"Treats Democrats and Republicans respectfully ... [a] colorful, nonpartisan documentary"
— THE NEW YORK TIMES

"Extremely enlightening ... every American — and every student — should see this film!"
— MICHELLE HERCZOG, FORMER NCSS PRESIDENT

Classroom Edition

Electoral Dysfunction

With Mo Rocca

Article VI

Endorsed by National Council for the Social Studies

Curriculum Guide

American Bar Association Silver Gavel Award Winner

Chicago International Film Festival Television Competition Winner

2012 Republican and Democratic National Conventions Dual Premiere

Public Broadcasting Service (PBS) National Broadcast

WINNER
WINNER
DUAL PREMIERE
NATIONAL BROADCAST
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Viewing Electoral Dysfunction
The 36-minute Classroom Edition of Electoral Dysfunction is available at no charge online as well as on DVD for viewing in middle school and high school classrooms. Visit www.electoraldysfunction.org/classroom to watch online or to request a DVD.
Pop quiz:
Which of the following countries does not guarantee its citizens the right to vote?
   a) Iran
   b) Libya
   c) The United States
   d) All of the above

If you guessed “all of the above,” you’re right. Yes, the United States is one of only a handful of nations whose constitution does not explicitly provide the right to vote. (Singapore is another, but they don’t even allow you to chew gum on the street.)

I’m guessing you’re surprised. I know I was. Think of all the hard work our Founders put in — the revolutionizing, the three-fifths compromising, the having to write the entire Constitution with a quill — and they neglected to include the right to vote. (I know, it was a long, hot summer. Hard to stay focused.) It got me thinking: What else don’t I know about voting in our country? How does voting really work — or sometimes not work — in the U.S. of A.?

So naturally I did what any concerned citizen would do when trying to get to the bottom of things: I took a road trip across America. Along the way, I met all kinds of people at the heart of our nation’s elections — voters, election workers, elected officials, even “electors” (you know, the guys and gals who end up picking the President). Of course, no road trip is complete without a bus full of nuns turned away at the polls. (More on that later.) Spoiler alert: The way we run elections in this country is totally wacky. What we think of as our “electoral system” is a crazy quilt of local, state, and federal systems. Thirteen thousand different voting districts, in fact, each with its own rules and regulations. In Iowa and Minnesota, you can register and cast a ballot on the very same day. In Texas and Pennsylvania, you’ve got to be on the voter rolls a month before an election. In North Dakota, you don’t even have to register — you just vote. In Oregon there’s no actual place to show up and vote — you do it all by mail. And if you live in D.C., you can vote for President but not for Senator. Instead, your “voice” in Congress is called a Delegate, and she’s not allowed to vote on the House floor. During my road trip, I met her — Delegate Eleanor Holmes Norton — and she pointed out that taxation without representation remains a reality for 600,000 Americans who happen to live in our nation’s capital. (Ah, irony.)

Then there’s the Electoral College, without question the country’s most elite institution. As you probably know, when you and I vote for President, we’re actually voting for a select few who vote for President for us. And who are these men and women, these stewards of our electoral destiny? They’re people like Ben Leatherbury of Salem, Indiana. He’s a really nice guy — who was nineteen years old when he served as an elector.
I also met folks like Tom Tancredo, an outspoken former Congressman from Colorado and onetime presidential candidate. He’s not shy about saying that voting isn’t a right but rather a privilege to be earned. Tancredo believes that Americans should have to pass a civics literacy test before being allowed to cast ballots, even if it’s not a very tough one: “I don’t care if we publish the test on great big billboards and tell them what the answers are,” he told me. “I don’t care. I just want [voters] to know something about the government that they’re voting on!”

Then there are those nuns I was telling you about — a group of eighty- and ninety-year-old sisters in South Bend, Indiana, who tried to vote at the same place they’d voted for years, but didn’t have valid state-issued photo identification. Yes, election officials carded a group of elderly nuns and turned them away. That incident got me thinking: Do stringent ID laws, now on the books in a growing number of states and upheld by the U.S. Supreme Court, hurt or help our electoral system? Do they deter voter impersonation, as proponents argue, or do they make it harder for qualified voters to actually vote, as critics charge? That’s one of the questions we explore in the film.

But while some people are being turned away from voting, millions of others haven’t even managed to register. Guess how many? Five million? Ten million? Try fifty. That’s right: fifty million people, or one in every four eligible voters. (And let’s take bets on how many of those vote regularly on American Idol, or at least on The Voice.) John Fortier, a scholar with The American Enterprise Institute and the Bipartisan Policy Center, put it to me this way: “I think both sides would agree that our registration system is broken.”

One of those unregistered voters — until recently, anyway — was Flo Perkins of North Vernon, Indiana. After serving her sentence for a felony conviction incurred several decades earlier, Flo thought she wouldn’t be allowed to vote in Indiana. (That is the case in some states, like neighboring Kentucky.) After get-out-the-vote organizers knocked on her door and informed her that she was, in fact, eligible to vote, Flo registered, and I went with her as she cast a ballot for the first time in her life. It was a very emotional day for Flo, who, as she fed her ballot into the optical scanner, asked: “Does it shred them as they go through?”

“Fifty million people — or one in every four eligible voters — haven’t managed to register.”
The answer is no — at least not when the machines are working. But too often, they don’t. Some of us experience voting-machine failures that result in long lines on Election Day, but that’s hardly the most important consequence. As Lawrence Norden of The Brennan Center for Justice told me, tens of thousands of ballots aren’t counted due to problems with voting technology and ballot design. And in some cases, these glitches affect the outcome of elections. So here’s a head-scratcher: My iPhone can do just about anything except pick itself up and walk on over to the voting booth, and yet we can’t manage to make a voting machine that’s consistently reliable?

So how do we tackle these problems? I certainly don’t have all the answers — but I do believe that the first step toward fixing the flaws in our voting system is understanding where these problems come from and what their impact really is. And I hope that just as my journey sparked in me a real curiosity about our nation’s electoral system, this classroom edition of Electoral Dysfunction will get students talking and thinking about voting and voting rights in America — and about the role they can play in improving our electoral system and strengthening our democracy. Because when it comes to constitutional guarantees and such, shouldn’t we be keeping better company than Libya and Iran? I mean, sure, they’re nice places to visit — but I wouldn’t want to get stuck without a vote there.

Mo Rocca, the host of Electoral Dysfunction, is an Emmy-winning political humorist. Rocca is a Correspondent for CBS Sunday Morning; a panelist on NPR’s Wait, Wait … Don’t Tell Me; and a former Correspondent for The Daily Show with Jon Stewart.
Electoral Dysfunction is an extraordinary film, and I am so pleased that these lessons and the film are available at no charge for classroom use.

Why do I think this project is so important? We know from recent research by The Center for Information & Research on Civic Learning and Engagement (CIRCLE) that educators who teach about voting are more likely to produce young people who actually vote. A shocking number of young people report that they didn’t learn anything about voting in school. They didn’t learn how to vote; they didn’t learn why to vote; and they didn’t learn, most importantly, about the issues that are animating campaigns. This is really critical, because the only place we can reach all young people is in school. In some other countries, voter education is not in the hands of the schools; in the United States, however, it is. So we must do it. We must resist the temptation that some parents and some administrators have to throw politics out of schools. I’ve heard recently about schools that have banned mock elections because parents didn’t want their kids to vote for a candidate the parents don’t support — or because the principal thought the mock election was going to create controversy. And I thought, If we’re at the point where we’re banning mock elections in schools, then we are really in a crisis. If we don’t teach young people about voting, many of them are not going to vote.

Secondly, a number of states have lowered the voting age: If you’re going to be 18 in time for the general election, you can vote in the primary. What that means for schools in these 19 states* is that almost 100 percent of seniors will be able to vote in years when there’s a primary. And there’s nothing that better motivates people to learn about voting than actually getting ready to make a voting decision for themselves. So we’ve been handed a golden opportunity. This law has been passed in red states and in blue states — and it needs to be passed in every state. In Illinois, it passed because students at Stevenson High School and their government teachers organized a campaign to get it done.

I think every civics teacher and government class has the capacity to work toward — or to heighten awareness of — that kind of state-level reform. (To explore this issue in more depth, see the activity on page 66 of this guide.)

I hear teachers say, “But being a good citizen is not just about voting,” and that’s true — there are lots of other things good citizens do. But we must teach first and foremost about voting, and then I think we need to address a critically important and related citizen activity: running for office. In my teacher-education classes at the University of Wisconsin — filled with educators who want to teach social studies at middle and high schools — I always ask in the very first class: “How many of you think you’ll run for office some day?” And they look at me as if I said, “How many think you’re going to be student-teaching naked?” It’s just so improbable to them. They’ve never been asked that; they’ve never thought about it. I use that as a way to talk about how important it is to think carefully about the fact that we’re not just preparing young people to vote. Our job as social studies teachers is also to prepare people to want to run for office, even — or perhaps especially — in this time when there is a lot of cynicism about politicians.

Teachers have to be very careful not to demonize politicians in the classroom. It’s sometimes hard not to, but we have to resist the temptation. We have pretty good evidence about the negative effect that teacher cynicism has on what young people think about participating. Although Electoral Dysfunction highlights problems in our electoral system, it also shows people working extremely hard to make the system function effectively, including county clerks, poll workers, get-out-the-vote volunteers, and others. We have to put those people — and elected leaders from both sides of the aisle who are doing a fabulous job — in front of young people. It’s really important to get elected leaders to talk about why they ran for office, why they think it’s important, and why they want young people to think about doing it, as well.

Given its highly engaging approach and its accessible tone, Electoral Dysfunction and this curriculum can be important tools for teaching about voting, about people who work hard to improve our electoral system, and about how students can get involved in making the voting system work better for all Americans. As the film’s host, Mo Rocca, points out at the end of his journey: “Voting matters.” It’s a simple — and profound — message that we need to impart to our students.

“\textit{A number of states have lowered the voting age ... We've been handed a golden opportunity.}”

This preface is adapted from remarks given at a panel discussion of Electoral Dysfunction at the 2014 National Council for the Social Studies Conference in Boston. Diana Hess, a former Senior Vice President of Spencer Foundation, is the author of several books, including Controversy in the Classroom and, most recently, The Political Classroom: Evidence and Ethics in Democratic Education, co-authored with Paula McAvoy and published by Routledge in 2014.
Voting is an essential element of democracy, arguably the most important method of engaging citizens in self-governance. More Americans vote than write to their representatives, testify at public hearings, run for office, or take part in peaceful protests. (Of course, many Americans eligible to vote choose not to do so.)

But how aware are Americans of exactly how elections are run? Do Americans — young and old alike — understand, for example, how the Electoral College works and why it was created, the striking differences in voting requirements across the country, and the ways in which various state-based initiatives, such as voter ID legislation, affect who can and cannot vote? Anecdotal evidence presented in Electoral Dysfunction suggests they do not. Yet they may have some suspicion that all is not as it should be: Survey data indicate that significant numbers of Americans are concerned enough about how the system works to question whether election results accurately reflect the will of the people (Bassetti 2012).

Education must play a role not only in preparing young people to be voters, but also in ensuring that they understand problems and challenges related to voting and elections. Demonstrating a relationship among strong education, voting, and being informed, a recent study from the Center for Information & Research on Civic Learning and Engagement (CIRCLE) found that young people who vote are better informed than those who do not — but they still have gaps in their understanding of government and campaign issues. Young people who recalled receiving high-quality civic education as part of their schooling are more likely to vote, to have political opinions, to know the issues, and to have general knowledge of the political system (CIRCLE Staff 2013).
INTRODUCTION

Goals of the Curriculum

We recognize that many classrooms include students who have entered the United States without authorization. These students may see voting as irrelevant to them because they will not be able to vote unless they obtain the necessary documentation. But every member of society — whether a voting citizen or not — is affected by elections; one need only look at state laws about immigration passed in recent years or at President Barack Obama’s executive actions on the issue to identify an example with particular relevance to immigrants. Thus, all students, regardless of status, should learn about election-related issues and the skills for advocating on those issues.

Furthermore, education about elections must be part of the curriculum every year. Many teachers are most likely to teach about the topic during presidential election years. Yet elections occur annually, and though local and state elections may not have the “sizzle” of the presidential contest, the results often have a more immediate impact on people’s day-to-day lives. In addition, Americans who want to see reform in the electoral system know that their efforts must be ongoing.

Thus, we urge educators to make teaching about voting and elections — using Electoral Dysfunction and other resources — a part of their curriculum every year.

Goals of the Curriculum

This curriculum guide has three overarching goals: (1) to help students identify problems and challenges in America’s electoral system and explain the underlying reasons for these problems; (2) to encourage students to analyze and discuss policy options for addressing electoral problems; and (3) to motivate and provide opportunities for students to advocate for their positions on these issues. Particular elements of the curriculum have more specific knowledge, skill, and civic-action objectives, but all of them tie back to these three key purposes.

Education must play a role not only in preparing young people to be voters, but also in ensuring that they understand problems and challenges related to voting and elections.

The curriculum’s goals and objectives support achievement of the Common Core State Standards in English Language Arts and Literacy in History/Social Studies, as well as the C3 Framework for Social Studies State Standards and the National Standards for Civics and Government. The tables on the following pages show standards from those documents that are addressed by the Electoral Dysfunction curriculum. Teachers may want to create a similar correlation for their state social studies or civics/government standards.
## Key Ideas and Details

**CCSS.ELA-LITERACY.CCRA.R.1** Read closely to determine what the text says explicitly and to make logical inferences from it; cite specific textual evidence when writing or speaking to support conclusions drawn from the text.

**CCSS.ELA-LITERACY.CCRA.R.2** Determine central ideas or themes of a text and analyze their development; summarize the key supporting details and ideas.

## Craft and Structure

**CCSS.ELA-LITERACY.CCRA.R.6** Assess how point of view or purpose shapes the content and style of a text.

## Integration of Knowledge and Ideas

**CCSS.ELA-LITERACY.CCRA.R.7** Integrate and evaluate content presented in diverse media and formats, including visually and quantitatively, as well as in words.

**CCSS.ELA-LITERACY.CCRA.R.8** Delineate and evaluate the argument and specific claims in a text, including the validity of the reasoning as well as the relevance and sufficiency of the evidence.

**CCSS.ELA-LITERACY.CCRA.R.9** Analyze how two or more texts address similar themes or topics in order to build knowledge or to compare the approaches the authors take.

## Text Types and Purposes

**CCSS.ELA-LITERACY.CCRA.W.1** Write arguments to support claims in an analysis of substantive topics or texts using valid reasoning and relevant and sufficient evidence.

**CCSS.ELA-LITERACY.CCRA.W.2** Write informative/explanatory texts to examine and convey complex ideas and information clearly and accurately through the effective selection, organization, and analysis of content.

## Production and Distribution of Writing

**CCSS.ELA-LITERACY.CCRA.W.4** Produce clear and coherent writing in which the development, organization, and style are appropriate to task, purpose, and audience.

## Research to Build and Present Knowledge

**CCSS.ELA-LITERACY.CCRA.W.7** Conduct short as well as more sustained research projects based on focused questions, demonstrating understanding of the subject under investigation.

**CCSS.ELA-LITERACY.CCRA.W.9** Draw evidence from literary or informational texts to support analysis, reflection, and research.

## Range of Writing

**CCSS.ELA-LITERACY.CCRA.W.10** Write routinely over extended time frames (time for research, reflection, and revision) and shorter time frames (a single sitting or a day or two) for a range of tasks, purposes, and audiences.

## Comprehension and Collaboration

**CCSS.ELA-LITERACY.CCRA.SL.1** Prepare for and participate effectively in a range of conversations and collaborations with diverse partners, building on others’ ideas and expressing their own clearly and persuasively.

**CCSS.ELA-LITERACY.CCRA.SL.2** Integrate and evaluate information presented in diverse media and formats, including visually, quantitatively, and orally.

## Presentation of Knowledge and Ideas

**CCSS.ELA-LITERACY.CCRA.SL.4** Present information, findings, and supporting evidence such that listeners can follow the line of reasoning and the organization, development, and style are appropriate to task, purpose, and audience.

**CCSS.ELA-LITERACY.CCRA.SL.5** Make strategic use of digital media and visual displays of data to express information and enhance understanding of presentations.
### College, Career & Civic Life: C3 Framework for Social Studies State Standards

<table>
<thead>
<tr>
<th>DIMENSION 1</th>
<th>DIMENSION 2</th>
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<tr>
<td>Developing Questions and Planning Inquiries</td>
<td>Applying Disciplinary Concepts and Tools</td>
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</table>

#### Constructing Compelling Questions

**INDIVIDUALLY AND WITH OTHERS, STUDENTS:**
- Construct compelling questions and explain how a question reflects an enduring issue in the field.
- Construct compelling questions and explain points of agreement and disagreement experts have . . .

#### Constructing Supporting Questions

**INDIVIDUALLY AND WITH OTHERS, STUDENTS:**
- Construct supporting questions and explain points of agreement and disagreement experts have . . .

#### Determining Helpful Sources

**INDIVIDUALLY AND WITH OTHERS, STUDENTS:**
- Determine the kinds of sources that will be helpful in answering compelling and supporting questions

#### Civic and Political Institutions

**INDIVIDUALLY AND WITH OTHERS, STUDENTS:**
- Distinguish the powers and responsibilities of local, state, tribal, national, and international civic and political institutions.
- Analyze the role of citizens in the U.S. political system . . .
- Analyze the impact of constitutions . . . on the maintenance of national and international order.
- Evaluate citizens’ and institutions’ effectiveness in addressing social and political problems at the local, state, tribal, national, and/or international level.

#### Participation and Deliberation

**INDIVIDUALLY AND WITH OTHERS, STUDENTS:**
- Evaluate social and political systems in different contexts, times, and places that promote civic virtues and enact democratic principles.
- Use appropriate deliberative processes in multiple settings.
- Analyze the impact and the appropriate roles of personal interests on the application of civic virtues, democratic principles, constitutional rights, and human rights.

#### Processes, Rules, and Laws

**INDIVIDUALLY AND WITH OTHERS, STUDENTS:**
- Evaluate multiple procedures for making governmental decisions at the local, state, national, and international levels in terms of the civic purposes achieved.
- Analyze how people use and challenge local, state, national, and international laws to address a variety of public issues.
- Evaluate public policies in terms of intended and unintended outcomes and related consequences.
- Analyze historical, contemporary, and emerging means of changing societies, promoting the common good, and protecting rights.
## College, Career & Civic Life: C3 Framework for Social Studies State Standards

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<thead>
<tr>
<th>DIMENSION 3</th>
<th>DIMENSION 4</th>
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<tr>
<td><strong>Evaluating Sources and Using Evidence</strong></td>
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</table>
| **Gathering and Evaluating Sources**  
INDIVIDUALLY AND WITH OTHERS, STUDENTS: |
| ■ Gather relevant information from multiple sources . . . |
| ■ Evaluate the credibility of a source by examining how experts value the source. |
| **Developing Claims and Using Evidence**  
INDIVIDUALLY AND WITH OTHERS, STUDENTS: |
| ■ Refine claims and counterclaims attending to precision, significance, and knowledge . . . |
| **Communicating Conclusions and Taking Informed Action** |
| **Writing, Visualizing and Speaking**  
INDIVIDUALLY AND WITH OTHERS, STUDENTS: |
| ■ Construct arguments using precise and knowledgeable claims . . . |
| ■ Construct explanations. |
| ■ Present adaptations of arguments and explanations . . . on issues and topics to reach a range of audiences and venues outside the classroom . . . |
| ■ Critique the use of claims and evidence in arguments for credibility. |
| ■ Critique the use of the reasoning, sequencing, and supporting details of explanations. |
| **Taking Informed Action**  
INDIVIDUALLY AND WITH OTHERS, STUDENTS: |
| ■ Use disciplinary and interdisciplinary lenses to understand the characteristics and causes of local, regional, and global problems . . . |
| ■ Assess options for individual and collective action to address local, regional, and global problems by engaging in self-reflection, strategy identification, and complex causal reasoning. |
| ■ Apply a range of deliberative and democratic strategies and procedures to make decisions and take action in their classrooms, schools, and out-of-school civic contexts. |
### National Standards for Civics and Government

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<th>II.</th>
<th>III.</th>
<th>V.</th>
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<tbody>
<tr>
<td>I.</td>
<td>What are civic life, politics and government?</td>
<td>What are the foundations of the American political system?</td>
<td>How does the government established by the Constitution embody the purposes, values, and principles of American democracy?</td>
<td>What are the roles of the citizen in American democracy?</td>
</tr>
<tr>
<td>A.</td>
<td>What is civic life? What is politics? What is government?</td>
<td>Why are government and politics necessary? What purposes should government serve?</td>
<td>A. How are power and responsibility distributed, shared, and limited in the government established by the United States Constitution?</td>
<td>A. What is citizenship?</td>
</tr>
<tr>
<td>B.</td>
<td>What are the distinctive characteristics of American society?</td>
<td></td>
<td>B. How is the national government organized and what does it do?</td>
<td>B. What are the rights of citizens?</td>
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<tr>
<td>C.</td>
<td>What is American political culture?</td>
<td></td>
<td>C. How are state and local governments organized and what do they do?</td>
<td>C. What are the responsibilities of citizens?</td>
</tr>
<tr>
<td>D.</td>
<td>What values and principles are basic to American constitutional democracy?</td>
<td></td>
<td>D. What civic dispositions or traits of private and public character are important to the preservation and improvement of American constitutional democracy?</td>
<td>D. What civic dispositions or traits of private and public character are important to the preservation and improvement of American constitutional democracy?</td>
</tr>
<tr>
<td>E.</td>
<td>What are the nature and purposes of constitutions?</td>
<td></td>
<td>E. How does the American political system provide for choice and opportunities for participation?</td>
<td>E. How can citizens take part in civic life?</td>
</tr>
</tbody>
</table>
Using the Curriculum

This guide is designed to provide maximum flexibility for teachers. Resources are provided to support showing the film in a two- or three-day format that allows students to engage with electoral issues generally and to explore one issue raised in the film in more depth. But teachers can involve students in a longer study by exploring additional issues and having students take action around electoral issues. On the other hand, for teachers who want a one-class-period experience, short video editorials, called Op-Docs, are available, along with compact lessons provided to support their use. Also available are primary-source documents related to selected topics covered in the film.

The guide is also flexible in terms of who can use it. Several activities offer two versions of the same text, with the goal of engaging students at different levels of reading proficiency. The reading level for most student materials averages grade 9, making the material accessible for many students in middle school while remaining interesting enough for high-schoolers. Shorter passages that are more challenging can be read and interpreted as a class before less proficient readers use the information from the passage in an interactive activity. The one exception may be some of the more challenging primary sources in “Documenting Electoral Dysfunction.” Here, teachers will, as always, have to use their professional judgment as to which sources are suitable for their students.

Of course, high school seniors in a government course will be able to analyze issues and concepts in greater depth than seventh-graders studying current events. Experience using the materials with students in middle school has, however, confirmed that students at the middle level can engage with the issues and lessons presented in this guide in a meaningful way. The high interest level of the material presented, the interactive nature of the instructional strategies, and the many options available for teachers combine to make the program suitable for teachers and students in both middle and high school. Of course, we recognize that teachers will make adaptations to maximize the lessons’ usefulness with their students. In fact, we encourage teachers to let us know about successful adaptations they make by emailing us at info@electoraldysfunction.org.

“The Electoral Dysfunction in the Classroom” is the core of the guide. It includes the following pieces:

- **Engaging Students with Electoral Issues:** A quick “hook” activity to get students thinking about some of the issues they will encounter in the film. Essentially, this activity activates prior knowledge and prepares students to learn more.

- **Viewing Electoral Dysfunction:** A viewing guide with discussion questions for use after students have seen the film; for teachers who prefer it, we provide a graphic organizer (shown above) as an alternative device for note-taking.
**Exploring the Issues:** Four one- to two-day lessons, each exploring one of the many issues raised in *Electoral Dysfunction*. The topics addressed include who gets to vote; standardization of election laws, rules, and practices versus federalism; voter ID laws; and the Electoral College. Each lesson uses an interactive teaching strategy reflecting best practices in civic education and requiring students to use critical thinking and communication skills. Each lesson ends with at least one suggestion for having students advocate for their position on the issue under study. Teachers can use from one to four of these lessons depending on the time available.

**Taking Action:** Suggestions for how to engage students in advocating for their views on electoral issues and participating in the electoral process through registering voters, serving as poll workers, and related activities.

Additional resources provided in the guide include compact (one-day) lessons for use with the four Op-Docs developed by the filmmakers for *The New York Times*’ video series. These short documentaries focus on the right to vote, voter ID laws, the Electoral College, and ballot design. Each lesson includes a brief “grabber” to stimulate student interest, viewing of the Op-Doc (about 5 minutes in length), and an interactive strategy for further exploration of the issue. A second resource section presents selected documents related to voting history in the United States, along with suggestions for use in the classroom.

The guide concludes with a carefully curated list of resources. These resources provide additional information on the topics covered in *Electoral Dysfunction*, as well as starting points for investigating electoral issues not covered in the film, such as campaign finance and gerrymandering.

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**References**


After making the eye-opening discovery that the Framers deliberately left the right to vote out of the Constitution, political humorist Mo Rocca (a Correspondent for CBS Sunday Morning; a panelist on NPR’s quiz show Wait, Wait … Don’t Tell Me!; and a former Correspondent for The Daily Show With Jon Stewart) sets out to see how voting works — and doesn’t work — in America. He heads to Indiana, home to some of the strictest election laws in the country, and meets one Democrat and one Republican who take him inside their efforts to get out every vote. As he progresses on his journey, Mo searches for the Electoral College; investigates the debate over voter ID; critiques ballot design with Todd Oldham; and explores the case of a former felon who was sentenced to ten years in prison — for the crime of voting. He also meets reformers working to bring greater fairness and uniformity to America’s voting system.

Following a dual premiere at the 2012 Republican and Democratic National Conventions, the film was broadcast nationally on PBS. A companion book, by Victoria Bassetti, was published by The New Press, and four pieces adapted from the film were featured in The New York Times’ Op-Docs video series. Electoral Dysfunction was produced, directed, and written by David Deschamps, Leslie D’Farrell, and Bennett Singer, whose collective credits include numerous acclaimed social-issue films for PBS.

Fascinating, fun, frightening [and] enlightening.

—WBEZ RADIO/NPR

A timely look at an important issue that’s getting more hotly contested every month...

—HOLLYWOOD REPORTER

Electoral Dysfunction pulls off an admirable trick: It’s pleasant. It treats Democrats and Republicans respectfully, and its humor, with the comic Mo Rocca as guide, is closer to Garrison Keillor than to Michael Moore. This lighthearted, colorful, nonpartisan documentary … lives up to its title, exploring problems of nationwide accessibility and fairness.

—THE NEW YORK TIMES

Silver Gavel Award

The American Bar Association (ABA) selected Electoral Dysfunction as the recipient of its Silver Gavel Award in 2013. This is the ABA’s highest honor for media projects that foster public understanding of the law; previous recipients include To Kill a Mockingbird, Judgment at Nuremberg, and Twelve Angry Men. In presenting the award, the judges described Electoral Dysfunction as “enlightening and entertaining,” adding that the film “educates viewers about the vital role voting and elections play in our representative democracy, ingeniously presenting that serious message with immense creativity, good humor, and energy. Animated sequences are cleverly used as brief lessons in history.... Host Rocca sets the tone. He proves to be a quickwitted and charming Everyman who is at home with all sorts of people he encounters on his voyage of discovery.... All in all, Electoral Dysfunction is a lively exercise in civic education.”
ELECTORAL DYSFUNCTION IN THE CLASSROOM
Engaging Students with Electoral Issues

“CRACKS IN OUR DEMOCRACY”

This section presents a brief activity designed to prepare students to watch Electoral Dysfunction by getting them thinking about issues related to voting in the United States.

Overview

Students may not think about voting as a particularly controversial issue — but as Judith Browne Dianis, Co-Director of Advancement Project, says in Electoral Dysfunction, “It’s really not one America when it comes to voting. There are cracks in our democracy.” This opener uses provocative quotes from the film to stimulate student thinking about possible controversies related to this fundamental aspect of democracy.

Procedure

1. Tell students that the eight quotations posted around the room are from a documentary film they are going to watch entitled Electoral Dysfunction. If necessary, help students define the two terms, electoral (having to do with elections) and dysfunction (unable to operate normally).

   ✪ Ask: From the film’s title, what would you infer about the subject matter and the filmmakers’ perspective? (It’s about voting, and the filmmakers believe there are problems with the electoral system.)

2. Distribute the Film Quotes Analysis Worksheet. Direct students to walk around the classroom and read the quotes you have posted, choosing one that they find especially interesting or provocative. For the selected quote, each student should complete the worksheet.

3. Allow a few minutes for students to share the problems or controversies they identified and questions they have about those topics. Begin a list of issues related to voting on the board, instructing students to look for answers to their questions — and to questions sparked by the other quotations — as they watch the film.

Objectives

Students will be able to:

- Interpret a quotation and generate questions about controversies related to voting suggested by the quotation.

Materials & Preparation

Copy the Film Quotes and post them around the classroom. (A compendium of the quotes appears on page 19; the eight pages to be copied and posted are found after page 19.) Also make copies of the Film Quotes Analysis Worksheet for all students.

Estimated Time

15 minutes

“It’s really not one America when it comes to voting. There are cracks in our democracy.”

—JUDITH BROWNE DIANIS, CO-DIRECTOR, ADVANCEMENT PROJECT
“They told me I couldn’t vote over there . . . It ain’t right. All I want to do is vote!” —INDIANA CITIZEN

“You have to show your photo ID to vote — well, you should . . . How many times do we have to whip out the ID? Just about for everything. But for absentee ballots, there’s some wiggle room. That’s not good . . . It concerns me greatly.” —DEE DEE BENKIE, REPUBLICAN POLITICAL STRATEGIST

“There are 50 million Americans who are eligible voters who are not on the voter rolls.” —WENDY WEISER, DIRECTOR, DEMOCRACY PROGRAM, BRENNAN CENTER FOR JUSTICE

“It’s really not one America when it comes to voting. There are cracks in our democracy.” —JUDITH BROWNE DIANIS, CO-DIRECTOR, ADVANCEMENT PROJECT

“There is no right to vote in the Constitution.” —ALEX KEYSSAR, HARVARD PROFESSOR AND AUTHOR OF THE RIGHT TO VOTE

“This is a hunk of word garbage . . . It’s just awful communication . . . What’s scary is the inconsistencies of design and the fact that no one seems to be in charge. How come there’s not a national consistency for these things?” —TODD OLDHAM, DESIGNER, COMMENTING ON SEVERAL BALLOTS USED AROUND THE UNITED STATES

“I thought convicted felons couldn’t vote.” —FLO PERKINS, INDIAN CITIZEN WHO WAS CONVICTED OF A FELONY

“[The Electoral College] sidelines and marginalizes two-thirds to three-quarters of the whole country . . . Why should the vast majority of the public have no real role in electing the President? It doesn’t make any sense.” —JAMIN RASKIN, LAW PROFESSOR AT AMERICAN UNIVERSITY WASHINGTON COLLEGE OF LAW
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“They told me I couldn’t vote over there . . . It ain’t right. All I want to do is vote!”

—INDIANA CITIZEN
“It’s really not one America when it comes to voting. There are cracks in our democracy.”

—JUDITH BROWNE DIANIS, CO-DIRECTOR, ADVANCEMENT PROJECT
Film Quotes Analysis Worksheet

Pick a quote that you think is interesting. Answer these questions for that quote.

1. Who is being quoted in the statement you chose?

2. What problem or issue is the speaker talking about?

3. What questions do you have about this problem or issue?
STRA Te GIES FOR ACTI VE VIEWING

Overview

The running time of the classroom version of the film is 36:09. In this section, we provide two versions of a viewing guide for students to use as they watch the film. For middle school students in particular, we recommend use of the viewing guide. While showing the film, you may want to stop the documentary once to check for understanding. We also provide discussion questions for use after students have viewed the film.

Procedure

1. Distribute the Electoral Dysfunction Viewing Guide or Electoral Dysfunction Graphic Organizer and explain that students should complete it as they view the documentary that they are about to watch. Remind students to look for answers to the questions and additional issues they developed in the Engage activity, “Cracks In Our Democracy.”

2. Show the film. If you think students would benefit from for a brief discussion during viewing, stop at 18:00 (before the Enfranchiser sequence) and ask students (a) to report on what they have learned so far related to the discussion in the Engage activity, or (b) to share questions they have about what they have seen so far.

3. After viewing, conduct a class discussion using such questions as:
   ✪ Early in the film, Mo Rocca says the United States has not made it easy for people to vote. What evidence does the film provide to support that statement? What reforms do you think would make voting easier?
   ✪ How many voting jurisdictions are there in the United States? What are some ways in which elections differ among these 13,000 jurisdictions? Do you see these differences as a problem or as an important aspect of federalism or local control? Why?

Objectives

Students will be able to:
- Identify multiple issues related to voting raised in the film.
- Cite evidence that these issues are problems.
- Recognize varying positions on issues related to voting.
- Draw conclusions about the filmmakers’ perspective on the electoral system and decide whether they agree or disagree.

Materials & Preparation

You will need the video Electoral Dysfunction — available online and in DVD format via www.electoraldysfunction.org/classroom — and copies of the Electoral Dysfunction Viewing Guide or Graphic Organizer, depending on which note-taking device (if any) you think will be best for your students.

Estimated Time

40–50 minutes, depending on number of discussion questions used.
In interviews with Indiana citizens, Mo Rocca discovers that many consider voting a right — while others view it as a privilege. Ask students: How would you answer this question? Why?

What evidence does the film provide that young people can take an active role in elections? Which of the ways of being involved would be interesting to you?

What questions did the film answer? What questions did it raise? What issues would you like to know more about or explore more fully?

What is the filmmakers’ perspective on elections in the United States? How do you know? Do you agree or disagree?

What do you think was the most surprising moment in the film? The most disturbing? After watching, do you feel more positive, less positive, or about the same about the U.S. electoral system? Why?

**Follow-up Activity**

Encourage students to investigate ways that young people — even those too young to vote — can be involved in elections. Possible sources of information include the political parties (including smaller parties), the County Clerk’s office, the Secretary of State’s office, and nonprofits (including Kids Voting, Rock the Vote, and Mikva Challenge). To avoid multiple calls or emails to any particular jurisdiction or office, you may wish to have students divide up the tasks. Students could then pool their information to create an informational product (such as a print pamphlet, video or Web page) that would educate other students in the school about opportunities to get involved.

Why did the Framers omit the right to vote from the Constitution? How has the Constitution been amended to address voting issues? Would you support a new constitutional amendment guaranteeing a universal right to vote? What difference would such an amendment make?

Why did the Framers of the Constitution create the Electoral College? Are those reasons still applicable today?

Think about Mo Rocca’s simulation with the third-graders. Why did one student argue that the outcome was unfair? Could you create a similar demonstration to illustrate your views on the Electoral College?

Why do you think Mo spent so much time in Indiana? What facts and issues about voting did the Indiana “case study” help you understand?

What does “The Enfranchiser” animation (at 18:00 in the video) reveal about the history of voting rights in the United States? Were you surprised by any of this information? Why?

What ideas from other countries do you think the United States should adopt to improve voting here?
**Electoral Dysfunction Viewing Guide**

*Electoral Dysfunction* presents numerous issues related to voting and elections. Five are listed in the first column below. You can use the back of this sheet to add others as you watch the film. In the second column, write a sentence describing each issue and why it matters. In the last column, jot down evidence about different viewpoints on this issue that the documentary presents.

<table>
<thead>
<tr>
<th>Issue</th>
<th>Describe the issue.</th>
<th>What different viewpoints on this issue does the film present?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Differences in election law across the United States</td>
<td></td>
<td></td>
</tr>
<tr>
<td>No guaranteed right to vote in Constitution</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Electoral College</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Voter ID laws</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Problems with voter registration</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

What was your favorite quote or moment in the film? ____________________________________________

Who was your favorite person in the film? Why? ____________________________________________

__________________________________________

__________________________________________

__________________________________________

**FOR DISCUSSION OR WRITING**

For each issue noted above, what viewpoint do you think the filmmakers favor? Why?
Electoral Dysfunction Graphic Organizer

Use the graphic organizer below to take notes on the film. (If you need more space, continue on the back.)

FOR DISCUSSION OR WRITING

What was your favorite quote or moment in the film?

Who was your favorite person in the film? Why?

What questions do you have about the film, or what points don’t you understand?
ISSUE 1: WHO GETS TO VOTE?

This section presents four one- to two-day lessons that encourage students to delve more deeply into four issues explored in the film: (1) expansion of voting rights; (2) standardization of voting practices; (3) voter ID laws, and (4) Electoral College reform. The lessons use interactive teaching strategies that represent best practices in civic education and require students to use critical thinking and communication skills. Each lesson ends with at least one suggestion for students to advocate for their position on the issue under study. Teachers can use as many of the lessons as they wish, depending on the time available and the fit with their curriculum.

Overview

Some people cannot legally vote. The third-graders in Electoral Dysfunction, for example, are too young. If you are convicted of a felony, you cannot vote in some states even after you serve your sentence. But the list of people barred from voting was a lot longer in the past than it is today. In this lesson, students step back into the past to examine who could and could not vote at different points in history.

Procedure

1. Show the Enfranchiser animation from Electoral Dysfunction, telling students to look for what the animation illustrates about voting rights. After showing the clip, ask:

   What does this animation illustrate about voting rights in the United States?

   (They have expanded over time; some students may provide more specific information they have gleaned, but the animation moves quickly, so other students will just get the general idea.)

   Do you think the Enfranchiser is a good way to convey this idea? (Answers will vary.)

   Why do you think the filmmakers chose this method for showing the expansion of voting rights? (So that it would be interesting and entertaining; it’s very visual.)
What would be another way to present information about how voting rights have expanded? (If no one mentions a timeline, suggest the idea.)

2. Tell students they are going to be using an interactive timeline to determine who could and could not vote at different points in history. Pass out the Case Studies in Enfranchisement and Disenfranchisement handout and point out that each case study describes a different person at a particular time in U.S. history. Students’ task will be to decide if that person could vote at that time. Organize students into groups and assign each group a computer. Be sure students understand how to use the interactive timeline on the Electoral Dysfunction site. Answering a few of the questions will require a bit of additional research. (To simplify and shorten the lesson, you may want to assign each group two or three case studies to complete.)

3. When students have completed their work, go through the case studies and review the answers with students.
   (1. You could not vote because with rare exceptions women were not allowed to cast ballots; 2. You could not vote in federal elections because Utah was a territory; you could vote in local elections but might be intimidated by whites or required to prove you could read English before voting; 3. You could vote in Massachusetts but not in Washington, DC, where residents did not have voting rights; 4. Native Americans were not denied the vote on the basis of race but those living on tribal land were barred from being citizens and thus could not vote; 5. Yes, they can vote because of the 15th Amendment; 6. Yes, women could vote in Montana starting in 1914; 7. Yes, the 1898 Wong Kim Ark Supreme Court decision established rights of citizenship for all persons born in the U.S.; 8. Yes, the veteran can vote thanks to the 26th Amendment; 9. No, the Indiana voter with no photo ID cannot cast a regular ballot but could cast a provisional ballot; 10. and 11.: Answers vary by state.)

4. When all the cases have been reviewed, ask: Electoral Dysfunction shows that a lot is happening at the polls. Overall, are voting rights expanding or contracting? (Most students will likely say they are expanding, but some may say they are shrinking because of voter ID laws and problems with voter registration.)

Follow-up Activities

1. Have students create their own case studies and trade them with classmates to expand their understanding of shifts in voting rights.

2. Have students create a brochure to educate voters about who is eligible to vote in your state; how, where, and when to register; and requirements for voters going to the polls. They could post the brochure online or distribute copies at school activities.
Case Studies in Enfranchisement and Disenfranchisement

Use what you learned in the film and the interactive timeline on the Electoral Dysfunction website (at www.electoraldysfunction.org/timeline) to decide if each person described below can vote.

Case 1 You’re Martha Washington. You live in Virginia and have inherited vast wealth, including property, from your first husband, Daniel Parke Curtis. Your second husband, Revolutionary War hero George Washington, is a candidate for the first President of the United States. Can you vote? Why or why not?

Case 2 You’re a Mexican living in what is now Utah when the Mexican War, or la intervención norteamericana (the North American intervention), as Mexicans call it, breaks out in 1846. The Treaty of Guadalupe Hidalgo at the end of the war cedes the land where you live to the United States as a territory. Can you vote? Why or why not?

Case 3 You are Charles and Lewis Douglass, sons of Frederick Douglass, the famous African American abolitionist. You live in Old Anacostia in Washington, DC, but travel to Massachusetts in 1863 to sign up to fight in the Civil War. You serve heroically. When you return in 1865, can you vote for President in Massachusetts? In Washington, DC? Why or why not?

Case 4 You’re a Native American living on tribal land. When the 15th Amendment to the Constitution is ratified in 1870, saying the right to vote cannot be denied on the basis of race, does that mean you can vote? Why or why not?

Case 5 You are Hiram Revels, an African American who plans a run for the U.S. Senate in 1870. Can your newly freed African American supporters in Mississippi vote for you? Why or why not?

Case 6 You are Jeannette Rankin. It’s 1919, and you are running to represent Montana in Congress. The 19th Amendment guaranteeing women’s suffrage has not yet been ratified. Can women in Montana vote for you? Why or why not? (Note: Rankin won.)

Case 7 You’re a Chinese American who was born in California and you want to vote for a candidate who will continue the programs of Franklin Delano Roosevelt in 1944. Can you vote? Why or why not?

Case 8 You’re a 19-year-old veteran home from a tour of duty in Vietnam. It’s 1972, and you want to vote for candidates who support federal programs for returning vets. Can you vote? Why or why not?

Case 9 You’re a voter in Indiana in the 2008 election. You show up at the polls without a photo ID. Can you vote? Why or why not? Would the same be true in your own state this year? (You will have to do some additional research to answer the last question.)

Case 10 You are a convicted felon who has paid your debt to society. Can you vote in the next presidential election? Why or why not? (This question may require some research, too.)

Case 11 You’re an 18-year-old college student. You have failed to register to vote. Now it’s Election Day. Can you still register and vote? Why or why not? (Again, you will need to check your own state’s laws.)

★ Marches like this one led to passage of the 19th Amendment, which allowed women to vote as of 1920.
Overview

The number 13,000 is mentioned several times in Electoral Dysfunction. Why? That is the approximate number of discrete voting districts in the United States that can run elections in their own idiosyncratic ways. Is the lack of standardization a problem or is it an appropriate manifestation of federalism, the division of power between a centralized national government and smaller units of government? In this lesson, students engage with this question using the Structured Academic Controversy (SAC) discussion model. The SAC promotes small-group discussion in a format carefully designed around cooperative learning principles. The structure encourages all students to participate, a goal that is more difficult to achieve in larger groups.

Procedure

1. Open the lesson by asking students:
   - In Electoral Dysfunction, what is the significance of the number 13,000? (It is the number of discrete voting jurisdictions in the United States, each of which can decide how to run its elections as long as they adhere to state and federal laws.)
   - What are some of the ways in which elections vary among voting districts across the nation? (Ballots are designed differently, voting equipment varies, polls open and close at different times, rules differ regarding whether felons who have served their time can vote.)

Objectives

Students will be able to:
- Define federalism and explain how it relates to the question of standardization in voting.
- Evaluate arguments for and against standardizing voting in the United States.
- Take and defend a position on whether voting methods and requirements should be standardized in the United States.

Materials & Preparation

- Post the discussion question on the board: Should the United States adopt a national election system similar to Canada’s?
- Pre-plan who will be in each group of four and which two students in each group will be Team A and which Team B. This will save time during the lesson.
- Make enough copies of The Structured Academic Controversy and SAC Note Sheet handouts for all students and enough copies of the Should the United States Adopt a National Election System Similar to Canada’s? Yes! and No! handouts for half the students to get each. If you are using the lesson with middle school students or less proficient readers, you may want to use Version 2 of the handouts, which offers shorter readings.

Estimated Time

2 class periods
In Canada’s national elections, all voters use standardized ballots such as the one shown above.

2. Review or introduce the definition of federalism: a system of government in which authority over a region is shared among a national/central government and state or provincial governments (note that states can delegate powers to smaller subdivisions, such as counties or cities). Ask:

- Do you think the electoral system in our country is an example of federalism at work? (Yes, because each state and the local governments to which it delegates powers exercise authority over elections within its jurisdiction.)

Remind students that the Tenth Amendment strengthens federalism because it reserves “powers not delegated to the United States by the Constitution, nor prohibited by it to the States” to the states or the people.

3. Briefly explain or review that the goals of a federal system are to allow issues of national concern to be handled efficiently and consistently by a central government, while limiting that government’s power by allowing state and local government to handle issues of state or local concern in a way that addresses the character of the particular jurisdiction. New Jersey, for example, may have different issues, needs, and values or traditions from Montana. Provide a close-to-home example by asking students:

- Who do you think can best make decisions about discipline cases at our school: the school administration, the school board for our district, the state board of education or legislature, or the federal government? (School administration)

- Who can best make decisions about distributing resources in the state to schools? (State board of education or legislature)

- Who can best decide what American students should know by the time they graduate? (Students may disagree on whether this is better determined at the local, state, or national level.)

While students are likely to agree on some of these questions, they may disagree on others, illustrating that it is not always easy to determine which issues should be handled by state or local government and which by the federal government. Refocus students on elections by asking: Do you think the way elections are handled is a good illustration of meeting the goals of federalism or an example of a problem? (Students’ answers will vary.)
4. Tell students they are going to have the opportunity to discuss the question of federalism and standardization in greater depth, focusing on what the United States should do moving forward. Point out the discussion question you have posted and distribute The Structured Academic Controversy handout, explaining that students will be using this model in their discussion. Go over the handout and explain the steps in the process. Answer any questions students have about the process and structure. Distribute the SAC Note Sheet and point out to students that it is set up to align with the SAC process.

5. Organize students into groups of four, assigning two students in each group to be Team A and two to be Team B. Explain that Team A will argue for a national system, while Team B will argue for leaving voting regulations up to state government.

6. Distribute the appropriate version of Should the United States Adopt a National Election System Similar to Canada’s? to the student pairs and direct them to read the handout. (Version 2 is shorter and easier to read; it is intended for use with middle school students or less proficient readers.) When students have completed the reading, they should prepare to advocate their position (Step 1 of the SAC). Tell students they will have two minutes to present their arguments.

7. Before beginning Step 2 of the SAC, remind students that they will be reversing positions in a few minutes, so they need to listen carefully to understand the arguments of the opposition. This is not the time to challenge each other or engage in back-and-forth debate. Tell students speaking in support of a national election system to begin; after the allotted time has passed, call time and ask students speaking against a national election system to present their arguments.

8. Move to Step 3 of the SAC, in which pairs reverse positions. The pair that previously opposed a national election system but is now supporting it should go first, followed by the pair that previously supported a national election system but is now opposing it. You may want to give pairs a minute to put their heads together and prepare by selecting the best arguments made by their group mates and to consider if they can come up with any other arguments for that side; you may want to show The New York Times Op-Doc on ballot design and other standardization issues now, telling students to look for new arguments they can use in this step: http://www.nytimes.com/video/opinion/100000001881131/ballot-design-with-todd-oldham.html
9. Allow one minute for each pair to present its arguments in this phase.

10. Move to Step 4 of the SAC. Remind students that in this step they no longer have to argue an assigned position. They should bring their own perspectives to the question. The goal of the discussion is to identify areas of agreement and disagreement and to see whether the group can agree on something. Allow 10 to 15 minutes for this step.

11. Debrief the discussion using such questions as the following:

   ✪ How many groups agreed on the overarching question: Should the United States adopt a national election system similar to Canada's? Ask: Why were you able to reach agreement?

   ✪ What other agreements did groups reach?

   ✪ What were the most compelling arguments for each side?

   ✪ What examples of conflicting information did you find? What would you need in order to evaluate which information is more accurate? How might you find that information? (You may need to point out that when it comes to public-opinion survey results, key factors include who is included in the study and how the questions are framed. No matter which side of an issue you take, there are likely to be polling numbers you can use to support your position.)

   ✪ Ask: What questions do you still have about this topic? How might you find answers to these questions?

   ✪ What do you like and dislike about this process? How might a process like this help us discuss divisive issues in our community?

   ✪ Why is it important to discuss controversial issues in a democracy?

12. As an exit ticket, ask students to answer the deliberation question in writing, giving their position and the reasons they chose that position. If technology is available, students could share their responses in the form of a blog post.

**Follow-up Activities**

1. Encourage interested students to investigate electoral systems in other countries, including other established democracies as well as newer democracies. Have students present a panel discussion to the class, focusing on what the United States could learn from other countries as well as what these countries could learn from the United States.
2. The Voting Rights Act was one effort to address inequities that grew out of local/state control of elections. Assign students to create a digital display (slide show, Web page, or other format) presenting a history of the Voting Rights Act from its passage in 1965 through the 2013 case *Shelby County v. Holder* and subsequent attempts to update the law. Once their research is complete, students should write letters to their representatives in Congress expressing their views on what should be done about the Voting Rights Act.

3. Have students watch and discuss the video clip on “National Voting Standards” on *Electoral Dysfunction*’s YouTube Channel: https://www.youtube.com/watch?v=cYfacqnT3kg. Follow up by having students research Judith Browne Dianis’s organization, Advancement Project (http://www.advancementproject.org). Students should identify the problems related to voting that Advancement Project is concerned with and the methods that the organization uses to work for change. Could students use any of these methods to advance their own views on voting?

4. Invite an expert on public-opinion polling — either someone who works for a polling organization or a social-science professor knowledgeable in the area — to talk with your class about how citizens can best evaluate data from such polls. The conversation could take place face-to-face or via email or teleconference. Tutorials on how to evaluate polling data are available on the websites of such organizations as the Roper Center at the University of Connecticut at http://www.ropercenter.uconn.edu/education/interpretive_analysis.html and the National Council on Public Polls at http://www.ncpp.org/?q=node/4.

References


The Structured Academic Controversy (SAC)

1. Your teacher will assign you to a group of four. Each group will be split into two pairs—Team A and Team B. The two teams will study opposing sides of the discussion question. With your partner, read the background material and identify facts and arguments that support your assigned position. Prepare to advocate the position.

2. Team A will have two minutes to present its position. Team B will listen and make notes. When Team A is finished, Team B will have two minutes to present its position while Team A listens and takes notes.

3. Next, pairs reverse positions. Use your notes and what you learned from the other team to present the strongest arguments you heard for the other position. Talk with your partner and decide which one or two arguments were strongest. If you can think of an argument that the other team did not make, be sure to present that, as well. Team B will present first, Team A second. Each team will have one minute.

4. Discuss the issue in your group of four, with each person presenting his or her personal views. Try to find points of agreement and disagreement among group members. If possible, reach consensus on something. Your agreement does not have to be a “yes” or “no” on the discussion question. You could agree on something between “yes” and “no” or agree on a totally new approach to the problem. If you cannot reach consensus on any part of the issue, try to agree on a process you could use to resolve disagreements. ★
Deliberation Question: ____________________________________________________________

Team Assignment:  □ For a national system    □ Against a national system

Step 1: Read the handout. Highlight facts and arguments that will help you argue for your case. Write the points you will make in arguing for your position here:

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

Step 2: While the other team presents, take notes on the facts and arguments you hear:

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

Step 3: What was the strongest argument for the other side? What other argument could you give for that position?

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

Step 4: Have an open discussion of the deliberation question. What, if anything, did your group agree on?

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________
The United States and Canada are both federal systems. But their approaches to elections are strikingly different. The United States leaves the details of running elections to 13,000 different voting jurisdictions. In contrast, Canada has for many years had a centralized election system in which everyone follows the same rules and practices. Should the United States adopt a national election system similar to Canada’s? Below are some arguments and quotes you can use in arguing for that change.

Citizens in a democracy must believe that elections are run efficiently and fairly. In the United States, such confidence is lacking. According to policy expert Victoria Bassetti, in 2008, “30 percent of Americans doubted their own votes would be accurately counted. Even worse, 58 percent didn’t think votes across the country were properly tallied.” If citizens do not believe elections accurately reflect the will of the people, democracy may be threatened.

According to Elections Canada, which runs Canadian elections nationwide, the situation is much different there. They report: “Over time, Canadians have come to trust the outcome of elections as truly reflecting their collective will without political interference. Political parties and candidates in the political arena have also learned that they can have confidence in the fairness of the electoral process. Together, these conditions contribute to a meaningful and peaceful environment for elections, and a lively and long-lasting democracy.” Creating a national election system could do the same for the United States.

Throughout U.S. history, states and local jurisdictions have shown that they are not willing or able to run fair elections in which all eligible voters can participate. In the past, states excluded voters because of their race or ethnic background. As just one example, Native Americans were not given the vote in Utah until 1956. Even small details like the time polls close can make a big difference. If the polls are only open until 6 pm, as in Indiana, many working people have trouble getting there in time. Local officials routinely make errors. Equipment often doesn’t work. With standard national rules and procedures, such problems could be solved.

According to law professor Richard Hasen, who blogs about election law, one of the most important aspects a national system could address is voting rolls. The government could create an agency that would automatically register voters. It could also issue free national voter-identification cards. It could transfer registration when people fill out a change of address form, so that people could not be registered in more than one place. This system works for Canada.

Partisanship is a threat to the integrity of elections. In the U.S., where partisan officials are allowed to oversee elections, both major parties have been known to manipulate state and local systems to their advantage (or at least to try). If elections were administered by a nonpartisan commission under national rules embodying best election practices, as in Canada, the integrity of elections would be improved. In addition, people who move from place to place would not have to learn new requirements for voting because they would be the same everywhere. This would make voting easier and improve voter confidence.

"Citizens in a democracy must believe that elections are run efficiently and fairly. In the U.S., such confidence is lacking."
The United States and Canada have very different approaches to elections. The United States leaves the details of running elections to 13,000 different voting jurisdictions. In contrast, Canada has a centralized election system in which everyone follows the same rules and practices. Should the United States adopt a national election system similar to Canada’s? Below are some arguments for that change.

**In a democracy, citizens must believe that elections are run fairly and efficiently. Not all Americans currently believe this.** Poorly run elections that Americans do not trust could threaten our democracy.

**In Canada, people trust that elections are run well.** This includes citizens, political parties, and candidates for office. Many people believe the national election system has created that trust.

- Throughout U.S. history, some states have not run elections fairly. They have prevented certain groups from voting. They have set rules that make it hard to vote. For example, if the polls close at 6 p.m., as in Indiana, some working people cannot get there in time to vote. People make mistakes and equipment doesn’t work. A national system could solve these problems.

- With a national system, the government could automatically register people to vote. It could send out free ID cards. When people move, they could send in a change-of-address form, just as they do with the post office. All these changes would make the system work better.

- Parties try to work the system so that their candidates will win. National rules could help prevent such efforts. People who move would know the rules because the rules would be the same everywhere.

**Should the United States Adopt a National Election System Similar to Canada’s? Yes!**
**Should the United States Adopt a National Election System Similar to Canada’s? No!**

The United States and Canada are both federal systems. But their approaches to elections are strikingly different. The United States leaves the details of running elections to 13,000 different voting jurisdictions. In contrast, Canada has for many years had a centralized election system in which everyone follows the same rules and practices. Should the United States adopt a national election system similar to Canada’s? Below are some arguments and quotes you can use in arguing against that change.

Americans do not want the federal government to tell them what to do. Certainly, when people have been prevented from voting, the federal government has rightfully stepped in. This has occurred through constitutional amendments and through the Voting Rights Act. In addition, court cases have helped to ensure equality of voting rights. These strategies have worked in the past. They can continue to work in the future.

No doubt, some election practices need to be improved. After the election of 2000, the University of Virginia put together a commission. This group of respected Americans, including former Presidents Jimmy Carter and Gerald Ford, made recommendations for election reform. After much research and discussion, the commission suggested many improvements. But it also recommended maintaining a “balance of shared responsibilities between levels of government.” It said the federal government’s participation should be “limited but responsible.”

Federalism is one of the founding principles of the U.S. government. Diversity is one of the defining characteristics of the American people. By granting some powers to the states, the Constitution ensured that state governments could craft laws that address the needs of their people. Thus, a state where voters may have to travel long distances to reach the polls can use mail-in ballots. A state where citizens have concerns about voter fraud can put strict voter ID requirements in place. In the long run, this can only be beneficial to Americans.

The only elections that are national are for President and Vice President. Senators and Representatives are elected from specific geographic areas. The vast majority of elected officials in the country serve in local and state governments. Given those facts, having a national election system does not make sense. How could national officials run elections for the estimated 511,000 offices in state and local government?

According to R. Doug Lewis of The National Association of Election Officials, the differing state systems help prevent fraud. Lewis says, “Because there are so many variations of election practices, it has the practical impact of protecting the integrity of elections.” In a 2012 column in *The New York Times*, Lewis pointed out that surveys since 2004 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.”
The United States and Canada have very different approaches to elections. The United States leaves the details of running elections to 13,000 different voting jurisdictions. In contrast, Canada has a centralized election system in which everyone follows the same rules and practices. Should the United States adopt a national system similar to Canada’s? Below are some arguments against that change.

🔹 People do not want the federal government to tell them what to do. However, the federal government has sometimes had to step in to make elections run better. There are three ways it has done so. One is constitutional amendments. A second is passing laws like the Voting Rights Act. And a third is through court cases to ensure equal voting rights. The federal government can continue to use these methods if states are treating voters unfairly.

🔹 After the 2000 election, a group of respected Americans suggested ways to improve elections. They recommended continuing the “shared responsibilities between levels of government.” They said the federal role should be limited.

🔹 Federalism is basic to U.S. government. By granting some powers to the states, the Constitution ensured that the states could meet the needs of their diverse people. A state where voters have to travel long distances to vote can use mail-in ballots. A state where people are worried about fraud can enact strict voter ID laws. This means the law can work for all Americans.

🔹 The only national elections are for President and Vice President. Senators and Representatives are elected from states or districts within states. Most elected officials serve in local and state government. It does not make sense for national officials to run elections for 511,000 state and local offices.

🔹 Some experts say that differing state rules make it harder for someone to “steal” an election. There are just too many variations in how elections are run. And most Americans still trust that their votes are counted fairly and accurately.

★ Should the United States Adopt a National Election System Similar to Canada’s? No!
Overview

In recent years, voter ID laws have stirred controversy in numerous states. Proponents of such laws argue that requiring voters to show a government-issued identification card before casting a ballot is an effective method for fighting election fraud. Opponents point out that fraud is not a major problem in the United States and argue that the laws are actually designed to disenfranchise groups that are less likely to have the necessary identification — minority voters, poor people, and the elderly and young. In this lesson, students take part in an “Each One Teach One” activity to deepen their background knowledge about voter ID laws. They then look at the issue from a constitutional viewpoint, analyzing arguments for and against the constitutionality of the voter ID law in Texas.

Procedure

1. If you think students would benefit from a review of arguments for and against voter ID laws, show from 12:27 to 15:53 of Electoral Dysfunction. Direct students to think about their own position on these laws as they watch.

2. Point out the two signs you have posted and explain that students are going to create a human continuum by standing between the signs to show with which they agree. If they think voter ID laws help prevent fraud and are a good idea, they should stand next to that sign; if they think voter ID laws are bad policy that prevent poor, minority, and young and old people from voting, they should stand next to that sign. If they have mixed views or aren’t sure, they can place themselves between the

Objectives

Students will be able to:

- Describe the history of voter ID laws in the past 75 years.
- Articulate and evaluate arguments for and against the constitutionality of one voter ID law.
- Speculate on the impact of a Supreme Court decision on voter ID.

Materials & Preparation

- Signs with the following statements:
  1. Voter ID laws help prevent fraud.
  2. Voter ID laws prevent voting.
- Hang the two signs at opposite ends of one classroom wall. If feasible, draw a line or suspend a piece of string between the two signs to create a continuum.
- Make enough copies of the Fact Cards for each student to have one card.
- Also make copies for each student of the Is This Law Constitutional? and Preparing to Argue the Case handouts.
- Cue Electoral Dysfunction to 12:27 (optional).

Estimated Time

1–2 class periods
In 2005, Indiana passed a law requiring voters to present a current government-issued photo ID when casting ballots in person. The Supreme Court upheld this law in 2008.

3. Let students choose their positions; tell them that they can change their position at any time. Ask one student at each end of the line to explain her or his reasons. Continue discussion with students at various positions along the line sharing their views. After two or three minutes, draw the discussion to a close by asking for a volunteer to summarize the class view on the question of voter ID laws. Ask students to return to their seats.

4. Tell students that they are going to teach each other some important background information about voter ID laws so that they can deepen their understanding of the controversy surrounding these laws. Hand out one of the eight Fact Cards to each student. Give students a few minutes to read the information on the card; if time permits, let students who have the same card read and discuss the card together. Answer any questions students have and help them define unfamiliar vocabulary (e.g., provisional ballot, bipartisan, Voting Rights Act, implementation). Tell students they should not simply read their cards to their classmates — they should restate the information in their own words, adding examples and raising questions about the information.

5. As a last step to prepare for teaching and learning, tell students to fold a piece of paper in half three times. When they unfold the sheet, they will have eight rectangles they can number 1 through 8 and use for taking notes on the information from the eight numbered cards. Instruct students to teach their fact to as many other participants as possible, while learning as many of the other facts as they can. Point out that teaching and learning should be done one-on-one (i.e., students should not gather into large groups). Advise students that they will be reporting on what they learned, rather than what they taught, so they need to pay close attention to their classmates.

6. Debriefing the activity can be done by asking a series of questions. Do not allow the person who taught the fact to talk about that topic; rather, have students who obtained a piece of information from a classmate discuss what they learned. Turn to the fact “teacher” to check whether the fact was understood correctly. Ask:
Section 3: Exploring the Issues

7. Tell students that the facts they have learned will be useful background in the next part of the lesson, in which they will be considering a Supreme Court case involving the voter ID law in Texas. Distribute the Is This Law Unconstitutional? handout and go over it with students, making sure they understand the law’s provisions and the relevant parts of the Constitution.

8. Organize the class into three groups and give each group an assignment: attorney for the state, attorney for the challengers to the law, and Supreme Court justices. Each group is to prepare for arguments on the case. Distribute the Preparing to Argue the Case handout. Explain that arguments will be made in groups of three: one attorney for the state and one attorney for the plaintiffs will present their cases to one Supreme Court justice. Allow time for students to prepare their cases.

9. Create the groups of three and have the attorneys make their arguments. Ask the Supreme Court justices to come to the front of the class and report which argument they found most persuasive, as well as how they would vote to decide the case if they were on the Supreme Court. (You may want to point out that reaching a decision often takes the Court months, with the justices sending memos back and forth in an effort to persuade colleagues to adopt their reasoning on a case.)

10. Debrief the discussion by considering the ramifications of a Supreme Court decision on either side of the case. Ask:

   - If the Court strikes down the law, what could Texas do to address the issue that the law’s proponents set out to address (i.e., voter impersonation)? (The state could look for other solutions, such as updating voter registration rolls more carefully.)
   - If the Court upholds the law, does that mean it is good policy? What could people who think the law is bad policy do? (They could try to amend or repeal the law.)

11. Conclude the lesson by asking students to write letters to the filmmakers giving their opinions on voter ID laws. This assignment can be done as homework. Send the letters via email or postal mail using the contact information on page 127 of this guide.
1. In 1950, South Carolina became the first state to pass a voter ID law. Poll workers were to request identification, but voters did not have to show an official photo ID. Basically, anything with the voter’s name on it would work. In addition, those without identification were still allowed to vote.

2. By 2000, 14 states had voter identification laws on the books. These laws were not strict — almost any document could be used for identification. Voters without IDs could still vote. Such laws had been passed in states with Democratic majorities and states with Republican majorities. The laws did not generate much controversy because they did not prevent people from voting.

3. After the disputed election of 2000, states began to look at stricter laws. Georgia and Indiana were the first to pass laws requiring a photo ID. These new stricter laws quickly became controversial because they were seen as preventing some voters from casting ballots. People disagreed about whether the laws were needed. News 21, a national investigative journalism project, studied public records from 2000 to mid-2012 and found 10 cases of in-person voter impersonation, the type of fraud voter ID laws aim to prevent. In those years, hundreds of millions of votes were cast in presidential, congressional, and state and local elections; the researchers concluded that in-person voter impersonation is “virtually non-existent.”

4. After the disputed election of 2000, people wanted to improve how elections are run. A bipartisan Commission on Federal Election Reform was formed. It issued a report with many recommendations. One was to require voters to show identification. States would provide free voter photo ID cards.
5. In the 2008 case *Crawford v. Marion County*, the U.S. Supreme Court ruled on the Indiana law requiring that voters show a government-issued photo ID at the polls. The Court upheld the law on a 6-3 vote. The majority held that the state’s interest in preventing voter fraud outweighed the small burden of showing an ID. ★

6. Following the 2008 election, the federal government became concerned about the discriminatory effect of state voter ID laws. The government could block these requirements in states and counties covered by the Voting Rights Act. However, in the 2013 case *Shelby County v. Holder*, the U.S. Supreme Court struck down key parts of the Voting Rights Act. This decision cleared the way for states with a history of discrimination to put stricter voting laws in place. ★

7. As of 2015, 36 states had passed laws requiring voters to show ID at the polls. These laws are in force in 32 states; North Carolina’s law goes into effect in 2016. A judge struck down the law in Pennsylvania. Wisconsin’s strict voter ID law was temporarily blocked in the courts because there wasn’t time to implement it properly before the 2014 election. But in 2015, the Supreme Court declined to hear a challenge to Wisconsin’s voter ID law and that legislation is now in effect. ★

8. State legislatures are still talking about voter ID issues. Eight states considered new proposals for such laws in 2014. Six other states considered strengthening the laws already in place. None of these laws passed, but they are likely to come up again in the future. Observers also predict that additional cases involving such laws will find their way to the Supreme Court in the coming years. ★
Is This Law Constitutional?

No state shall make or enforce any law which shall abridge the privileges or immunities of citizens in the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

—THE FOURTEENTH AMENDMENT TO THE U.S. CONSTITUTION

In 2011, Texas enacted a strict voter ID law. The law requires that one of the following forms of identification be presented at the polls (expired documents cannot be used):

- Texas driver license issued by the Texas Department of Public Safety (DPS)
- Texas Election Identification Certificate issued by DPS
- Texas personal identification card issued by DPS
- Texas concealed handgun license issued by DPS
- U.S. military ID card containing the person’s photo
- U.S. citizenship certificate containing the person’s photo
- U.S. passport

Voters who do not have proper identification may cast provisional ballots. Within six days, they must report to the voter registrar with proper identification. If they do not, their ballots will not be counted.

There are some exceptions to the law. Disabled persons can apply for an exemption. To get the exemption, the person must have documentation from the Department of Veterans Affairs or Social Security Administration. Voters with a religious objection to having their picture taken can cast provisional ballots. So can anyone whose ID was lost in a natural disaster within 45 days of the election. These voters must then go to the voter registrar’s office within six days to sign an affidavit.

In 2013, a number of plaintiffs filed suit, asking the courts to overturn the Texas law. The plaintiffs identified several parts of the Constitution that they believed the law violated:

**Fourteenth Amendment**

*Section 1.* 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. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens in the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

**Fifteenth Amendment**

*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.

**Twenty-fourth Amendment**

*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. ★
Preparing to Argue the Case

You will be making arguments in a case challenging the Texas voter ID law. This case is known as Veasey v. Perry. Marc Veasey is the lead plaintiff in the case; Rick Perry was the governor of Texas at the time the suit was filed. You will be assigned one of the following roles:

- **Attorney for the plaintiffs**, who claim the law is unconstitutional
- **Attorney for the state**, which claims the law is constitutional
- **Supreme Court Justice**

During the preparation period, attorneys will work on preparing their arguments. Supreme Court Justices will become familiar with the arguments and precedents in the case.

Everyone must be prepared! The arguments will be made in groups of three — one attorney for the plaintiffs, one for the state, and one Supreme Court Justice. The attorneys will each have three minutes to make their arguments. The attorney for the plaintiffs will go first, the attorney for the state second. After the arguments have been made, all Supreme Court Justices will come to the front of the room, tell how they would vote in this case, and cite the argument they found most persuasive.

**Precedents**

The courts use precedents in making their decisions. Precedents are earlier cases on similar issues. Precedents set principles or tests that can be applied in later cases. For example, the 1962 case of Baker v. Carr established the principle of “one person, one vote.” The Supreme Court said this was how they would evaluate whether redistricting was done in a constitutional manner. If one person’s vote holds more weight than another’s, the method of redistricting is unconstitutional. This principle was applied in many cases after Baker v. Carr was decided.

The cases described below are two precedent-setting lawsuits relevant to Veasey v. Perry. If you are an attorney, decide which case supports your position. Use that case in constructing your argument. If you are a Supreme Court Justice, decide which case you will expect to hear each attorney cite.

**Crawford v. Marion County Election Board (2008).**

In 2005, Indiana passed a law requiring voters to present a current government-issued photo ID when casting their votes in person. Those asking the courts to strike down the law argued that it placed an undue burden on the right to vote. The state argued that it was an appropriate means of addressing the issue of voter fraud. The Court ruled 6-3 that the law was constitutional. It said the state’s interest in battling fraud outweighed the small burden placed on voters. There “is no question,” the Court said, “about the legitimacy or importance of the State’s interest in counting only the votes of eligible voters.”

**Harper v. Virginia Board of Elections (1965).**

The state of Virginia required voters to pay a small tax in order to vote. Annie E. Harper sued, claiming that the tax was unconstitutional under the Equal Protection Clause of the Fourteenth Amendment. In a 6-3 decision, the Court ruled that the poll tax did violate the Equal Protection Clause. The poll tax made a voter’s wealth or poverty a factor in elections. The Court found that the ability to pay a tax had no relevance in terms of voter qualifications. Justice William O. Douglas, writing for the majority, said, “A state violates the Equal Protection Clause of the Fourteenth Amendment whenever it makes the affluence of the voter or payment of any fee an electoral standard.”

SECTION 3: HANDOUT
Voter fraud undercuts the integrity of our democracy. Solving the problem of voter fraud is therefore an important interest of the state of Texas and of every voting district within it. Requiring voters to show a photo ID prevents people from voting under another person’s name. Because thousands of deceased voters are still on the rolls, this can be a serious problem.

From 2002-2011, the state of Texas convicted only two people in cases involving voter fraud at the polls (i.e., in-person voting). Thus, there is no compelling state interest involved.

The state of Texas has a long history of discrimination. Before the Supreme Court invalidated certain sections of the Voting Rights Act in *Shelby County v. Holder*, the Justice Department reviewed the Texas voter ID law and found that it discriminates against Latinos and African Americans. Thus, it violates the 14th and 15th Amendments.

Voter ID laws disproportionately affect minorities, low-income voters, and elderly and young voters. These groups are less likely than others to have photo IDs. According to Wendy Weiser of The Brennan Center, while one in ten eligible voters lacks photo IDs, 18 percent of older Americans and of those aged 18 to 24, and 25 percent of African Americans don’t have this kind of identification. Getting an ID may be a burden because of the cost of getting documents needed to establish your identity (e.g., a copy of your birth certificate). In a large state like Texas, getting to an office where you can obtain an ID can be a burden, especially if you don’t have a car. Unfortunately for young voters, student IDs are not accepted as a valid form of identification.

The voters most likely to be affected by voter ID laws tend to vote Democratic. Thus, the purpose of the law is political — to give one party an advantage — rather than aimed at a legitimate state interest.

In *Crawford v. Marion County Election Board*, Justice John Paul Stevens acknowledged that Indiana’s voter ID law may have had a partisan purpose. If that were the only purpose, he said, the law would likely be invalid. However, he went on to say, “If a nondiscriminatory law is supported by valid neutral justifications, those justifications should not be disregarded simply because partisan interests may have provided one motivation for the votes of individual legislators.”

Former President Jimmy Carter and former Secretary of State James Baker were appointed to chair a bipartisan commission, a group created to study election laws and procedures. The commission recommended that photo ID laws be passed in every state. They wrote, “The electoral system cannot inspire public confidence if no safeguards exist to deter or detect fraud or to confirm the identity of voters.” The IDs should be provided free by the government, the commission said.

Showing an ID to vote is not a major burden. People show IDs for many other purposes. For example, they show ID when they drive a car, check into a hotel, get on a plane, or buy alcohol. It’s a reasonable and easily met requirement. In addition, the law requires that the ID be free.

The experiences of Georgia and Indiana suggest that the greater confidence in the voting system created by voter ID laws actually increases voter turnout rather than suppressing it.

In a dissent to the Court order allowing the Texas law to be implemented for the 2014 election, Supreme Court Justice Ruth Bader Ginsburg wrote, “The greatest threat to public confidence in elections in this case is the prospect of enforcing a purposefully discriminatory law, one that likely imposes an unconstitutional poll tax and risks denying the right to vote to hundreds of thousands of eligible voters.”

Preparing to Argue the Case (Continued)

Arguments: If you are an attorney, put a check mark next to the arguments below that support your position. Use those points in constructing your own argument. If you are a Supreme Court Justice, identify which arguments you think it will be most important for the attorneys on both sides to make.
Follow-up Activities

1. Assign students to research their own state's laws regarding voter identification. The website of the National Conference of State Legislatures (see References, below) is a good place to start, particularly because it allows comparisons across states and includes up-to-date information. Invite a state legislator or a legislative staff member to discuss actions taken in your state legislature regarding voter ID. Based on analysis of your state's law, students can decide if they wish to advocate for change.

2. Immediately after the 2014 election, The Brennan Center began looking at the impact of voter ID laws on results of the election (http://www.brennancenter.org/blog/how-much-difference-did-new-voting-restrictions-make-yesterdays-close-races). Interested students may investigate this issue and report to the class. Debrief by discussing whether students’ research affected classmates’ positions on the issue.

3. Have students watch “The Provisional Ballot” clip on the Electoral Dysfunction YouTube channel (https://www.youtube.com/watch?v=p-uorWEMHJE) and report to the class on how provisional ballots work and whether they are a good solution for voters who come to the polls without ID.

4. Encourage students to investigate other voting reforms, such as early voting, all-mail voting, no-excuses absentee voting, or same-day registration. Resources include The Commission on Federal Election Reform (http://web1.millercenter.org/commissions/comm_2001.pdf) and The Brennan Center (http://www.brennancenter.org/analysis/4-simple-ways-improve-voting).

References


Overview

The Electoral College has been the subject of conversations about reform for decades if not centuries. More than 500 constitutional amendments to reform the Electoral College have been introduced in Congress — more proposed amendments than for any other constitutional issue. Yet no significant reform has been enacted since 1804. In this lesson, students explore three of the many reform proposals as they take part in a simulated legislative hearing set in the state legislature as a committee considers acting on the National Popular Vote Initiative.

Procedure

1. Draw students’ attention to the quotation you have written on the board and ask:
   - What is Dr. Schlesinger talking about? (The Electoral College)

   If students do not mention the Electoral College, play the first few seconds of the “Electoral College 101” Op-Doc, in which Mo Rocca asks a man if he knows where the Electoral College is and the man replies, “No, I’m from Tennessee” (http://www.nytimes.com/video/opinion/100000001821730/electoral-college-101.html).

2. Tell students you are going to test Schlesinger’s assessment by giving students one minute to show their understanding of the Electoral College in words, pictures, or diagrams. Give

Estimated Time
1–2 class periods
students a minute to write or draw their explanations; then ask students to indicate how they would rate their own explanation, with 1 being very poor, 2 being poor, 3 being okay, 4 being good, and 5 being very good. Have students hold up the number of fingers corresponding to their rating; tally the results on the board. Ask:

✝ Do you think the results from our class support or disprove Schlesinger? (Answers will vary.)

✝ Do you think we are typical of Americans? (Answers will vary.)

3. Show the remainder of the “Electoral College 101” Op-Doc to review the main ideas about the Electoral College from the film and to introduce students to one reform proposal not covered in the Classroom Edition: The National Popular Vote Initiative. Allow time to answer any questions students may have about the functioning of the Electoral College.

4. Tell students that many possible methods of reforming the Electoral College have been proposed. Implementing these reforms requires either a constitutional amendment or action by a number of states. Ask:

✝ What does the National Popular Vote Initiative require? (As it is currently formulated, it requires action by enough states to form a majority in the Electoral College. However, the change to a popular vote could also be made through constitutional amendment.)
Tell students they are going to take part in a simulated hearing in which a committee at the state legislature considers whether your state should adopt the National Popular Vote Initiative.

5. Pass out the National Popular Vote Initiative Simulated Legislative Hearing handout and go over it with students. Organize students into three groups: the committee, supporters of the initiative, and opponents of the initiative. Give each group copies of the appropriate Preparing for the Hearing handout and allow time for students to prepare. You may want to give committee members the handouts for the two advocacy groups, as well, to help them prepare.

6. Conduct the simulated hearing. Following the hearing, tell students that the committee would debate and vote on the proposed amendment at a later time, but you would like to take a poll of committee members to see how they are leaning. Poll the committee and post the results on the board. Debrief the hearing using questions such as the following:

- What were the strongest arguments for the National Popular Vote Initiative?
- What were the strongest arguments against the initiative?
- What did you learn from the discussion and testimony at the hearing? What purpose does such testimony and discussion serve?
- What do you personally think the best course of action would be?

7. As homework, have students compose a brief essay explaining and supporting their view on what, if anything, should be done to reform the Electoral College.

Follow-up Activities

1. Extend the lesson by simulating the constitutional amendment process, including a proposal that must work its way through Congress, followed by ratification by the states.

2. Assign students to find out if your state legislature has considered and/or passed the National Popular Vote Initiative. If it has not, students may wish to send letters to their local representatives advocating for or against the initiative depending on their views.

Ben Leatherbury was a 19-year-old college freshman when he served as an elector from Indiana in the presidential election of 2008.
3. The Electoral College is a topic many Americans simply don’t want to talk about because they don’t understand it. Lead a brainstorming session in which students develop ideas for making the topic more interesting to citizens, working on the theory that if people better understood the Electoral College, they would be better prepared to consider reforms. Encourage students to be as specific as possible; for example, if they suggest using humor, push them to come up with specific methods — publishing political cartoons on the Electoral College, showing the film Electoral Dysfunction at local events, composing a series of humorous but educational tweets about the Electoral College, and so on. Help interested students implement their ideas. Note that the Documenting Electoral Dysfunction section of this guide includes political cartoons on the Electoral College (see page 113).

References


National Popular Vote Initiative. www.nationalpopularvote.com


David Buskill (left) and Ben Leatherbury were the Republican and Democratic electors, respectively, from Indiana’s 9th Congressional District in 2008.
You will be taking part in a simulated legislative hearing on the National Popular Vote Initiative. Some of you will be members of a committee that is considering the initiative. The committee is holding a hearing to gather public comment on the measure. Some of you will be speaking in favor of the initiative. Others will speak against it.

What is the National Popular Vote Initiative? It is a state-by-state effort to bypass the Electoral College. Its supporters are using the Constitutional provision that gives states the right to allocate their electoral votes as they wish: As Article II, Section 1 of the Constitution says, “Each state shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress…”

The initiative will create an interstate compact, or agreement. States that join this compact agree to allocate their electoral votes to make sure that the national winner of the popular vote wins the Electoral College vote, as well. Once a group of states having 270 electoral votes joins the compact, the compact will go into effect. The states in the compact will cast their electoral votes for the winner of the popular vote. They will do this even if that candidate did not win the popular vote in their state. The point is for the winner of the national popular vote to always win the electoral vote.

“Each state shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress…”

— Article II, Section 1 of the U.S. Constitution
You are the State Senate Judiciary Committee. Your committee is holding hearings about the National Popular Vote (NPV) Initiative. Your committee will be deciding whether the full Senate should vote on the initiative (that is, you can kill the initiative in your committee or send it to the Senate floor for debate and a vote). You will hear testimony from four people: two for the NPV and two against it.

1. Decide which members of the group will be Republicans and which Democrats. You may want to find out what the balance is between the parties in your state legislature so that the committee numbers accurately represent your state. The majority party should elect a chairperson. The chair will run the hearing. All the Democrats will sit together to the left of the chair during the hearing. All the Republicans will sit to the chair’s right. Some Democrats and Republicans support the NPV initiative. Others in both parties oppose it. Thus, party affiliation does not determine a legislator’s view on this issue.

2. Use what you have learned to create a list of arguments for and against the NPV. If time allows, do additional research about reasons for supporting or opposing it.

3. Develop questions you want to ask the people testifying at the hearing. Because your time will be limited, you will not be able to ask too many questions — perhaps each person testifying can be asked one question from each party. You may need to tailor your questions based on what the people testifying actually say in their statements.

4. Go over the committee procedures so that you will know what to do during the hearing.

Committee Procedures

1. The chair calls the committee to order and asks who would like to testify on behalf of the National Popular Vote Initiative. Each person testifying should be given two minutes to make his or her arguments. Following each statement, committee members should take the opportunity to ask questions (remember: time is limited!). Other supporters of the initiative should be allowed to assist in answering the questions.

2. Step 1 is repeated for opponents of the initiative.

3. The chair conducts a brief discussion of the initiative and takes a vote.

4. The chair adjourns the hearing. ★
You will be testifying in support of the National Popular Vote Initiative. Two people from your group will be able to speak before the committee. You may want to divide into two subgroups and have each subgroup plan the two-minute testimony for one person. Be sure the two subgroups check in with each other so that they present as many different and persuasive arguments as possible. Below is some information that may be useful in planning your testimony.

Arguments Against the Electoral College

Four times in U.S. history, a president has been “elected” but did not win the popular vote. With this system, a tie could even happen. This would throw the election into the House of Representatives, where every state gets just one vote. This has happened twice (1800 and 1824) and has almost happened more than 20 times.

The Electoral College is unfair because small states get more electoral votes than they “deserve.” Even the smallest states get three electoral votes — one for their single member of the House and two for their Senators. That’s not fair! For example, Wyoming’s electors represent 130,000 people each. On average across the country, electors represent 436,000 people each. The more populous the state, the more people each elector represents. In the most populous states, the number is over 500,000. Does that follow our principle of “one person, one vote”?

As pointed out in the film, the Electoral College may reduce turnout because residents of solidly Democratic or Republican states feel that their votes don’t matter and therefore don’t bother to show up at the polls. It also means that voters in solid “blue” or “red” states don’t get to hear directly from the candidates, who spend most of their time and money in “swing” states.

Arguments for the National Popular Vote Initiative

Hundreds of proposed constitutional amendments to change the Electoral College have been introduced in Congress, but none have passed. The states need to take action, and this is a good way to do it. The NPV would establish the popular vote as the deciding factor in determining who is president. That is the only fair and equitable way to make this important decision.

People today have no excuse for not being informed. Information is everywhere. Thus, the Founders’ idea that the people cannot make an intelligent decision is no longer a valid reason for keeping the Electoral College. Furthermore, the United States today is a very different country than it was in 1787. For the offices of President and Vice President, who must represent and govern a large and diverse nation, reserving an important role for states makes no sense. They have an important role in all other elections. The President and Vice President are our only two nationally elected offices and should be elected nationally.

Some of the other proposals for reform have involved states acting by themselves. For example, in 2004, Coloradans voted on a proposal that would allot their electoral votes proportionally based on the percentage of votes each candidate received. But many voters felt that if Colorado acted alone in enacting such a reform, the state would lose influence. Thus, voters defeated...
the proposition. In the two states (Maine and Nebraska) that award electors by Congressional district, the method has been ineffective in achieving change.

But the National Popular Vote compact will not go into effect until enough states have signed on to make sure that the winner of the popular vote will win the Electoral College vote. That is, states having a total of at least 270 electoral votes must sign on before it goes into effect. Thus, no state will be giving up influence unilaterally to achieve reform.

In addition, some of the reform options are either too expensive or too complicated. For example, some people think there should be a national popular vote with a run-off between the two top candidates if no one gets a majority. But a second election is expensive. Other people think there should be an “instant” run-off, which would require voters to rank candidates in order of preference. That proposal is hard to understand for many voters.

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<th>Preparation Steps</th>
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<tr>
<td><strong>To prepare for the hearing:</strong></td>
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<tr>
<td>1. Organize the group into two subgroups. Each subgroup should identify the most persuasive arguments in favor of the initiative (or you may want to assign certain arguments to each subgroup). If time allows, do some additional research to strengthen your arguments.</td>
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<tr>
<td>2. Write a two-minute speech outlining your subgroup’s position.</td>
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<tr>
<td>3. Think about the questions you might be asked and how you could answer those questions. It may help to think about the arguments for the other side.</td>
</tr>
<tr>
<td>4. Pick a member of your subgroup to deliver the testimony. Other members of the subgroup can help answer questions.</td>
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Remember to thank the members of the committee and to be extremely polite during your testimony. ★
You will be testifying in opposition to the National Popular Vote Initiative. Two people from your group will be able to speak before the committee. Keep in mind that people can oppose this initiative for many different reasons. Some may support keeping the Electoral College. Some may want the Electoral College to be abolished entirely. Still others may support a different type of reform. Thus, it will probably be useful to decide first which overall reasons the two people will present. Then divide the group into two subgroups so that each can prepare arguments from a different perspective.

Below is some information that may be useful in planning your testimony.

**Arguments for People Who Support the Electoral College**

By giving an important role to the states, the Electoral College embodies our federal system. The Electoral College gives every state — including the less populous states — an important voice. With a national popular vote, the smaller states would simply be ignored.

A candidate cannot win the presidency without support from multiple regions. Thus, the Electoral College prevents sectionalism.

The Electoral College promotes the two-party system. Thus, it encourages political stability. It also demands that both major parties reach out to diverse Americans.

**Arguments for People Who Want to Abolish the Electoral College**

The Electoral College is an outdated and undemocratic institution. It causes voters to become disillusioned about the process of electing the President. First, it takes power away from the people. It puts that power in the hands of a system that citizens do not fully understand.

The winner-take-all Electoral College system encourages candidates to campaign only in so-called “swing” states — states that could go either way in an election. The people in the states that generally go either Democratic or Republican feel ignored and disenfranchised. And so do people across the country who do not vote for the candidate who carries their state. They aren’t represented in the Electoral College at all.

“Fixing” the Electoral College through a piecemeal, state-based approach is silly. We should abolish it through a constitutional amendment.

**Arguments for People Who Support Other Reforms**

Federalism is an important principle of U.S. democracy. Thus, it is a good idea to give states a role in the presidential election. The National Popular Vote Initiative undercuts that role, as the popular vote nationwide will be the determining factor. A better reform would be to allocate electors more democratically. One way to do that would be to adopt the method used by Maine and Nebraska. In those two states, if a candidate wins a congressional district, the candidate wins the electoral vote for that district. The overall winner of the popular vote in the state gets two additional electors (for the two Senate seats).
A second method that would retain a role for the states is for each state's electoral votes to be awarded proportionately. That is, each candidate would get electoral votes based on the percentage of popular votes received. This option would make third parties more liable to receive some electoral votes, which could bring new energy to the political process.

Either of these methods could be achieved through constitutional amendment. They could also be achieved by a national initiative like the NPV. States that are afraid of losing influence could say the new way of allocating votes would not go into effect until a large number of states have adopted it.

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**Preparation Steps**

**To prepare for the hearing:**

1. Consider which of the two perspectives your group wants to take. Organize the group into two subgroups and assign each group one of the perspectives. Each subgroup should identify the most persuasive arguments against the National Popular Vote Initiative from its perspective. If time allows, do some additional research to strengthen your arguments.

2. Write a two-minute speech outlining your subgroup's position.

3. Think about the questions you might be asked and how you could answer those questions. It may help to think about the arguments for the other side.

4. Pick a member of your subgroup to deliver the testimony. Other members of the subgroup can help answer questions.

Remember to thank the members of the committee and to be extremely polite during your testimony.
Voting is an important means of citizen participation in a democracy. But it is certainly not the only means. This section is designed to encourage students to participate in other ways, either by advocating for change or by becoming involved in an election. Provided first in the section is a lesson plan on advocacy; although the lesson focuses on the issue of the 17-year-old vote, it could be adapted to include any voting-related issue about which students are passionate.

The second part of the section includes tools and strategies for involving students in such volunteer activities as getting out the vote, registering voters, being an election judge, and working in a campaign. The material on participation in the political process is from Elections in Action, a free resource created by the nonpartisan civic-education organization Mikva Challenge.

### Overview

In the past several years, 19 states have lowered the voting age for primary elections to 17, provided the voter will be 18 by the time of the general election. In some states, this change has been driven by student activism, making it an excellent case study for this lesson on advocacy. Whether students choose to take up this particular cause or another voting-related issue, the opportunity to practice advocacy skills will be an important step toward becoming active citizens.

### Objectives

Students will be able to:

- Describe the methods that Illinois high school students used to win the right for 17-year-olds to vote in primaries.
- Identify strategies useful in advocating for policy change.
- Evaluate arguments for and against lowering the voting age for primaries to 17.
- Create a plan to advocate for reform in the electoral system.

### Materials & Preparation

- You will need copies of the following handouts for all students: Suffrage at 17, Strategies for Advocates, and Creating an Advocacy Plan.

### Estimated Time

Multiple class periods, depending on how extensive students’ advocacy work becomes.

### Procedure

1. Tell students that Susan B. Anthony, one of the early advocates for women’s suffrage, once said, “Organize, agitate, educate, must be our war cry.” Ask students to think about what these words mean to someone living more
SECTION 4: Taking Action

Seventeen-year-old students at Maine West High School in Des Plaines, Illinois, register to vote in the 2014 primary.

advocate for a position. You might want to show the video of then-Governor Pat Quinn signing the Illinois law at Stevenson High School in recognition of students’ role in advocating for the law (video is available at http://www.dailyherald.com/article/20130703/news/707039824). Ask:

Why did the Governor arrange to sign the bill at the school? (To acknowledge students’ efforts in advocating for the bill; perhaps to increase his profile among young voters.)

Organize students into groups of four or five and ask them to brainstorm other ways in which they could advocate for their views on an issue. After a few minutes, distribute the Strategies for Advocates handout and have students review it in their groups, categorizing the strategies as organizing, agitating or educating (a strategy may fall into more than one category).

Return to the Suffrage at 17 handout and direct students’ attention to the substance of the issue being described. Ask:

What reasons are there to support empowering 17-year-olds who will be 18 by the time of the general election to vote in the primary or caucus? (These 17-year-olds will be able to vote in the general election, so they should be able to help pick the candidates who will be on the ballot in the general election; participating in the primary will help prepare teen voters to participate in the general election; once a young
person votes, he or she is likely to vote again, so this policy will increase voter turnout; 16- and 17-year-olds are as knowledgeable about politics and government as 21-year-olds.)

What reasons are there to oppose this policy? (Young people are the least likely voters to turn out, so this policy just adds more young people to the list of those who don't turn out; tests of student knowledge, such as the NAEP, suggest high-school age students know little about government; young people's brains are not fully developed and thus they may not make good decisions as voters.)

6. Poll students to determine their positions on the issue of 17-year-olds voting in primaries. Then ask: Is this an issue that you care enough about to make your voice heard through advocacy or education? Depending on students' answers, use one of the options below:

Option 1: If students say they are interested in the issue of 17-year-olds voting in primaries, assign them to find out whether your state has adopted a policy allowing 17-year-olds to vote in primaries and, if not, whether there are any proposals being considered. If your state has a policy in place, assign students to develop a plan for educating young people about their right to register and vote in the primary. If your state does not have a policy in place, assign students to develop a plan for advocating for or against such a policy (depending on your students' views, you may have groups for and against the policy).

Option 2: If students are not interested in the issue of 17-year-olds voting in primaries, have the class choose one or more issues from the Electoral Dysfunction film to work on (small groups could choose issues, or the entire class could work together on an issue). Have students develop an advocacy plan for their issue(s).

Whichever option you choose, students can use the Creating an Advocacy Plan handout in crafting their plans.

7. Establish a schedule for in-class work on implementation of the advocacy plan(s), as well as for reporting. Weekly or biweekly reporting is advisable, both so that you can ensure that students are making progress and so that they can get feedback from their peers.

8. When you reach the end of the scheduled classroom project, allow time for progress reporting. Be sure students realize that change can be a slow process, so they should not feel bad if they have not achieved their goal. If they have helped others better understand the issue and/or changed even one person’s mind, their project is a success. You may want to close with another Susan B. Anthony quote, reflecting on the fact that despite decades of activism, suffrage was not gained in her lifetime (though it was, of course, eventually won): “To think, I have had more than 60 years of hard struggle for a little liberty, and then to die without it seems so cruel.” Wrap up the lesson by asking: Based on your viewing of Electoral Dysfunction, which voting-related reform would you most like to see achieved? Why?
Using Film to Spark Activism

By demonstrating the importance of voting and the sacrifices people have made to secure the right to vote, films — whether documentary or feature — can inspire students to take action. The following are some possibilities for classroom viewing. Depending on the time available, clips or an entire film could be shown (or assigned) and discussed before or while using the “Becoming Advocates” lesson.


- **Selma: The Bridge to the Ballot** (2015). 40 min. Bill Brummel, Director. A documentary marking the anniversary of the march from Selma to Montgomery to advocate for voting rights. Created by Teaching Tolerance especially for classroom use, the film is accompanied by a viewing guide.

As a follow-up, students might create storyboards for trailers that would highlight the parts of the film most likely to motivate people to advocate for voting rights; create “protest posters” that summarize the message of the film; or make quote collages or mobiles of their favorite quotes from the film.

References


In 1971, 18-year-olds won the right to vote when the 26th Amendment became part of the Constitution. It may seem like not much has happened since then in terms of expanding the right to vote. But something has been happening recently — and it could affect you!

A growing number of states have acted to allow 17-year-olds to register and vote in primaries or caucuses, if they will be 18 in time to vote in the general election. Nineteen states currently allow 17-year-olds to vote in primaries and caucuses. An additional five states allow voting in some but not all caucuses. In most cases, a new state law has been passed in order to give 17-year-olds this right, but occasionally the political parties have acted on their own to make the change happen.

Young people across the country have advocated for this change. They argue that these 17-year-olds will be able to vote in the general election, so they should be able to help pick the candidates who will be on the ballot in the general election. They also say that participating in the primary will help prepare teen voters to participate in the general election. Once a young person votes, she or he is likely to vote again, so this policy will increase voter turnout. Advocates also point to studies that say 16- and 17-year-olds are as knowledgeable about politics and government as 21-year-olds.

Not everyone supports allowing 17-year-olds to vote in primaries and caucuses. Opponents point out that young people are the least likely voters to turn out, so this policy just adds more young people to the list of those who don’t turn out. They point to tests of student knowledge, such as the National Assessment of Educational Progress (NAEP), which suggest that high-school-age students know little about government. They also cite studies showing that young people’s brains are not fully developed and thus they may not make good decisions as voters.

So how have supporters of suffrage at 17 been successful in the face of opposition? It hasn’t always been easy, as the story of what happened in Illinois shows. In 2004, students from Stevenson High School in suburban Chicago made a field trip to Iowa for that state’s famous caucuses. Students and teachers were surprised to see high school students who were not yet 18 taking part in the caucuses. When they returned to school, they began researching suffrage for 17-year-olds. They decided to advocate for a law that would allow 17-year-old Illinoisans to vote in primaries if they would be 18 by the time of the general election. A bill was introduced in 2009 but was stalled by a constitutional challenge. When that challenge was resolved, the bill was reintroduced. Students testified in support of the bill. They also used social media to advocate for the bill. They worked with civic organizations, lobbyists, and elected officials to build support for the bill. In 2013, the bill became law in Illinois.
People advocating for change have many strategies available for their use. A few of these strategies are described below. What others can you think of?

- **Lobbying.** Lobbying is the process of directly trying to influence public officials. When lobbying, it is critical to target the message. The actual officials who can make a decision are the most important group to reach. If the state legislature is the group that can act on an issue, effective advocates target state legislators with a direct appeal for action and use arguments to back up their views. Influential officials who are not directly involved in making the decision might be asked to support the cause. For example, local school boards cannot give 17-year-olds the right to vote in primaries. However, if many local school board members support that idea and believe 17-year-olds are informed and mature enough to make good decisions, their views could influence the legislature.

- **Testifying at public hearings.** Officials hold hearings to gather information and views from the public. Advocates can testify at hearings to influence and inform officials and other members of the public.

- **Starting an email and telephone campaign.** People seeking change often try to organize large numbers of people to email, call, or write to public officials. Public officials pay attention to the messages they get, especially from the people they represent. They and their staff members are busy, however, so it is best to be brief.

- **Circulating a petition.** A petition is a request for action, signed by many people. Advocates for a cause may start a petition because it is easier to get people to sign a petition than to write an email or call an official. (For that reason, officials may pay less attention to petitions than to emails, letters, or phone calls.) Many tools for creating petitions are available on the Internet.

- **Using the media.** People use the media — whether traditional forms like the newspaper or newer forms like social networking sites — to create support for change. Many advocacy groups use Facebook, Instagram, Tumblr, Twitter, and other sites to build momentum. A soundly argued letter to the editor or op-ed piece can also be effective.

- **Creating educational opportunities.** Advocates for change host debates, teach-ins, and other events designed to educate the public. They also create newsletters, pamphlets, and other educational materials for the same purpose.

- **Holding a demonstration.** A demonstration may involve marching, picketing, walking out, or sitting in. Demonstrations can be effective in drawing attention to an issue. When demonstrations become violent or disruptive, they can affect public opinion negatively. Consequently, demonstrations should be carefully planned and carried out using nonviolent tactics.

★
Creating an Advocacy Plan

People who want to create change need a plan. Too often, without a plan, all that happens is talk — among people who already agree with you. Use this form to create your plan (you may end up filling out several of these forms). Decide what strategies you will use to seek change. Be practical — don’t plan to do more than your group can actually achieve.

1. State your issue as clearly as you can (you will be able to use this statement in your work).

2. State your goal with respect to the issue as clearly as you can.

3. List three specific actions you will take. They may involve three different strategies (lobbying, petitioning, creating educational opportunities) or different uses of one strategy (lobbying your state legislators to take action on your issue, lobbying other influential officials to support your position). Set a deadline for each action, and make sure someone in your group takes responsibility for that action.

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<th>Information or Materials Needed to Complete the Action</th>
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4. When you have completed these actions, evaluate and reflect on your work as a group. What evidence do you have that the actions were or were not effective? How could you do a better job the next time you use the same strategy? What should you do next?

When your group has completed its reflection, decide on the next steps you will take toward achieving your goal.
Follow-up Activities

1. In its 2014 referendum regarding independence from the UK, Scotland allowed 16- and 17-year-olds to vote. Several Latin American countries allow 16- and 17-year-olds to vote, as does Austria. Denmark allows them to vote in local elections. Encourage students to research voting ages in other countries and compile a map showing minimum voting age internationally. What evidence regarding turnout or voting patterns of these young voters can they uncover? What is the relevance of this information to the question of 17-year-old suffrage in the United States?

2. Invite advocates for different causes to visit your class and discuss the strategies they use in speaking out for change. If possible, invite a public official to the same class to comment on the extent to which various strategies actually influence her or him. ★

As part of a national week of action against youth incarceration, several hundred Chicago-area young people and their allies took part in this 2014 march to protest the “school-to-prison pipeline.”
About Mikva Challenge
Mikva Challenge was founded in 1997 as a tribute to former White House Counsel, Judge, and U.S. Congressman Abner Mikva and his wife Zoe, a teacher and lifelong education activist. To learn more about Mikva Challenge, visit www.mikvachallenge.org.

Additional election-related resources and curriculum materials can be found at www.mikvachallenge.org/educators/center-for-action-civics.

Action Civics
Mikva Challenge — a nonpartisan organization that helps young people become informed, empowered, and active citizens and community leaders — believes that the best way to learn civics is to “do civics.” This Action Civics approach centers on giving students opportunities to take action during the campaign season. In this section, we offer suggestions to help you facilitate and reflect on these powerful learning experiences with your students. Developed by Mikva Challenge and reprinted with permission, these activities focus on:

- Registering Voters
- Getting Out the Vote
- Being an Election Judge or Poll Worker
- Choosing a Candidate and Campaigning

NOTE: Most of the Taking Action experiences presented in this section would likely qualify for service-learning credit in most school districts and service programs.

Registering Voters
One great way for students to engage electorally is for them to register themselves to vote if they are eligible. (In 19 states, as noted earlier in this guide, 17-year-olds can vote in the primary if they will be 18 at the time of the general election.) There are a number of good resources for registering students, including Rock the Vote’s Democracy Class (http://www.rockthecvote.com/get-involved/democracy-class).

In addition to registering students, members of your class could register people in their community. Before you begin planning to register voters, be sure to contact your local Board of Elections or the League of Women Voters to find out the state and county voter registration laws. Such laws vary significantly...
from state to state, and it is important that your students’ voter registration drive is in compliance.

We suggest holding a voter registration drive after school, during lunch, at a school function (such as a sporting event), and/or during report card pick-up day. Recruit two to four volunteers to staff a table in a well-trafficked area, and don’t forget to have pens handy and a sign identifying your table.

**Registering Voters Reflection**

- How did it feel to register to vote?
- Do you intend to vote in the next election?
- How did it feel to register others to vote?
- What was the most rewarding part of the experience?
- What was the most challenging part?

**Getting Out the Vote Reflection**

- How did it feel to work on a GOTV campaign?
- What was the most rewarding part of the experience?
- What was the most challenging part? Would you do it again? Explain.

**Being an Election Judge or Poll Worker**

Forty states and the District of Columbia allow young people to serve as paid election judges or poll workers on Election Day. The details vary from state to state, so contact your local Board of Elections to find out how your students can participate. You can obtain more information about this process at [http://wikipedia.org/wiki/Student Election Judges](http://wikipedia.org/wiki/Student_Election_Judges).

Getting registered voters to the polls on Election Day is another action your students can take. They can make posters, phone bank, knock on doors, and create GOTV PSAs to be played in school or on local cable-access networks. (To view a collection of student-produced GOTV videos, visit [http://www.lwvil.org/voter-video-minutes.html](http://www.lwvil.org/voter-video-minutes.html).) Students can do this on their own, or they can join a campaign office, political party, or another organization’s GOTV campaign.
**A Hands-On Civics Lesson**

“When Illinois first allowed high school students to serve as election judges, the Chicago Board of Elections cautiously hired 100 students for that first election in March of 2000. Today, because of the outstanding commitment and tireless effort of Mikva Challenge, the Chicago Board of Elections enthusiastically hires more than 2,000 high school students at every election to staff our polling places. Thanks to our partnership with Mikva Challenge, thousands of students experience a hands-on civics lesson.”

—Langdon Neal
Chicago Board of Elections

In Chicago, where Mikva Challenge is based, thousands of high school students routinely serve as election judges. In the quotation above, the Chairman of Chicago’s Board of Elections shares his thoughts on the value to students — and to the community — of giving young people the opportunity to serve as poll workers or election judges.

**Campaigning**

There is no better way for students to get an inside view of the political process than to volunteer for a campaign and reflect on their experiences. But whether you take a class trip to a few campaign offices or have students campaign outside of school time on their own or in small groups, you will want them to prepare for their experience ahead of time. We have, therefore, included pre- and post-experience handouts to use with your students.

**Learning About the Candidates**

Assign students (independently, in pairs, or in small groups, depending on the size of the class and the number of candidates you wish to research) a candidate to research and distribute a **Candidate Profile** handout for them to fill out. The profile sheet has two issues identified and two left blank. Have the class decide which two issues they want to know more about. Encourage students to consult a range of sources — including candidates’ campaign literature, news media (such as *The New York Times*, *The Washington Post*, and CNN), blogs, nonpartisan groups (such as The League of Women Voters and Project Vote Smart), and interest groups (such as the Sierra Club, AARP or NRA) — to gather information on their candidates.

Remind students that they are creating informative profiles, not persuasive profiles. Therefore, the writing should be as neutral and objective as possible.

Students should read profiles for all candidates and then complete the **Candidates Notes** chart and **The Candidate I Support Is** handout.

★

**When Illinois first allowed high school students to serve as election judges, the Chicago Board of Elections cautiously hired 100 students for that first election in March of 2000. Today, because of the outstanding commitment and tireless effort of Mikva Challenge, the Chicago Board of Elections enthusiastically hires more than 2,000 high school students at every election to staff our polling places. Thanks to our partnership with Mikva Challenge, thousands of students experience a hands-on civics lesson.”

—Langdon Neal
Chicago Board of Elections

In Chicago, where Mikva Challenge is based, thousands of high school students routinely serve as election judges. In the quotation above, the Chairman of Chicago’s Board of Elections shares his thoughts on the value to students — and to the community — of giving young people the opportunity to serve as poll workers or election judges.

**Campaigning**

There is no better way for students to get an inside view of the political process than to volunteer for a campaign and reflect on their experiences. But whether you take a class trip to a few campaign offices or have students campaign outside of school time on their own or in small groups, you will want them to prepare for their experience ahead of time. We have, therefore, included pre- and post-experience handouts to use with your students.

**Learning About the Candidates**

Assign students (independently, in pairs, or in small groups, depending on the size of the class and the number of candidates you wish to research) a candidate to research and distribute a **Candidate Profile** handout for them to fill out. The profile sheet has two issues identified and two left blank. Have the class decide which two issues they want to know more about. Encourage students to consult a range of sources — including candidates’ campaign literature, news media (such as *The New York Times*, *The Washington Post*, and CNN), blogs, nonpartisan groups (such as The League of Women Voters and Project Vote Smart), and interest groups (such as the Sierra Club, AARP or NRA) — to gather information on their candidates.

Remind students that they are creating informative profiles, not persuasive profiles. Therefore, the writing should be as neutral and objective as possible.

Students should read profiles for all candidates and then complete the **Candidates Notes** chart and **The Candidate I Support Is** handout. ★
# Candidate Profile

Create a candidate profile sheet as formatted below. Include as much of the following information as you can.

<table>
<thead>
<tr>
<th>Subject</th>
<th>Candidate Information</th>
<th>Photo of Your Candidate</th>
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<tr>
<td>Political Party</td>
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<td>Home</td>
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**Explain the candidate’s position on the following issues (you may paraphrase or use direct quotes from the candidate’s website):**

- **Education**
- **Guns**

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SECTION 4: HANDOUT
Candidate Notes

Read all the Candidate Profile sheets. Then complete the following chart by writing reasons to support and not to support each candidate. On the back of this paper, explain which candidate for each race you would campaign for and why.

<table>
<thead>
<tr>
<th>Candidate</th>
<th>Reasons to Support</th>
<th>Reasons Not to Support</th>
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</table>
The Candidate I Support Is __________________________

Answer the following questions for the candidate you most support.

1. What are the demographics (age, race, gender) of the candidate? __________________________

2. Do these factors affect an individual’s ability to be effective in this position? If so, how? ______________

3. What other aspects of the candidate’s biography do you think will help him or her perform in office? Explain. What aspects might limit the candidate’s performance in office? Explain. ______________

4. Describe the work/leadership experience the candidate has. __________________________

5. Is the candidate’s experience relevant to the position she or he is seeking? Explain. ______________

6. What is the candidate’s stance on the two additional issues that the class chose as important? Do you agree with his or her position? Explain. ______________

7. List three reasons you support this candidate: __________________________

NAME __________________________________________ DATE ______________

NAME __________________________________________ DATE ______________
Preparing for Campaigning

After students have chosen a candidate to support, divide the class into groups of ten and spread groups around the room. In each group, students should line up facing each other — five on one side, five on the other, with a fair amount of space in between pairs so that they can talk without disturbing each other.

One side of each group will play the role of a voter. Give each student in the voter group an index card that describes the way he or she will respond to the campaigner who comes to their “door.” Responses can include:

- "I am not interested."
- "Thanks, but I always vote for the other party."
- "I don't vote."
- "How does your candidate feel about (pick an issue)?"
- "Why are you campaigning? You're not even old enough to vote!"

The other side of each group will practice campaigning for the candidate they have chosen to support. Encourage each campaigner group to identify reasons why they might support a candidate, including:

- "I care about ____________ and my candidate cares about this issue."
- "I like the candidate's experience and leadership."
- "I support the candidate's position on ______________."
- "The candidate and I share similar views on what the U.S. needs."

Explain that each campaigner will be given one minute to make his or her pitch. Once the activity starts, there will be a lot of talking at once. Remind students to try to keep their voices low so that everyone can hear each other.

Allow one minute for the first round of door-knocking. Allow for feedback and reflection. Ask: Were you persuaded? Why or why not? What did the campaigner do well? What shouldn’t he or she have done? In what ways could the campaigner improve his or her pitch?

Have campaigners move down the line to the next “voter” and begin another minute of campaigning. Continue until the five campaigners in each group have “knocked on all the doors.” Then have voters hand their index card to the student standing across from them. Have the campaigners become the voters and have the voters practice their campaigning until they have completed all five rounds.

NOTE: We recommend that you escort your students to the different campaign offices for their first visit.

Campaign Reflection

We have included a Campaigning Reflection sheet for students to complete each time they campaign. You can use this form as a way to keep track of students’ experiences when they are campaigning outside of classroom time. Answers to the questions on this handout can also form the basis for a final reflective essay on the process of campaigning.

Preparing for Campaigning

**Step One: Figure out where you are going.**

Candidate: ____________________________________________

Office Address: ____________________________________________

Phone Number: ____________________________________________

**Step Two: Call the office. Let them know you are interested in helping them campaign and ask the following questions:**

What is the name of the volunteer coordinator? ______________________________

What types of tasks do they need help with? ______________________________

Tell them what you're interested in doing: ______________________________

**Set up an appointment to go to the office so that you know they are ready and waiting for you.**

Appointment Date: ___________________________ Time: _______________________

**Consider going with a friend. It's more fun!**
Tips for Campaigning

There are many different things you might do when you volunteer for a candidate, including stuffing envelopes, entering data, creating posters, making phone calls, handing out flyers, and speaking with voters door to door. Whatever you do, you should have a clear idea of why you are supporting your candidate so that you can speak eloquently and convincingly. The campaign office will prep you, but it is always good to know what to expect and be prepared.

Prepare what to say
(the campaign office will give you a talk sheet, as well):

✪ What is it about this candidate that makes you support him or her?

✪ Personalize your message. (Campaign slogans are not nearly as powerful as a personal, heartfelt message.)

✪ Why is this election important?

✪ Why are you campaigning even though you’re not old enough to vote?

✪ Which of the candidate’s issues is most important to you and why?

Take:

✪ Literature about the candidate.

✪ Information about registering to vote to give to voters who say they are not registered.

✪ A sheet of paper on which you have written the campaign website’s URL and its phone number to share with people who ask for more information.

✪ A pen.

Talk to voters:

✪ Go with a partner.

✪ Be upbeat! Smile.

✪ Trust your instincts — if you have a bad feeling about a particular block or house, skip it. Never put yourself in danger. Do not go inside anyone’s home.

✪ Some people may be rude. Expect this. You are representing your candidate, so being rude back is not an option. BE POLITE at all times!

✪ Some people will be in a rush, not home, or unwilling to talk. Having literature (flyers, pamphlets) to hand out or leave for voters if they are not home is useful.

✪ Don’t make stuff up! While you should know some things about the candidate you are supporting, you are not expected to know everything. If there is something you are unsure of, refer the voter to the campaign website and phone number. Make sure you share their question with the campaign office.

✪ If you encounter a very supportive voter, ask if he or she would be willing to volunteer. Give the voter the campaign office’s phone number, and take down the voter’s contact information to share with the campaign office.
Campaigning Reflection

Name: ____________________________

Candidate campaigned for: _______________________________________________________

Hours spent campaigning: ______ Volunteer coordinator signature: ______________________

Circle all the activities you participated in while working in the campaign office:
Canvassing  Working the phone bank  Visibility  Other: __________________________

1. Give a brief summary of the activities you participated in: _____________________________

2. If you talked to voters, what reasons did people give for planning to vote for your candidate?
   ____________________________________________

3. Why did people say they were not going to vote for your candidate? ________________________

4. How did you try to convince them? ____________________________________________

5. What was the most positive part of the experience? ________________________________

6. What was the least positive part of the experience? ________________________________

7. What did you learn from campaigning? ________________________________

8. Would you recommend this experience to a friend? Why or why not? __________________

Teaching with Op-Docs

“THE RIGHT TO VOTE”

The filmmakers crafted four “Op-Docs” — the video equivalent of op-eds — from Electoral Dysfunction footage. (Some material in the Op-Docs appears in the Classroom Edition, but a significant portion of the content is unique to the short videos, each of which is approximately four minutes long.) The four Op-Docs were commissioned by The New York Times and can be viewed on the Times’ website, as well as on the Electoral Dysfunction Classroom Edition DVD and on the project website. Topics include:

- “The Right to Vote”
- “Voter ID Wars”
- “Electoral College 101”
- “Ballot Design with Todd Oldham”

The following are one-day lessons, each built around a different Op-Doc. They can be used separately or in combination.

Overview

In the film, Mo Rocca conducts “person-on-the-street” interviews about whether voting is a right or a privilege. Replicating this mini-survey provides a quick method for getting students thinking about voting and its role in a democracy as a prelude to watching the Op-Doc on the topic. Following the viewing, students check the Constitution for references to voting and discuss whether they think an amendment to enshrine the right to vote in the Constitution is a good idea.

Objectives

Students will be able to:

- Explain whether voting in the United States is a right or a privilege.
- Identify sections of the Constitution that mention voting.
- Take and defend a position on whether the United States should pass a constitutional amendment guaranteeing the right to vote to all citizens.

Materials & Preparation

- Computers with Internet access
- Copies of the Constitution

Estimated Time

1 class period

Procedure

1. Pose the following question to students:
   - In the United States, is voting a right or a privilege?
   - Let them ponder the question for a few moments and then tally their responses. Allow a student on each side of the question to provide a rationale for her or his answer.

2. Tell students to look for an answer to this question in the brief video they are going to watch.
to watch. Screen the Op-Doc. After the screening, ask:

Did the video change your view on the question of whether voting is a right or a privilege? Why or why not? (Answers will vary.)

3. Organize students into seven groups. Provide groups with copies of the Constitution and tell them they are going to do their own analysis of the text of the Constitution so that they can decide for themselves whether they think a right to vote exists within the text. Assign each group part of the document: Article I; Article II; Articles III and IV; Articles V, VI, and VII; Amendments I-X; Amendments XI-XX; and Amendments XXI-XXVII. Ask students to read carefully to find any mention of voting or elections or any other references they think might be relevant. When groups report out, they should mention the following sections:

- Article I, Sections 2 and 4
- Article II, Section 1
- Amendments XII, XIV, XV, XVII, XIX, XXIII, XXIV, XXVI
- Depending on your students’ sophistication, they may cite some other sections from which a right to vote might be inferred (e.g., Article IV, Section 7, which guarantees a republican form of government in every state; Amendment IX, which says that the listing of certain rights in the Constitution does not deny other rights retained by the people).

4. When all groups have reported, ask: Based on our analysis, do you think we need a constitutional amendment providing an explicit right to vote, as mentioned in the Op-Doc? Why or why not? Conduct a brief discussion on these questions. If time permits, you may wish to have students research arguments on both sides of the question, as well as the status of the proposed amendment in Congress. In late 2014, The New York Times presented a “Room for Debate” feature on this topic that provides a quick way to find arguments on all sides of this issue: [http://www.nytimes.com/roomfordebate/2014/11/03/should-voting-in-an-election-be-a-constitutional-right]. Students could also investigate advocacy organizations supporting such an amendment (e.g., Advancement Project, [http://www.advancementproject.org], and FairVote: The Center for Voting and Democracy, [http://www.fairvote.org]).

5. Assign students to compose an email to their representative in the U.S. House, advocating a vote for or against the right-to-vote amendment.
Follow-up Activities

1. Suggest that students research how people with felony convictions are treated in terms of voting rights in your state. If students feel your state’s law is unjust, encourage them to contact state lawmakers to advocate reform on the issue.

2. Point out to students that people who have served time in prison — such as Flo Perkins, who is featured in Electoral Dysfunction and who thought she was banned from voting — may not know what their rights are when they get out. In some states, observers have alleged that convicted felons are purposefully given inaccurate information. Challenge students to consider how accurate information might more readily be provided to people in the prison system in your state. Encourage students to act on their ideas if feasible.

3. Assign small groups of students various countries to research, looking at how their constitutions address the right to vote (including for people with felony convictions). Students can use the Constitute Project, a collaboration between Google and the multi-university Comparative Constitutions Project, to conduct this research: https://www.constituteproject.org. (See pages 122 to 124 of this guide for additional resources.)

4. Tell students that the debate over whether voting is a right or privilege is not the only debate about how voting should be conceived. There is also a debate about whether voting is a right, a responsibility, or a duty. In some countries, voting is mandatory and thus clearly a duty. Suggest that students conduct person-on-the-street interviews similar to those done by Mo Rocca in the film to explore people’s views on this question. Follow up by exploring the issue of mandatory voting. Useful materials on this topic are available from the Deliberating in a Democracy in the Americas project: http://www.dda.deliberating.org.

After serving time for a felony conviction in Mississippi, Terrance Watts was sentenced to 10 years in prison for mistakenly voting. Watts was still on the voter rolls, but under Mississippi law, people with felony convictions can only vote after being released from prison if the governor pardons them or the legislature passes a personalized bill restoring their voting rights. Ask: How would a constitutional right to vote affect Watts and others with felony convictions?
Objectives
Students will be able to:
- Identify the perspective on voter identification laws taken in an Op-Doc.
- Construct a storyboard for a video taking a different perspective on this issue.

Materials & Preparation
- Computers with Internet access
- Materials for constructing storyboards

Estimated Time
1 class period

Overview
Op-Docs are, by definition, opinion pieces. In this one-day lesson using the “Voter ID Wars” Op-Doc, students identify what they believe to be the filmmakers’ opinion on voter ID laws. They then design an Op-Doc that would present a different perspective on this issue.

Procedure
1. Open the lesson by asking:
   - *Have you ever heard the term Op-Doc?*
   - *What do you think it means?* (If students have never encountered an Op-Doc, they may make a variety of guesses. If they have, they may be able to define it as a documentary film that presents an opinion on an issue or problem.)

   Be sure students understand that an opinion is a belief or perspective on an issue; it is not the same as a fact, which is a piece of verifiable information. Editorials in newspapers provide opinions, as do many commentaries on television news programs.

2. Tell students they are going to view an Op-Doc titled “Voter ID Wars.” Ask:
   - *What is the topic the filmmakers will be presenting an opinion about?* (Laws requiring voters to show photo IDs before they can vote.)
   - *What clues will help you decipher the filmmakers’ opinion on this issue?*

   Direct students to look for these clues and make notes as they watch the video.

3. Show the Op-Doc and conduct a discussion about the clues that helped students determine the filmmakers’ opinion on voter ID laws. (Clues indicate that the filmmakers oppose such laws.) Students should mention at least some
of the following items and may mention other evidence:

✪ The Op-Doc starts with an anecdote about nuns being denied the vote, which might prejudice viewers against voter ID laws. The story about the nuns is followed by a caustic remark from the host/narrator about nuns trying to commit voter fraud.

✪ Former President Clinton compares voter ID laws to racist Jim Crow laws.

✪ Following the title sequence, when the host/narrator presents the laws as controversial, they are again compared to Jim Crow laws through the visual of civil rights marches.

✪ Representative Mike Turzai from Pennsylvania is quoted making a statement that suggests voter ID laws are implemented for political reasons, not to prevent fraud.

✪ In discussing the Supreme Court case on Indiana’s voter ID law, Mo Rocca mentions there had never been an instance of voter impersonation in the state’s history, suggesting that the law is unnecessary. This is followed by an interview with an elderly man in a car who says he is concerned about fraud — in the form of Democrats — again suggesting that the laws may be politically motivated.

✪ After Indiana legislator Brandt Hershman (who was instrumental in passage of Indiana’s voter ID law) states that getting an ID is free, Erin Kelley from The League of Women Voters refutes that claim.

✪ Judith Browne Dianis again makes the connection with Jim Crow by mentioning poll taxes.

✪ At the end of the video, Mo Rocca presents the number of voters who may be disenfranchised as a result of voter ID laws and says it is less than the margin of victory in recent races.
4. Stimulate discussion about how students might alter the Op-Doc so that it supports voter ID laws or treats both sides equally (you may want to point out that in the latter case, it would not technically be an Op-Doc, since it wouldn’t be expressing an opinion). Organize students into groups of three and ask each group to create a storyboard for a brief documentary on voter ID laws that takes a different perspective from the one featuring Mo Rocca. They can plan to use video from that Op-Doc recut or with different narration, use new footage, or use a combination of the two.

5. When students have completed their work, post the storyboards around the room for class analysis and discussion.

Follow-up Activities

1. Challenge students to do what Mo Rocca suggests near the end of the Op-Doc: find out what the ID rules are in your state. Students could follow up by undertaking an education campaign to let voters know what identification is needed and, if feasible, to help them get that identification.

2. Throughout Electoral Dysfunction, representatives of various advocacy and public-interest groups are interviewed. Have students investigate The League of Women Voters and the work that it does. Consider inviting a representative from The League or another nonpartisan election organization to visit your class and discuss local connections to issues raised in the film, including voter ID.

3. Provide assistance if motivated students wish to create Op-Docs of their own, on issues addressed in Electoral Dysfunction or on another topic about which they are passionate.
**Overview**

For many Americans, one of the many mysteries of the Electoral College is who exactly the electors are, what role they play, and how they are chosen.

**Procedure**

1. Pose the following questions to students:
   - *If I told you that the school board had decided that the student body president must be elected indirectly, what do you think that would mean?* (The student body president could not be elected by a direct vote of the students.)
   - *What are some ways that we could structure an indirect election?* (A likely structure is having classes vote for class representatives who then choose the president, but accept any answer that involves an indirect feature.)

2. Tell students that when the Constitution was adopted, three federal offices were elected indirectly. Ask students to identify those offices (President, Vice President, Senator). Explain that election of senators became direct with passage of the 17th Amendment in 1913, but election of the President and Vice President is still indirect. Voters, though often believing they are voting directly for the President and Vice President, are in fact choosing electors, who in turn cast the votes that actually elect the President and Vice President.

3. Show students the Op-Doc “Electoral College 101.” Debrief by discussing the simulation Mo Rocca conducted with the third-grade class. Ask:
   - *What aspects of the Electoral College does this simulation illustrate?* (The indirect election; the fact that a candidate who does not win the popular vote can still win the electoral vote and thus the election.)
   - *What other problems related to the Electoral College are mentioned in the Op-Doc?* (The marginalizing of a majority of the voting populace — those who live in solidly red or blue states; the undue influence that swing states may exert on policymaking, as...
Ben Leatherbury (second row, center) was a 19-year-old college freshman when he served as one of Indiana’s 11 electors during the historic presidential election of 2008.

with the case of the Medicare drug benefit law mentioned by former Representative Tom Tancredo.)

4. Show students the image of the Indiana electors entering the legislative chamber (0:27 to 0:38). Tell students that these were the Indiana electors in 2008. Ask:

What do you notice about the electors? (They are mostly white, mostly older.)

Do you think they are Democrats or Republicans? (Students will probably have no idea, but they are Democrats because President Obama carried Indiana in 2008.)

Use this as an opportunity to explain that each candidate has his or her own slate of electors. This means that in 2008, Barack Obama had a slate of electors, John McCain had a slate of electors, Ralph Nader had a slate of electors, and so did a long list of other candidates from smaller parties. Only the electors of the candidate who wins the popular vote in a given state actually get to cast electoral votes. In Indiana in 2008, that was the Democratic slate, comprised of 11 electors.

5. Point out the one elector who looks younger than the others and provide some background information on him: His name is Ben Leatherbury and, in 2008, he was a 19-year-old freshman at Indiana University. His father had previously served as a Democratic elector, but in 2008, he decided to hand over the job to his son.

Ask: Is there anything about what I have told you that surprises you? (Answers will vary, but students may mention Ben’s youth and the fact that his father gave him the job — not the way most Americans would imagine an important office is filled.)

With students, create a list of questions students have about the electors and how they are chosen.
6. Organize students into small groups and assign each group a question to research about electors. In addition to the questions students listed in the previous step, be sure the following questions are included:

- ✪✪ What are the qualifications to be an elector?
- ✪✪ How are the electors chosen?
- ✪✪ Are electors required to vote for the candidate who won the popular vote or can they use their own judgment? What is a “faithless elector”?
- ✪✪ How many electors does our state have and has that number changed over time?

Suggest that students start their research by looking for information in the Constitution. If they cannot find the answers there, refer them to the National Archives site on the Electoral College (http://www.archives.gov/federal-register/electoral-college/index.html), which provides a wealth of information.

7. Have groups report on their findings. Ask:

- ✪✪ Although not all states officially require electors to vote for the candidate who won the popular vote, the electors almost always do. Why? (Because the electors are selected by the party or the candidate and are thus loyal to them; being an elector is often a reward for working hard for the candidate or party and such hard workers are unlikely to vote for another candidate.)

8. Encourage students to find out more about how electors are specifically chosen in your state and who from your area has served as an elector. If possible, invite someone who has served as an elector to visit your class or take part in a Skype or Facetime interview with the class to discuss that experience.

### Follow-up Activities

1. Focus on the simulation in which Mo Rocca involved the third-graders. Organize students into groups of three or four and challenge each group to design a simple simulation or demonstration that will illustrate features and/or problems of the Electoral College. If time permits, let some of the groups implement their simulation or demonstration for feedback.

2. Invite adults and other classes to an “Electoral College 101” night at which students can present their simulations and demonstrations. They can also prepare posters and pamphlets and give presentations to educate the community about other aspects of elections the class has been studying.

3. Students could conduct additional research on faithless electors, identifying how many there have been and the reasons for their “faithlessness.” They might also research some of the more controversial presidential elections in U.S. history. For example, the National Archives includes an essay that accompanies the tally of the 1824 electoral vote (http://www.archives.gov/education/lessons/electoral-tally/), which could be an interesting starting point for student research.
Overview
This Op-Doc investigates the issue of ballot design. Students analyze a problematic ballot and compare the issues they identified with those a design professional observed; then they use this analysis to design a more functional ballot. They also discuss whether a uniform national ballot design is a good idea and explain how they could advocate for their position on this issue.

Objectives
Students will be able to:

- Identify design problems through analysis of one sample ballot.
- Describe issues with ballot design identified by a design expert.
- Apply their understanding of ballot design to create a ballot that is easily understood.
- Take and defend a position on whether the United States should have a uniform national ballot.

Materials and Preparation:

- Butterfly ballot from page 105 of the Documenting Electoral Dysfunction section of this guide (also available at http://americanhistory.si.edu/vote/florida.html and many other sites online)
- Materials for use in designing a ballot

Estimated Time
1 class period

Procedure

1. Project or distribute copies of the 2000 butterfly ballot from Palm Beach County, Florida. Working in pairs, students should identify any aspects of the ballot that might be confusing to voters or cause problems in the voting process. Allow a few minutes for this analysis and then ask students to share potential problems they identified. Post their answers on the board.

2. Tell students they will have a chance to compare their analysis to that of a design expert, Todd Oldham. Show the Op-Doc video up to 3:07. Stop the video and ask:

- How was your analysis of the butterfly ballot similar to or different from Todd Oldham’s? (Answers will vary.)
- Why is ballot design important? (Bad design can cause voting problems that result in votes being lost. This can affect the outcome of an election.)

3. Challenge students to work in pairs or groups to redesign the butterfly ballot to avoid the problems encountered in
Palm Beach County. Their goal should be for the ballot to be easy to understand and use. For older or more advanced students, direct them to think about complicating factors, such as wordy ballot questions. Students should also decide how they think the ballot could best be completed — by hand (i.e., with a pen or pencil), with a punch card, or with a computer touch-screen.

4. Have students display their ballots around the classroom and allow time for class members to examine and discuss other groups’ ballots.

5. Ask: Why do you think different cities, counties, and states have different ballot designs? Allow students to speculate, then tell them to look for an answer as they view the rest of the Op-Doc on ballot design. Conduct a discussion of the following questions:

- What is Mo Rocca’s explanation of the many different ballots? (He says people think ballot design should be under local control.)

- Todd Oldham, one of America’s foremost design experts, spoke with Mo Rocca about the strengths and weaknesses of various election ballots.

- What principle of government does this reflect? (Federalism, the distribution of power between a central government and state governments, as well as local governments to which states delegate powers.)

- Do you think a uniform ballot design would violate the principle of federalism? (Answers will vary.)

- Do you favor a uniform national ballot like Canada’s or varied designs created by local governments? Explain your answer. (Answers will vary; you may want to point out to students that Canada is also a federal system.)

- If you favor a uniform ballot design for the entire country, how could you go about advocating for that policy? (Possible answers: You could write letters to members of Congress, educate others about the problems of ballot design and encourage them...
to support a uniform design.) If you favor local control of ballot design, how could you ensure that the ballots used in your area are well designed? (Possible answers: Get copies of sample ballots from recent elections and analyze them, find out who in your area is responsible for ballot design, and contact those responsible regarding any concerns you have; contact local policymakers to argue that their ballots should be designed or reviewed by design professionals; conduct workshops to help voters understand the ballots.)

Follow-up Activities

1. Encourage students to follow through on advocating for their position on the question of a uniform ballot design for the entire country. An interesting article that draws comparisons with ballot design in other countries is Mark Vanhoenacker’s “The Election Disaster that Wasn’t” on Slate.com (http://www.slate.com/articles/arts/design/2013/01/ballot_design_america_s_elections_depend_on_confusing_badly_designed_ballots.html). Students might find this information useful in developing arguments for use in advocating for their positions. You may want to point out that off-years when there are no major elections are a good time to work on reforms.

2. To add a historic element to this discussion, visit the Electoral Dysfunction YouTube channel and have students watch and discuss the video entitled “Voting: 19th-Century Style” (https://www.youtube.com/watch?v=6ye5CbXF5Ak). What changes in the design and function of ballots are chronicled in this video?

3. Arrange for a state or local official in charge of elections (Secretary of State, county clerk, member of a Board of Elections, etc.) to visit your class and describe how ballots are designed in your area. The official might also respond to students’ ballot designs.

4. The Brennan Center for Justice has done significant work on ballot design and also monitors the effects of poor design on election outcomes. Interested students could investigate the Center’s web page on this issue (http://www.brennancenter.org/publication/better-design-better-elections) and review their own ballots using the Center’s “Ballot Design Checklist” (http://www.brennancenter.org/sites/default/files/legacy/Democracy/Ballot%20Design%20Checklist.pdf).
DOCUMENTING ELECTORAL DYSFUNCTION
This section of the guide includes documents that provide additional insight into topics covered in the film, plus a worksheet for analyzing primary sources. Provided along with each document are a summary of the document, questions for discussion, and ideas for ways to follow up analysis of the document with additional study of the topic. The documents included are:

- Literacy tests
- Sample ballots
- Excerpts from The Voting Rights Act of 1965 and the majority and minority opinions in *Shelby County v. Holder*
- Political cartoons on the Electoral College
- Posters regarding DC voting rights
- Data on voter registration and voter turnout
- Excerpts from other nations’ constitutions regarding the right to vote

**Documenting Electoral Dysfunction**
Document Analysis Worksheet

1. What type of document is this (for example, letter, article, map, photo, government report, law, court ruling)?

2. When was this document created?

3. Who created the document?

4. Did the document’s creator have first-hand knowledge of the events or time period described or depicted in the document? If not, what is the source of the person’s knowledge?

5. For what audience was the document created?

6. Why do you think the document was created? What evidence in the document helps you understand why it was created?

7. Read or examine the document carefully. What does the document tell you about the event or time period covered in the document? List at least three points:

8. What was the document creator’s view of the event or time period covered in the document? What evidence helps you understand that point of view?

9. What questions does the document raise?
Summary

Literacy tests were used from the 1890s to the 1960s to prevent voting by members of particular groups, including African Americans, “new” immigrants from Southern and Eastern Europe, Native Americans, and Latinos. These tests were used most widely in the South, where they were sometimes given orally and sometimes in writing. According to Bruce Hartford of the Civil Rights Movement Veterans, if an African American candidate was passing the written test, registrars would often ask their own “impossible” questions. An example of such a question — as Mo Rocca points out in Electoral Dysfunction — is, “How many bubbles are in a bar of soap?”

The literacy test reproduced on the following pages was used in the state of Louisiana. For more examples and background, see [http://www.crmvet.org/info/lithome.htm](http://www.crmvet.org/info/lithome.htm); the Tennessee State Library and Archives presents an analysis of why this test was so difficult to pass at [http://www.tennessee.gov/tsla/exhibits/blackhistory/pdfs/Voter%20Test%20LA.pdf](http://www.tennessee.gov/tsla/exhibits/blackhistory/pdfs/Voter%20Test%20LA.pdf).

Such tests were in use until the Voting Rights Act (VRA) of 1965 became law, prohibiting the use of literacy tests in states or other political subdivisions in which less than 50 percent of eligible voters were registered or had voted in the 1964 presidential election. Congress amended the Voting Rights Act in 1970 and extended the ban on literacy tests to the entire country. (See pages 109 and 110 below for the text of the VRA that relates to literacy tests.)

For Discussion

1. Take the literacy test. Did you “pass” (i.e., get all the questions right and finish in ten minutes)? Is it possible to pass the test?
2. What is the relationship between the questions on the test and the ability to cast an informed vote?
3. What can you infer from the answers to the first two questions above?
4. Are there any circumstances in which you think a literacy test could legitimately be used as a requirement for voting? Why or why not?

Follow-up Activities

1. Students can put the topic of literacy tests in a larger historical context by investigating post-slavery discriminatory laws. The PBS program *The Rise and Fall of Jim Crow* and its companion website ([http://www.pbs.org/wnet/jimcrow/index.html](http://www.pbs.org/wnet/jimcrow/index.html)) would be a good starting point for this research.
2. Have students compare the literacy tests used to disenfranchise African Americans with the citizenship test that immigrants who want to become citizens must pass ([http://www.uscis.gov/citizenship/learners/study-test](http://www.uscis.gov/citizenship/learners/study-test)). Some people have suggested that natural-born citizens should also be able to pass this test before they be allowed to vote. Conduct a class discussion on whether this is a legitimate idea or another form of discrimination.

★
The State of Louisiana

Literacy Test (This test is to be given to anyone who cannot prove a fifth grade education.)

Do what you are told to do in each statement, nothing more, nothing less. Be careful as one wrong answer denotes failure of the test. You have 10 minutes to complete the test.

1. Draw a line around the number or letter of this sentence.
2. Draw a line under the last word in this line.
3. Cross out the longest word in this line.
4. Draw a line around the shortest word in this line.
5. Circle the first, first letter of the alphabet in this line.
6. In the space below draw three circles, one inside (engulfed by) the other.

7. Above the letter X make a small cross.
8. Draw a line through the letter below that comes earliest in the alphabet.

   Z V S B D M K I T P H C

9. Draw a line through the two letters below that come last in the alphabet.

   Z V B D M K T P H S Y C

10. In the first circle below write the last letter of the first word beginning with “L”.

   1 2 3 4 5

11. Cross out the number necessary, when making the number below one million.

   1000000000

12. Draw a line from circle 2 to circle 5 that will pass below circle 2 and above circle 4.

   1 2 3 4 5

13. In the line below cross out each number that is more than 20 but less than 30.

   31 16 48 29 53 47 22 37 98 26 20 25
14. Draw a line under the first letter after “h” and draw a line through the second letter after “j”.

\[ \text{abcdefgijklmnopq} \]

15. In the space below, write the word “noise” backwards and place a dot over what would be its second letter should it have been written forward.

16. Draw a triangle with a blackened circle that overlaps only its left corner.

17. Look at the line of numbers below, and place on the blank, the number that should come next.

\[ 2 \quad 4 \quad 8 \quad 16 \quad \_\_\_ \]

18. Look at the line of numbers below, and place on the blank, the number that should come next.

\[ 3 \quad 6 \quad 9 \quad \_\_\_ \quad 15 \]

19. Draw in the space below, a square with a triangle in it, and within that same triangle draw a circle with a black dot in it.

20. Spell backwards, forwards.

21. Print the word vote upside down, but in the correct order.

22. Place a cross over the tenth letter in this line, a line under the first space in this sentence, and circle around the last the in the second line of this sentence.

23. Draw a figure that is square in shape. Divide it in half by drawing a straight line from its northeast corner to its southwest corner, and then divide it once more by drawing a broken line from the middle of its western side to the middle of its eastern side.
24. Print a word that looks the same whether it is printed frontwards or backwards.

25. Write down on the line provided, what you read in the triangle below:

Paris in the the spring

26. In the third square below, write the second letter of the fourth word.

27. Write right from the left to the right as you see it spelled here.

28. Divide a vertical line in two equal parts by bisecting it with a curved horizontal line that is only straight at its spot bisection of the vertical.

29. Write every other word in this first line and print every third word in same line, (original type smaller and first line ended at comma) but capitalize the fifth word that you write.

30. Draw five circles that one common inter-locking part.
In any presidential election, voters make their choices on ballots that look radically different from state to state and from voting district to voting district. Even a person with no design expertise can see that some ballots — whether on paper or in electronic format — are easier to understand than others. The “butterfly ballot” used in Palm Beach County, Florida, in 2000 is one of the most widely criticized designs ever employed. But it is far from the only ballot to generate controversy. This section allows students to compare the butterfly ballot to another ballot featured in the Op-Doc — this one from Hamilton County, Illinois, where it was used in the election of 2002.

**For Discussion**

1. What are the strengths of the Palm Beach County, Florida, ballot? What are its shortcomings?
2. What are the strengths of the Hamilton County, Illinois, ballot? What are its shortcomings?
3. Which ballot do you prefer? Why?
4. What do you think the criteria are for good ballot design? Design a ballot that meets the criteria you specified.

**Follow-up Activities**

1. Assign students to collect and analyze sample ballots from jurisdictions in your area. How similar are the designs? Which jurisdictions seem to have the best-designed ballots?
2. Have students research the controversy surrounding the 2000 election, particularly the design issues and voting discrepancies. Be sure students look at changes in voting procedures prompted by the election, including the Help America Vote Act of 2002.
The Voting Rights Act, originally signed into law by President Lyndon Johnson in 1965, had an immediate impact on racial discrimination in voting. When the law was passed, fewer than 30 percent of African Americans who lived in “covered jurisdictions” were registered to vote. Just two years later, more than half of African Americans in these same jurisdictions were registered to vote. The number of African Americans elected to office also increased. The VRA was amended in 1970, 1975, and 1982, and amended and reauthorized in 2006.

The Act was complex. Nationwide, it prohibited any law that resulted in discrimination against minorities and restricted the use of literacy tests and other devices used to disenfranchise minority voters. It required jurisdictions with many language-minority voters to provide bilingual ballots. It also identified special requirements for jurisdictions that were found, under what was called a “coverage formula,” to be engaging in serious discrimination at the time of the bill’s passage. Jurisdictions that fell under the coverage formula had to request permission from the Justice Department before they could change their voting laws. The Justice Department’s role was to ensure that changes in the law did not result in discrimination. The coverage formula was revised in the 1970s. In 2006, Congress considered changing the formula but decided not to do so.

In 2013, in the case of Shelby County v. Holder, the Supreme Court struck down the coverage formula, saying it violated “equal sovereignty of the states” because it treated states differently based on “40-year-old facts having no logical relationship to the present day.” Immediately following the Supreme Court’s decision, two states that had previously been denied Justice Department approval to implement new voter ID laws, Mississippi and Texas, announced that the laws would be implemented.

For Discussion

1. What are the major provisions of the sections of the Voting Rights Act included in the passages that are excerpted below? Which provisions applied nationally and which applied only to those jurisdictions where there was evidence of serious discrimination?

“No voting qualification or prerequisite to voting, or standard, practice, or procedure shall be imposed or applied by any State or political subdivision to deny or abridge the right of any citizen of the United States to vote on account of race or color...”

—THE VOTING RIGHTS ACT OF 1965
2. Do you think it was fair to place tougher restrictions on some areas than on others? Explain your answer.

3. Read the excerpts below from the Shelby decision. What did the Supreme Court rule in this case? What do you think Chief Justice Roberts meant in saying, “The Amendment is not designed to punish for the past; its purpose is to ensure a better future”? Do you agree that the Voting Rights Act punished states for past actions?

4. Why do you think Justice Ginsburg talks about Congress so much? Do you agree that the Court made an “egregious” error in its ruling? Why or why not?

Follow-up Activities

1. Ask students to find out whether Congress has considered or taken any action in response to Shelby County v. Holder. Encourage them to write to their Congressperson and Senators explaining what they think Congress should do to continue to prevent discrimination in voting.

2. Point out that the Supreme Court has, in recent years, issued two controversial decisions related to elections: the Shelby case and Citizens United v. Federal Election Commission, which held that corporate entities have First Amendment rights and thus their independent political expenditures cannot be restricted. Encourage students to think about the impact of these decisions, as well as what can be done when the people disagree with a Supreme Court decision. Two possibilities are passing new laws that meet constitutional requirements but achieve the goal intended by a law declared unconstitutional (what Congress is considering in response to Shelby) and passing a constitutional amendment (a proposed response to Citizens United). Invite students to learn more about these cases and to consider whether and how they think citizens and/or Congress should respond. ★
**Voting Rights Act of 1965 (Excerpts)**

**AN ACT** To Enforce the Fifteenth Amendment to the Constitution of the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be known as the “Voting Rights Act of 1965.”

**SEC. 2.** No voting qualification or prerequisite to voting, or standard, practice, or procedure shall be imposed or applied by any State or political subdivision to deny or abridge the right of any citizen of the United States to vote on account of race or color.

**SEC. 4.** (a) To assure that the right of citizens of the United States to vote is not denied or abridged on account of race or color, no citizen shall be denied the right to vote in any Federal, State, or local election because of his failure to comply with any test or device in any State with respect to which the determinations have been made under subsection (b) or in any political subdivision with respect to which such determinations have been made as a separate unit, unless the United States District Court for the District of Columbia in an action for a declaratory judgment brought by such State or subdivision against the United States has determined that no such test or device has been used during the five years preceding the filing of the action for the purpose or with the effect of denying or abridging the right to vote on account of race or color: Provided, That no such declaratory judgment shall issue with respect to any plaintiff for a period of five years after the entry of a final judgment of any court of the United States, other than the denial of a declaratory judgment under this section, whether entered prior to or after the enactment of this Act, determining that denials or abridgments of the right to vote on account of race or color through the use of such tests or devices have occurred anywhere in the territory of such plaintiff. An action pursuant to this subsection shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code and any appeal shall lie to the Supreme Court. The court shall retain jurisdiction of any action pursuant to this subsection for five years after judgment and shall reopen the action upon motion of the Attorney General alleging that a test or device has been used for the purpose or with the effect of denying or abridging the right to vote on account of race or color.

If the Attorney General determines that he has no reason to believe that any such test or device has been used during the five years preceding the filing of the action for the purpose or with the effect of denying or abridging the right to vote on account of race or color, he shall consent to the entry of such judgment.

(b) The provisions of subsection (a) shall apply in any State or in any political subdivision of a state which (1) the Attorney General determines maintained on November 1, 1964, any test or device, and with respect to which (2) the Director of the Census determines that less than 50 percentum of the persons of voting age residing therein were registered on November 1, 1964, or that less than 50 percentum of such persons voted in the presidential election of November 1964.

A determination or certification of the Attorney General or of the Director of the Census under this section or under section 6 or section 13 shall not be reviewable in any court and shall be effective upon publication in the Federal Register.
(c) The phrase "test or device" shall mean any requirement that a person as a prerequisite for voting or registration for voting (1) demonstrate the ability to read, write, understand, or interpret any matter, (2) demonstrate any educational achievement or his knowledge of any particular subject, (3) possess good moral character, or (4) prove his qualifications by the voucher of registered voters or members of any other class....  

(e)(1) Congress hereby declares that to secure the rights under the fourteenth amendment of persons educated in American-flag schools in which the predominant classroom language was other than English, it is necessary to prohibit the States from conditioning the right to vote of such persons on ability to read, write, understand, or interpret any matter in the English language...  

SEC. 5. Whenever a State or political subdivision with respect to which the prohibitions set forth in section 4(a) are in effect shall enact or seek to administer any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect on November 1, 1964, such State or subdivision may institute an action in the United States District Court for the District of Columbia for a declaratory judgment that such qualification, prerequisite, standard, practice, or procedure does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color, and unless and until the court enters such judgment no person shall be denied the right to vote for failure to comply with such qualification, prerequisite, standard, practice, or procedure: Provided, That such qualification, prerequisite, standard, practice, or procedure may be enforced without such proceeding if the qualification, prerequisite, standard, practice, or procedure has been submitted by the chief legal officer or other appropriate official of such State or subdivision to the Attorney General and the Attorney General has not interposed an objection within sixty days after such submission, except that neither the Attorney General's failure to object nor a declaratory judgment entered under this section shall bar a subsequent action to enjoin enforcement of such qualification, prerequisite, standard, practice, or procedure. Any action under this section shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code and any appeal shall lie to the Supreme Court....  

SEC. 10. (a) The Congress finds that the requirement of the payment of a poll tax as a precondition to voting (i) precludes persons of limited means from voting or imposes unreasonable financial hardship upon such persons as a precondition to their exercise of the franchise, (ii) does not bear a reasonable relationship to any legitimate State interest in the conduct of elections, and (iii) in some areas has the purpose or effect of denying persons the right to vote because of race or color. Upon the basis of these findings, Congress declares that the constitutional right of citizens to vote is denied or abridged in some areas by the requirement of the payment of a poll tax as a precondition to voting....  

SEC. 11. (a) No person acting under color of law shall fail or refuse to permit any person to vote who is entitled to vote under any provision of this Act or is otherwise qualified to vote, or willfully fail or refuse to tabulate, count, and report such person's vote. (b) No person, whether acting under color of law or otherwise, shall intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person for voting or attempting to vote, or intimidate, threaten, or coerce any person for urging or aiding any person to vote or attempt to vote....  ★
The Voting Rights Act of 1965 employed extraordinary measures to address an extraordinary problem. Section 5 of the Act required States to obtain federal permission before enacting any law related to voting — a drastic departure from basic principles of federalism. And §4 of the Act applied that requirement only to some States — an equally dramatic departure from the principle that all States enjoy equal sovereignty. This was strong medicine, but Congress determined it was needed to address entrenched racial discrimination in voting, “an insidious and pervasive evil which had been perpetuated in certain parts of our country through unremitting and ingenious defiance of the Constitution.”

But history did not end in 1965. By the time the Act was reauthorized in 2006, there had been 40 more years of it. In assessing the “current need” for a preclearance system that treats States differently from one another today, that history cannot be ignored.

The Fifteenth Amendment commands that the right to vote shall not be denied or abridged on account of race or color, and it gives Congress the power to enforce that command. The Amendment is not designed to punish for the past; its purpose is to ensure a better future. See Rice v. Cayetano, 528 U. S. 495, 512 (2000) (“Consistent with the design of the Constitution, the Fifteenth Amendment is cast in fundamental terms, terms transcending the particular controversy which was the immediate impetus for its enactment.”). To serve that purpose, Congress — if it is to divide the States — must identify those jurisdictions to be singled out on a basis that makes sense in light of current conditions. It cannot rely simply on the past. We made that clear in Northwest Austin, and we make it clear again today.

Striking down an Act of Congress “is the gravest and most delicate duty that this Court is called on to perform.” Blodgett v. Holden, 275 U. S. 142, 148 (1927) (Holmes, J., concurring). We do not do so lightly. That is why, in 2009, we took care to avoid ruling on the constitutionality of the Voting Rights Act when asked to do so, and instead resolved the case then before us on statutory grounds. But in issuing that decision, we expressed our broader concerns about the constitutionality of the Act. Congress could have updated the coverage formula at that time, but did not do so. Its failure to act leaves us today with no choice but to declare §4(b) unconstitutional. The formula in that section can no longer be used as a basis for subjecting jurisdictions to preclearance.
In the Court’s view, the very success of §5 of the Voting Rights Act demands its dormancy. Congress was of another mind. Recognizing that large progress has been made, Congress determined, based on a voluminous record, that the scourge of discrimination was not yet extirpated. The question this case presents is who decides whether, as currently operative, §5 remains justifiable, this Court, or a Congress charged with the obligation to enforce the post-Civil War Amendments “by appropriate legislation.” With overwhelming support in both Houses, Congress concluded that, for two prime reasons, §5 should continue in force, unabated. First, continuance would facilitate completion of the impressive gains thus far made; and second, continuance would guard against backsliding. Those assessments were well within Congress’ province to make and should elicit this Court’s unstinting approbation.

Beyond question, the VRA is no ordinary legislation. It is extraordinary because Congress embarked on a mission long delayed and of extraordinary importance: to realize the purpose and promise of the Fifteenth Amendment. For a half century, a concerted effort has been made to end racial discrimination in voting. Thanks to the Voting Rights Act, progress once the subject of a dream has been achieved and continues to be made.

The record supporting the 2006 reauthorization of the VRA is also extraordinary. It was described by the Chairman of the House Judiciary Committee as “one of the most extensive considerations of any piece of legislation that the United States Congress has dealt with in the 27½ years” he had served in the House. 152 Cong. Rec. H5143 (July 13, 2006) (statement of Rep. Sensenbrenner).

After exhaustive evidence-gathering and deliberative process, Congress reauthorized the VRA, including the coverage provision, with overwhelming bipartisan support. It was the judgment of Congress that “40 years has not been a sufficient amount of time to eliminate the vestiges of discrimination following nearly 100 years of disregard for the dictates of the 15th amendment” . . . . In my judgment, the Court errs egregiously by overriding Congress’ decision.

—SUPREME COURT JUSTICE RUTH BADER GINSBURG
Political Cartoons

VIEWPOINTS ON THE ELECTORAL COLLEGE

Summary

Political cartoons — contemporary as well as historical — are excellent sources for examining viewpoints on political issues. Like an essay or film, a political cartoon starts with an idea — a thesis statement. The cartoonist then uses humor, irony, caricature, symbolism, exaggeration, and other tools to make that point in a humorous way.

This section includes three political cartoons on the Electoral College; cartoons on other election-related topics could also be analyzed. The Political Cartoons website (http://www.politicalcartoons.com) is a good starting point for locating relevant cartoons. The Library of Congress and National Archives are both useful sources for historical cartoons.

For Discussion

1. What is the “thesis statement” of each cartoon? Do you agree with the cartoonists’ perspectives? Why or why not?
2. How do the cartoonists use symbolism to convey their ideas? What symbol would you use for the Electoral College if you were drawing a cartoon about it?
3. Which cartoon do you think is funniest? Does finding a cartoon funny depend on whether you agree with the viewpoint of its creator?
4. Do you think political cartoons are an effective way to convey ideas about political issues? To persuade people? Why or why not?

Follow-up Activities

1. Have students find and analyze historical or contemporary political cartoons about other voting-related issues. Post the cartoons and students’ analyses on a bulletin board or wall display. Three sources for contemporary cartoons are PoliticalCartoons.com (http://www.politicalcartoons.com), TownHall (http://townhall.com/political-cartoons), and Association of American Editorial Cartoonists (http://editorialcartoonists.com). Historical cartoons can be found at the Library of Congress (http://www.loc.gov/pictures), National Archives (http://www.archives.gov), and HarpWeek (http://www.harpweek.com).
2. Assign students to create their own cartoons on the Electoral College or other electoral issues. Encourage them to start by writing a thesis statement and then planning the cartoon to convey that idea. ★

Path to the White House...

★
For the last time, Galileo... the earth does not revolve around the sun... it revolves around OHIO!... 

BACK TO SCHOOL 

DECISIONS, DECISIONS.
Throughout the course of U.S. history, advocates for voting rights and electoral reform have used a variety of tools to make their views known. A current voting-rights issue concerns residents of the District of Columbia, who do not have voting representation in Congress. The persuasive posters in this section can serve as a launching pad for considering whether there are still groups to whom voting rights should be extended.

Summary

Examine the posters on the following pages. What is the primary message of these two documents?

Do you think the posters are an effective way to advocate for extending full voting rights to residents of the District of Columbia? Why or why not?

Show students the film clip on Electoral Dysfunction’s YouTube Channel featuring Eleanor Holmes Norton, the Member of Congress who represents the District of Columbia but has no vote (https://www.youtube.com/watch?v=aYhtKtFv9AM). How do the points made by Congresswoman Norton compare with the points made in the posters? Are these points persuasive? What do you think the arguments might be on the other side of this issue?

Follow-up Activities

Have students locate and analyze posters from other historic efforts to gain the vote. The Library of Congress includes many posters from the women’s suffrage movement. Images of posters from the Civil Rights Movement are available on various sites on the Internet. Ask students to analyze the posters and identify the effectiveness of the appeals.

Encourage students to create posters related to current voting-rights issues (such as restoring the voting rights of felons, lowering the voting age, extending the vote to the District of Columbia, and adopting universal voter registration). Display the completed works on a school bulletin board or post them on a class website.
Trusted with kids, NOT with a vote.

Chandrai Jackson-Saunders has been teaching and counseling students in DC Public Schools for 17 years.

She has lived in Washington, DC all her life. She pays federal taxes. Yet, like all 600,000 DC residents, Chandrai is denied a vote in Congress.

That’s taxation without representation, and it’s still wrong.

WWW.DCVOTE.ORG

DC Vote.
Both will save your life.

Only ONE has a vote in Congress.

Washington, DC’s nearly 600,000 residents include firefighters, nurses, teachers and small business owners.

They pay federal taxes like all Americans, but are denied representation in Congress.

That’s taxation without representation — and it’s still wrong.

Larry Chapman
Lives in Washington, DC

Jayme Heflin
Lives in Maryland

WWW.DCVOTE.ORG

DC Vote

Sponsored by the Government of the District of Columbia.

SOURCE: LIBRARY OF CONGRESS, HTTP://HDL.LOC.GOV/LOC.PNP/PPBD.00353
Summary

Voter registration laws vary from state to state. Do these laws affect the percentage of eligible voters who are registered or the number of voters who turn out at the polls? What demographic factors affect registration and turnout? Students can explore these questions using the data provided in this section.

For Discussion

1. Look at the data in the table on the next page. What can you say generally about the states that allow election-day registration? How else might you explain the differences between the states with higher turnouts (Minnesota and New Hampshire) and those with lower turnouts (California and Illinois)?

2. How might you explain the fact that Washingtonians turn out and vote in higher numbers than people in Illinois and California? (Encourage students to research how Washingtonians cast ballots. Learning that voting is by mail will help them explain the difference in turnout and broaden their thinking about how laws and practices can affect voting.)

3. Do any of the data in the graphs surprise you? Explain your answer.

4. Which set of data presents the biggest challenge to people who want to see high turnout among all citizens? Why did you choose that data set? How might you address the differences the data set reveals?

5. In 2015, California passed a law making voter registration automatic for all citizens with driver’s licenses or state identification cards. How might the new law change the data for California presented in these graphs? Give reasons for your answers.

Follow-up Activities

1. The Census Bureau provides an array of interesting data about voting (http://www.census.gov/hhes/www/socdemo/voting/index.html). Encourage students to research their state and create a PowerPoint or other digital presentation comparing voting in their state with voting in neighboring states.

2. Ask students to choose a demographic category in which they are interested (women, Latinos, young voters) and further research their voting behavior. What kinds of activities might students undertake that would be helpful in encouraging these citizens to register and vote?

3. In 2015, Oregon and California passed laws making voter registration automatic for citizens with driver’s licenses or state identification cards. Assign students to find out more about the two laws. How are they alike? Different? What do experts predict the impact will be on voter registration and on the number of voters? Based on their research, would students support such a law for all states? ★
### Voter Data

#### Registration and Voter Turnout Data for Selected States

<table>
<thead>
<tr>
<th>State</th>
<th>Registration Deadline</th>
<th>Percent of Citizens Registered, 2012</th>
<th>Percent of Citizens Who Voted, 2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>15 days before the election</td>
<td>65.6%</td>
<td>57.5%</td>
</tr>
<tr>
<td>Illinois</td>
<td>29 days before the election</td>
<td>66.6%</td>
<td>61.5%</td>
</tr>
<tr>
<td>Minnesota</td>
<td>Can register on Election Day</td>
<td>79.0%</td>
<td>73.2%</td>
</tr>
<tr>
<td>New Hampshire</td>
<td>Can register on Election Day</td>
<td>75.9%</td>
<td>69.4%</td>
</tr>
<tr>
<td>Washington</td>
<td>The Monday four weeks before the election</td>
<td>73.1%</td>
<td>65.6%</td>
</tr>
</tbody>
</table>

**SOURCE:** U.S. Census Bureau, Current Population Survey, Voting and Registration Supplement

#### Voting and Registration by Age in United States: 2012

[Bar chart showing voting and registration by age in the United States in 2012.]
**Voting and Registration by Education in United States: 2012**

- Did not complete high school
- Completed high school
- Some college, no degree
- Associate's Degree
- Bachelor's Degree
- Advanced Degree

**Voting and Registration by Race/Ethnicity in United States: 2012**

- Hispanic
- White non-Hispanic
- Black non-Hispanic

**Source:** Current Population Survey, Voting and Registration Supplement
The Right to Vote in Other Nations

ANALYZING OTHER COUNTRIES’ CONSTITUTIONS

Summary

What do the constitutions of other nations say about the right to vote? This section presents excerpts from three countries — South Africa, Peru, and Japan — that provide an affirmative right to vote in their constitutions. Peru actually mandates voting up to age 70, a unique feature that should spark student interest.

For Discussion

1. Read the excerpts on the following pages. Which of these constitutions provides an affirmative right to vote?

2. What similarities do you note in how the three constitutions describe the right to vote? What differences do you see? What might be the significance of the differences?

3. What do you know about the histories of these three countries that might help you understand the way in which each deals with the right to vote?

4. If the United States were to amend the Constitution to add an affirmative right to vote, on which of these three constitutions would you draw in framing the amendment? Why?

Follow-up Activities

1. Challenge students to draft an amendment to the U.S. Constitution providing an affirmative right to vote. Once they have created their drafts, they should try to convince classmates that their wording is preferable to that of others. Then compare students’ wording with the text of the actual proposed amendment, which can be found at https://www.congress.gov/bill/114th-congress/house-joint-resolution/25/text.

2. In Electoral Dysfunction, Mo Rocca points out that the constitutions of Libya, Iran, and Chechnya also lack an affirmative right to vote. Have students research the constitutions of these three countries to determine what, if anything, they say about voting and elections.

★

This resolution calls for amending the U.S. Constitution to include “a fundamental right to vote.”
CHAPTER 1. FOUNDING PROVISIONS

1. Republic of South Africa

The Republic of South Africa is one, sovereign, democratic state founded on the following values:

a. Human dignity, the achievement of equality and the advancement of human rights and freedoms.

b. Non-racialism and non-sexism.

c. Supremacy of the constitution and the rule of law.

d. Universal adult suffrage, a national common voters roll, regular elections and a multiparty system of democratic government, to ensure accountability, responsiveness and openness.

19. Political Rights

1. Every citizen is free to make political choices, which includes the right —

a. to form a political party;

b. to participate in the activities of, or recruit members for, a political party; and

c. to campaign for a political party or cause.

2. Every citizen has the right to free, fair and regular elections for any legislative body established in terms of the Constitution.

3. Every adult citizen has the right —

a. to vote in elections for any legislative body established in terms of the Constitution, and to do so in secret; and

b. to stand for public office and, if elected, to hold office. ★
Excerpts from the Constitution of Peru (1993, revised 2009)

CHAPTER III. POLITICAL RIGHTS AND DUTIES

Article 30
All Peruvians above the age of eighteen are citizens. To exercise citizenship, they must be registered to vote.

Article 31
Citizens are entitled to take part in public affairs by means of referendum, legislative initiative, removal or revocation of authorities, and demands for accountability. They also have the right to be elected and to freely elect their representatives in accordance with the provisions and procedures set forth by the organic act.

Excerpts from the Constitution of Japan (1947)

CHAPTER III

Rights and Duties of the People

Article 10. The conditions necessary for being a Japanese national shall be determined by law.

Article 15. The people have the inalienable right to choose their public officials and to dismiss them.

All public officials are servants of the whole community and not of any group thereof.

Universal adult suffrage is guaranteed with regard to the election of public officials.

In all elections, secrecy of the ballot shall not be violated. A voter shall not be answerable, publicly or privately, for the choice he has made.
The following is a “starter list” of resources on the issues raised in *Electoral Dysfunction*, as well as additional election-related issues and teaching strategies employed in this curriculum guide. Our intent is to update the list periodically on the *Electoral Dysfunction* website (http://electoraldysfunction.org/classroom); please check the site for additional information.

**General Information on Voting and Elections**

- **Advancement Project** This nonprofit organization focuses on a variety of civil rights issues involving voting, including redistricting, voter protection, and restoration of voting rights. [http://www.advancementproject.org](http://www.advancementproject.org)
- **Brennan Center for Justice** This Center at New York University's School of Law studies issues related to voting rights and elections and advocates for reform. [http://www.brennancenter.org/issues/voting-rights-elections](http://www.brennancenter.org/issues/voting-rights-elections)
- **Election Assistance Commission** EAC is a government agency established by the Help America Vote Act to serve as a resource for information on how to run elections. [http://www.eac.gov](http://www.eac.gov)
- **The ACE Electoral Knowledge Network** This collaborative international project provides a wealth of knowledge about the operation of elections and electoral-law reform. [http://aceproject.org](http://aceproject.org)
- **FairVote: The Center for Voting and Democracy** The website of this advocacy group provides information on a wide array of issues regarding voting and elections. [http://www.fairvote.org](http://www.fairvote.org)

- **National Commission on Federal Election Reform** The University of Virginia Miller Center of Public Affairs established this commission to consider ways of improving the U.S. electoral system after the disputed election of 2000. [http://millercenter.org/policy/commissions/priorcommissions/election](http://millercenter.org/policy/commissions/priorcommissions/election)
- **Project Vote Smart** This nonpartisan project is dedicated to assembling a comprehensive database of unbiased information to assist voters in making decisions. [http://votesmart.org](http://votesmart.org)

**Voting Rights**

- **Expanding Voting Rights** Five lessons, created by Teaching Tolerance, providing a historical perspective on the expansion of voting rights in the United States. [http://www.tolerance.org/lesson/expanding-voting-rights](http://www.tolerance.org/lesson/expanding-voting-rights)


**Voting Rights: American Civil Liberties Union** The ACLU website highlights efforts to protect and expand the freedom to vote. [https://www.aclu.org/voting-rights](https://www.aclu.org/voting-rights)

**Voter Identification Laws**


**Electoral College**

**National Popular Vote** The website of the initiative to create an interstate compact to ensure that the winner of the national popular vote also wins the electoral vote. [http://www.nationalpopularvote.com](http://www.nationalpopularvote.com)


**Standardization and Ballot Design**

**Design for Democracy: American Institute of Graphic Arts** This project from graphic artists applies design principles to ballot and polling-place design and to efforts to get out the vote. [http://www.aiga.org/design-for-democracy](http://www.aiga.org/design-for-democracy)

**Elections Canada** The home page of the independent, nonpartisan agency that conducts elections in Canada. [http://www.elections.ca/home.aspx](http://www.elections.ca/home.aspx)

Kimball, David, and Martha Kropf, “Viewpoint: Dos and Don’ts of Ballot Design,” AEI/Brookings Election Reform Project. Guidelines for designing ballots, with examples from actual elections. [http://www.electionreformproject.org/Resources/314ead7-6dc9-4dad-b6e4-5daf8f51b79e/r1/Detail.aspx](http://www.electionreformproject.org/Resources/314ead7-6dc9-4dad-b6e4-5daf8f51b79e/r1/Detail.aspx)
Voter Registration

✪ Election Initiatives: Pew Charitable Trusts
While Pew researches a variety of election issues, it has particularly strong information about voter registration and voter misconceptions about the process.

✪ National Voter Registration Day
This national effort to register voters — held annually on September 23 — might be especially engaging for students seeking an action project.
http://nationalvoterregistrationday.org

✪ Rock the Vote
A nonprofit organization aimed at increasing the number of youth participating in the political process.
http://www.rockthevote.com

✪ Voter Registration Modernization: Lawyers’ Committee for Civil Rights Under Law
This group of lawyers is interested in modernizing voter registration and describes how and why it could be done.

Other Election Issues: Campaign Finance and Gerrymandering

✪ Campaign Finance: Brookings Institution
Scholars and policy experts analyze various issues related to campaign finance.
http://www.brookings.edu/research/topics/campaign-finance

✪ Campaign Finance Institute
This think tank focuses entirely on the role of money in elections.
http://www.cfinst.org

✪ Citizens United v. Federal Election Commission, SCOTUSblog
Extensive coverage of Citizens United, its effects, and responses to the case.

✪ Gerrymandering
Streaming documentary film, directed by Jeff Reichert, about gerrymandering.
http://www.snagfilms.com/films/title/gerrymandering

✪ Levitt, Justin, “All About Redistricting.”
Levitt, a professor at the Loyola Law School (Los Angeles), presents a “guide to drawing the electoral lines.”
http://redistricting.lls.edu

✪ Politicians and Elections
A detailed (and negative) look at money and its role in elections, presented by The Center for Responsive Politics, which tracks money in politics and elections.
https://www.opensecrets.org/elections

✪ Redistricting
Extensive information on redistricting, gerrymandering, and related issues from FairVote: The Center for Voting and Democracy.
http://www.fairvote.org/research-and-analysis/redistricting

✪ The Redistricting Game
A game presented by USC/Annenberg Center exploring how redistricting works and how it can be manipulated.
http://www.redistrictinggame.org

✪ “This Is the Best Explanation of Gerrymandering You Will Ever See,”
http://www.washingtonpost.com/blogs/wonkblog/wp/2015/03/01/this-is-the-best-explanation-of-gerrymandering-you-will-ever-see
Advocacy, Civic Engagement, Service Learning, and Other Teaching Strategies

**Action-Based Communities** A civics program from Constitutional Rights Foundation Chicago that guides middle-level students through the process of analyzing a community problem, developing a solution, and advocating for that solution. http://www.crfc.org/ABC

**CIRCLE (The Center for Information and Research on Civic Learning and Engagement)** CIRCLE conducts groundbreaking research on the civic and political engagement of young Americans. http://www.civicyouth.org

**Civic Action Project** A project from Constitutional Rights Foundation, in which students apply the skills learned in government class to real-world problems. http://www.crfcap.org

**Daryl Cagle’s Political Cartoons** Teachers who use political cartoons to teach about controversial issues will find an excellent collection here. http://www.politicalcartoons.com

**Discussing Controversial Issues** A module created by The Center for Education in Law and Democracy that provides tools for teachers wishing to increase their skill in engaging students with controversial issues. http://www.lawanddemocracy.org/discussionmain.html

**The Electoral Process** A teaching unit from iCivics that addresses nomination processes, party conventions, the Electoral College, and more. https://www.icivics.org/teachers/lesson-plans/electoral-process

**Kids Voting USA** Kids Voting aims to create future voters by teaching young people about elections and voting through participation in voting activities. http://kiddsvotingusa.org

**Mikva Challenge** Using the slogan “Democracy is a verb,” Mikva Challenge provides programs and curriculum materials to engage youth in politics and civic affairs at the local, state, and national levels. http://www.mikvachallenge.org

**Project Citizen** The Center for Civic Education’s Project Citizen provides a process for engaging students in policy issues. http://www.civiced.org/programs/project-citizen

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