LESSON THREE: BARRIERS TO VOTING

Level: Middle School to High School

Purpose: Students will participate in completing a copy of a 1964 voter registration form as a starting point for discussion on barriers to voting and the Voting Rights Act of 1965. Students will learn about their state’s current voter ID laws and develop arguments for and against the laws. Students will then review a scenario for a state’s new voter ID laws to critically discuss the implications of such a law.
Objectives:

Students will:

• Examine a copy of a 1964 voting registration form.


• Discuss the validity of the 1964 form as a measure for determining voter eligibility.

• Investigate their own state’s current voter ID laws.

• Discuss the reasons for and against voter ID laws.

• Read a scenario on a state’s new voter ID laws and discuss its implications.

Grades: Middle School to High School

Duration: 60-minute class period

Materials:

• Copies of Voter Registration form available at www.lawday.org

• Project text of Voting Rights Act of 1965 excerpts available at www.lawday.org

• Access to Internet to examine students’ current state voter ID requirements at http://www.ncsl.org/research/elections-and-campaigns/voter-id.aspx#State_Reqs

• Copy of new voting ID law scenario available at www.lawday.org

Activity: PART 1. Historical Barriers to Voting

Have students pair up. One student will be administering the voter registration form, which is to be completed orally by the other student, who will be acting as a potential voter registrant. Give students around three minutes to role play and then look through the remainder of the document as a group.

After several minutes, ask students to react to the activity.

How did they feel giving and taking the registration interview? Were there any questions that they found confusing or surprising?

Inform students that this was an actual voter registration form used by a state to determine voting eligibility in 1964 and 1965. In some states the voter registration system was changed four times within a
single year and there could be as many as 100 versions in existence at the same time, making it an impossible test to study for.

Questions for students:

• What would a prospective registrant need to know in order to complete the voter registration process?

• Do you think this process is fair or an effective way to register voters?

• What elements of the form do you think are questionable information to request? Were there questions on the form that surprised you?

• Should a form like this determine whether or not a person is eligible to vote?

• What documents should determine voter eligibility?

• How do such restrictions impact American democracy?

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**An Act to enforce the Fifteenth Amendment to the Constitution of the United States, and for other purposes.**

**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 ...

**SEC. 4.** (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.
Show student excerpts from the Voting Rights Act of 1965 and discuss the highlighted sections:

Questions for students:

• Would the test you just took be allowed under this act?

• What questions on the form you just completed would have to be changed or deleted?

• How does the act protect voter rights?

Historical Significance of the Voting Rights Act of 1965

The Fifteenth Amendment guaranteed African American men the right to vote in 1870 stating, “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.” However, half a century later, registration forms and literacy tests such as this one were created to prevent groups of people, specifically African Americans from voting. Supporters and creators of such policies defended these actions by citing that Article 1, Section 2, of the Constitution gave the States power to determine qualifications for voting. These kinds of voter prerequisites became unconstitutional under the Voting Rights Act of 1965 and were considered barriers used to prevent eligible people from voting.

PART 2. Voter ID Laws

Question for students:

• Are there barriers to voting today?

• What are some of the barriers that exist today?

Introduce students to topic of voter ID laws. Have students brainstorm reasons or arguments for supporting these laws and reasons for not supporting them.

Voter ID Laws

Since 2001, a new wave of voter ID bills have been proposed in 46 states. These proposed bills would require in most cases official photo identification such as a driver’s license or state ID before casting their vote in elections.
Group Activity

Have students look at the voter ID laws in their state and review the forms of identification accepted at the polls. Easy to read chart is available at: http://www.ncsl.org/research/elections-and-campaigns/voter-id.aspx#State_Reqs

Questions for students:

• Should we have to show ID to vote? Why or why not?

• What are voter ID laws trying to prevent?

• When would it be appropriate to show identification to vote?

• Are specific groups of people more affected by these laws than others?

• How might these laws test the limits of the Voting Rights Act?

Have students consider the following scenario based on a state’s new voter ID law.
Note for lawyer in the classroom. You may want to project this scenario in the classroom or make copies available for students to read.

Questions for students:

How does this law impact students?

Why would a state pass a law to allow for students to use in-state drivers’ licenses as a voter ID but not out-of-state licenses?

What are the benefits of having high school students register to vote if there is additional paperwork required when they are 18?

What will be the impact of this new law on students attending universities in this state?

Why would some people like or support this law?

Why would some people dislike this law?

Why would some people have no opinion about the law?

What could students, employees, and community members in this state do to support the engagement of younger people in the voting process?

How would this law discourage young people from participating in the voting process?

How would it encourage young people from participating in the voting process?

College campuses are filled with students who have come from many regions across the country and many of them are voting for the first time. Some states have created new voter ID laws that do not include student IDs as an acceptable form of identification. Out-of-state drivers licenses are also unacceptable forms of voter identification. In-state drivers’ licenses are accepted.

Students can obtain a free state-issued ID from the Department of Motor Vehicle’s after showing four other forms of identification. One of those IDs must be a student’s original Social Security card or a tax form with your name and Social Security number. Other forms of identification can include an original birth certificate, not a copy, a marriage license, a divorce paper, tax records, and work receipts.

In addition, the state also eliminated preregistration for high school 16- and 17-year-olds, reasoning that it created additional work to recertify these students as voters when they turn 18. The state also eliminated day-of-voting registration.
QUESTIONNAIRE

1. State your name, the date and place of your birth, and your present address:

2. Are you single or married?
   (a) If married, give name, resident and place of birth of your husband or wife, as the case may be:

3. Give the names of the places, respectively, where you have lived during the last five years; and the name or names by which you have been known during the last five years:

4. If you are self-employed, state the nature of your business:

A. If you have been employed by another during the last five years, state the nature of your employment and the name or names of such employer or employers and his or their addresses:

5. If you claim that you are a bona fide resident of the State of Alabama, give the date on which you claim to have become such bona fide resident:
   (a) When did you become a bona fide resident of _____ County:
   (b) When did you become a bona fide resident of _____ Ward or Precinct:

6. If you intend to change your place of residence prior to the next general election, state the facts:

7. Have you previously applied for and been denied registration as a voter?
   (a) If so, give the facts:

8. Has your name been previously stricken from the list of persons registered?

9. Are you now or have you ever been a dope addict or a habitual drunkard?
   (A) If you are or have been a dope addict or habitual drunkard, explain as fully as you can:

10. Have you ever been legally declared insane?
    (a) If so, give details:

11. Give a brief statement of the extent of your education and business experience:

12. Have you ever been charged with or convicted of a felony or crime or offense involving moral turpitude?
    (a) If so, give the facts:

13. Have you ever served in the Armed Forces of the United States Government?
    (a) If so, state when and for approximately how long:
14. Have you ever been expelled or dishonorable discharged from any school or college or from any branch of the Armed Forces of the United States, or of any other country? If so, state facts:

15. Will you support and defend the Constitution of the United States and the Constitution of the State of Alabama?

16. Are you now or have you ever been affiliated with any group or organization which advocates the overthrow of the United States Government or the government of any State of the United States by unlawful means? (a) If so, state the facts:

17. Will you bear arms for your country when called upon it to do so? If the answer is no, give reasons:

18. Do you believe in free elections and rule by the majority?

19. Will you give aid and comfort to the enemies of the United States Government or the Government of the State of Alabama?

20. Name some of the duties and obligations of citizenship:

(A) Do you regard those duties and obligations as having priority over the duties and obligations you owe to any other secular organization when they are in conflict?

21. Give the names and post office addresses of two persons who have present knowledge of your bona fide residence at the place as stated by you:

Part 3 (5)

(The following questions shall be answered by the applicant without assistance.)

1. What is the chief executive of the state called? Governor

2. Are post offices operated by the state or federal government? Federal Government

3. What is the name of the president of the United States? Lyndon B. Johnson

4. To what national lawmaking body does each state send senators and representatives? Congress

Instructions “A”

The applicant will complete the remainder of this questionnaire before a Board member and at his instructions. The Board member shall have the applicant read any one or more of the following
excerpts from the U.S. Constitution using a duplicate form of this Insert Part III. The Board member shall keep in his possession the application with its inserted Part III and shall mark thereon the words missed in reading by the applicant.

EXCERPTS FROM THE CONSTITUTION

1. “The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause supported by oath or affirmation, and particularly describing the place to be searched, and the person or things to be seized.”

2. “Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed.”

3. “Treason against the United States, shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort.”

4. “The senators and representatives before mentioned, and the members of the several legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation, to support this constitution.”

INSTRUCTIONS “B”

The Board member shall then have the applicant write several words, or more if necessary to make a judicial determination of his ability to write. The writing shall be placed below so that it becomes a part of the application. If the writing is illegible, the Board member shall write in parentheses beneath the writing the words the applicant was asked to write.

HAVE APPLICANT WRITE HERE, DICTATING WORDS FROM THE CONSTITUTION

Signature of Applicant _________________________________