

# Race and Voting Rights in 2016

## Lesson Ideas

The article by Andy Nash about race and voting rights first appeared on pp. 28-29 of the “Talking about Race” issue of *The Change Agent* (March, 2016). (It is also available with this lesson packet.) For more on voting rights, see the “Democracy in Action” issue of *The Change Agent* (available as a PDF on our website). Published in March 2008, it is still timely as it covers systems and processes related to the U.S. political system, not issues.

### BEFORE YOU READ:

1) Do the “History of Voting Rights” activity that starts on p. 2 of this packet and/or watch this “History of Voting” video: <[democracyday.com/history-of-voting-video.html](http://democracyday.com/history-of-voting-video.html)>.

2) Discuss what stood out to you about the activity and/or the video.

3) Describe what happens to voting rights over time. (Hopefully, students will notice that rights are won and lost, that rights are not always guaranteed, that people have had to fight for voting rights, etc.)

4) Pay special attention to the very end of the voting rights narrative, which covers what is happening currently with voting rights. What are students’ experiences with voter ID laws? Have they read about this in the news? What have they heard from the media or from people they know? [Note: the “History of Voting” video does not cover voter ID laws. If you just show that video and do not do the “History of Voting Rights” activity, then you will need to introduce the idea of voter IDs — perhaps asking students what they know about it and what their experience has been.]

5) Look for definitions of these vocabulary words: citizens, electorate, trend, disproportionate, barred, devising. How do you imagine these words will be used in an article on race and voting?



John Legend is one of the narrators in “History of Voting” video: <[democracyday.com/history-of-voting-video.html](http://democracyday.com/history-of-voting-video.html)>.

6) What is the Constitution?

7) What does it mean to say, “People have worked on the state and federal level [of government].”

(To answer questions #6 and #7, you could look at <[bensguide.gpo.gov](http://bensguide.gpo.gov)>. You can choose between three literacy levels (apprentice, journeyman or master) to read about how the U.S. government works, including an explanation of the Constitution and federal versus state government.)

8) Skim the article. Look at the title, the subheadings, and the images. What do you think this article will be about?

### WHILE YOU READ:

Mark the text. Underline words you don’t know or have a question about. Use a question mark in the margin to indicate something you don’t understand. Put an exclamation mark or a note if you agree or think the point is particularly important.

### AFTER YOU READ:

Do the worksheet at the end of this packet.

# History of Voting Rights Activity

Updated March 2016

*This activity, designed by the Community Leaders Program at The Literacy Project in Greenfield, MA, supplements pages 30-32 of Issue #26.*

## Purpose

To visually demonstrate when different groups of people had the right to vote in the United States, in law and in fact.

## Summary

Each participant assumes an “identity” for the activity. Participants move to different sides of the room as the facilitator reads through a brief timeline of US history.

## Before the Activity

1. Create cards labeled:
  - *White male, wealthy property owner*
  - *Wealthy white female*
  - *Poor white male, unable to read or write*
  - *Poor white female*
  - *African American male*
  - *African American female*
  - *Native American female*
  - *Immigrant female, not a citizen, working and paying taxes in the US*
  - *Immigrant male, not a citizen*
  - *Convicted felon, white male, in prison*
  - *18-year-old male*For a larger group, create more copies of the same “identity” cards.
2. Post two signs on different sides of the room: “*Can Vote*” and “*Can’t Vote*”.
3. Ask the group:  
*Who has the right to vote in the U.S.?*  
*Has it always been this way?*

## Introduce the Activity

1. Explain that we are going to walk through a timeline of voting rights, to look at when different groups gained or lost the right to vote.
2. Give each person in the group a card with an “identity” written on it.
3. Have the group gather under the “can’t vote” sign.
4. Explain that you will give different dates, and ask the group to decide which groups of people had the right to vote at that point. Anyone with the right to vote should move to the “Can Vote” sign.

## Begin the Activity

Using the chart, “The Right to Vote in the United States,” read the date, say what else was happening in the country, and ask: who can vote? Help the group move to the right places at the right times.

## Post Activity Discussion Questions

Lead a discussion with questions like:

1. How did it feel to be denied the right to vote?
2. How did it feel to be granted the right to vote?
3. To have the right taken away?
4. What did you learn?
5. Was anyone surprised by what they learned?

## Script for History of Voting Rights Activity

*Read aloud all text in bold.*

**We are going to walk through a timeline of voting rights in the United States. We will look at when different groups gained or lost the right to vote. Everyone has a card with an “identity” written on it. You represent that group for this activity.**

[Make sure everyone has a card. Ask everyone to read their identity out loud – to make sure everyone has a chance to see the different identities and understand them.]

**To start, we need everyone to gather under the “can’t vote” sign.**

[wait until the group gathers]

**I am going to read different dates, and I’m going to ask the group to decide who had the right to vote at that point. Anyone with the right to vote should move over to the “Can Vote” sign. Does anyone have any questions before we start?**

[wait for any questions.]

**From 1600-1776, the U.S. was not a country yet. It was a group of colonies that were ruled by Great Britain. Who had the right to vote?**

[wait for people to guess. No one really had the right to vote. White male property owners could vote in local elections, but they could not vote on larger issues that affected them.]

**Many colonists were angry about this. They said, “We don’t want to pay taxes to Britain because we do not decide how the taxes are spent.” On July 4th, 1776, colonists declared independence from Britain, and the Revolutionary War began.**

**In 1789, the colonists won the Revolutionary War. Who was the first president? Right, George Washington. At the very beginning of this country, who could vote?**

[wait for the group to guess]

**Only white men (21 or older) who owned land could vote.**

[wait while the white male, wealthy property owner moves to “Can Vote”]

**During the 1800s, people moved west and made new states. Some new states wanted to attract immigrants to move there. So they said, “If you move here and stay for 6 months, we will give you the right to vote.”**

[wait for immigrant men to move to “Can Vote”]

**By 1860, most states allowed white men who didn’t own property to vote.**

[wait for Poor White male, cannot read or write and Convicted Felon, white male, in prison to move to “Can Vote”]

**Before the Civil War, some eastern states told the western territories, “You can’t let your non-citizen immigrants vote.” These eastern states worried that immigrants would oppose slavery. They didn’t want people who opposed slavery to vote. Non-citizens begin losing their right to vote.**

[wait for immigrant men to move back to “Cannot Vote”]

**In 1865, the Civil War ended. Slavery was now against the law. In 1870, the 15th Amendment to the Constitution gave men of all races the right to vote.**

[wait while African American male moves to “can vote”]

**But, in the 1870s and 1880s, some states introduced laws that prevented African Americans from voting. For example, voters had to pass a difficult reading test in order to vote, unless their grandfathers had had the right to vote. So, while the U.S. Constitution gave African American men the right to vote, many states took the right away.**

[wait while African American male moves back to “cannot Vote”]

**In the 1880s and 1890s, poor people became politically active. Wealthy people worried that poor people were getting too much power. In 1899, many states introduced poll taxes. People now had to pay to vote. Men who could not pay the poll tax could not vote. Convicted felons and ex-felons were also prevented from voting in some states.**

[wait while Poor White male, cannot read or write, Convicted Felon, white male, in prison moves back to “Cannot Vote”]

**In 1920, women finally won the right to vote. They had fought for many years to win the right to vote. The 19th Amendment to the Constitution gave women the right to vote.**

[wait while wealthy white female, poor white female, Af. Am. female, and Native American female move to “Can Vote” side of the room.]

**The Constitution gave all women the right to vote, but some women still couldn’t vote. Why do you think some women still couldn’t vote?**

**That’s right. Some women could not pay the poll tax or could not pass the literacy test.**

[wait while Poor white female and African American female move back to “Cannot Vote.” What about Native American women? They have to move back too because most Native Americans did not have the right to vote.]

**In 1924, the U.S. declared that Native Americans were now citizens. (In fact, almost all of them had been killed.) Native Americans could now vote.**

(NOTE: Native Americans were given the right to vote in 1887 *only if they renounced their tribal affiliation*. Some Native Americans did not have the right to vote until 1957.)

[wait for Native Americans to go to “Can Vote”]

**In the 1950s and 1960s, many people joined the Civil Rights movement. They fought for the rights of African Americans and poor people. They showed how certain laws and practices made it hard for African**

**Americans to vote. The Civil Rights movement helped pass the 24th Amendment to the Constitution. This Amendment said that states could not charge poll taxes for federal elections. Another law called the Voting Rights Act banned all reading tests.**

**Men and women (21 or older) of all races and economic levels could vote.**

[these people move to “can vote”: Poor white male, unable to read or write; Poor White female; African American male; African American female]

**In 1971, young people protesting the Vietnam War argued that if they could fight and die for their country, they should have the right to vote. 18-year-olds are given the right to vote.**

[wait while the 18 year old male moves to “Can Vote”]

**In 2013, the Supreme Court removed part of the Voting Rights Act. Now, states with a history of discrimination can change voting laws without approval from the federal government. States have already pushed through discriminatory laws that make it more difficult to vote. In addition, more and more states are passing voter identification laws. In 2016, 19 states require voters to have photo identification, while 14 accept other forms of identification. What does this mean for voters? Will some have to move back to the “Can’t Vote” side of the room?**

[wait while people decide if anyone has to go back to “Can’t Vote” side of the room.]

**Who can vote today? Who can’t vote? Convicted felons and ex-felons cannot vote in some states. Non-citizens — even those who pay taxes — cannot vote. Also, it is more and more common for people without the proper ID to not be able to vote.**

**Thank you, everyone. You may sit down.**

# Race and Voting Rights in 2016

Andy Nash

For decades, people have worked on the state and federal level to make it easier for citizens (the electorate) to vote. They have passed laws that enable people to register more easily, vote at more convenient times, and vote online from home. These efforts strengthen our democracy because they allow more voters to be involved in choosing government representatives and making decisions.

But that trend shifted in 2010, when state lawmakers across the U.S. began introducing hun-

dreds of bills to restrict voting. These laws will be in effect for the 2016 election. They include strict photo ID requirements, significant reductions to early voting, and limits on same-day registration.

Although each state's laws are different, they all have something in common—a disproportionate impact on communities of color and the poor. According to studies at UMass and the Brennan Center for Justice, the more a state saw increases in minority and low-income voter turnout in the 2008 election, the more likely it was to push laws cutting back on voting rights. Let's examine how.

## Voter ID Laws

Voter identification laws require citizens to present specific forms of ID in order to vote. Nationally, 11% of Americans do not have the current photo IDs required under the stricter laws, including 25% of African Americans, 20% of people 18-29, and 18% of seniors.<sup>1</sup>

Laws that require photo ID at the polls vary, but the strictest laws limit the list of acceptable IDs to ones that many poor people do not have. Even when the state offers a free photo ID, those voters may not have the necessary documents, such as a birth certificate, to obtain one. For example, in Wisconsin, Alberta Currie was born at home and doesn't have a birth certificate. Another voter Sammie Louise Bates, faced with the choice of paying \$42 for a birth certificate or buying food, chose food because "we couldn't eat the birth certificate."<sup>2</sup>

Also, in rural communities with almost no public transportation, traveling to get the needed documents is extremely difficult. This year, Alabama is planning to close 31 driver's license offices (where most people get their IDs), including the offices in *every* county where black people make up more than 75% of the registered voters. This makes it much harder for those citizens to obtain an ID and will certainly suppress the black vote.

## Dumped from the Voting Rolls after 70 Years of Voting



*In 1942, 21-year-old Rosanell Eaton took a two-hour mule ride to a courthouse in North Carolina to register to vote. She recited the preamble to the Constitution from memory and passed a literacy test. She was one of the few blacks to be able to vote in the Jim Crow era. But in 2013, after voting for 70 years, she became a casualty of North Carolina's new voter-ID law because the name on her voter-registration card (Rosanell Eaton) did not match the name on her driver's license (Rosa Johnson Eaton). In early 2015, Eaton tried to match her documents. She made 11 trips to various agencies—the DMV, two Social Security offices, and several banks. "It was really stressful and difficult, [a] headache and expensive," she said.*

*— Excerpted/adapted from article by Ari Berman*

This article is **Level 10**. Look on our website for a **Level 6** version.

## Fewer Opportunities to Vote Early

Early voting is important for people who can't easily get to the polls on voting day (people who have to work, people without reliable transportation, etc.). In the last two presidential elections, a full one-third of Americans voted early, and a disproportionate number of them were black.<sup>3</sup> The new laws reduce the number of days for early voting and often the weekend and evening hours that are commonly used by working people or church groups that organize Sunday voting drives.

## Voter Registration Restrictions

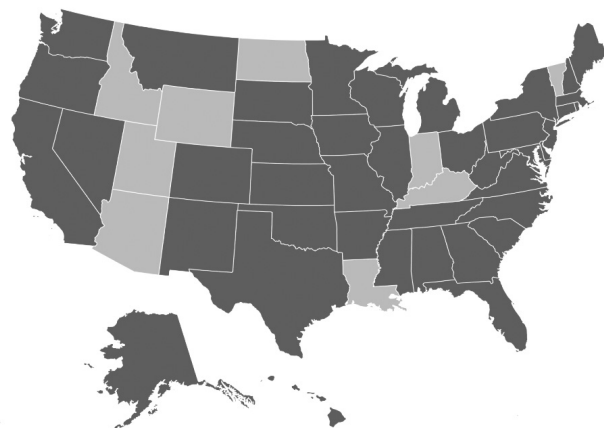
In ten states, it has gotten harder for citizens to register or stay registered if they move. In North Carolina, for example, voters can no longer register the same day that they vote. Why does this matter? Because the voting lists have many errors! In the past, if your name did not appear on the list of registered voters when you came to vote, you could just register again right there. Same-day registration made voting easier for everyone by allowing voters to do everything in one trip.

Furthermore, Florida, Iowa, and South Dakota all made it harder for Americans with criminal convictions to have their voting rights restored. Overall, 7.7 percent of African Americans have lost their right compared to 1.8 percent of whites.

## Fighting Back Against Voter Restrictions

Organizations like the American Civil Liberties Union and The Sentencing Project, as well as black churches and other community organizations are working to restore voting rights. They are experiencing some success. In March, Oregon adopted legislation that will automatically register eligible residents when they renew their driver's license. Also this year, Kentucky Governor Steve Beshear issued an executive order that will restore the right to vote for 170,000 Kentuckians with past convictions for non-violent crimes. Until that order, Kentucky was one of three states (along with Florida and Iowa) that completely barred persons with past felony convictions from ever voting.

## States with Restrictive Voting Legislation Introduced Since 2011



41 states introduced 180 restrictive laws. 34 introduced photo ID laws. 17 introduced proof of citizenship requirements. 16 introduced bills to limit registration. 9 introduced bills to reduce early voting periods. Map from the Brennan Center for Justice. Find out more at <[www.brennancenter.org/analysis/election-2012-voting-laws-roundup](http://www.brennancenter.org/analysis/election-2012-voting-laws-roundup)>.

Despite these efforts, not all Americans have the same opportunity to cast a ballot. Someone eligible to vote in one state might not be in another. Critics claim that state legislatures revise their voting laws to intentionally make it more difficult for poor people and people of color to vote. We may have come a long way since this country was founded and the Constitution gave only white male property owners the right to vote, but politicians are still devising ways to pick the voters they want rather than the other way around!

**Sources:** 1. <[www.brennancenter.org/sites/default/files/legacy/d/download\\_file\\_39242.pdf](http://www.brennancenter.org/sites/default/files/legacy/d/download_file_39242.pdf)>; 2. <[www.advancementproject.org](http://www.advancementproject.org)>; 3. <[prospect.org/article/22-states-wave-new-voting-restrictions-threatens-shift-outcomes-tight-races](http://prospect.org/article/22-states-wave-new-voting-restrictions-threatens-shift-outcomes-tight-races)>.

Andy Nash is director of the New England Literacy Resource Center.

**LESSON IDEA:** See <[changeagent.nelrc.org/issues/issue-42](http://changeagent.nelrc.org/issues/issue-42)> for CCR-aligned activities you can use with this article, as well as links to other voting rights materials.

# More about Race and Voting

## Some Examples of How People are Disenfranchised

*There are so many ways to be disenfranchised. Below are stories of not being able to vote. They are excerpted from various sources.*

### Overwhelmed by Bureaucracy

“Lindsay Gonzales moved back to Houston from Washington, D.C. in July. To get a Texas driver’s license or voter ID, she needed to show proof of identity, of residence, and of citizenship. Her family has been living with her parents, so residency was tough: Her auto registration might work, she was told, but the car was in her husband’s name, meaning she’d need to show up at a Department of Public Safety (DPS) office with him — which is hard, since he frequently travels for work. Meanwhile, her birth certificate, which she needed for proof of identity, shows her maiden name, meaning she needed a copy of her marriage certificate. And she said she and her husband were given conflicting information by DPS workers throughout.”

*from: <[www.msnbc.com/msnbc/texas-sees-surge-disenfranchised-voters#54860](http://www.msnbc.com/msnbc/texas-sees-surge-disenfranchised-voters#54860)>*

### No Car, No Vote

“Michael Owens could not reach his assigned polling place on Election Day without a car, but was able to get to a polling place near work. Because North Carolina eliminated out-of-precinct voting, he was turned away at the polls without having the opportunity to cast his ballot. NC is a state where there are deep disparities by race in car ownership and inadequate public transportation.”

*from: <[www.aclu.org/blog/speak-freely/north-carolinas-step-backward-democracy](http://www.aclu.org/blog/speak-freely/north-carolinas-step-backward-democracy)>*

### Veteran Turned Away

“Rickey Davis, an Army veteran who served as a sergeant in the 82nd Airborne and was honorably discharged in 1978, also testified about his difficulty to obtain a state-issued photo ID. When he twice



*Residents rallied in Winston Salem to support the plaintiffs in a voter suppression lawsuit being tried there that challenges the passage of North Carolina House Bill 589. Photo courtesy of the Advancement Project.*

attempted to get a Wisconsin ID a few years ago, having moved from Illinois in 2006, he presented several forms of documentation, including his veterans ID card, military discharge papers, and a Social Security card. Yet Mr. Davis was turned away because he did not have a copy of his birth certificate.”

*from: <[www.advancementproject.org/pages/whos-really-affected-by-wisconsins-voter-id-law#sthash.9qYpv7Nu.dpuf](http://www.advancementproject.org/pages/whos-really-affected-by-wisconsins-voter-id-law#sthash.9qYpv7Nu.dpuf)>*



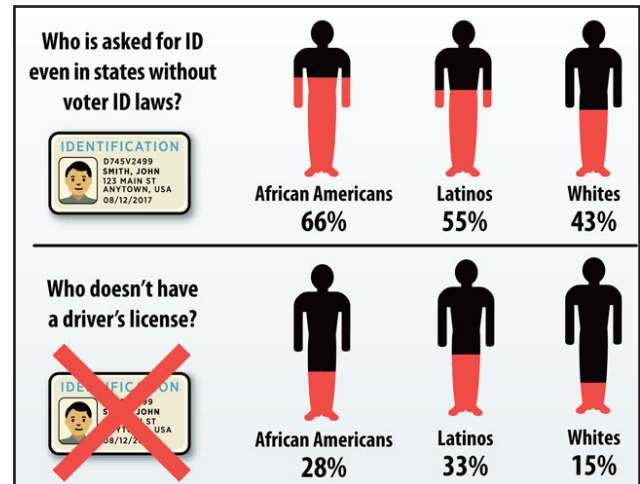
*Lorene Hutchins' daughter spent \$2000 tracking down her birth certificate so she could vote.*

## \$2,000 for Birth Certificates

"Lorene Hutchins, a 93-year-old African-American woman, was born at home in Mississippi and lacked the birth certificate needed to get a state ID. Her 70-year old daughter spent several years and more than \$2,000, in order to track down her mother's birth certificate, as well as her

own — for their right to vote. 'If it had not been for my daughter Katherine, who had the time and money to fight to get me a birth certificate, I would have been barred from voting,' Hutchins testified."

*from: <[www.advancementproject.org](http://www.advancementproject.org)>*



*What is the main point of this graphic? How does the chart use color to make its point? Write two true statements based on the data you see here. Graphic from: <[www.sierraclub.org/sierra/2014-2-march-april/graphic/voter-suppression](http://www.sierraclub.org/sierra/2014-2-march-april/graphic/voter-suppression)>*

## The Voting Rights Act -- Then and Now

On August 6, 1965, President Johnson signed what would become the U.S.'s most effective civil rights law – the Voting Rights Act (VRA). The law ended literacy tests, poll taxes, and other discriminatory practices that prevented minorities from voting. In the 21st century, citizens still



*For an excellent graphic explanation of the Voting Rights Act, as well as 2013 changes to the law: <[www2.kqed.org/low-down/2013/11/05/voting-rights](http://www2.kqed.org/low-down/2013/11/05/voting-rights)>*

use the VRA to fight modern voting discrimination, including: redistricting plans that favor white people, restrictive voter ID laws, elimination of early voting opportunities, and unfair polling place changes.

But the civil rights legacy of the VRA began to unravel on June 25, 2013, when the U.S. Supreme Court made the disastrous decision to weaken the VRA in *Shelby County v. Holder*. The decision struck down some of the law's most crucial voter protections. For example, before *Shelby*, states and localities with a history of discrimination had to get clearance from the Department of Justice before enacting any voting law changes. Now free from federal oversight, states have pushed through discriminatory laws that make it more difficult to vote. – excerpted/adapted from <[vrafortoday.org/learn](http://vrafortoday.org/learn)>



*As these peaceful protesters marched from Selma to Montgomery, police brutally attacked them, and it was captured on national TV. The resulting outrage helped pressure Congress to pass the Voting Rights Act of 1965.*

# Read Carefully for Understanding

## Worksheet to Accompany “Race and Voting Rights in 2016”

1. According to Andy Nash, what is the new trend in voting rights?

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2. What are three ways that voters are being deprived of voting rights?

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3. Do you agree that restrictions on voting rights have disproportionately affected people of color and poor people? Why or why not?

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4. Read “More about Race and Voting” and study the chart and box on Voting Rights (pp. 7-8). Look up arguments in favor of voter restrictions, such as: these restrictions will prevent voter fraud. Make your own evaluation of what is happening to voting rights in the U.S. Write an essay using Nash’s article and the additional sources on pp. 7-8 plus your own research.

5. According to Nash, ordinary people are fighting back against voter restrictions. What are they doing?

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6. According to the map on p. 6, 41 states have introduced restrictive voting laws. Is your state one of them? If so, what laws have been introduced? Alternatively, are there laws to *relax* voter restrictions? Find out, and then read further about those laws. What do you think of them? Do you agree or disagree with them? Write a letter to your congressperson to express what you think. *[If you cannot find information about the laws in your state, then simply write to your congressperson expressing your opinion in general about voting restrictions.]*