904) unless they have been restored to civil rights (Ariz. Const. Art. 7 § 2). First-time offenders have rights restored upon completion of probation and payment of any fine or restitution (A.R.S. § 13-912). A person who has been convicted of two or more felonies may have civil rights restored by the judge who discharges him at the end of the term of probation or by applying to the court for restoration of rights (A.R.S. § 13-905).
Delaware	People who are convicted of disqualifying felonies (murder, bribery, sexual offenses) are permanently disenfranchised. Those disqualified as a voter because of another type of felony shall have the disqualification removed upon being pardoned or after the expiration of the sentence, whichever comes first (Del. Const., Art. 5, § 2). In 2013 (HB 10) Delaware removed its five-year waiting period, allowing those convicted of non-disqualifying offenses to vote upon completion of sentence and supervision.
Florida	Felons must have completed all terms of sentence, which includes probation and parole, and must pay any outstanding fines or fees before they can get their voting rights restored (Flor. Stat. §98.0751).
Iowa	A person convicted of any infamous crime shall not be entitled to the privilege of an elector (Iowa Const. Art. 2, § 5). In 2016 the Iowa Supreme Court upheld the ban on felon voting, finding that all felonies are "infamous crimes" resulting in permanent disenfranchisement (<i>Griffin v. Pate</i> , 2016). The ability of the governor to restore voting rights to persons convicted of infamous crimes through pardoning power was upheld in <i>State v. Richardson</i> , 2017. In 2005 Governor Tom Vilsack restored voting rights to individuals with former felony convictions via executive order. Governor Terry Branstad reversed this executive order in 2011.
Kentucky	"Persons convicted of treason, or felony, or bribery in an election, or of such high misdemeanor as the General Assembly may declare shall operate as an exclusion from the right of suffrage, but persons hereby excluded may be restored to their civil rights by executive pardon" (KY Const. § 145). Governor Steve Beshear restored voting rights to individuals with former non-violent felony convictions via executive order in 2015. Governor Matt Bevin reversed this executive order shortly after taking office in 2015. The Department of Corrections is required to promulgate administrative regulations for restoration of civil rights to eligible felony offenders (KRS §196.045).
Mississippi	"A person convicted of murder, rape, bribery, theft, arson, obtaining money or goods under false pretense, perjury, forgery, embezzlement or bigamy is no longer considered a qualified elector" (Miss. Const. Art. 12, § 241). If an individual hasn't committed one of these offenses, rights are automatically restored. If an individual has been convicted of one of these, he or she can still receive a pardon from the governor to restore voting rights (Miss. Code Ann. § 47-7-41) or by a two-thirds vote of both houses of the legislature (Miss. Const. Art. 12, § 253).
Nebraska	In felony cases, there is a two-year waiting period after completion of probation for the restoration of voting rights (Neb. Rev. St. § 29-2264).
Tennessee	The Tennessee Constitution denies the right to vote persons convicted of an infamous crime (Tenn. Const. Art. 1, § 5). Any felony is considered an "infamous crime" and disqualifies a person from exercising the right of suffrage (T.C.A. § 40-20-112). Those convicted of infamous crimes may petition for restoration upon completion of the sentence or be pardoned by the governor (T.C.A. § 40-29-101, § 2-19-143). Proof of restoration is needed in order to register to vote (T.C.A. § 2-2-139).
Virginia	No person who has been convicted of a felony shall be qualified to vote unless his civil rights have been restored by the Governor or other appropriate authority (VA Const. Art. 2, § 1). The Department of Corrections is required to provide persons convicted of felonies with information regarding voting rights restoration, and assist with the process established by the governor for the review of applications (VA Code Ann. § 53.1-231.1 et seq.). Individuals with felony convictions may petition the courts in an attempt to restore their voting rights (VA Code Ann. § 53.1-231.2). In 2016, Virginia Governor Terry McAuliffe announced an executive order automatically restoring voting rights to convicted felons who have completed their prison sentence and their term of supervised release (parole or probation) as of April 22, 2016. The Virginia Supreme Court subsequently ruled that rights restoration needs to take place on an individual basis, rather than en masse.
Wyoming	A person convicted of a felony is not a qualified elector unless his rights are restored (W.S. § 6-10-106). For persons convicted of nonviolent felonies or a first-time offender, rights are restored automatically (W.S. § 7-13-105). Persons who do not meet the above qualifications must be pardoned (W.S. § 6-10-106).

Recent State Actions

- In 2020, **Iowa** Governor Kim Reynolds issued an executive order restoring the voting rights of felons who have served their sentences. It excludes certain categories of homicide and sexual abuse crimes from automatic restoration. The order does not condition restoration of rights on the payment of fines, fees or restitution to victims.
- In 2020, **New Jersey** enacted AB 5823, restoring the right to vote to people with a felony conviction upon release from prison and allowing people on parole or probation to vote.
- In 2019, **Nevada** enacted AB 431, restoring the right to vote to anyone convicted of felony upon release from prison. Previous to this legislation, first-time, non-violent offenders could have rights restored upon completion of sentence but those that had committed a violent crime or two or more felonies had to petition a court to grant the restoration of civil rights.
- In 2019, **Colorado** enacted HB 1266 giving voting rights to individuals on parole, putting it in the category of states that only disenfranchise those who are in prison.
- In 2019, **Washington** enacted SB 5207 requiring that inmates are notified in writing of the process for restoration of voting rights before leaving the authority of the department of corrections.
- In 2019, **Illinois** enacted SB 2090 to require election authorities in a county with a population over 3 million to collaborate with the primary county jail where eligible voters are confined or detained to facilitate an opportunity for voting by mail for eligible voters. Illinois also enacted HB 2541 requiring the departments of corrections and juvenile justice to provide nonpartisan peer-led civics programs throughout the correctional institutions on voting rights, governmental institutions, current affairs, and simulations of voter registration, election and democratic processes.
- In 2019, **Oklahoma** HB 2253 clarified that persons convicted of a felony shall be "eligible to register to vote when they have fully served their sentence of court-mandated calendar days, including any term of incarceration, parole, or supervision, or completed a period of probation ordered by the court."
- In July 2019, SB 7066 was signed by the governor of **Florida** which defined "completion of sentence" to include: release from imprisonment, termination of any ordered probation, fulfillment of any terms ordered by the courts, termination of any ordered supervision, full payment of any ordered restitution and the full payment of any ordered fines, fees or costs.
- In 2018, **Florida** passed a citizen-initiated constitutional amendment to automatically restore the voting rights of felons after completion of their sentences (including parole and probation). Those convicted of murder or a felony sexual offense must still apply to the governor for voting rights restoration on a case by case basis. Before the amendment, anyone convicted of a felony had to have voting rights restored by a full pardon, conditional pardon, or restoration of civil rights by the governor. The Executive Clemency Board set the rules for restoration of civil rights, which at the time the amendment passed, included a 5- or 7-year waiting period and a list of crimes for which an individual could never apply for rights restoration.
- In 2018, **Colorado** SB 150 permitted an individual on parole, who is otherwise eligible, to pre-register to vote. When the secretary of state receives notification that the individual has been released from parole, he/she is then registered to vote.
- In 2018, **New York** Governor Andrew Cuomo issued an executive order removing the restriction on parolees voting. New York already allows those on probation to vote. The order may be challenged in court.
- In 2017, **Alabama** HB 282 provided a list of felonies that involve "moral turpitude" that disqualify a person from exercising his or her right to vote. Previously there was no comprehensive, authoritative source for defining a disenfranchising crime in Alabama.

- In 2017, **Wyoming** enacted HB75 automatically restoring the rights of nonviolent felons.
- In 2017, **Louisiana** enacted HB 168 improving reporting requirements between The Department of Public Safety and Corrections and the Department of State.
- In 2016, **California** passed legislation allowing those in county jails to vote while incarcerated, but not state or federal prison. In 2017 California passed additional legislation requiring information be provided about voting rights restoration on the internet and in person to felons exiting prison.
- In 2016, **Virginia** Governor Terry McAuliffe announced an executive order automatically restoring voting rights to convicted felons who have completed their prison sentence and their term of supervised release (parole or probation) as of April 22. This decision was a source of contention with the legislature. In July 2016, the Virginia Supreme Court overturned the order.
- In 2016, **Maryland's** legislature enacted HB 980 and SB 340 (overriding a veto) so that voting rights are automatically restored after completion of the term of incarceration.
- In 2015, outgoing **Kentucky** Governor Steve Beshear signed an executive order to automatically restore the right to vote (and to hold public office) to certain offenders, excluding those who were convicted of violent crimes, sex crimes, bribery, or treason. The order was reversed by incoming Governor Matt Bevin.
- In 2015, **Wyoming** enacted HB 15 requiring the department of corrections to issue a certification of the restoration of voting rights to certain non-violent felons after completion of sentence.
- In 2013, **Delaware** eliminated the five-year waiting period before voting rights are restored.
- In 2013, **Virginia** Governor McDonnell signed an executive order creating new rights restoration processes for persons with prior felony convictions.
- In 2012, **South Dakota** mandated that felons on probation would not have voting rights restored. Previously, only felons on parole or incarcerated had their voting rights suspended.
- In 2011, the **Florida** Board of Executive Clemency (comprised of the governor and three cabinet members) reversed a 2007 policy change that automatically restored voting rights to non-violent offenders upon the completion of their sentence. The new policy requires that all ex-felons wait between five and seven years depending on the crime before applying to regain voting rights.
- In **Iowa**, the governor in 2011 reversed an executive order issued in 2005 under the previous governor. The 2005 order automatically restored the voting rights of all ex-felons, but under the 2011 order, they will now have to apply to regain rights.
- In 2011 in **Tennessee**, HB 1117 was enacted, adding to the list of felons who are not eligible for automatic restoration.
- In 2009, **Washington** restored the right to vote to felons who completed their sentences, while requiring them to re-register to vote.

Between 1996 and 2008, 28 states passed new laws on felon voting rights.

- Seven repealed lifetime disenfranchisement laws, at least for some ex-offenders.
- Two gave probationers the right to vote.
- Seven improved data-sharing procedures among state agencies.
- Nine passed requirements that ex-offenders be given information and/or assistance in regaining their voting rights at the time they complete their sentence.
- Twelve simplified the process for regaining voting rights, for instance, by eliminating a waiting period or streamlining the paperwork process.

Name: _____

Felon Voting Rights Analysis

Directions: complete this analysis form to process your thinking and opinion about felon voting rights in the United States.

Topic	Pro (and why I think this)	Con (and why I think this)
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Felons retain the right to vote even in prison

Felons who have served their time get back their right to vote

Felons who have served their time but still need to pay fines or other fees get back their right to vote

Topic of your choice:

Topic of your choice:



CLASSROOM LAW PROJECT PRESENTS:

Structured Academic Controversy: Building Consensus Step by Step

Pre-Discussion:

1. Students are given the question (with a for/against response)
2. Students are given common text to read (news articles, etc.) that express different sides

Part 1: Small Group Conversations

3. Students break into groups of 4.
4. Within the groups of 4, pairs chose one or the other side of the controversy to discuss
5. Each pair prepares with their partners:
 - o Evidence that supports your position
 - o Three reasons for your position
 - o Why this issue is important to you
6. Pair A shares their results with Pair B. Pair B restates what they've heard from Pair A (with Pair A clarifying if needed).
7. Then they switch and Pair B shares their results with Pair A. Pair A then restates what Pair B shared.

Part 2: Small Group Consensus Building

8. Group of 4 abandons their roles and they discuss together where they have agreement and where their differences lie. They can use 5-finger voting to build consensus around a position they can all live with. Their consensus should have some evidence they can point to. Consensus means that everyone can live with the conclusion, even if they're not completely happy or didn't get all that they wanted.

Part 3: Whole Group Consensus Building

9. Groups of 4 share out their ultimate consensus decision with the whole group.
10. Teacher or facilitator scribes on a board or screen the consensus positions.
11. The whole group then finds commonalities & where the differences lie between the groups of 4.
12. A whole group consensus is attempted using 5-finger voting.
13. If consensus can't be reached, further conversation around where the sticking points and challenges are can be helpful or harmful depending on where the teacher believes the conversation may go.
14. If consensus can be reached, the whole group should try to form a shared statement that reflects the consensus decision.

Part 4: Reflection

15. Each student writes a reflection on the process and the issue and how they felt about the outcome and what their own feelings are on the issue after having gone through the consensus process. Did they change their mind at all? What new ideas, facts, or positions did they learn?

A major American city may soon allow 16-year-olds to vote — and others could follow suit

If the proposition passes, San Francisco would become the first large city to give 16- and 17-year-olds the right to vote in local elections.

Sept. 12, 2020, 11:57 AM PDT

By Haley Talbot and Julie Tsirkin



A voter wearing a mask casts a ballot at a polling station in San Francisco City Hall on March 3. David Paul Morris / Bloomberg via Getty Images file

San Francisco residents will cast ballots in November to determine not just who should be in the White House but also whether 16- and 17-year-olds should be allowed to vote in local elections.

A similar measure introduced in 2016 narrowly failed, with 48 percent of the vote, but local activists and organizers are confident that it will pass this time.

"I really think that Vote 16 will help youth of color in San Francisco establish the habit of voting at an earlier age and really provide them with the support and the resources that they need to continue building on that habit as they grow older," said Crystal Chan, 18, an organizer for Vote 16 SF who fought to get the measure on the ballot.

If the proposition passes, San Francisco would become the first major American city to give 16- and 17-year-olds the right to vote in municipal elections. But the question remains: What would be improved by lowering the voting age by two years?

"Research is clear on this, that voting is a habit. And 16 is a better time than 18 to establish that habit," said Brandon Klugman, Vote 16 SF's campaign manager. "Our motivation here first and foremost is to make sure that we put new voters in a position to establish that habit in the first election they're eligible for and then to continue participating throughout their lives, which is good for democracy on every level."

While the debate is getting renewed attention, some smaller cities have allowed people as young as 16 to vote in local elections for years — like Takoma Park, Maryland, a suburb of Washington, where city officials say they have seen positive results since its implementation in 2013, pointing to increased youth engagement and higher turnout.

"I hear from a lot of people around the country who are interested, a lot of young people, but also people who are not young, who are interested in adopting this in their communities," said Jessie Carpenter, a Takoma Park city clerk.

At the federal level, lowering the voting age hasn't picked up the same traction, but the initiative does have some bipartisan support in Congress.

Rep. Grace Meng, D-N.Y., who has long advocated for the issue, introduced a constitutional amendment in 2018 to lower the voting age nationwide to 16.

"I'm always inspired by our nation's youth who have demonstrated wisdom, maturity and passion on issues like social justice, gun control, and climate change," Meng said in a statement. "They are the leaders of our future and the decisions we make impact their lives every day. To capture their views and experiences, we must lower the voting age to 16 in all elections."

Rep. Ayanna Pressley, D-Mass., introduced an amendment to HR 1 — the For the People Act — last year to lower the federal voting age to 16. The amendment got 126 votes, including one from a Republican, Rep. Michael Burgess of Texas, a member of the Rules Committee who said it struck a chord with him.

"Here's the point: Would policymakers pay more attention to the problems that are being dealt to this segment of the demographic if policymakers were actually answerable to them? I think it is worth having the discussion," Burgess said in March 2019.

The movement also got mainstream support, including backing from House Speaker Nancy Pelosi, D-Calif., who has long supported the idea.

"I think it's really important to capture kids when they're in high school, when they're interested in all of this, when they're learning about government, to be able to vote," Pelosi, who represents San Francisco, said in March 2019.

Skeptics argue that 16-year-olds aren't mature or informed enough to cast ballots and that the policy could be inconsistent with other age-related requirements in the United States.

Colorado College senior Nate Hochman, a Republican activist, doesn't support the initiative, citing questions about whether young people have enough experience in "understanding exactly what good governance looks like" within their communities, among other reasons.

"Sixteen-year-olds — they're sophomores, juniors in high school. Like, they're deeply impressionable. They're largely interested in learning what, you know, their friends are doing and appearing to be cool. And they're not capable of making completely rational decisions about voting," Hochman said. "When are you an adult? When do we trust you to make your own decisions about who you are in the world and making your own way?"

As was the case in recent years with gun safety advocacy and climate change, said Klugman of Vote 16 SF, the coronavirus pandemic lends urgency to the need for young people to have a say in local elections.

"We've seen the concrete effects that local policy decisions make on the lives of young people really more clearly than ever as school boards and local officials figure out how they're going to reopen schools ... how they're going to make sure that young people have access to remote learning and the achievement gap doesn't widen," he said.

While Klugman is optimistic that support for the movement will continue to grow at the local level, he looks forward to its someday becoming the law of the land.

"I think we're just getting the conversation started here, and hopefully, when we look back a few decades down the road, we'll say, hey, that actually was inevitable — even though it started off as something that was seen as pretty new and pretty bold," he said.

How Old Do You Have To Be To Vote? These Teen Activists Are Changing The Game

By Madhuri Sathish
Elite Daily
Feb. 7, 2020



Amira Tripp Folsom believes in change. The 18-year-old activist from Portland, Oregon, is passionate about discussing issues that affect teens across the country — like climate change, systemic racism, and school policing — and what she thinks should be done about them. "We should have a say in the things that happen to us," Tripp Folsom tells Elite Daily.

That's why she's pushing so hard to lower the voting age to 16. "There are a lot of really terrifying things that are happening right now in this world, like climate change and the threat of gun violence," Tripp Folsom explains. "Young people need to be included in this conversation, because we're the ones who are going to have to deal with the aftermath."

Tripp Folsom is on the youth advisory board of Vote16USA, which has worked since 2015 to coordinate local and national campaigns to lower the national voting age to 16. The teen activists on the advisory board, like many of their fellow young people, frequently raise issues that will disproportionately affect their generation, like gun violence and climate change, as reasons they should be able to vote. "[Young people] should have a say in who represents them," Tripp Folsom declares, "and also, we should be raising informed voters."

"WHEN [YOUNG PEOPLE] DON'T VOTE, POLITICIANS AND ADMINISTRATIVE LEADERS DON'T SEE THOSE PEOPLE AS STAKEHOLDERS."



Samantha Gladu

According to the U.S. Census Bureau, some 8.3 million American residents were between the ages of 16 and 17 as of 2018, and they are increasingly politically engaged. A 2018 survey conducted by PBS NewsHour Extra found gun control and climate change were among the issues that weighed most heavily on students' minds. A 2019 poll by Amnesty International found similar results, with environmental issues, racial inequality, and violence topping the list of what teens are concerned about. This isn't surprising; guns are a leading cause of death for

children and teens in the United States, and concerns about deadly school shootings and how to address them continue to rise. At the same time, young people are overwhelmingly concerned about climate change — which makes sense, because the kids and teens of today are the first generation that will experience the full brunt of climate change in their lifetimes.

But not having a voice can mean the issues important to young people don't get the attention they deserve. "When [young people don't vote, politicians and administrative leaders don't see those people as stakeholders]," says Kei Kawashima-Ginsberg, the director of Tufts University's Center for Information and Research on Civic Learning and Engagement (CIRCLE). "So the policies become exclusionary of the perspectives and the knowledge of the young people."

The minimum age to vote in federal elections has changed before.

The 26th Amendment to the Constitution officially lowered the voting age from 21 to 18 years old back in 1971, in the midst of the Vietnam War, and it was in large part thanks to young activists. Throughout the 1960s, thousands of activists, many of them students, participated in civil rights and anti-war movements. Many of the young activists at the time pointed at the series of wars — World War II, the Korean War, and the Vietnam War — to which 18-year-olds were sent to fight without ever having the right to vote on these decisions and the leaders who made them. Ultimately, it took roughly three decades for 18-year-olds to win the vote.

Now, nearly 50 years later, youth activists around the country are fighting to lower the voting age again.

"I WOULD SAY THAT A KID WHO GOES TO SCHOOL HAS A HIGHER LIKELIHOOD OF BEING SHOT THAN A SOLDIER WHO GOES INTO THE ARMY RIGHT NOW."

Not everyone agrees with activists' efforts, though. A May 2019 poll from The Hill and HarrisX found that 84% of 1,002 registered voters surveyed opposed giving 16-year-olds the right to vote. David Davenport, a research fellow at Stanford University's Hoover Institution, tells Elite Daily that he doesn't think lowering the voting age to 16 is a good idea, even if young people are increasingly engaged in politics and activism. Davenport argues that lowering the voting age doesn't have the same urgency as it did in the '70s. "There was a sense [then] that if you were old enough to fight and die for your country, you should be old enough to have a voice in choosing its leadership," he says. He doesn't think that's the case with today's movement.



Courtesy of Zack Wathen

"This movement started when high school students were protesting guns on campus, which is fine, but a willingness to show up for a protest does not indicate the sort of long-term maturity and experience needed to vote," Davenport says.

But the young people who are advocating for a lower voting age disagree. "I would say that a kid who goes to school has a higher likelihood of being shot than a soldier who goes into the army right now," counters Zack Wathen, 21. "If you gave young people more of a vote, it wouldn't be that way." According to PolitiFact, more students died in school shootings in 2018 than did military personnel in combat zones, although the overall likelihood of being killed in a combat zone is still higher than being killed in a school.

But teens have already shown that yes, they will show up to vote.

In 2013, Wathen's hometown of Takoma Park, Maryland, became the first city in the United States to lower the voting age to 16 in local and school board elections, though not for state or federal ones. As a result, Wathen was one of the first people in the country to vote at 16. According to Vote16USA, the turnout rate for 16- and 17-year-olds in Takoma Park was greater than any other voter bloc during the first election after they were given the right to vote. Data shared with Elite Daily by the Takoma Park city clerk's office indicates that 47.8% of Takoma Park's registered 16- and 17-year-old voters turned out to vote in the city elections in November 2017, in contrast to the roughly 22% of all registered voters in Takoma Park who voted that year.

“THE IDEA OF NOT VOTING CERTAINLY NEVER CROSSED MY MIND.”

According to Wathen, teen voters in Takoma Park regularly weigh in on local issues, including everything from retail development to the conservation of green spaces. He says the young voters in Takoma Park share similar concerns with voters around the country; it's just that they get to be heard. "The people that are civically engaged in Takoma Park — what they're worried about [are] the same things that most young people in the country are worried about, like health care, education, climate change, and guns especially, and so it's not anything extremely unique," Wathen says. "But by lowering the voting age, it made the legislative system more consistent with the civic system that goes on there anyway. You've got a lot of involvement with 16-year-olds anyway, a lot of involvement with 17-year-olds as it was." So much involvement, in fact, that Wathen — now a political science major at the University of Maryland — is considering running for local office.

Wathen and his peers are an example of what a lowered voting age can achieve. "That's the point of democracy," says Timothy Male, a former city council member who spearheaded the effort to lower the vote in Takoma Park. "That's an open door, and people are walking through it."

Data from CIRCLE and the Pew Research Center also appears to support the idea that normalizing civic involvement as a teen helps keep people engaged. According to CIRCLE research, many young people

cite conflicting work schedules or being out of town as their primary reasons for not voting. "Only some students go to college, and it's a really missed opportunity to develop an identity of voters or civic actors earlier, when many, many more people are in that structured educational setting," Kawashima-Ginsberg tells Elite Daily.



Courtesy of Zack Wathen

"One of the best predictors of voting in the future is having voted in the past, and so young people haven't had as many opportunities to vote," Bradley Jones, research associate at the Pew Research Center, also notes. He adds that young people are "having perhaps less impact than they could, given their numbers."

“IF YOU FIND SOMETHING THAT YOU REALLY CARE ABOUT, THERE'S PROBABLY A PLACE FOR YOU.”

Wathen has seen this at work. Having voted at 16, he was already familiar with how the voting process worked, but his friends at college weren't as comfortable. Some of them ended up not voting, even after they turned 18, because they didn't know how to exercise their right to vote. "Because I was able to vote at 16, I already knew how to vote when I was 18," he says. "The idea of not voting certainly never crossed my mind."

Tripp Folsom can also attest to the power of engagement. As a young black woman, the issue of voter suppression — particularly of black voters — was a key factor in her decision to fight for a lower voting age. "I didn't really realize the importance of voting for a long time until I learned about voter suppression and how it's still reflected today," Tripp Folsom explains. "People in power have historically done everything that they can to keep black people from voting."

"As a member of the youth advisory board, I feel like I should also be keeping in mind our history and the intersectionality of democracy when I'm doing this work," Tripp Folsom adds.

But lowering the voting age is not an easy process.

Takoma Park was able to do it because Maryland's state constitution gives local municipalities the right to change these kinds of laws at a local level. Changing the national voting age, however, would require a new constitutional amendment, which would entail either a constitutional convention or achieving a two-thirds majority vote in the House and Senate. Only a handful of 2020 Democratic candidates are open to the idea, and only former tech executive Andrew Yang has included lowering the voting age in his campaign's official policy proposals. It's a high bar, but young people like Tripp Folsom are optimistic that the voting age could be lowered again — if young people get involved and stay engaged.

"If you're comfortable, a lot of student groups, nonprofits, and organizations that do work with activism are looking for people to join them," Tripp Folsom says. "If you find something that you really care about, there's probably a place for you. And if there's not, you can always start something."

"IMAGINE HOW MUCH MORE PRODUCTIVE WE COULD BE IF WE HAD THE RIGHT TO VOTE."

So far, House Speaker Nancy Pelosi has expressed tentative support for lowering the voting age, and in March 2019, Massachusetts Rep. Ayanna Pressley spearheaded an amendment to the Democrats' voting rights bill that would have lowered the voting age nationwide, although it ultimately failed. In a statement to *Elite Daily*, Pressley pledged to continue fighting for young people in 2020. "I have stood witness to deep and meaningful mobilization by 16- and 17-year-olds who stand at the forefront of some of the most existential crises facing our communities," Pressley said. "Now is the time for us to demonstrate 2020 courage that matches the challenges of the modern-day 16- and 17-year-old."



As Pressley and her fellow lawmakers continue advocating for young people in Congress, youth activists like Tripp Folsom are determined to continue fighting for the roughly 22% of Americans under age 18 to have a voice in the issues that matter to them. *Samantha Gladu*

"Student activism has a lot of power," Tripp Folsom says. "Imagine how much more productive we could be if we had the right to vote, and the ability to really show up— and be represented and reflected — in our own government."

Oregon may lower the voting age to 16

By Michelle Lou and Brandon Griggs, CNN
Updated 7:51 PM ET, Tue February 19, 2019



Sixteen-year-olds can drive and pay taxes. Soon, they may also be able to vote in Oregon. Legislators have proposed an amendment to the Oregon Constitution that would lower the voting age from 18 to 16. If the bill passes, voters would decide on the proposal in the 2020 election.

State Sen. Shemia Fagan (D-Portland), one of the bill's sponsors, announced the bill on Monday.

"It's time to lower the voting age in Oregon and give young people a chance to participate at the ballot about decisions that affect their homes, their clean air and clean water future, their schools, and as we've seen, their very lives," Fagan said at a press conference. Bill sponsors say they want the amendment to extend to federal elections.

Fagan pointed to the political activism of Parkland, Florida, students, who challenged lawmakers to tighten gun control laws after a gunman killed 17 people at Marjory Stoneman Douglas High School last February.

Samantha Gladu, executive director of the youth grassroots organization Bus Project, said 16- and 17-year-olds are engaged and smart enough to cast informed votes.

"They know that we have to take action urgently on issues like education funding, health care, climate justice and gun violence in particular," Gladu said. "I'm also hearing a lot from 16- and 17-year-olds about the need for criminal justice reform and the need to stop mass incarceration."

Natalie Khalil, a senior at Lake Oswego High School in Oregon who has been organizing for gun law reform, said high school students should be able to apply the knowledge they learn in their civics classes.

Allowing 16- and 17-year-olds to vote will "create lifelong voters," Khalil said.

Oregon Senate Republican leader Herman Baertschiger Jr. opposes the idea.

"16-year-olds are too young to enlist in the military, too young to own firearms, too young to own property, too young to enter into legal contracts, and too young to get married. But they are old enough to vote? People are not legally considered adults in this country until they are 18 years old, and I believe they shouldn't be able to vote until then either," he said in a statement Tuesday. "This is nothing more than an attempt to expand the voter rolls to sway elections."

Other changes in minimum ages for voting

Other places have toyed with the idea of allowing minors to vote. A 2016 proposal in San Francisco failed to pass but managed to earn 48% of the vote. Some cities in Maryland have already lowered the voting age to 16 for local elections.

In Austria, Brazil and Argentina, the minimum age to vote is 16.

The last time the voting age changed in the US was in 1971, when the 26th Amendment to the Constitution dropped the minimum age from 21 to 18. After President Franklin D. Roosevelt lowered the minimum age for the military draft to 18 during World War II, "old enough to fight, old enough to vote" became a popular slogan for the youth voting rights cause.

The 26th Amendment guarantees citizens 18 and older the right to vote, but it does not prohibit states from setting a lower age.

Fourteen states, including Oregon, currently allow people to preregister for voting when they are 16.

Turnout among young voters is rising

Turnout among young voters (ages 18 to 29) is consistently lower than other age groups, according to the National Conference of State Legislatures.

However, young voter turnout for the 2018 midterms was unusually high at 31%, and they overwhelmingly favored Democratic candidates, the Center for Information & Research on Civic Learning and Engagement found.

The District of Columbia suburb of Takoma Park, Maryland, was the first US city to drop the age minimum to 16. In the first election after the law was passed, registered 16- and 17-year-olds had a 44% turnout compared to the 11% overall turnout rate in 2013, said Brian Conner, president of the National Youth Rights Association.

"When they have been given the right to vote, they have high turnout," Conner said.

National Youth Rights Association

Top 10 Reasons to Lower the Voting Age

Lowering the voting age is a new concept for many people, but there are many good reasons that show doing so is a sound and ethical choice.

1. Young people have adult responsibilities, but are denied the same rights. People under 18 are contributing and active members of society. Millions of us are employed and volunteer in our communities. Many people under 18 also have “adult” responsibilities – such as being the primary caregiver for an ailing family member, running a business, and making substantial financial contributions to our households.

We are also capable of incredible intelligence and accomplishment. People under age 18 have the ability to win a Nobel Prize, reach the summit of Mount Everest, conduct cancer research, become published authors, teach a graduate-level course in nuclear physics, run their own schools, work for NASA, and risk their lives to save others. If young people are capable of such a variety of amazing feats, certainly we have the capacity to vote for the candidate that best represents our interests.

2. Young people are expected to follow the law, but have no say in making it. People under 18 are expected to follow adult laws and experience adult consequences if we don't do so. In every state, it is possible for a case to be transferred out of juvenile court into adult criminal court, and in certain states all crimes committed by 16- and 17-year-olds are automatically transferred. Approximately 250,000 people under age 18 are tried, sentenced, or incarcerated as adults every year across the United States. This means that not only does our society expect young people to know “right from wrong” and the consequences for breaking certain laws, but our society also expects that we are able to navigate the adult legal system and are mature enough to be placed in adult prisons. It is hypocritical to tell us that we are mature, responsible adults when they commit a crime, but ignorant and naive when we want to vote.

We are also expected to follow the law regarding taxes. In 2011, people under 18 paid over \$730 million in income tax alone and had no representation on how that money was spent. This “taxation without representation” should be no more tolerable to modern Americans as it was during the American Revolution.

3. Young people are already participating in politics. Despite attempts to exclude us from the political process, we are still making our voices heard. Young people have started ultimately successful campaigns for mayor and state legislature before they were even old enough to vote. People under 18 have also participated in politics by forming Political Action Committees, managing campaigns, advocating for our rights in front of legislative bodies, and becoming grassroots activists. And even though we are not allowed to vote, young people are able to contribute just as much money to a political campaign as adults are. In fact, the U.S. Supreme Court ruled that banning people under 18 from this part of the political process actually violates our First Amendment rights. Whether it is forming political groups at school, organizing protests, or using social media to express our opinion, young people find a way to become involved in politics. And if we want to be involved in the political process this badly, how can politicians deny us the right any longer?

4. Young people make good voters. When the voting age has been lowered to 16, young people have shown our interest in voting. In 2013, when Takoma Park, Maryland, lowered its voting age to 16, registered voters under 18 had a turnout rate four times higher than voters over 18. And again in

Hyattsville, Maryland (the second place in the U.S. to lower the voting age to 16), registered 16- and 17-year-old voters had a higher turnout rate than older voters. Seventeen-year-olds also had a higher turnout rate than people aged 20-50 in the Chicago Primary in 2014. Similar trends have occurred outside the United States. Voters aged 16 to 17 had a higher turnout rate than older voters under age 30 in Norway's 2011 elections, voters under 35 in Scotland's 2014 referendum election, and voters aged 18-20 in Austria's elections in 2011 and 2014. Although it can be difficult to determine what constitutes a "good vote" (see below), a group of researchers tried to determine the quality of votes cast by people under 18 by comparing how well their votes aligned with their stated values. Voters aged 16-17 were found to have made choices that were "more congruent with party positions" leaving the researchers to conclude that "lowering the voting age does not appear to have a negative impact on input legitimacy and the quality of democratic decisions."

5. Lowering the voting age will help increase voter turnout. Voting is a habitual act – people who vote in one election are more likely to vote in the next. Lowering the voting age will establish new voters when people are less likely to be moving as a result of attending college or leaving their families. People under 18 tend to have stronger roots in their community, often having lived in the same area for many years and established connections to their school, family and friends, and other community groups. This gives us an awareness and appreciation of local issues. As we are less likely to live away from home, we don't have to deal with unclear residency laws or absentee ballots that can discourage college students or other new voters. Because of the habitual nature of voting, encouraging new voters at a younger age will increase voter turnout as the population gets older. Young people who vote also influence the voter turnout of their parents. In a study of the Kids Voting program (where people under 18 were allowed to cast votes in a mock election), parents who had children participating in the program were more likely to vote in the actual election.

6. Lowering the voting age will improve the lives of youth. Young people have a right to be heard and to have our interests taken seriously. However, by disenfranchising young people society tells us that we do not have anything of value to add to the political conversations in our society. It also gives politicians permission to ignore our interests as people under 18 have no way to hold their representatives accountable.

This is especially concerning since there are certain issues, such as environmental degradation, public education policy, long-term government debt, corporal punishment laws, and poverty that impact young people more than anyone else. Younger people may also be better in tune with modern issues around internet privacy and social media use. But since young people are underrepresented in politics, the issues affecting us are underrepresented as well. Lowering the voting age will also help to increase the civic engagement of young people. The words spoken before the Senate Judiciary Committee supporting lowering the voting age in 1971 are as true then as they are now:

"The anachronistic voting-age limitation tends to alienate them from systematic political processes and to drive them to a search for an alternative, sometimes violent, means to express their frustrations over the gap between the nation's deals and actions. Lowering the voting age will provide them with a direct, constructive and democratic channel for making their views felt and for giving them a responsible stake in the future of the nation." (1971 U.S. Code Cong. Admin. News at pp. 365-367)

7. Knowledge and experience are not criteria for voting eligibility. Even though young people can be as politically informed as older people, there is no requirement that either group have any political knowledge at all. In fact, whenever tests have been used to register voters, it has always been about preventing certain groups of people from having political power rather than making sure the

electorate is as informed as possible. Because of their discriminatory nature, knowledge or literacy tests are not used anywhere in the United States.

In spite of this, Congress has tried to determine the amount of knowledge a potential voter might need and even then concluded in the Voting Rights Act of 1965 that a sixth-grade education provided "sufficient literacy, comprehension, and intelligence to vote in any election." Later on, when renewing the Act in 1975, the Senate Judiciary Committee pushed this idea further by stating, "It is difficult to see why citizens who cannot read or write should be prevented from participating in decisions that directly affect their environment." (S. Rep. No. 94-295, 1975: 24)

If you are diagnosed with a developmental delay or experience a brain injury, you do not automatically lose your right to vote and in fact, many states have passed laws that expressly ensure that you retain the right to vote unless it has been removed in a court of law.

8. There are no wrong votes. In a democracy, we don't deny people the vote because we think they might vote badly. It can be easy to feel baffled by the way other people vote, even if we know them very well. Many people believe that there are voters who are completely ignorant of the issues, woefully misguided about the economy, who get their political ideas from biased media, vote for candidates based on their personality, and are completely naive about the world. And yet, disenfranchising people simply because we disagree with them is not considered a serious position, unless that group happens to be disenfranchised already.

No advocate for lowering the voting age believes that young people will always vote intelligently, especially since not everyone can agree on what that means. But the same can be said for adults. Why are young people held up to a higher standard than everyone else?

9. Arguments against lowering the voting age can be used to disenfranchise adults, too. In a democracy, universal suffrage is the right of all citizens and the ability to vote should not be taken away lightly or arbitrarily. If a group is to be disenfranchised, the burden of proof must lie with those who want to remove voting rights, rather than requiring the oppressed group to prove why they deserve the right.

Throughout history, arguments against increasing the franchise have always been dubious and they still are – no matter the group. If you think young people are too naive or uneducated to vote, then ask yourself how would you feel about receiving a test before you could vote. No matter the test, many adults would fail. There are also adults that lack maturity or can be easily manipulated. The argument that certain groups of people lack the knowledge or maturity to vote has been used against increasing voting rights to people who don't own land, servants, and women throughout history.

10. Legislation to lower the voting age has more support than you think. When the United States decided to end age discrimination in voting for everyone 18 and over in all elections, it adopted the 26th Constitutional Amendment. The Amendment's overwhelming and bipartisan support allowed it to make history as the quickest Constitutional Amendment ever to be ratified.

Today, lowering the voting age continues to have wide support. Nearly half of US states have seen legislative attempts to lower the voting age in the last two decades, including four towns in Maryland that have successfully lowered their voting age to 16. Internationally, more than 25 countries have a voting age lower than 18 and many more are looking at following their lead.

Don't lower the voting age, raise it

By J.K. Baltzersen

web posted March 11, 2019

Liberty requires limiting majority rule; limited suffrage could be part of it.

On an otherwise perfectly normal Monday in mid-February, a bill was introduced in the Oregon legislature to lower the voting age from 18, as required (maximum) by Amendment XXVI to the US Constitution, to 16. The bill made headlines and was, among other places, discussed on *The TODAY Show*.

There has been a slight beginning trend to lower the voting age, in Europe and elsewhere. Austria lowered the general elections voting age to 16 in 2007. In Malta, a bill was passed only last year to do the same. Estonia has a voting age of 16 for local elections. In Europe, the voting age varies from 16 to 25, the most common being 18, as elsewhere around the world. The voting age for the Italian Senate is 25, where the eligibility age is 40.

Fourth Defeated Attempt in Norway

In my own home country of Norway, there has been a campaign for some years to lower the voting age from 18 to 16, and it has been unsuccessful thus far. Constitutional amendments in Norway need to be introduced in one parliamentary term, by approximately a year before the next election, and then voted on in the next term, requiring a two-thirds majority. A constitutional bill to lower the voting age failed in January for the fourth consecutive term. Experiments with lowering the voting age to 16, limited to a small number of municipalities, were conducted in 2011 and 2015 during local elections. There were mixed results, according to evaluation reports from the Norwegian Institute for Social Research.

In Parliament, support for lowering the voting age is currently at approximately 13 percent. According to Norwegian elections and democracy researcher Johannes Bergh, support among the public for lowering the voting age to 16 typically lies around 25 percent. An opinion poll conducted in January indicated support for a lower voting age was at 20 percent, whereas the support for a higher voting age was measured at 23 percent. With all this beginning drive to lower the voting age, as if there is some law of gravity of politics that whatever has limits must come down to no limit at all, i.e., zero, perhaps we should start considering raising the voting age.

Classical Liberals on Suffrage

After all, Friedrich August von Hayek had an interesting proposal of letting people vote once in a lifetime, i.e., at 45, for candidates to the legislative assembly, of their own age, for a term of 15 years. The legislative assembly was, in von Hayek's idea, to be elected with 1/15 of the assembly each year, such that it would consist of members of 45-60 years of age.

Limiting and expanding suffrage has been an important part of the long development of democracy. The Frenchman Benjamin Constant is an example of a classical liberal who wanted limited suffrage. The Englishman John Stuart Mill proposed giving extra votes to the well-informed.

More recently, Bryan Caplan and later Ilya Somin have been arguing that democracies produce uninformed and irrational outcomes simply because it is irrational for a single voter to spend very much time studying the relevant issues given the very limited impact of a single vote in a mass democracy. Jason Brennan recently took it to the next level by proposing replacing democracy with some sort of epistocracy, rule of the informed, starting small with limited experiments.

Now, should we be reversing the apparent one-way development of democracy? Given that the epoch of unlimited suffrage and mass democracy has not exactly shown impressive results when it comes to limiting politics, government, and power, we should at the very least be open to it as an option.

Why Raise the Voting Age?

If we look at the voting age, adjusting it is certainly a very broad and general measure. Indeed any general voting age, i.e., not having individual requirements, will be based on an evaluation of people as a group—age group in this case—and not as individuals. It is also important to keep in mind that when it comes to voting, it is the number of votes that counts; the one single vote hardly matters at all. Arguments for raising the voting age—as for lowering it—will necessarily be less fine-tuned than those for more individually-oriented measures.

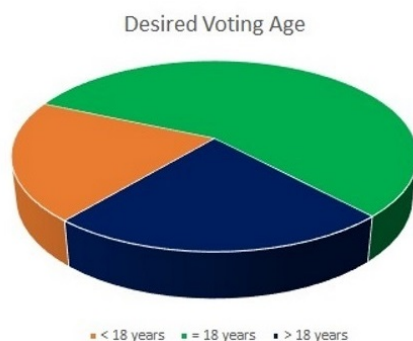
I have launched the idea that the (Norwegian) voting age should be raised to 25. I have had the opportunity so far to argue for this position twice on Norwegian national radio. The main argument is that there should be greater requirements for taking part in decisions for society as a whole—or in deciding for others, if you will—than for taking full legal responsibility for one's own affairs. The anarchist position would be that such lording over others should not take place at all, but in any case, more responsibility would be better than less—for both anarchists and minarchists.

These requirements involve maturity and life and work experience, but they also involve having paid an accumulative share of taxes before receiving loads of free stuff from the government, incentivizing more responsibility. The latter is more relevant the more so-called generous the welfare state is, but it still is relevant in most countries, even the United States, where so-called democratic socialism is apparently growing in popularity.

We hear the argument that young people need to be involved in politics, so a low voting age, i.e., letting the young vote, is a good way of including them. No, they don't need to be involved in politics. A free society with limitations on power and low involvement of government in society needs to have less such involvement. Young people should be involved in their own lives, not politics.

No Fringe Opinion

As mentioned, there was an opinion poll in Norway in January showing 23 percent support for a higher voting age. Polling for support for a higher voting age is not very common, as the unawareness of any such polls of prominent Norwegian elections and democracy researcher Johannes Bergh should bear witness. The January poll was conducted by a polling agency upon my request, and the respondents were asked what they would set the voting age to if they themselves could freely set it with no limiting or guiding alternatives. Hence, it has been shown that there likely is considerable support for raising the voting age; it is not a fringe position. I would encourage more such polling, not taking the one-way development for granted.



Let's go the other way than what those Oregon legislators are suggesting. Given how the reach and size of government have grown as the franchise has been expanded, there is reason to believe there is empirical evidence that people have been voting themselves other people's money. Hence, looking at ways of reducing the franchise should at least be explored. Raising the voting age should certainly seriously be considered.

This opinion piece originally ran at the Foundation for Economic Education (FEE). In the following week (which has passed since) U.S. Representative Ayanna Pressley introduced an amendment (to a bill) to lower the voting age to 16 for federal elections via ordinary legislation. The motion failed.

J.K. Baltzersen writes from the capital of the Oil Kingdom of Norway. He is the editor of the book *Grunnlov og frihet: turtelduer eller erkefiender?* (in Norwegian and Swedish; translated title: *Constitution and Liberty: Lovebirds or Archenemies?*), with Cato Institute's Johan Norberg amongst the contributors.



CLASSROOM LAW PROJECT PRESENTS:

Structured Academic Controversy: Building Consensus

The Issue Is: _____

Team Members: _____

Relevant Facts:

Stakeholders

Concerns

The Three best arguments FOR:

1.

2.

3.

The Three best arguments AGAINST:

1.

2.

3.

Final Consensus Answer for our group:

My final thoughts and reflection on both the process and result of this consensus discussion:

NAME: _____

DATE: _____

Voter Rights Priorities Reflection

Should voting rights EXPAND in the United States – why or why not?

What is your opinion about voting rights and access for felons or ex-felons? Explain your reasoning.

What is your opinion about lowering the voting age? Explain your reasoning:

3.2

What is gerrymandering and how does it affect voter rights?

Handouts:

- What is Gerrymandering
- Article: What Pennsylvania's new congressional map means
- Article: Drive Against Gerrymandering Finds New Life in Ballot Measures
- How should we deal with political gerrymandering for future elections?

Understanding Gerrymandering

Political gerrymandering has been an issue for over 150 years in the United States. But recently there has been a new revival in the push to undo a lot of the political lines that have been drawn in the past decades. Much of this push is due to the race-based district apportionment that has happened in many states, especially following the *Shelby County* Supreme Court case which lifted some aspects of the Voting Rights Law. This lesson delves into what gerrymandering is and how it works. It also challenges students to consider what could be done about it in the future.

Suggested Opener: A fun opener might be to show the old Pennsylvania district map prior to the most recent 2018 court-ordered changes. See if students can find District 7 or 6. Ask them if they can figure out why the lines might have been drawn that way!

Lesson Options:

1. Jigsaw or read through together the explanation of gerrymandering and the articles about recent gerrymandering issues.
2. Challenge the class in either a discussion or writing assignment about what is most fair when states apportion their voting districts after a census. What kind of apportionment might create the best opportunities for voter access and motivate voters to turn out?
3. The Solution Tree analysis is a Cause and Effect exercise that asks students to consider some solutions to the political gerrymandering issue.
 - With a solution tree, students start at the bottom and name as many roots to the problem (causes) as they can. Around the roots, students can write what they think causes the problems of political gerrymandering.
 - Next at the trunk of the tree, they name one clear problem those roots cause – this can be whatever they come up with as the pinpoint problem of the issue of gerrymandering.
 - Finally, each of the branches offers an opportunity to name a solution. Solutions can be categorized along bigger branches and stems, or there can be many multiple ideas.
 - A conclusion to the solution tree might be to have the students work together on a tree and then have a whole class discussion, or contribute to a whole class tree drawn for everyone to come to a final idea about what solution might be possible to help voters in 2018 and the future have the most access to fair voting.

What is Gerrymandering?

At the writing of the Constitution, the Framers decided to leave it up to the states to decide how they would pick their Representatives for Congress. The only requirement was that it had to be based on population. The population count is to be updated every 10 years, according to the Constitution.

Many states took to dividing up voting districts to favor certain political parties or interest groups. In 1812, the word “Gerry-mander” was created to describe Massachusetts Governor Gerry’s contorted drawing of voting districts to favor his political party. The “mander” part of the word was taken from the fact that his newly drawn districts looked like a strange salamander

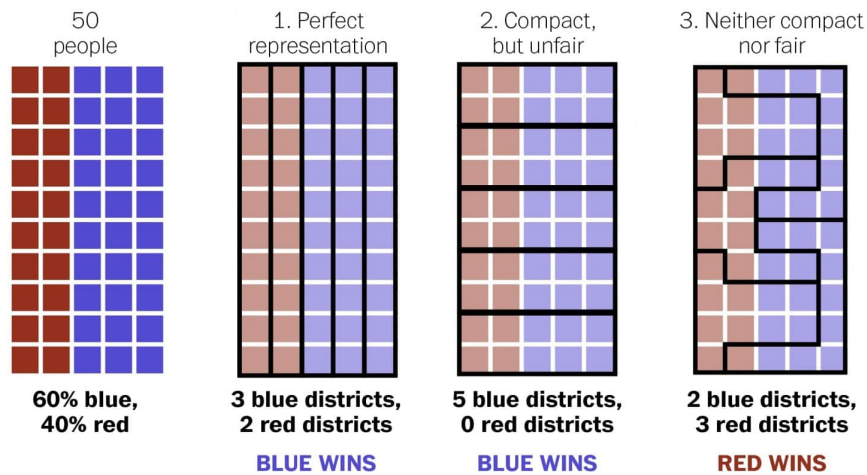


From then on, the practice of trying to draw voting district lines to favor a group has been known as “gerrymandering.”

Imagine a state as a geographical grid with a certain number of voters. Say a certain percentage of them traditionally vote Republican (often represented with the color red), and the other half vote Democratic (often represented with the color blue). After receiving its new census numbers, there are several ways a state could divide these voters up:

Gerrymandering, explained

Three different ways to divide 50 people into five districts



WASHINGTONPOST.COM/WONKBLOG

Adapted from Stephen Nass

Political Gerrymandering

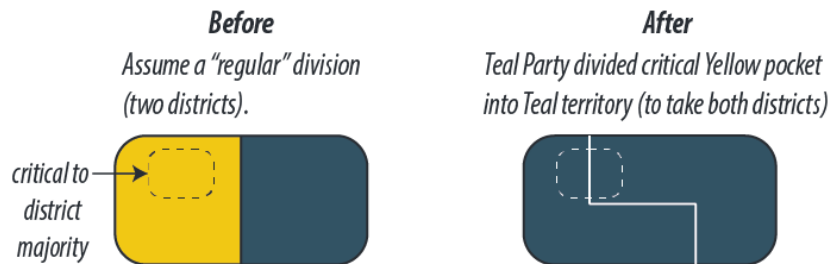
How a political party in power secures future voting power.

When a political party in power draws voting districts to dilute the power of votes for the disfavored party.

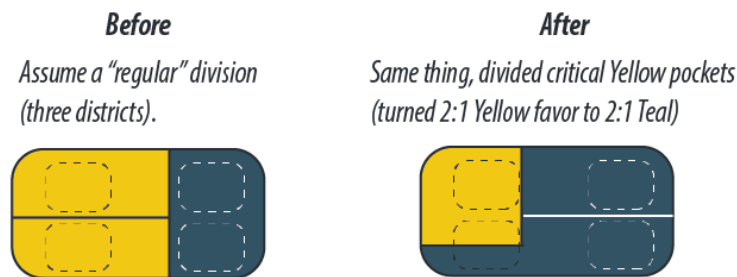
Examples of vote dilution through gerrymandering:

Assume the Teal Party is in power.

Example 1:



Example 2:



The more districts, the more complicated (and more potential variations).

*Political gerrymandering is valid in the United States...
unless the in-power party goes too far.*

But how far is too far?

Problems with articulating how far is too far:

There is no "regular" or "fair" starting point.	<i>Natural housing patterns are not perfect; Existing lines are results of past gerrymandering.</i>
Critical pockets are not clearly identifiable.	<i>Politics are "fleeting." People change.</i>
Gerrymandering a "fair" amount is justified.	<i>Past gerrymandering of another party justifies gerrymandering to a degree.</i>

What Pennsylvania's new congressional map means

It's official: Pennsylvania will get a new US House of Representatives map for 2018, replacing an old map the state's supreme court struck down as a Republican partisan gerrymander. A last-ditch effort from the state GOP to block the map failed Monday, as the US Supreme Court declined to intervene in the matter.

The new map is positively fantastic news for Democrats in their effort to take back the House this fall. "Democrats get everything they could want," the New York Times's Nate Cohn tweeted when he first saw the map. "With few exceptions it's Democrats' dream come true," the Cook Political Report's Dave Wasserman tweeted. "GOP not going to like this at all."

The net impact of the new map is:

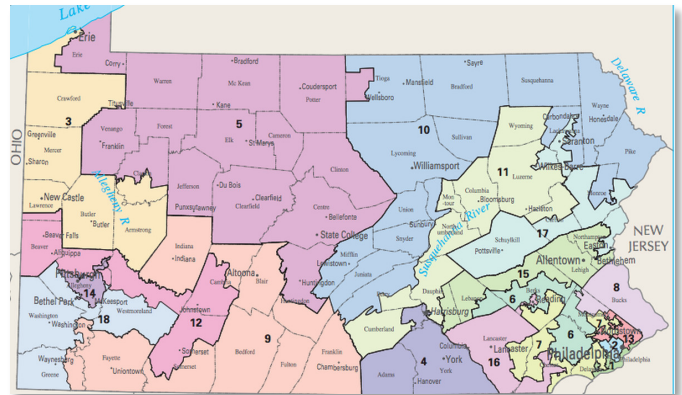
- It creates two new districts where Democrats are favored that didn't exist in the previous map (and in one of those, they're overwhelmingly favored).
- It keeps the same number of very closely divided swing districts that existed before (three).
- It changes one district that had been overwhelmingly Republican to be one where the GOP is favored but not entirely certain to win (Trump won the new district by about 9 points).
- Overall, it reduces by one the number of safe Republican districts (where Trump won by more than 15 points), and by one the number of lean Republican districts (where Trump won by 5 to 15 points).

So open seats held by retiring GOP Reps. Pat Meehan and Charlie Dent are more likely to flip, Republican incumbents like Rep. Ryan Costello and Keith Rothfus are now more embattled, and even GOP Rep. Scott Perry is no longer assured of skating to reelection.

Pennsylvania's old and new maps, compared

After their landslide victories in the 2010 midterm elections, Republicans gerrymandered Pennsylvania within an inch of its life, in what Sean Trende of RealClearPolitics suggested could be "the gerrymander of the decade."

Here's the map the GOP came up with:



National Atlas

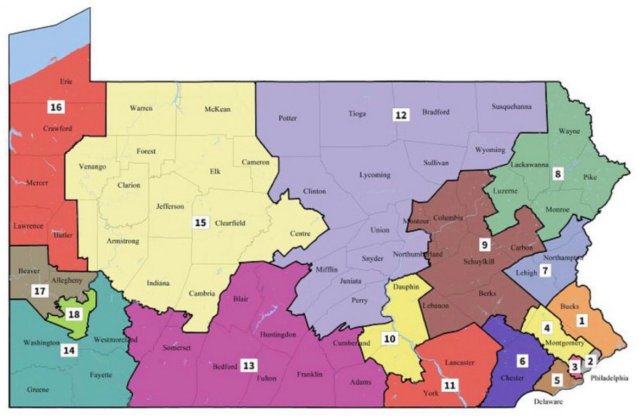
Note above the oddly shaped districts surrounding Pittsburgh on the southwest of the map — the 12th and 18th — and the truly bizarre mess around Philadelphia on its east side, especially the contortionist 6th and 7th districts.

Ugly-looking districts don't always point to gerrymandering, but in this case, they do — Republicans tried to pack Democratic-leaning areas together into very few districts while surrounding the state's big cities with districts Republicans would win comfortably.

To get a sense of how powerful Pennsylvania's gerrymander was, consider that in 2012, Democratic candidates won slightly more votes in US House elections and Barack Obama won the state. But the state's 18 House seats didn't split 9-9 between the parties — instead, Republicans won 13 seats there, and Democrats just won five. No seats changed partisan hands in the 2014 or 2016 elections, either.

But this January, the state Supreme Court — which has a Democratic majority — struck down the existing map as a partisan gerrymander that, a majority of justices wrote, violated the state constitution. The Republican state legislature and Gov. Tom Wolf (D) failed to agree on a new map, so the court instituted one itself.

The new map, below, looks cleaner, splits fewer counties, and will likely lead to many more competitive elections:



So in the southwest of the map, Pittsburgh is suddenly surrounded by one safe Republican district (the 14th) and one swing district (the new 17th), rather than the two safe Republican districts that existed before.

Around Philadelphia in the east, meanwhile, the conspicuous contortions are now gone. The new map is much more favorable to Democrats than most election wonks expected, given the geographic patterns of where people actually live in Pennsylvania.

Indeed, as Trende wrote in an interesting tweetstorm, “the consistent, subtle choices made make clear that this map was drawn with an eye toward shifting multiple districts leftward” — to increase competitiveness.

But it doesn’t seem to be an overwhelmingly or unfairly Democratic map, since, after all, Trump still won 10 of the 18 new districts. It’s a map designed, seemingly deliberately, to compensate for the party’s geographic disadvantages and give them a fighting shot in several districts.

What the map means for 2018

The New York Times’s Nate Cohn, Matthew Bloch, and Kevin Quealy put together this extremely helpful breakdown of the new partisan numbers for each new district, and you should really read the whole thing.

But my top-level takeaways from their new numbers are as follows.

First off, districts’ potential competitiveness can be measured in different ways, but if we take the obvious measurement of how much each presidential candidate won in each district in 2016, we move from:

- 11 districts Trump won by 5 points or more in the old map to 9 in the new map
- Four districts Clinton won by 5 points or more in the old map to 6 in the new map
- Three swing districts that neither presidential candidate won by more than 5 points in both maps

So even from that bird’s-eye view pegged to 2016 results, it’s clear that, on net, two districts became much more Democratic in the new map.

Now, let’s get more specific about what the changes mean for particular districts and members of Congress:

- The open district held by Rep. Pat Meehan (R), who is retiring due to a sexual harassment scandal, is changed from a closely divided district to one Clinton won by 28 points — making for a near-certain Democratic pickup there (the Fifth District, in the new numbering)
- Rep. Ryan Costello (R) is moved from a very evenly divided district to one Clinton won by nearly 10 points (the Sixth District, under both the old and new numbering).
- Rep. Brian Fitzpatrick (R) represents a swing district that becomes just slightly more Democratic (the First District, in the new numbering).

- The area represented by retiring Rep. Charlie Dent (R) changes from a district Trump won by 8 points to a district Clinton narrowly won (the Seventh District in the new numbering).
- Rep. Keith Rothfus (R), who represented a safe Republican district, is suddenly thrown into a swing district where Conor Lamb, the impressive Democratic candidate who won last week's special election under the old map, will run. (This is the new 17th District.)
- Then Rep. Scott Perry (R) is moved from a safe Republican district to a district Trump won by 8.9 points — a solid win, but not an overwhelming one. With a strong Democratic challenger or a big Democratic wave, this district now looks at least potentially flippable. (This is the new 10th District.)

All in all, that makes six Republican-held seats that suddenly have a more Democratic electorate — with the open seats held by Meehan and Dent, and the seats currently held by Costello and Rothfus, suddenly growing much more likely to flip. However, there's also one notable change

the other way, as Rep. Lloyd Smucker (R) moves from a lean Trump district to a solidly Republican one (the new 11th District).

In contrast, there are no comparable changes that put any of the few districts held by Democrats into play. Only one of them, Rep. Matt Cartwright (D), currently represents a district Trump won (by about 10 points), and his district's partisan breakdown looks like it will stay about the same, per the Times. (This will be the new Eighth District.) Beyond that, there were four more safe Democratic seats before and after the new map.

The big picture is that this new map is enormously good news for Democrats in their effort to take back the House. Republicans currently hold the majority in the entire House of Representatives by 24 seats (which will drop to 23 if Conor Lamb's victory last week is certified). Now, all of a sudden, their chances in several key Pennsylvania races have sharply improved — there are now five very plausible pickup opportunities in this state alone. If the party can score victories on this more favorable new turf, it will be a major help in their efforts to retake the chamber.

Drive Against Gerrymandering Finds New Life in Ballot Initiatives

The movement to take politics out of setting legislative district boundaries seemed to suffer a grievous, and perhaps even mortal, blow this spring when the Supreme Court passed up three chances to declare partisan gerrymandering unconstitutional.



A rally in Lansing, Mich., on July 18 supporting a ballot measure that would change how the state's legislative district maps are drawn. Credit: Dale G. Young/Detroit News, via Associated Press

But it turns out that reports of its death are exaggerated. As federal courts dither over how to resolve the issue, activists have begun tackling it state by state at the grass roots.

In Michigan, a proposed constitutional amendment to end gerrymandering, written and promoted by a nonpartisan group called Voters Not Politicians, will be on the ballot in November, unless blocked by a court challenge that has so far fallen short. So many Michiganders signed petitions to bring the measure to a vote — 110,000 more than state law requires — that the group ended its signature campaign 70 days short of the six months allowed.

In Missouri, another nonpartisan group called Clean Missouri needed 180,000 signatures to get its anti-

gerrymander initiative on the ballot; it collected 346,000. Final certification is expected next month.

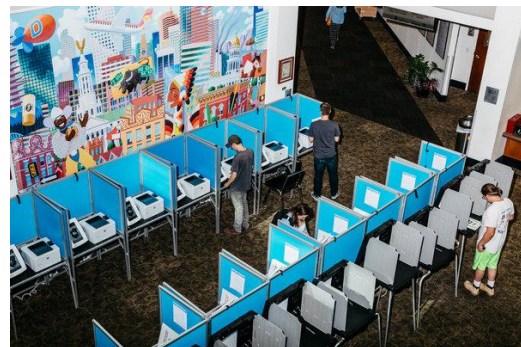
In Utah, a group called Better Boundaries collected 190,000 signatures, 75,000 more than were required, to place its proposition to end gerrymanders on the November ballot.

And in Colorado, both the Democratic-run state House and the Republican-run Senate voted unanimously in May to place two proposals on the November ballot that would shift the duty to draw state legislative and congressional districts away from lawmakers and into the hands of independent redistricting commissions.

Those proposals join another, in Ohio, that became law in May. The state legislature there put a measure to curb partisan gerrymandering of the state's congressional districts on the ballot for the state's May 8 primary, after it became apparent that a citizens' campaign for an even tougher measure was likely to succeed. Ohioans approved the legislature's version by a three-to-one margin.

"It's the best reform map we've seen in decades," said Joshua Silver, the chief executive officer of the clean-government advocacy group RepresentUs, which has offered support to all five initiative campaigns.

It is remarkable that five states are holding ballot measures on the issue in a single year; only five had taken them up over the entire preceding decade.



Voters in Denver cast ballots in the Colorado primary in June. The state legislature has put two proposals on the November ballot that would turn district boundary-setting over to an independent commission. Credit: Ryan David Brown for The New York Times

Just as unusual is how little opposition the measures are meeting, at least so far. Beyond Michigan, where the state Chamber of Commerce and the Republican attorney general are trying to block the anti-gerrymandering initiative, organized resistance to the proposals has been scant.

Mr. Silver compares the change in public opinion on gerrymandering — the practice of drawing maps to disproportionately favor one party — to the shifts on other issues like gay marriage, where voters' views were often shown to be changing far faster than national political dogma.

In the past, only a handful of states — Idaho, Iowa and Arizona among them — embraced genuinely nonpartisan redistricting, while most states continued to treat mapmaking as the privilege of the party in power.

Nationally, Republicans have denounced attacks on gerrymanders as assaults on their political power — understandably so, because the Republican landslide in 2010 allowed the party to redistrict its way to long-term control of Congress, with House seats far out of proportion to its share of the vote in many states.

From 2008 to 2018, only California voted to strip state legislators of the power to draw all political boundaries. (New York voters approved nonpartisan redistricting in 2014 and Ohio voters in 2015, but only for state legislative seats, not for Congress.) Anti-gerrymander initiatives in Ohio and South Dakota were defeated in 2012 and 2016.

But advocates say that public disgust with the state of politics is increasingly overriding partisan sentiment on the issue.

“Gerrymandering resonates with people in a way it didn’t even a few years ago,” said Michael Li, senior counsel in the Democracy Program at the Brennan Center for Justice at New York University. “We’re in a very distrustful moment. People think that people in power — the insider class — will do anything they can to keep it.”

Mr. Silver of RepresentUs said he agreed. “One thing that both Trump supporters and Bernie’s voters — and pretty much all voters — agree on is that the system is rigged,” he said, referring to Bernie Sanders, the liberal senator from Vermont. “In a political environment that’s confusing and frustrating to most Americans, this is an easy issue to understand.”

Only 26 states allow citizen-driven ballot initiatives, so their reach is limited. But legal experts and advocates say the campaign to end gerrymandering has other options it can pursue besides ballot initiatives.

Many states have constitutions that may offer more scope for lawsuits challenging gerrymandered maps than the federal courts do. Last winter the Pennsylvania Supreme Court became the first court to invalidate a state’s congressional map as an unconstitutional partisan gerrymander.

And legislatures in some states, like Colorado, have begun to ponder whether the political and legal toll from partisan redistricting outweighs the advantages. Pennsylvania and Louisiana have seen the beginnings of bipartisan legislative efforts this year to hand over redistricting to apolitical commissions.



Voters in Ohio strongly supported a measure on the primary ballot in May that limits partisan control of electoral map-making in the state. Credit: John Minchillo/Associated Press

The current political climate is so unsettled, Mr. Li said, that legislators in some states worry about whether their party can count on having a majority — and with it, authority over redistricting — after the 2018 and 2020 elections.

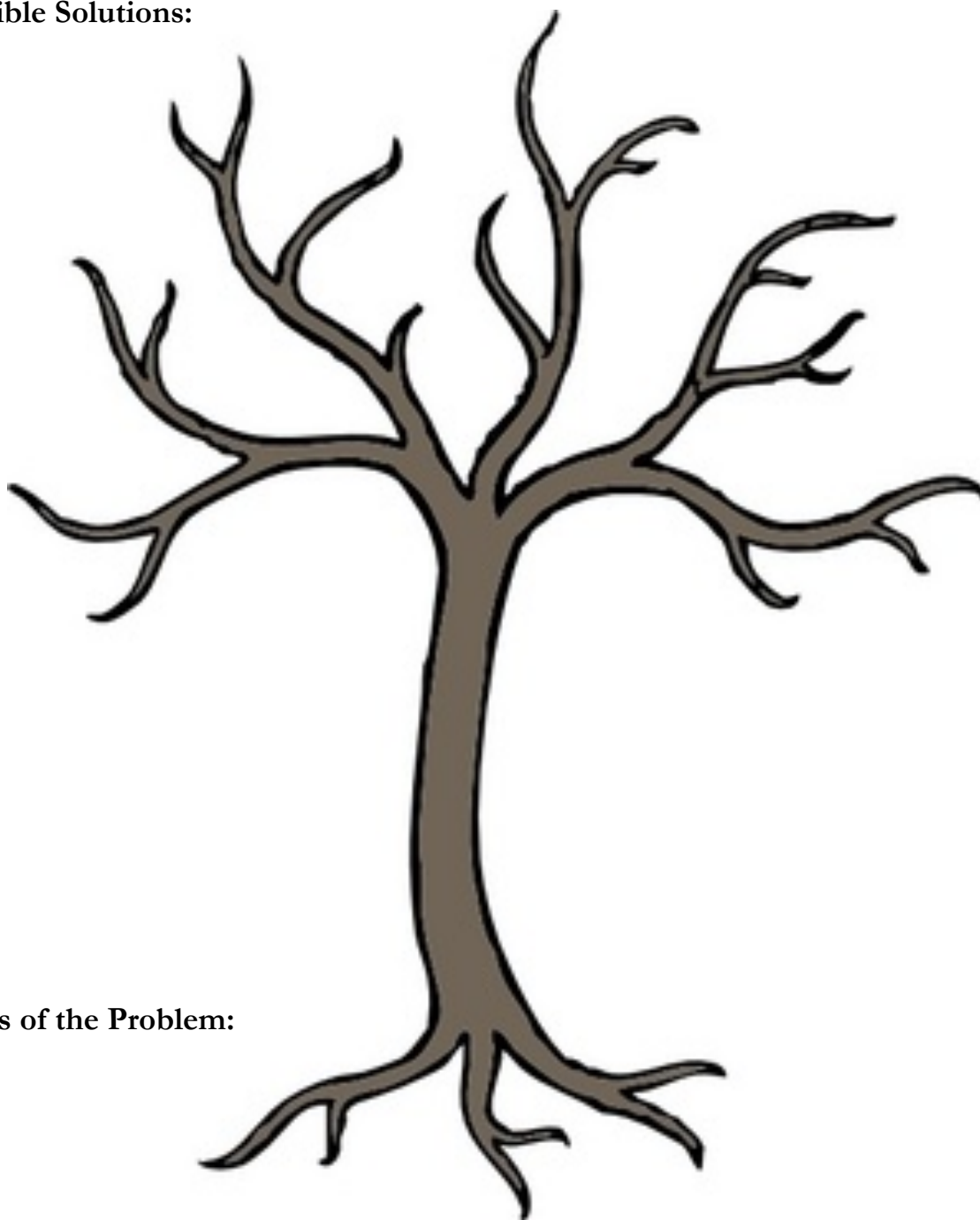
“You don’t necessarily know who’s going to be in control in 2021 in many states,” he said. “That uncertainty creates an incentive to be reasonable in ways you didn’t have in the past.”

NAME: _____

DATE: _____

Decision Tree: How do we solve Political Gerrymandering?

Possible Solutions:



Roots of the Problem:

How has Voter Access been Limited in Recent Years?

Handouts / Activities

- Background Article: “Voter suppression in the US from the Civil War to Today”
- Case File: *Shelby County v. Holder* (from Oyez.org)
- Article: “Jim Crow 2.0? How Kentucky’s Poll Closures Could Suppress Black Votes”
- Maps: The Section 5 States from Jim Crow Era & Voter Suppression Laws enacted after *Shelby*
- Guide to Holding a simulated Congressional Hearing
- Outline to prepare for hearing testimony
- Hearing Evaluation Form (for observing hearings)

Lesson Overview:

2020 is the 100th anniversary of the 19th Amendment and one of the most important and ongoing battles in American democracy continues to revolve around voter access and voter rights. Voter suppression has become even more intense since the Supreme Court decision in the 2013 case *Shelby County v. Holder*. This module takes a closer look at that case, the aftermath in terms of modern voter suppression, and where we go from here.

Suggested Opener:

Ask students what, if any, limits should there be on eligible voters’ access to voting? Brainstorm why those limits might contradict or comply with Constitutional rights.

Lesson Options / Steps:

1. Students will get an overview of how Jim Crow Laws after Reconstruction connect to the voter suppression that has increased since the decision in the *Shelby County v. Holder* case in 2013.
2. Map analysis is an opportunity here where students can compare maps of the states that were held accountable under the 1965 Voting Rights Act Section 5 and where voter suppression increased after Section 5 was removed in 2013.
3. This module culminates in a simulated congressional hearing where students may use their mastery of this topic to testify on their opinion as to what Congress should do in the wake of 2020 voter suppression problems.

Extension Option:

The House of Representatives passed the John Lewis Voting Rights Act of 2020 and it has been introduced in the Senate by Senator Leahy. Students who are interested in legislation that could be enacted, they can review the components of the bill and analyze which parts they agree or disagree with, or propose advice to the Senate on how to vote on the bill.

Text of the 2020 Voting Rights Act: <https://www.congress.gov/116/bills/s4263/BILLS-116s4263is.pdf>

Voter suppression in the US from the Civil War to today

Poll taxes continued into the 20th century.

By Terrance Smith

August 20, 2020, 3:03 AM

The ongoing fight to overcome voter suppression

Voter suppression has been a part of the United States political scene since the nation's inception. From Jim Crow laws to the gutting of the Voting Rights Act of 1965, citizens of the United States, particularly communities of color, have been disenfranchised in blatant and subtle ways.

And now, with the 2020 election between President Donald Trump and former Vice President Joe Biden less than three months away, more of the electorate is considering mail-in voting amid the threat of COVID-19. Trump has tweeted repeatedly his criticism of mail-in voting, claiming it leads to election fraud -- criticism that some see as a form of voter suppression -- an accusation the Trump administration has denied.

However, voter suppression has been a tool historically used to deter Black Americans and other minorities from voting.

"It is important to acknowledge that it has always, or almost for the entire history of our country, been about race, that voter suppression has been inextricably intertwined with an attempt to stop first Black men, and since then other people of color from voting," Sean Morales-Doyle, deputy director of Voting Rights and Elections at the Brennan Center, told ABC News.

Below is a timeline of voter suppression in the United States from the post-Civil War era to the present day.

Aftermath of Civil War, felon disenfranchisement and Jim Crow laws

After the Civil War, three amendments -- the Thirteenth, Fourteenth, and Fifteenth Amendments, part of Congressional Reconstruction -- were passed, designed to ensure equality for African Americans in the South.

The 13th Amendment, ratified in 1865, abolished slavery and indentured servitude.

The 14th Amendment, ratified in 1868, gave African Americans "equal protection under the laws."

However, it wasn't until the 15th Amendment, ratified in 1870, that states were prohibited from "from disenfranchising voters 'on account of race, color, or previous condition of servitude.'"



Herbert Gehr/The LIFE Images Collection via Getty Images
An African-American voter places a paper ballot into a steel box on a table manned by voter registration workers while a police officer stands guard on election day at Public School building in Harlem, New York, circa 1944.

The 15th Amendment, however, did not provide automatic voting rights for African Americans.

Congress did not provide enforcement for the 15th Amendment immediately. Tennessee was the last state to formally ratify the amendment in 1997. Voting rights were also denied for those convicted of crimes through felon disenfranchisement laws.

By 1870, 28 states had adopted a version of these laws prohibiting convicted felons the right to vote, according to the Journal of Criminal Law and Criminology, a peer-reviewed study published by the Northwestern University School of Law. Some states still enact these laws. According to the American Civil Liberties Union, only two states, Maine and Vermont, gives everyone the uninhibited right to vote.



*Sam Shaw/Shaw Family Archives via Getty Images
A sheriff stands smoking a pipe in front of a crowd at a voting registration site in 1946 in Mississippi.*

Three states currently disenfranchise felons from voting permanently: Iowa, Kentucky and Virginia.

Southern states also enforced rules commonly known as the **Jim Crow laws**, which mandated segregation in public places, particularly between white and Black Americans. Poll tax was one of the Jim Crow laws.

Poll taxes discouraged those who could not afford to pay from voting and were a prerequisite to register to vote in Jim Crow states. Poll taxes disproportionately affected Black voters -- a large population in the antebellum South.

Poll taxes continued into the 20th century. As of 1964, Alabama, Arkansas, Mississippi, Texas and Virginia clung to poll taxes, reported the New York Times in a Jan. 24, 1964 article.

Literacy tests were also implemented to stop those who were uneducated from participating in the voting process. Literacy tests were administered at the discretion of those in charge of voter registration and often discriminated against African Americans. Literary tests asked civics questions such as "In which document or writing is the Bill of Rights found?" or "Name two of the purposes of the U.S. Constitution" as found in a 1965 Alabama literacy test. African Americans who took part in these test were descendants of slaves who were not allowed to read or write in several states due to anti-literacy laws.

White men who could not pass the literacy tests were able to vote due to the "Grandfather Clause" allowing them to participate in voting if their grandfathers voted by 1867, according to NPR.

That grandfather clause was ruled unconstitutional in 1915. Poll taxes were abolished in 1964 with the 24th Amendment and literacy tests were outlawed under the Voting Rights Act of 1965.

Women's suffrage and gerrymandering

Before the Voting Rights Act of 1965, the 19th Amendment was the first amendment that assured women in the United States the right to vote by stating "the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of sex."

However, when ratified 100 years ago, the 19th Amendment did not guarantee Black women the right to vote.

According to National Geographic, "In fall 1920, many Black women showed up at the polls." In Kent County, Delaware, their numbers were "unusually large," according to Wilmington's News Journal, but officials turned away Black women who "failed to comply with the constitutional tests."

Because women's suffrage organizations generally did not welcome black women as members, they formed their own groups.

"Even though theoretically women, Black women for example, should have had the right to vote under the provision, as a practical matter, we know that that certainly was not the case and remains not a fully realized reality for many Black women, women of color in this country," Sophia Lin Lakin, deputy director of the Voting Rights Project for the ACLU, told ABC News.



Library of Congress: *The Phyllis Wheatley Club, in Buffalo, N.Y., is pictured in 1905.*

"[As for gerrymandering,] I think that's very much tied into the story of voter suppression even though I think a lot of times people think of it as something a little bit different," Lakin said.

Gerrymandering is also considered to be another form of voter suppression as it is defined by Merriam-Webster as "to divide or arrange (a territorial unit) into election districts in a way that gives one political party an unfair advantage."

Christina Greer, an associate professor of Political Science at Fordham University, said gerrymandering "ultimately does hinder people from the right to vote."

"[It] either dilutes their vote, or it makes it hyper-concentrated, so it dilutes in other places. It's packing and cracking and you can use mathematical solutions to look at a state, and look at where people of color are, especially Black people in a particular area distributed throughout the state," Greer said. "And you can make districts where you can either pack them all into one or two districts."

In some states like Maryland, according to the Brennan Center, after 2010 United States Census redistricting, "The Sixth District was overpopulated by about 17,414 people as Maryland started the 2010 redistricting cycle." Furthermore, "Democratic map drawers, rather than tweak the district at the edges to achieve the population parity that the Constitution requires, moved a total of 711,162 people into or out of the district ... more than 40 times the number needed to meet population equality requirements."

The Center for American Progress released a report earlier this summer which focused on how partisan gerrymandering has limited voting rights. In the Republican-controlled legislature in the state of Wisconsin, gerrymandering "shifted control of the state Assembly outright in 2018, from Democrats who won a majority of the statewide votes to Republicans who fell short of a majority. In the Senate, Democrats fell 1% short of a majority of the vote, likely because of aggressive voter suppression targeting communities that disproportionately support Democrats."

Gutting of the Voting Rights Act

After the passing of the Voting Rights Act of 1965, there were several changes within the United States government to get more people registered to vote. Lowering the age to vote from 21 to 18 with the ratification of the 26th Amendment during the Vietnam War, allowed more men and women across the country to register to vote.

The National Voter Registration Act of 1993, commonly known as the "Motor Voter Act," was intended to offer more opportunities for voters to become registered by making the Department of Motor Vehicles, public assistance facilities and disabilities agencies places for people to register to vote.

However, the fight to get more people to vote and the progress after the Voting Rights Act came to a halt after the 2013 U.S. Supreme Court case, *Shelby County v. Holder*, changed the way the Voting Rights Act was implemented nationwide.



AP: Black men and women stand in line in the rain while trying to register in a priority book to take a voter registration test in Selma, Ala., Feb. 17, 1965.

In a 5-4 decision, Section 4 of the Voting Rights Act was ruled unconstitutional by the Supreme Court.

According to the Department of Justice, "Section 4(a) of the Act established a formula to identify those areas and to provide for more stringent remedies where appropriate. The first of these targeted remedies was a five-year suspension of 'a test or device,' such as a literacy test as a prerequisite to register to vote."

The 2013 decision ruled that "the coverage formula set forth in Section 4(b) of the Act was unconstitutional, and as a consequence, no jurisdictions are now subject to the coverage formula in Section 4(b) or to Sections 4(f)(4) and 5 of Act. Accordingly,

guidance information regarding termination of coverage under Section 4(a) of the Voting Rights Act (i.e., bailout) from certain of the Act's special provisions is no longer necessary."

Chief Justice John Roberts said the Voting Rights Act was based on the "decades-old data and eradicated practices ... such [literary] tests" and that they "have been banned nationwide for over 40 years."

While Jim Crow laws were banned nationwide because of the act, the floodgates were opened to allow states across the country to implement "massive dents" to the voting infrastructure in the United States, according to the Brennan Center.

Since 2010 before the decision, 25 states have put into place new requirements such as voter ID laws, closing polling places and cutbacks to early voting, as per the Brennan Center.

However, Texas and North Carolina faced challenges implementing these new laws.

In Texas, the state introduced a voter identification law to establish voter eligibility in its 2014 federal election, and while the move was ruled unconstitutional by U.S. District Judge Nelva Gonzales Ramos of Corpus Christi, the U.S. Supreme Court overruled the order, according to the Texas Tribune.

In North Carolina, elected officials eliminated same-day registration, scaled back the early voting period and also implemented a photo identification requirement, however a U.S. District Judge Loretta Biggs issued an order barring the photo identification requirement, reported ABC News' North Carolina affiliate, WTVD.

Today, activists look to make up ground lost throughout history and look to continue to fight voter suppression and restore the right to vote for those who have lost it.

In 2019, the U.S. House of Representatives passed a new bill restoring key sections of the Voting Rights Act, but it has yet to be brought to the floor in the U.S. Senate (In 2020, the bill was named the John Lewis Act, to honor the late civil rights champion).



*Audra Melton/The New York Times via Redux, FILE
Voters wait in line at a polling place in Atlanta, June 5, 2020.*

Voter suppression has a long history in the United States, yet according to Morales-Doyle, there is reason to be optimistic about the future of voting.

"We are in the midst of what I think is a moment when American citizens and voters are really taking voting rights and the way democracy works seriously and putting it at the top of their list of issues that they care about," Morales-Doyle said. "That's really encouraging and I hope it means that we'll take more steps forward in the near future."

Case File: *Shelby County v. Holder*

From Oyez.org

Oral Arguments: February 27, 2013

Opinion Announced: June 25, 2013

Majority: Justices Roberts, Scalia, Kennedy, Thomas, Alito

Dissent: Justices Ginsburg, Breyer, Sotomayor, Kagan

Facts of the Case:

The Fourteenth Amendment protects every person's right to due process of law. The Fifteenth Amendment protects citizens from having their right to vote abridged or denied due to "race, color, or previous condition of servitude." The Tenth Amendment reserves all rights not granted to the federal government to the individual states. Article Four of the Constitution guarantees the right of self-government for each state.

The Voting Rights Act of 1965 was enacted as a response to the nearly century-long history of voting discrimination. Section 5 prohibits eligible districts from enacting changes to their election laws and procedures without gaining official authorization. Section 4(b) defines the eligible districts as ones that had a voting test in place as of November 1, 1964 and less than 50% turnout for the 1964 presidential election. Such districts must prove to the Attorney General or a three-judge panel of a Washington, D.C. district court that the change "neither has the purpose nor will have the effect" of negatively impacting any individual's right to vote based on race or minority status. Section 5 was originally enacted for five years, but has been continually renewed since that time.

Shelby County, Alabama, filed suit in district court and sought both a declaratory judgment that Section 5 and Section 4(b) are unconstitutional and a permanent injunction against their enforcement. The district court upheld the constitutionality of the Sections and granted summary judgment for the Attorney General. The U.S. Court of Appeals for the District of Columbia Circuit held that Congress did not exceed its powers by reauthorizing Section 5 and that Section 4(b) is still relevant to the issue of voting discrimination.

Question before the Court:

Does the renewal of Section 5 of the Voter Rights Act under the constraints of Section 4(b) exceed Congress' authority under the Fourteenth and Fifteenth Amendments, and therefore violate the Tenth Amendment and Article Four of the Constitution?

Majority Opinion:

Yes, Section 4 of the Voting Rights Act is unconstitutional. Chief Justice John G. Roberts, Jr. delivered the opinion of the 5-4 majority. The Court held that Section 4 of the Voting Rights Act imposes current burdens that are no longer responsive to the current conditions in the voting districts in question. Although the constraints this section places on specific states made sense in the 1960s and 1970s, they do not any longer and now represent an unconstitutional violation of the power to regulate elections that the Constitution reserves for the states. The Court also held that the formula for determining whether changes to a state's voting procedure should be federally reviewed is now outdated and does not reflect the changes that have occurred in the last 50 years in narrowing the voting turnout gap in the states in question.

"There is no denying, however, that the conditions that originally justified these measures no longer characterize voting in the covered jurisdictions."

– Chief Justice Roberts in the *Shelby* Majority Opinion

In his concurring opinion, Justice Clarence Thomas argued that Section 5 of the Voting Rights Act is unconstitutional in addition to Section 4. He wrote that the blatant discrimination against certain voters that Section 5 was intended to prohibit is no longer evident. Without such extraordinary circumstances, Congress cannot constitutionally justify placing the burden of Section 5 on the states in question.

Dissent:

Justice Ruth Bader Ginsburg wrote a dissent in which she argued that Congress' power to enforce the Fourteenth and Fifteenth Amendments encompasses legislative action such as the Voting Rights Act. The legislative history and text of the Amendments as well as previous judicial precedent support Congress' authority to enact legislation that specifically targets potential state abuses. However, Congress does not have unlimited authority but must show that the means taken rationally advance a legitimate objective, as is the case with the Voting Rights Act. The evidence Congress gathered to determine whether to renew the Voting Rights Act sufficiently proved that there was still a current need to justify the burdens placed on the states in question. She also argued that, by holding Section 4 unconstitutional, the majority's opinion makes it impossible to effectively enforce Section 5. Justice Stephen G. Breyer, Justice Sonia Sotomayor, and Justice Elena Kagan joined in the dissent.

“Throwing out the preclearance when it has worked and is continuing to work to stop discriminatory changes is like throwing away your umbrella in a rainstorm because you are not getting wet.”

–Justice Ginsburg in her *Shelby* Dissent

The above from: "Shelby County v. Holder." Oyez, www.oyez.org/cases/2012/12-96. Accessed 01Sep. 2020.

Jim Crow 2.0?

How Kentucky's Poll Closures Could Suppress Black Votes

Forbes
Seth Cohen
June 22, 2020

On Tuesday, Kentucky will hold a state-wide primary election that was delayed from its original date in May because of the pandemic. But voters seeking to cast ballots will need to look harder for a place to vote, as the state slashed the number of polling locations from 3,700 in a normal election year to less than 200 for this week's primary election. The move particularly impacts Black voters, as Jefferson County, the county with the state's largest Black population, will have only one polling station.

The decision, outlined by Kentucky state election officials, comes after an executive order from Kentucky Governor Andy Beshear that expanded mail-in and absentee ballot access, as well as introduced guidelines intended to reduce the risks of coronavirus transmission among voters and poll workers. Following the order, the state's Board of Elections officials directed counties to propose plans that would reduce the number of polling stations across the state. While counties did select larger-capacity locations for the fewer number of polling stations, the consequences are nonetheless revealing. The county in which Louisville sits chose a single location for its population of approximately 767,000 residents, a decision that is particularly troubling given the large population of Black voters in that region.



Voting rights advocates have taken to the courts to oppose the plan, but last week a federal judge denied a motion to require more polling places in Kentucky's three most populated counties. In dismissing the basis of the suit, the judge was unmoved by the concerns of the advocates.

"The issue before this Court is not whether a hypothetical voter in Kentucky's upcoming primary election would benefit from additional polling locations," wrote Judge Charles Simpson III, in the opinion of the court. "Rather, the issue is

whether the challenged election procedures result in a cognizable infringement under the Constitution or an injury under the Voting Rights Act. We conclude that it does not."

The new developments have captured the attention of the nation, including voting rights activists as well as star athletes such as LeBron James, who recently started a new voting rights initiative focused on helping Black voters combat voter suppression tactics. The high-profile Democratic primary election also had already been high on the minds of many since it will determine who will take-on Senate Majority Leader Mitch McConnell in November. This race between racial justice advocate and progressive activist Charles Booker, and Amy McGrath, a moderate and former Marine, has also taken on even greater urgency in the wake of the death of unarmed Breonna Taylor, who died when eight Louisville police officers rammed into her apartment and shot her.

But it is the large number of poll closings that has brought even more national attention to the race, particularly as the country finds itself amidst a national conversation about structural racism and a legacy of racial injustice that impacts every aspect of American society. To many, the limited number of poll locations is reminiscent of the legacy of Black voter suppression, particularly in southern states, that has plagued the United States ever since the end of the Civil War.

Jim Crow laws, the term used to describe laws that were enacted beginning in the 1890's largely among numerous states, codified a series of racially prejudicial requirements that established "separate but equal" treatment of Black and white Americans. Of the over 400 Jim Crow state laws, ordinances, state constitutional amendments that reinforced racist policies, voting-related laws often instituted poll taxes, literacy tests, and other measures intended to disenfranchise Black voters. The laws were also accompanied by intimidation, violence, and other efforts to keep Black voters away from exercising their constitutionally guaranteed right to vote.

Prior to the most recent wave of poll closings that purportedly relates to the pandemic, according to a recent report by The Leadership Conference on Civil and Human Rights, over 1,200 polling locations have been closed in states with a legacy of Jim Crow since 2013. For example, since 2013, Arizona is reported to have closed one in five polling locations, and Texas is reported to have closed almost one in ten locations. Georgia, Louisiana, and Mississippi also are reported to have closed roughly one in twenty locations.

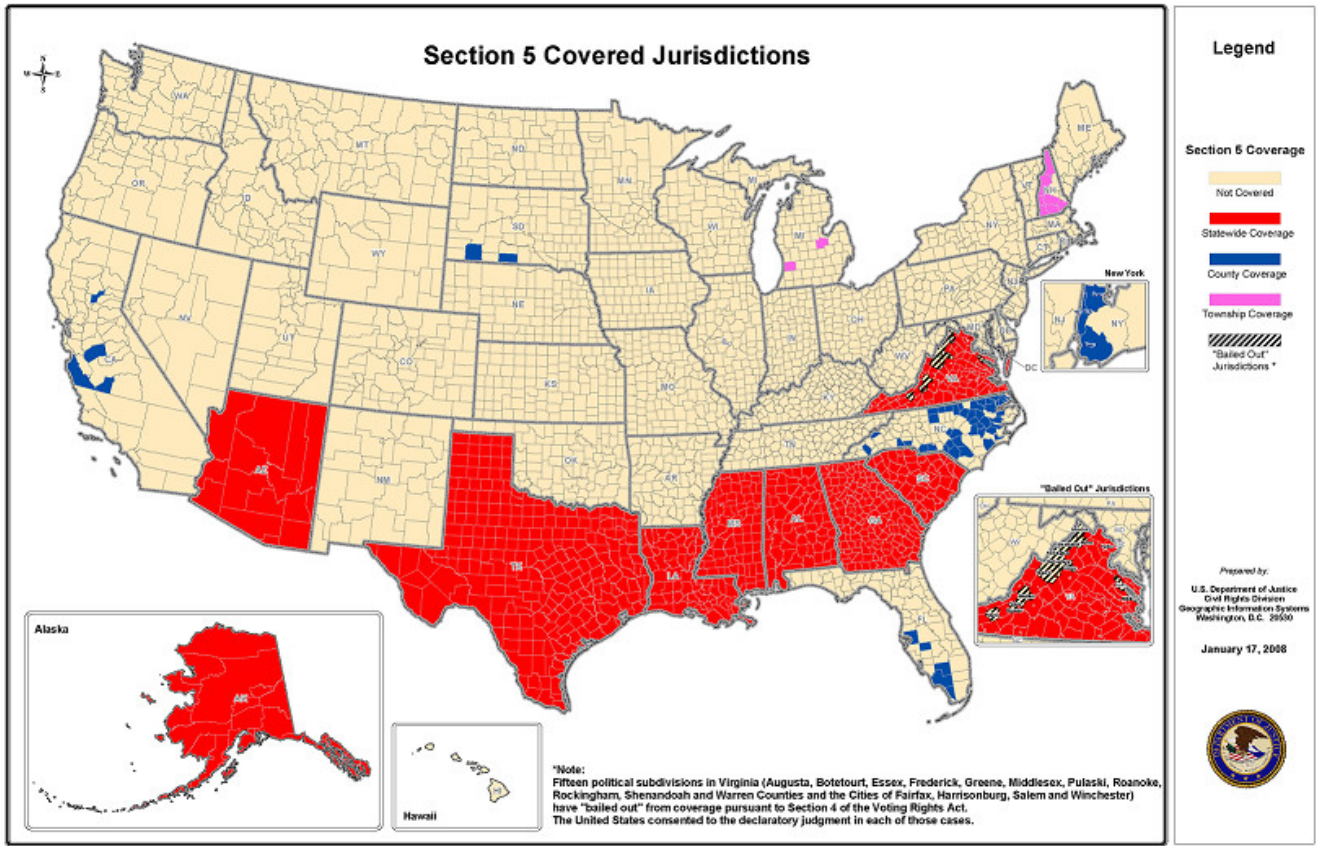
As was apparent in Georgia's recent primary election, the consequences of these closures means many voters need to endure even longer lines and extraordinary wait times, often disincentivizing them to vote. The challenge is compounded by the fact that election days are not treated as work holidays and many individuals are not given time off by their employers so that they can vote. Multiple studies have shown racial disparities between the use of in-person and mail-in voting, meaning that Black and Latinx voters are often disproportionately disenfranchised by poll closures.

By reducing the number of polling locations for its primary, Kentucky has now become another flashpoint in what is expected to be a contentious presidential election where issues of ballot access will take center stage. President Trump regularly complains via Twitter, without any evidence, about how mail-in ballots may result in fraud, and many conservative activists have filed lawsuits intended to curb mail-in voting. But with in-person voting also under pressure as the result of poll closings, America runs the risk that individuals will be disenfranchised in large numbers based on limited polling access.

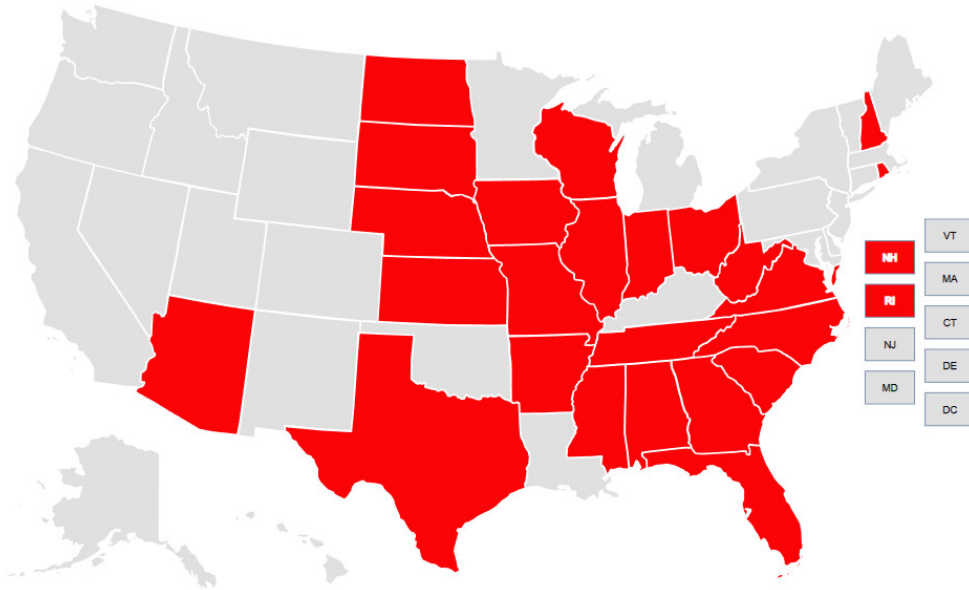
How will all of these poll closures impact the upcoming elections? That remains to be seen. But one thing is clear: the closures of polling stations in Kentucky and across the country call back to the Jim Crow days when Black voters, who had the ability to swing elections and change the course of the nation, were structurally limited from doing so.

History couldn't be repeating itself, could it?

Let's hope not.



Significant Voting Restrictions in America Since 2010 Election



Status Key:

● RESTRICTIONS ON VOTING SINCE THE 2010 ELECTION

Simulated Legislative Hearing: Guide

Why a Legislative Hearing?

A simulated legislative hearing is a fun and interactive way for students to show what they've learned and argue their opinions in an open, civil environment. Inviting adult community members to play the roles of members of Congress, or even the roles of any kind of government body, is a memorable experience for students and they get an opportunity to really shine.

This format of Congressional hearing asks students to answer one or two questions from the hearing panel and their response is a 1-minute testimony using evidence they have gained through the lessons in this unit. The goal is to inform the panel about what they have learned. You can have students work as teams and sit before the Congressional panels as a group, or you can have individual students stand to testify independently.

Preparation: It is best to provide questions ahead of time for students to consider and prepare testimony around prior to the hearings. Suggested questions are:

1. What effect do you believe voter suppression will have on the 2020 Election?
2. What advice do you have for Congress with regard to current voter suppression issues in the United States?

Students need to be given time to prepare their response testimony to the questions. Working together in small teams can be helpful, but during the hearing all students should participate in giving the testimony and/or responding to follow up questions. Students will write individual responses and then practice presenting them. Every student testifies at the hearing. Describe the hearing to the students (description included here). Students should consider their responsibilities as witnesses testifying at a hearing. Each student is an official expert witness and needs to show the panel what they've learned.

Before hearing day, adult guests should be invited to be on the panel that will take students' testimony. Guests will act as legislators conducting a hearing: listening and commenting. Invite school administrators, board members, community leaders, parents, CLP staff, or other teachers.

Suggested Intro: It might be a good idea to show your students a couple of quick video clips of Congressional testimony so they get an idea what a hearing is like. We recommend the following as fun examples:

2010: Stephen Colbert gives his opening statement during a hearing of the Subcommittee on Immigration, Citizenship and Border Security (in his comedic persona from the *Colbert Report*):

<https://www.youtube.com/watch?v=k1T75jBYeCs>

2018: Mark Zuckerberg testifies in a Senate hearing about Facebook:

<https://www.youtube.com/watch?v=Txq2eI8Pbdw>

The Class Hearing: **Traditional Classroom**

Set your classroom up to model a legislative hearing. The classroom should have a table or row of desks in the front facing the classroom for the legislative committee to sit and "take testimony." A table or podium can be set up facing the panel's table (depending on whether you have group or individual testimony). Think about inviting adults to serve as your legislative committee members – possibly other teachers, administrators, parents, or other members of the community.

Each student will make a presentation to the Committee:

1. Brief intro statement

2. Response to questions
3. Brief concluding statement

Each presentation should last no more than 2-3 minutes.

Optional: You may want to have the Congressional Panel ask 1-2 minutes of follow up questions, depending on how much interaction you'd like your students to have with them.

It is helpful to brief the adults or whomever serves on the panel ahead of time to take a minute to give positive feedback to the students giving expert testimony about what they presented.

You can use the **Hearing Evaluation form** for the panelists or the students to evaluate the hearing.

The Class Hearing: Digital Classroom

Prepare students for the idea of a Congressional hearing by showing them the suggested videos. Because they will not be able to have the physical formation of a hearing, they can at least have in their mind how the hearing process works

If you invite guest adults to serve as your legislative committee members please prepare them for the process of the hearing and ask them to give positive feedback when they've interacted with the students. You'll want to have a visible timer on the screen to give students signals as to when their hearing time is closing or concluded. Ask students not giving testimony to make sure they are muted as they follow along.

Each student/group will make a presentation to the simulated hearing Committee:

1. Brief intro statement
2. Response to questions
3. Brief concluding statement

Each presentation should last no more than 2-3 minutes.

Optional: You may want to have the Congressional Panel ask 1-2 minutes of follow up questions, depending on how much interaction you'd like your students to have with them on screen.

Students can use a digital version of the Hearing Evaluation form while they are observing testimony from peers and then turn it in at the conclusion of the hearings.

Hearing Debrief:

Students should share impressions of the hearings the next class. Please encourage them to discuss new information they learned if views changed or altered by hearing other testimony.

Testimony Preparation

Questions to Consider:

1. What effect do you believe voter suppression will have on the 2020 Election?
2. What advice do you have for Congress with regard to current voter suppression issues in the United States?

Facts about Voter Suppression in 2020:

- | | |
|----|----|
| 1. | 5. |
| 2. | 6. |
| 3. | 7. |
| 4. | 8. |

Evidence (Quotes, Citations) that support how voter access has been impacted in the last several decades:

Ideas for Congress on how they should respond to voter suppression:

- 1.
- 2.
- 3.
- 4.

Crafting your testimony:

Introduction Statement main points:

Thorough response to questions main points:

Closing Statement main points:

Name: _____

Hearing Analysis & Evaluation

Group / Names of those testifying	Top 3 interesting pieces of information I learned from this testimony:	Follow Up Question(s) I have for these witnesses:	How this testimony helped me think about the 2020 Election:

