

Should the right to vote be protected in the Constitution?



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Supporting Questions

1. What does the Constitution say about voting?
2. How have elections and the right to vote been threatened over time?
3. How would constitutional right to vote impact voting rights and elections?

Elections-High School

Who should set the rules on voting?

C3 Standards	D2.Civ.13.9-12. Evaluate public policies in terms of intended and unintended outcomes, and related consequences.
Staging the Compelling Question	Students evaluate this quote from John Lewis in relation to voting. "Democracy is not a state, it is an act..." Connect this statement to the right to vote and its significance in a democratic-republic.

Supporting Question 1	Supporting Question 2	Supporting Question 3
What does the Constitution say about voting?	How have elections and the right to vote been threatened over time?	How would a constitutional right to vote impact voting rights and elections?
Formative Performance Task	Formative Performance Task	Formative Performance Task
Identify and explain what the different clauses about voting say in the Constitution.	Use the claim, support, question thinking routine to address the supporting question.	Use the claim, support, question thinking routine to address the compelling question.
Featured Sources	Featured Sources	Featured Sources
Source A: Constitution (Article I, Section 4, 15th, 19th, 24th and 26th Amendments) Source B: Elections 2012 The Right to Vo...	Source C: Mississippi 1890 Law Source D: "Voting Blocked" Voting Rights, Clip 1 Voting Rights, Clip 2 Voting Rights, Clip 3 Source E: The History Of Voter Fraud In T... Source F: Voter Fraud Database	Source G: House Joint Resolution 74 Source H: Fairvote Right to Vote Website Source I: Opinion: Local Officials Must Remain in Control of Elections

Summative Performance Task	ARGUMENT: Should the right to vote be protected in the Constitution? Construct an argument (e.g., detailed outline, poster, essay) that responds to the compelling questions using specific claims and relevant evidence from sources while acknowledging competing views.
	EXTENSION. Analyze and evaluate a current proposal for voting and/or election reform.
Taking Informed Action	UNDERSTAND Research the election rules and policies of your state and locality and the interest groups that are lobbying on behalf of election and/or voting reform. ASSESS What is working well in your state and what needs to be reformed? ACT Choose one of the interest groups that aligns with your beliefs about voting and election reform and engage in one of the direct action ideas that they propose.

*Featured sources are suggested and links are provided. It may be that these links are broken and we apologize in advance for the inconvenience.

Overview

Inquiry Description

This inquiry leads students through an investigation of the right to vote as articulated (or not) in the Constitution and the historical and current challenges with voting and election administration.

This inquiry highlights the following additional standards from the Virginia Standards of Learning

- GOVT.6 The student will apply social science skills to understand local, state, and national elections by
 - e) describing how amendments have extended the right to vote; and
 - f) analyzing voter turnout in local, state, and national elections.

Note: This inquiry is expected to take three or four 50-minute class periods. The inquiry time frame could expand if teachers think their students need additional instructional experiences (e.g., supporting questions, formative performance tasks, featured sources, writing). Teachers are encouraged to adapt the inquiry to meet the needs and interests of their students. This inquiry lends itself to differentiation and modeling of historical thinking skills while assisting students in reading the variety of sources.

Structure of the Inquiry

In addressing the compelling question, students will consider the connection of voting to the functioning of our democratic-republic. Students will then investigate what the text of the Constitution says about voting. Then, they will analyze historical and current challenges to voting rights and fair elections. Finally, students will evaluate how a voting rights amendment to the Constitution would impact current challenges to voting and elections.

Staging the Compelling Question

In staging the compelling question, students will unpack and evaluate this quote pulled from John Lewis's letter-- *Together, You Can Redeem the Soul of America*, "**Democracy is not a state, it is an act...**" In pairs, have students unpack the quote-- what does it mean?. Then have students evaluate the quote-- from your experiences, do you find this statement to be true or not? How so?. Finally, have students predict what John Lewis might say about the right to vote. In a whole group, invite students to share their responses to these prompts. Explain that for the next 3-4 days that they will be taking a deep dive into the right to vote and the promotion of free and fair elections because it is central to the maintenance of our democratic-republic.

For an extended lesson on John Lewis and his letter, refer to [this lesson](#) from the New American History project.

Supporting Question 1

The first supporting question—*What does the Constitution say about voting*, is intended to illuminate for students that the right to vote is not *affirmatively* articulated in the Constitution. Instead, the Constitution has been amended over time to prevent states from prohibiting or restricting various groups from voting.

The formative task is for students to identify and explain what the different clauses in the Constitution have to say about voting.

Teachers may implement this task with the following procedures.

Have students use a two-column note structure in which students describe what different clauses of the constitution say and explain how that clause/amendment impacted elections and/or voting rights (see example below).

Clause/Amendment description	Impact
Article I, Section 4 describes how the rules for elections will be run by the states.	This means that there will be different rules for voting depending on what state you live in. This can be good as states innovate in promoting voting rights and fair elections but also could lead to discriminatory practices in some states.

The scaffolds and other materials may be used to support students as they work with sources. You may choose to provide the chart for students that is partially filled out and you may choose to have students define key terms prior to their analysis.

The following sources were selected to address the formative performance task

- **Featured Source A** is the actual text of the relevant clauses in the Constitution.
- **Featured Source B** is a video produced by the NY Times and presented by Mo Rocca that addresses the lack of the right to vote in the Constitution.

Supporting Question 2

The second supporting question--How have elections and the right to vote been threatened over time-- is intended to give students both a historical overview of challenges to voting and our electoral system over time. Students will consider two different types of challenges 1) Threats to people's right (particularly marginalized groups) to vote over time and in our present moment. 2) Threats to electoral integrity through voter fraud.

The formative task is to use the Claim, Support, Question visible thinking routine from Harvard's Project Zero. Teachers may implement this task with the following procedures.

- Students will read/view the sources and make another T-chart with threat to voting/elections on one side and impact on the other side. Here is an example

Threat to voting/elections	Impact
Article 12 of the 1890 Mississippi Constitution	included poll taxes, grandfather clauses, literacy tests as a means to prohibit African American males from voting

- Once students have read/viewed each source, students should work through the following protocol
 - Make a claim about how voting and/or elections have been threatened over time. **A claim is an explanation or interpretation of some aspect of the topic.**
 - Identify support for your claim **Support: Things you see, feel, and know that support your claim.**
 - Ask a question related to your claim **Question: What's left hanging? What isn't explained? What new reasons does your claim raise?**
 - Teachers can [use this template](#) to collect responses.

The following sources were selected to ...

- Featured Source C** is Article 12 of the 1890 Mississippi Constitution because it is illustrative on the types of barriers erected to deny African Americans the franchise.
- Featured Source D** are excerpts from the podcast, Democracy in Danger, which provide more context to the barriers put up to deny African Americans the right to vote. The podcast features historian Carol Anderson from Emory University.
- Featured Source E** is a video from BuzzFeed that describes the history of voter fraud in the United States and how that has threatened election integrity.
- Featured Source F** is a database from the Heritage foundation that documents instances of voter fraud. It is recommended that students filter this database by looking at types of fraud in their state.

Supporting Question 3

The third supporting question—How would a constitutional right to vote impact voting rights and elections?—asks students to evaluate the impact (both positive and negative) of a constitutional amendment to guarantee the right to vote.

Once again, the formative task is to develop a T-chart of the potential positive and negative consequences of establishing an affirmative right to vote in the Constitution.

Teachers may implement this task with the following procedure.

- Students should read through/watch the following sources and identify and list both positive and negative consequences to establishing an affirmative right to vote.
- Once students have read/viewed each source, students should work through the following protocol
 - Make a claim whether an affirmative write to vote should be in the Constitution. **A claim is an explanation or interpretation of some aspect of the topic.**
 - Identify support for your claim **Support: Things you see, feel, and know that support your claim.**
 - Ask a question related to your claim **Question: What's left hanging? What isn't explained? What new reasons does your claim raise?**
 - Teachers can [use this template](#) to collect responses.

The following sources were selected to address the formative performance task.

- **Featured Source G** is the actual text of the joint resolution proposing a right to vote in the Constitution.
- **Featured Source H** is a link to a website of an organization (Fairvote) that supports this Constitutional amendment.
- **Featured Source I** is a link to a NY Times opinion piece by R. Doug Lewis, that argues that localities must maintain control over elections

Summative Performance Task

At this point in the inquiry, students have examined sources that give them a historical background and current controversies related to the right to vote and election.

Students should be expected to demonstrate the breadth of their understanding and their abilities to use evidence from multiple sources to support their claims. In this task, students will use evidence from the features sources to make a claim that either we should or should not have an affirmative right to vote in the Constitution.

Students' arguments will likely vary, but could include any of the following:

- *An affirmative right to vote in the Constitution is necessary to address the many types of voting restrictions being enacted by the states that put up barriers to voting.*
- *A constitutional amendment would give too much control to the federal government and elections should (as constitutionally proscribed) be run by the states and localities.*
- *A constitutional amendment has the potential to address both concerns about voter fraud and voting restrictions.*

To support students in their writing, teachers may point them to their t-charts and their claim, support, and question protocols.

To extend their arguments, students should analyze and evaluate a current election or voting reform proposal.

Students have the opportunity to Take Informed Action by researching the rules and policies of their state and locality related to elections and voting reform. They should also research the positions of various interest groups involved in these issues. Next, students should evaluate the policies of their state and locality. Finally, they should enact one of the suggestions for direct action of one of the interest groups that aligns with their beliefs around voting.

Appendix A: Sources

Source A: Constitution (Article I, Section 4, 15th, 19th, 24th and 26th Amendments)

Article I, Section. 4.

The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

AMENDMENT XV

Passed by Congress February 26, 1869. Ratified February 3, 1870.

Section 1.

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 race, color, or previous condition of servitude--

Section 2.

The Congress shall have the power to enforce this article by appropriate legislation.

AMENDMENT XIX

Passed by Congress June 4, 1919. Ratified August 18, 1920.

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.

Congress shall have power to enforce this article by appropriate legislation.

AMENDMENT XXIV

Passed by Congress August 27, 1962. Ratified January 23, 1964.

Section 1.

The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.

Section 2.

The Congress shall have power to enforce this article by appropriate legislation.

AMENDMENT XXVI

Passed by Congress March 23, 1971. Ratified July 1, 1971.

Note: Amendment 14, section 2, of the Constitution was modified by section 1 of the 26th amendment.

Section 1.


The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

Section 2.

The Congress shall have power to enforce this article by appropriate legislation.

Source B: The Right to Vote- Electoral Dysfunction

In the first episode of an Op-Docs series called "Electoral Dysfunction," the political humorist Mo Rocca explores a curious fact about the U.S. Constitution: why is there no universal right to vote?

 Elections 2012 | The Right to Vote - Electoral Dysfunction | Op-Docs | The New York Times

Source C: Mississippi 1890 Constitution, Article 12

Adapted from

<http://mshistorynow.mdah.state.ms.us/articles/103/mississippi-constitution-of-1890>

Sec. 240. All elections by the people shall be by ballot.

Sec. 241. Every male inhabitant of this State, except idiots, insane persons and Indians not taxed, who is a citizen of the United States, twenty-one years old and upwards, who has resided in this State two years, and one year in the election district, or in the incorporated city or town, in which he offers to vote, and who is duly registered as provided in this article, and who has never been convicted of bribery, burglary, theft, arson, obtaining money or goods under false pretenses, perjury, forgery, embezzlement or bigamy, and who has paid, on or before the first day of February of the year in which he shall offer to vote, all taxes which may have been legally required of him, and which he has had an opportunity of paying according to law, for the two preceding years, and who shall produce to the officers holding the election satisfactory evidence that he has paid said taxes, is declared to be a qualified elector; but any minister of the gospel in charge of an organized church shall be entitled to vote after six months residence in the election district, if otherwise qualified.

Sec. 242. The legislature shall provide by law for the registration of all persons entitled to vote at any election, and all persons offering to register shall take the following oath or affirmation:

"I _____, do solemnly swear (or affirm) that I am twenty-one years old, (or I will be before the next election in this county) and that I will have resided in this State two years, and _____ election district of _____ county one year next preceding the ensuing election [or if it be stated in the oath that the person proposing to register is a minister of the gospel in charge of an organized church, then it will be sufficient to aver therein, two years residence in the State and six months in said election district], and am now in good faith a resident of the same, and that I am not disqualified from voting by reason of having been convicted of any crime named in the constitution of this State as a disqualification to be an elector; that I will truly answer all questions propounded to me concerning my antecedents so far as they relate to my right to vote, and also as to my residence before my citizenship in this district; that I will faithfully support the constitution of the United States and of the State of Mississippi, and will bear true faith and allegiance to the same. So help me God." In registering voters in cities and towns, not wholly in one election district, the name of such city or town may be substituted in the oath for the election district. Any willful and corrupt false statements in said affidavit, or in answer to any material question propounded as herein authorized, shall be perjury.

Sec. 243. A uniform poll tax of two dollars, to be used in aid of the common schools, and for no other purpose, is hereby imposed on every male inhabitant of this State between the ages of twenty-one and

sixty years, except persons who are deaf and dumb or blind, or who are maimed by loss of hand or foot; said tax to be a lien only upon taxable property. The board of supervisors of any county may, for the purpose of aiding the common schools in that county, increase the poll tax in said county, but in no case shall the entire poll tax exceed in any one year three dollars on each poll. No criminal proceedings shall be allowed to enforce the collection of the poll tax.

Sec. 244. On and after the first day of January, A. D., 1892, every elector shall, in addition to the foregoing qualifications, be able to read any section of the constitution of this State; or he shall be able to understand the same when read to him, or give a reasonable interpretation thereof. A new registration shall be made before the next ensuing election after January the first, A.D., 1892.

Sec. 248. Suitable remedies by appeal or otherwise shall be provided by law, to correct illegal or improper registration and to secure the elective franchise to those who may be illegally or improperly denied the same.

Sec. 249. No one shall be allowed to vote for members of the legislature or other officers who has not been duly registered under the constitution and laws of this State, by an officer of this State, legally authorized to register the voters thereof. And registration under the constitution and laws of this State by the proper officers of this State is hereby declared to be an essential and necessary qualification to vote at any and all elections.

Sec. 250. All qualified electors and no others shall be eligible to office as otherwise provided in this constitution.

Sec. 251. Electors shall not be registered within four months next before any election at which they may offer to vote; but appeals may be heard and determined and revision take place at any time prior to the election; and no person who, in respect to age and residence, would become entitled to vote, within the said four months, shall be excluded from registration on account of his want of qualification at the time of registration.

Sec. 253. The legislature may by a two-thirds vote of both houses, of all members elected, restore the right of suffrage to any person disqualified by reason of crime; but the reasons therefor shall be spread upon the journals, and the vote shall be by yeas and nays.

Source D: Podcast- Voting Blocked - 3 clips

Voting Rights, Clip 1

Transcript

Siva Vaidhyanathan [00:00:12] Will, if there's one thing that we can all agree is the bedrock of democracy, it has to be the right to vote. Government by the people doesn't mean a whole lot of the people can't express their will, can't choose their leaders. But, of course, the history of voting rights in America is spotty at best.

Will Hitchcock [00:00:32] Spotty is one word for it. I mean, it's easy to forget that the right to vote was not enshrined in the U.S. Constitution. Siva Vaidhyanathan [00:00:39] It still isn't.

Will Hitchcock [00:00:41] The states were left to decide who could vote, and most of them limited voting to white property owning men. I mean, it would take a civil war, untold bloodshed to abolish slavery, and then with the 15th Amendment to guarantee suffrage to freed slaves. And that was in 1870.

Siva Vaidhyanathan [00:01:01] And it wasn't until 1920. In fact, one hundred years ago that women gained the right to vote throughout the country and that took the 19th Amendment.

Will Hitchcock [00:01:11] But the devil is always in the details and from the Jim Crow era onward. We've seen all sorts of nefarious efforts to undermine black voting rights. I mean, everything from poll taxes to literacy tests. More recently, as we discussed with Elizabeth Hinton on an earlier episode, the way that mass incarceration is also a form of disenfranchisement.

Siva Vaidhyanathan [00:01:32] You know, we we thought we had solved a lot of these problems way back in 1965, when Congress passed and President Johnson signed the Voting Rights Act. And the Voting Rights Act directly addressed a lot of the more blatant obstacles to voting that powers that be set up in this country. And right now, in 2020, we're witnessing a brazen attempt to sabotage mail in voting with bogus assertions about fraud at a moment when mail in voting might be essential to help limit the spread of coronavirus. And the federal government seems to be committed to gutting the U.S. Postal Service, actually ripping mailboxes out of the ground to make it harder for citizens to cast their ballots.

Voting Rights, Clip 2

Siva Vaidhyanathan [00:04:29] Well, Carol, that the dark arts of voter suppression has deep history and we know some of the basic outlines of it. You mentioned the 1965 Voting Rights Act. Let's go back before that, though, I think I would love to hear a primer on all of the classic methods of voter suppression, the sorts of strategies, devices, laws, restrictions, norms, threats that kept people, mostly black people, from voting before 1965.

Carol Anderson [00:05:00] Oh, you have so hit my wheelhouse. And I'm going to take us to the Mississippi Plan of 1890 because we had the 15th Amendment in 1870. That said, the state shall not abridge the right to vote on account of race, color or previous condition of servitude. African Americans - African-American men were registering to vote at just these enormous levels, 80 to 90 percent voter registration rates in the South. And as a massive economic downturn hit the United States, poor whites and poor blacks began to work together politically to change the power structure in the U.S. so that policymakers weren't just trying to figure out how to siphon off all of the dollars to the uber rich. Well, the Mississippi state legislature looked at and said, lord, we've got to stop this. And they came up with the Mississippi Plan of 1890 because they didn't want black people to vote. But the 15th Amendment makes it really hard to write a law saying we don't want black people to vote. So they said, wait, wait, wait, wait. We've got this. We know how to do this. We're gonna take the societally imposed conditions on African-Americans and make those conditions the access to the ballot box. And we're going to make it all sound legitimate. And so they created a series of policies. One was the poll tax. The language said democracy is expensive. You know, you've got all these elections. You have to have people taking the ballots, counting the ballots, places for the ballots to be. I mean, all of it, all of it is. And so if you really believed in democracy, you would be willing to pay a small fee, a poll tax, to ensure that democracy ran smoothly. So you see right there in that rhetorical device, it puts the onus for valuing democracy on the individual and not on the state to run free and fair elections. First thing. Then the second thing in that is that after centuries of unpaid labor, followed by the Black Codes, after the Civil War which reinstalled slavery by another name, then followed by sharecropping, the access to income that the poll tax required was just impossible. And also because the poll tax required payment and cash for sharecroppers who were paid later in the year, they didn't have cash when the poll tax was due. The poll tax, while sounding nominal, is just a small fee actually amounted to two to six percent of a Mississippi farm family's annual income well.

Will Hitchcock [00:07:52] And on top of that, there's literacy tests of various creative kinds. Right?

Carol Anderson [00:07:57] Exactly. I call it legislative evil genius because it said: OK, if the poll tax doesn't get them the literacy test will. If the literacy test doesn't get them the grandfather clause will. If the grandfather clause doesn't get them the good character clause will. If the good character clause doesn't give them the understanding clause will. So the Mississippi plan is made up of a multitude of different policies.

▶ Voting Rights, Clip 3

Just remind us, like, why 1965? Why did this happen then? And what was the key? Innovative, you know, dimension of this of this new law?

Carol Anderson [00:08:53] Absolutely. We had an incredible civil rights movement which was designed to break Jim Crow. And one of the major organizing principles of the civil rights movement was the right to vote. In some counties in Alabama, Mississippi and Georgia, you had zero percent of African-Americans registered to vote. Zero. In Dallas County, where Selma is, was .07 percent of age eligible African-Americans were registered to vote. They had been mobilizing for years. And finally, we get this cataclysm on the Edmund Pettus Bridge. We see the images, the beating, the tear gas, the horses trampling over nonviolent protesters. And the cameras are rolling. That footage from Bloody Sunday was so powerful that ABC cut into its movie of the week to show the images. It began to destabilize the narrative of America as a democracy because the people began to see, oh, my God, this is what happens when people are just trying to register to vote. That and then the subsequent bludgeoning death of Reverend James Reeb in Selma led to the Voting Rights Act of 1965. What made that piece of legislation so landmark was that it preempted the implementation of racist voter laws. You had to have what they called preclearance. So it said if fewer than 50 percent of your age eligible adults are registered to vote, any voting law that you try to implement has to first be approved by the U.S. Department of Justice or by the federal courts. Preclearance worked. Just to give you an example, in early 1960, only five percent of age eligible black Mississippians were registered to vote. Five percent in Mississippi. Two years after the Voting Rights Act, it was almost 60 percent. That's a game changer.

Will Hitchcock [00:11:09] That is a seismic shift, as you rightly say. An incredible shift.

Siva Vaidhyanathan [00:11:14] So how effective was the Voting Rights Act? I mean, after 1965? Were things good? I mean, were things significantly, measurably better? And how do we end up where we are today after that moment where, you know, we thought as a country where we're taking this problem seriously.

Carol Anderson [00:11:35] So the Voting Rights Act was so good that it immediately had the crosshairs put on it because it was a threat to the political power of white supremacy. South Carolina came after it immediately saying the Voting Rights Act violated states rights. They're trying to have black registrants do the literacy test, which the Voting Rights Act outlawed. And the Supreme Court said no, the Voting Rights Act is good law and you need to get in line. So then Mississippi and Virginia came after. OK, so we're not trying to do a literacy test. We're just trying to do these little tweaks. That's all...just these little tweaks. Like positions like the superintendent of education that used to be an elected position, we just want to appoint them now. Well, the Supreme Court said not today, son. The Voting Rights Act goes not only for the big stuff, but also for the subtle stuff. The right to vote is important and it shall not be messed with. But there were these reauthorizations in every reauthorization you would see on one hand, the franchise being expanded. So by 1975, they are including language so that if you have language minorities, then the ballots need to be in those languages as well. This is a good thing. This is opening up the vibrancy of American democracy. So how did Barack Obama get into the White House? There were a sizable number of whites who voted for him, not the majority, but he had an incredible ground game and brought millions of new voters, registered them and got him to the polls. They were overwhelmingly African-American, Hispanic, Asian American, the young and the poor. That would become the hit list for voter suppression.

Source E: [The History of Voter Fraud Video](#)

THE HISTORY OF VOTER FRAUD

Source F: [Voter Fraud Database](#)
 Search

Refine by State

- Any -

Refine by Disposition Year

- Any -

Refine by Type of case

- Any -

Refine by Type of fraud

- Any -

STATE	YEAR	NAME	CASE TYPE	FRAUD TYPE	DETAILS
California	2021	Neil Kitchens	Criminal Conviction	False Registrations	▼
California	2021	Alex Campbell	Criminal Conviction	False Registrations	▼
California	2021	Caesar Peter Abutin	Diversion Program	Fraudulent Use Of Absentee Ballots	▼
Colorado	2021	Jan (Wilson) Cumber	Criminal Conviction	Duplicate Voting	▼
Kansas	2021	Steve Watkins	Diversion Program	False Registrations	▼
Michigan	2021	Paul Parana	Criminal Conviction	Fraudulent Use Of Absentee Ballots	▼

Source G: [House Joint Resolution 74](#)

Proposing an amendment to the Constitution of the United States regarding the right to vote.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States after the date of its submission for ratification:

“Article —

“Section 1. Every citizen of the United States, who is of legal voting age, shall have the fundamental right to vote in any public election held in the jurisdiction in which the citizen resides.

“Section 2. Congress shall have the power to enforce and implement this article by appropriate legislation.”.

Source H: [Fairvote Right to Vote Website](#)

WHY REFORM? ▾

RANKED CHOICE VOTING ▾

RESOURCES ▾

ADVOCACY ▾

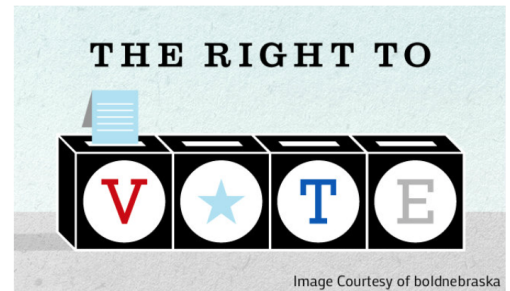
MEDIA ▾

ABOUT US ▾

Right to Vote Amendment

Voting is an American principle and a basic democratic right that should be protected, promoted, and practiced, which is why many people are surprised to learn that the U.S. Constitution provides no explicit right to vote. This leaves voting rights vulnerable to the whims of politicians, and some citizens with fewer rights than others.

More than a decade ago, FairVote became the leading institutional voice calling for the establishment of an explicit individual right to vote in the U.S. Constitution. We believe that a grassroots movement to establish such an amendment would go a long way in ending the "voting wars" that plague us today. FairVote continues to serve as a trusted resource in support of activists, organizations, and elected officials working toward a right to vote



Source I: [Opinion: Local Officials Must Remain in Control of Elections](#)

R. Doug Lewis is the executive director of the [National Association of Election Officials](#).

UPDATED NOVEMBER 9, 2012, 2:48 PM

Whenever partisans decide that they don't like the election practices fostered by state legislatures, there is a push to get Congress to pass national election laws. The clarion call is that we need "uniformity," forgetting all the benefits and strengths of our diversity.

The genius of American democracy is its bottom-up approach to making elections work for its citizens. Federal elections (a misnomer because all but the president and vice president represent individual states or districts) comprise 435 U.S. House members, 100 U.S. senators and a president and vice president. Total number of elected offices: 537. According to the Census data, there are more than 87,000 local and state governments constituting more than 511,000 offices.

Having the federal government trying to run elections for local and state governments is simply not a wise decision when virtually all the elections are for local governing bodies.

America's founders, who had lived under the tyranny of central control, determined that the best way to prevent autocratic control of elections was to make sure that the decisions were made at the state and local level. They so distrusted strong central control that they made it exceedingly difficult for the federal government to have a major function in the election process.

While that has led to a system that can differ from state to state, it has also meant that it is very difficult to steal or manipulate an election in the U.S. Because there are so many variations of election practices, it has the practical impact of protecting the integrity of elections. The value of that feature alone should not be underestimated.

The voters in Louisiana love their top two candidates system. Oregon's voters love their vote by mail. Texas voters love early in-person voting. Some states love electronic voting, and other states love paper ballots. The point is that the voters of each state seem to prefer the method of voting that they are used to, which was designed by and for their citizens.

American democracy works exceedingly well throughout the United States and in local communities because the men and women administering the process are part of that community. Since 2004 surveys show that 86 to 92 percent of voters have confidence that their vote was counted fairly and accurately. That is a very strong endorsement for keeping the process administered at the local level under state laws and practices.

Appendix B: Student Organizers

Supporting Question 1

Use a two-column note structure in which students describe what different clauses of the constitution say and explain how that clause/amendment impacted elections and/or voting rights (see example below).

Clause/Amendment description	Impact
Article I, Section 4 describes how the rules for elections will be run by the states.	This means that there will be different rules for voting depending on what state you live in. This can be good as states innovate in promoting voting rights and fair elections but also could lead to discriminatory practices in some states.

Supporting Question 2

1. Use the sources and to construct a T-chart with threat to voting/elections on one side and impact on the other side.

Threat to voting/elections	Impact
Grandfather clauses in the Mississippi Constitution	These clauses were specifically included to disenfranchise African Americans whose grandfathers were prohibited from voting.

Once you have completed the chart

- Make a claim about how voting and/or elections have been threatened over time. **A claim is an explanation or interpretation of some aspect of the topic.**
- Identify support for your claim **Support: Things you see, feel, and know that support your claim.**
- Ask a question related to your claim **Question: What's left hanging? What isn't explained? What new reasons does your claim raise?**
- Teachers can [use this template](#) to collect responses.

Claim	Support	Question

Supporting Question 3

Use the following sources to identify and list both positive and negative consequences to establishing an affirmative right to vote in the Constitution

Positive consequences	Negative consequences

Once you have read/viewed each source, students should work through the following protocol

- Make a claim whether an affirmative write to vote should be in the Constitution. **A claim is an explanation or interpretation of some aspect of the topic.**
- Identify support for your claim **Support: Things you see, feel, and know that support your claim.**
- Ask a question related to your claim **Question: What's left hanging? What isn't explained? What new reasons does your claim raise?**
- Teachers can [use this template](#) to collect responses.

Claim	Support	Question