

**AMERICAN CONSTITUTION SOCIETY (ACS)
CONSTITUTION IN THE CLASSROOM
THE RIGHT TO VOTE**

MIDDLE SCHOOL CURRICULUM — SPRING 2019

Lesson Plan Overview

The purpose of this lesson plan is to provide middle school students with a basic understanding of enfranchisement, or the right to vote, as guaranteed by the Constitution of the United States and their respective state constitution. Topics include what it means to vote, the history of voting rights in the United States, which types of votes are constitutionally protected, and certain efforts to restrict people's right to vote.

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The Constitution of the United States

Start the discussion by asking the students what the Constitution is, what is its purpose?

- It designs the American system of government
- It creates 3 branches of government (Executive, Judicial, and Legislative)
- It gives each branch certain responsibilities to the people and certain powers and authority.

Next turn to the rights enumerated in the Constitution's Bill of Rights and later amendments. What are those rights? (some examples below)

- Freedom of speech, press, religion, assembly
- Right to bear arms
- Freedom from cruel and unusual punishment
- Right to be free from unreasonable searches and seizures.

What about later amendments?

- No slavery
- Equal protection

Direct election of senators

Rights about voting!!!

15th Amendment (Black Suffrage)

19th Amendment (Women's right to vote)

24th Amendment (No poll tax)

26th Amendment (Vote for 18-year-olds)

Voting Rights in the Constitution (30 minutes)

Of all the rights we just discussed, the right to vote is perhaps among the most solemn and important. Ironically, the U.S. Constitution does not explicitly guarantee the right to vote. The right to vote stems from the states' determination of the qualifications of voters, and is only limited by amendments to the federal Constitution and the Guarantee Clause (Art. 4, Clause 1, "The United States shall guarantee to every State in this Union a Republican Form of Government, [...]").

For many years in the United States, certain people were denied the right to vote. It was only after amendments to the Constitutions (ones we just discussed) that they were granted that right.

Ask the students if they can think of groups who weren't guaranteed the right at certain points in our country's history?

In the United States, the process of voting is the formal action of a binding contract amongst all Americans to choose amongst us those that will bring our Constitutional experiment to life. It is a serious, essential, and unprecedented governmental design.

Exercise: Voting Rights History

Ask the students to self-segregate into four, evenly numbered groups. Pass out one color card to each student and each self-segregated group should receive the same color. Explain that there are four different color cards: red, white, blue, and green. Red cards stand for white, landowning, men. White cards stand for all men, regardless of race, color, or land holdings. Blue cards stand for women. Green cards stand for people who are 18 years old.

Now, let's pretend that your school says you can have any musical performer come to class for a concert, but you all had to agree on the artist and vote on it. Let's put some options on the board (let the students name a few different artists and number each of them)

Explain that, when the Constitution was written, only white landowning men could vote. Go back to the list of artists and only allow students with red cards to vote (for expediency, you can allow students to raise hands).

Explain that in 1870, after the Civil War, the 15th Amendment was passed protecting the right to vote for all men, regardless of race or color. Repeat the voting exercise allowing red and white cardholders to vote.

Explain that in 1920, after a long fight, the 19th Amendment was protecting the right to vote for women. Repeat the voting exercise allowing red, white, and blue cardholders to vote.

Explain that in 1971, the 26th Amendment was passed protecting the right to vote for anyone who was 18 years old or older. Repeat the voting exercise allowing red, white, blue, and green cardholders to vote.

Did the results change as more people were allowed to vote? Why do you think that is?

Exercise: Who Can You Vote For

The Constitution only protects the right to vote in certain elections, but not all elections. First, let's explore some examples of things you can vote for that may or may not be protected by the Constitution. [Draw two columns on the board: "Guaranteed/Protected by the Constitution" and "Not Guaranteed/Protected by the Constitution"]. Go around the room and ask students which column the following should be in (encourage them to guess if they don't know):

NOTE: these are provided in appropriate columns, but mix it up for the class! Also, feel free to supplement this list with your own ideas.

| Guaranteed/Protected by the Constitution | NOT Guaranteed/Protected by the Constitution |
|---------------------------------------------|-------------------------------------------------|
|---------------------------------------------|-------------------------------------------------|

| | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> • President of the United States • US Senators from your state • Congressional representatives from your state • Candidates for President | <ul style="list-style-type: none"> • President of Mexico • US Senators from another state • Congressional representatives from another state • Class president • Major League Baseball All-Stars • Supreme Court Justices • Laws |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Restrictions on Voting (15-20 minutes)

The Constitution leaves the power to determine qualifications for voting to the states. States have the power to determine who, when, and how people can vote for their government officials. However, these restrictions *must* always comply with the U.S. Constitutional amendments that prohibit discrimination in voting laws. In some states throughout this country's history, some people have tried to control the outcome of elections by stopping certain people from voting, or by making their vote count less than other people.

Literacy Tests

After the Civil War, African Americans and newly freed slaves were granted the right to vote by operation of the 15th Amendment. Soon after though, states began passing laws which restricted those newly franchised Americans.

One way to limit the participation of voters in elections was through a literacy test. When a person would arrive to register to vote, or to cast their ballot in an election, an election warden would require that person to pass a literacy test. These were not always just a test of whether or not a person was literate, but also whether they could memorize long and complicated Constitutional or historical texts.

Do you think reciting the Declaration of Independence, the Preamble to the Constitution, or knowing all of the Vice Presidents of the United States should determine whether or not a person should be able to vote?

Poll Tax

Question, how many people here think that you should only be able to vote if you have \$100 in your wallet right now? What if you had \$100 in the bank? What if you were extraordinarily wealthy or poor, would that make you more or less qualified to decide on who should be making decisions regarding laws, policy, and perhaps even war?

When a state charges people money as a pre-condition for the right to vote, that is a poll tax. The federal government attacked the poll tax in three different ways. First, 24th Amendment was ratified in 1964 which prohibited the Congress and the states from passing poll tax laws. Then, in 1965 the President proposed and the Congress passed the Voting Rights Act of 1965, which – among many other things – directed the Department of Justice to see that the 24th Amendment was followed. Finally, the Supreme Court in 1966 declared that Virginia’s poll tax law was unconstitutional in a case called *Harper v. Virginia Board of Elections*. In the words of Justice William O. Douglas, “voter qualifications have no relation to wealth.”

Do you agree with Justice Douglas? Is there any conceivable reason why people should have to pay for the right to vote? Do people have to pay for the right to have a jury trial? Do people have to pay for the right to choose their own religion?

Voter ID

Recently, some states have started to require that a person has a valid identification card (like a driver’s license) in order to vote. What group of people do you think this would keep from voting? Can you think of a good reason why this group shouldn’t be allowed to vote? Think back to the voting exercise with the colored cards. Would it be fair if we asked you to provide identification before you could vote? Could a valid identification requirement help in any way?

What happens if you do not have one of these licenses or forms of identification? How many of you have a library card? Did you pay for that? Well, getting certain forms of identification requires a fee. Some states require \$25 or \$50 to get a driver’s license, or some other form of picture identification. Does someone paying \$25 for a requirement to vote strike you as fair? Does it sound familiar?

Felon Disenfranchisement

During the Reconstruction era after the Civil War, the U.S. Constitution granted black men the right to vote via the 15th Amendment. Some legislators began to worry about the influence this could have on elections. In response, states such as Florida, Kentucky, Iowa and Virginia adopted policies that targeted criminal offenses committed most by black people in order to take their right to vote away. If a person was convicted of one of these crimes, they could no longer vote. In a number of states, these policies continue today even if a person has already served his time.

Do you think this is fair? Should you continue to be penalized for something if you’ve already completed your sentence/punishment?

Exercise

Please handout the Middle School worksheet for this section.

Assume the United States Congress passed the following law: "The right to vote shall not be denied." The report accompanying the legislation explains that Congress wanted to

encourage the greatest amount of voter turnout and to eliminate discrimination on the basis of race and gender, since blacks and women had been denied the right to vote in the past. Moreover, the right to vote is a fundamental principle in our democratic form of government.

Directions: For each of the following examples, decide whether the law has been violated or not. Briefly explain your answer.

1. A state requires a person to be at least 21 years old to vote. Sandy Kent is 20 years old and is told she cannot vote. (violation of 26th Amendment)
2. A city charges a \$5.00 poll tax on all persons of voting age. Those who do not pay the tax cannot vote. The tax money is used to improve the school system in the city. Steve Eller does not pay the \$5.00 and is not allowed to vote. (Violates 24th Amendment)
3. A state passes a law that denies convicted felons the right to vote until five years after completion of their full sentences. Anita Jackson, serving a ten-year sentence for committing a felony, is told she cannot vote. (This is allowed)
4. A state requires everyone who registers to vote to pass a literacy test. More difficult tests are given to blacks than to whites. 55% of the blacks fail the tests while only 10% of the whites fail. David Anderson, an African-American man who failed the test, is not allowed to vote. (This is prohibited by the Voting Rights Act)

How to Make Voting Easier (15-20 minutes)

To encourage more people to vote, some legislators and organizations are trying to make voting easier.

Was it better when you all were able to vote or when only some of you were? We talked about how some people want to make voting harder. What if we wanted to make it easier? What could we do?

If the students are having trouble, offer the following prompts:

In some states, voting is on only one day. What if you have a lot to do that day? What if you need to travel on election day or are too old or sick to stand in line to vote? (more days/options to vote). 39 states and the District of Columbia currently offer pre-Election day options such as in-person early voting and all mail elections.

Some countries make their election day a day that everyone has off work or school. (make election day a national holiday). This idea is currently being proposed in legislation before Congress.

Some states make you register to vote at least 30 days before an election. Some people forget to do that on time or are too busy. (automatically register people to vote or same day registration). Fifteen states and the District of Columbia have already approved automatic voter registration (AVR). AVR is an innovative policy that streamlines the way Americans register to vote. AVR makes two simple, yet transformative, changes to the way our country has traditionally registered voters. First, AVR makes voter registration “opt-out” instead of “opt-in”—eligible citizens who interact with government agencies are registered to vote or have their existing registration information updated, unless they affirmatively decline. Again, the voter can opt-out; it is not compulsory registration. Second, those agencies transfer voter registration information electronically to election officials instead of using paper registration forms. These common-sense reforms increase registration rates, clean up the voter rolls, and save states money. Another option is same day registration or election day registration. Seventeen states plus the District of Columbia offer same day registration, which allows any qualified voter to register to vote and cast a ballot the same day.

Conclusion

Voting remains the most basic, and most important, method by which citizens can participate in democracy. It allows citizens to pick their representatives in government, who then decide, pass, and enforce laws which influence every aspect of life. The Constitution, the blueprint for America’s government, protects many rights, including the right to vote. In the beginning, only a small privileged section of the population was able to vote. Over the years, the right to vote has expanded from white, land-owning men to all adult citizens, regardless of race, gender, wealth or education. This was the result of various amendments and federal legislation passed by Congress. Furthermore, voting rights have also expanded the voting population, by allowing the voting public to vote directly for President and U.S. Senator. Despite the progress that has been made in protecting voting rights, there are still barriers placed to restrict voting, including voter ID laws and tough-to-reach polling locations. For many, the right to vote was given to them within the lifetime of themselves or their parents. The fact that so many have had their right to vote denied or restricted only reinforces the importance of voting. It is the most fundamental right in a democracy, and many states and legislators are working to make that right more accessible to more Americans.

All students who are not currently eligible to vote should encourage their parents to vote in the 2019 and 2020 elections and should accompany their parents to the voting booths!

Special Note on Pre-registration for high school students: Some states allow 16 and 17-year-olds to



pre-register to vote. That means you can register to vote EARLY. You will then be automatically registered when you turn 18 and can legally vote! To find out more, go to

<http://www.ncsl.org/research/elections-and-campaigns/preregistration-for-young-voters.aspx>

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