



Voting Rights: How Should We Balance Our Citizens' Access to Their Constitutional Voting Rights with Keeping Elections Secure?

Uses Vote Worthy Part 1 Segment 3 [Listen here](#)

Background Reading

In the United States, voting is a Constitutionally protected right. The Ninth Amendment established the fact that citizens have “unenumerated rights” that are not specifically listed within the Constitution including, according to the Supreme Court, the right to vote. The Fourteenth Amendment’s “Equal Protection Clause” expanded the reach of protection for citizen’s rights (including the right to vote) from laws made by the federal government to state and local laws, as well. The Fifteenth Amendment prevents any discrimination in voting rights on the basis of “race, color, or previous condition of servitude.” The Nineteenth Amendment, which celebrated its centennial anniversary in 2020, extended the right to vote to women. The Twenty-fourth Amendment outlawed poll taxes, which were used in many places to suppress the right of poor people and people of color from voting. Finally, the Twenty-sixth Amendment established the voting age as 18.

In addition to the Constitution’s specific protections, citizens’ right to vote has been upheld by historic Supreme Court cases. In legislative terms, the most significant laws protecting the right to vote arose from the work of leaders and citizens during the Civil Rights Movement of the 1950s and 1960s, culminating in the Civil Rights Act of 1964 and the Voting Rights Act of 1965, which outlawed poll taxes, literacy tests, and other methods which suppressed citizen’s right to vote.

In this podcast, voting rights are discussed in light of concerns about large gatherings of people during the Covid-19 pandemic. During the 2020 election, Kentucky and many other states created more ability for voters to use absentee ballots or vote early. High turnout was

anticipated in the podcast discussion and was realized on and before election day 2020. Fears of both voter fraud and voter suppression were also discussed, especially in regard to the Supreme Court ruling in *Shelby County v. Holder*, a decision which allowed states to more easily make alterations to voting practices, for example, by having fewer polling places, purging voter rolls (which, if not done carefully, can remove eligible voters), and putting into place more ID requirements.

According to a recent briefing report from the nonpartisan United States Commission on Civil Rights, the Department of Justice should, “pursue more Voting Rights Act enforcement in order to address the aggressive efforts by state and local officials to limit the vote of citizens of color, citizens with disabilities, and limited English proficient citizens.”

(https://www.usccr.gov/pubs/2018/Minority_Voting_Access_2018.pdf) This point is countered by many opinion polls, which show American’s trust in our electoral systems is low.

(<https://www.npr.org/2020/01/21/798088827/american-distrust-of-the-voting-process-is-widespread-npr-poll-finds>)

Discussion Questions

1. In what ways is voting fundamental to democracy?
2. What does the slow but consistent expansion of voting rights over the course of American history say about what it means to be a citizen?
3. What are the benefits of allowing citizens to vote over multiple days? What are the potential unintended consequences?
4. Should all citizens be allowed to use an absentee ballot to vote by mail? Why or why not?
5. Given that voting rights are the bedrock right of citizens in a democracy, what reasoning could be given for restrictions to that right?
6. In what ways could states raise American’s confidence in elections, while refraining from restricting the rights of citizens to vote?

Key Vocabulary

absentee voting: voting by mail before election day

ballot box: a sealed container used to store paper voting ballots before they are counted; often used as a symbolic name for voting in general

early voting: casting a ballot at a voting location before election day

election fraud: illegal interference with the results of an election, either by artificially raising or lowering the number of votes cast for a given candidate or party

Shelby County v. Holder: Supreme Court case regarding the Voting Rights Act of 1965, with important ramifications for modern voting rights

voter suppression: strategies (usually laws) that seek to influence the outcome of elections by preventing or discouraging certain citizens or groups of citizens from casting their votes; common voter suppression techniques include things that make it difficult for voters to exercise their constitutional right to vote, for example, shortening the hours when polling places are open

Suggested Activity

After reading the Background and listening to the podcast, students will debate Voter ID laws using a Socratic Circle.

Students will be using this article from the Newsela website: ["Pro/Con: Do We Need Voter ID Laws?"](https://newsela.com/read/election-2020-procon-voter-id/id/2001004945/?collection_id=2000000398&search_id=4eab6816-37e5-4006-bfdd-359ee7c3fe9e) found at https://newsela.com/read/election-2020-procon-voter-id/id/2001004945/?collection_id=2000000398&search_id=4eab6816-37e5-4006-bfdd-359ee7c3fe9e

1. Split your class into two sections. Have one section read and annotate the sections headed "PRO: Voter ID Laws Prevent Fraud And Build Voter Confidence." Have the other section read and annotate the sections headed, "CON: Harmful Voter ID Laws Only Help Republicans Hold Onto Power." Remind students that the goal of the debate is to understand both sides of the story, so they will discuss the position they are reading about, even if it does not align with their current thoughts. The objective is to learn more about both sides and understand how to defend a position with evidence. At the end of the lesson, students will have a chance to express their informed opinion on their Exit Slip.
2. Position half of the chairs into an inner circle and ask all "Pro" readers to sit in a chair. Position another chair directly behind each inner circle chair and ask all "Con" readers to sit in an outer circle chair.
3. Give each student a copy of the Inner Outer Discussion Rubric. (Found at end of lesson plan and as Printable PDF.) Give each student a copy of the discussion rubric and ask them to read through the potential points for various discussion techniques. Tell students that their goal is to gain 5 points, using whatever combination of discussion techniques from the rubric which they are able to utilize.
3. Ask them to write their name on the rubric next to "Name" and pass it to the person sitting directly in front or behind them in the circle. After rubrics are exchanged, ask the Feedback Partner to write their name next to "Feedback Partner." The Feedback Partner

must pay close attention to the discussion, noting on the rubric when the person in front of them makes a relevant comment or has a tick mark in the “negative” section.

4. Depending on the size of your circle, set a timer for three to five minutes and ask the inner circle to begin a discussion on the merits of voter ID laws. Before beginning the discussion, remind inner circle members that the outer circle did not read the “Pro” article, so their discussion should be sure to contextualize the case for someone who has not read the article.
5. After the timer rings, pause the discussion. Ask the inner circle students to turn and face their partners in the outer circle, who will provide feedback about the discussion using the TAG method. (Shown at end of lesson plan and in accompanying printable PDF.)
6. Set the timer for another five to eight minutes and allow the discussion to finish.
7. Reverse the inner and outer circles and repeat the process with the merits of the “Con” argument. Be sure to remind the new outer circle students that they must be sure to keep track of the discussion points made by the person sitting in front of them in the new inner circle.
8. Conclude the discussion and collect the Feedback Rubrics.
9. Ask students to complete the Exit Slip (found at end of lesson plan and in printable PDF).

Evaluation Criteria for Student Work

A student’s Exit Slip should show an understanding of the pro and con positions regarding voter ID laws. Their personal opinion about how voter rights should be balanced against election security should be backed by evidence from the lesson.

The discussion rubric will also give the teacher a clear idea of whether the student engaged in appropriate, evidence-based discussion.

Suggested Supplemental Sources

Kentucky Voter Registration Portal: <https://vrsws.sos.ky.gov/ovrweb/govoteky>

Annenberg Guide to the United States Constitution/Ninth Amendment:
<https://www.annenbergclassroom.org/ninth-amendment/>

Annenberg Guide to the United States Constitution/Fourteenth Amendment:
<https://www.annenbergclassroom.org/14th-amendment/>

Annenberg Guide to the United States Constitution/Fifteenth Amendment:
<https://www.annenbergclassroom.org/15th-amendment/>

Annenberg Guide to the United States Constitution/Nineteenth Amendment:

Info on Voting Rights Act of 1965:
<https://www.ourdocuments.gov/doc.php?flash=false&doc=100>

Ballotpedia page on Voting in Kentucky: https://ballotpedia.org/Voting_in_Kentucky

WHAS11 Oct.12, 2020 article "Where's my absentee ballot? How to track your ballot online":
<https://www.whas11.com/article/news/politics/elections/voter-access/absentee-ballot-tracker-kentucky-indiana-election/417-a961d0ab-e196-4a29-868a-f0f921a9098b>

Oyez website article on Shelby County v. Holder: <https://www.oyez.org/cases/2012/12-96>

Kentucky Legislative Research Commission website info on 2020 House Bill 574 relating to election laws in Kentucky: <https://apps.legislature.ky.gov/record/21RS/hb574.html>

Kentucky Academic Standards

Social Studies

HS.C.CP.2 Analyze legislative, executive and judicial branch decisions in terms of constitutionality and impact on citizens and states.

HS.C.PR.3 Evaluate intended and unintended consequences of public policies locally, nationally and internationally

HS.C.KGO.1 Explain how the Kentucky Constitution embodies the principles of rule of law, popular sovereignty, separation of powers and checks and balances.

Resource created by Katie Booth, N.B.C.T.

TAG Feedback Sentence Starters

T Tell something you liked...

- I think your example was...
- I really enjoyed...because...
- Your work displays...
- The strongest part of your work was...
- It really touched my heart when...
- I could really connect with...

A Ask a question...

- What are...?
- What do...?
- Should you...?
- Why is...?
- Why do...?
- Where is...?
- When does...?
- Did you consider...?

G Give a positive suggestion...

- One suggestion would be...
- I think you should add...
- Don't forget to...
- Think about adding...
- I'm confused by...
- You might want to change...
- One problem I see...
- I strongly suggest...
- One minor mistake...
- If you...it might...

Voter ID Laws Debate: Exit Slip

1. What is the main idea of the “Pro” side?

What are two pieces of evidence used to support this argument?

2. What is the main idea of the “Con” side?

What are two pieces of evidence used to support this argument?

3. Now that you have heard both sides of the argument, what is your informed opinion about the balance between Constitutional voting rights and keeping elections secure?

Inner Outer Discussion Rubric

Feedback Partner:

<u>Positive</u>	<u>Score</u>	<u>Negative</u>	<u>Score</u>
Makes a relevant comment(1)		Interrupts (-2)	
Draws another person into the discussion (1)		Monopolizes the discussion (-1)	
Makes a connection (2)		Uses inappropriate language (-1)	
Evaluates or refers to another person's opinion (1)			
Uses vocabulary regarding specific content or concepts taught in this class (1)			