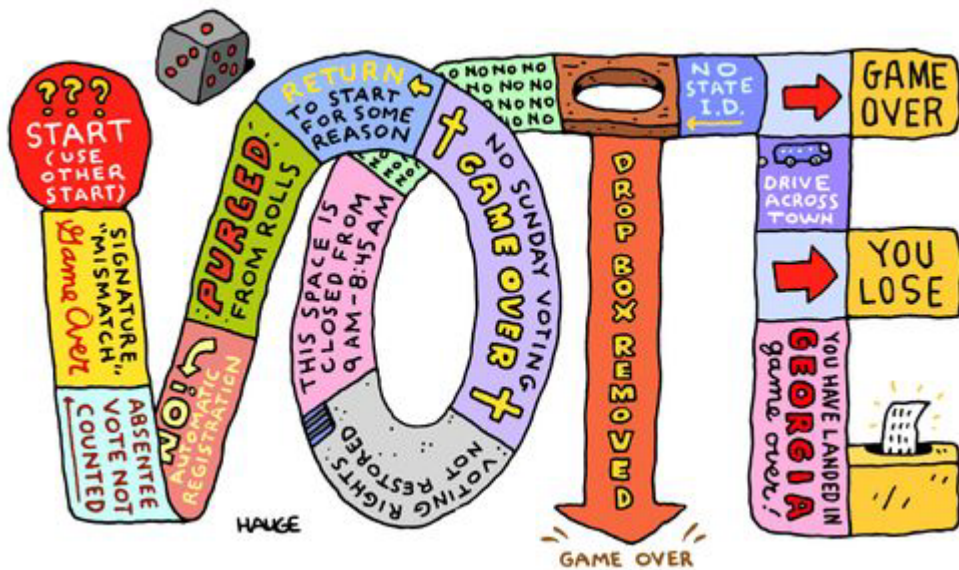


# What's undermining the right to vote?



(Ron Hauge, *New Yorker*, March 10, 2021)

## Supporting Questions

- **SQ #1:** Who decides who gets to vote and how they vote?
- **SQ #2:** Are we justifiably disenfranchising our own citizens?
- **SQ #3:** Is voter fraud undermining our democracy?

## What's undermining the right to vote?

|                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|----------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Standard and Content</b>            | <p><b>GC.36</b> Evaluate voting rights, laws, and practices in Washington, DC, a state or a territory, and develop a proposal for a specific change in current government policy or law to impact voting rights or civic engagement.</p> <p><b>GC.31</b> Analyze the expansion and contraction of voting rights throughout US history, including movements by different groups to access the right to vote.</p> <p>Many allegations about voter fraud have been thrown around over the last 8 years and many states have changed their laws to combat voter fraud that arguably limit the ability of people to vote. Based on the evidence, which is more likely to undermine our democracy—the fraudulent voters or the legislatures passing laws limiting the right to vote?</p> |
| <b>Staging the Compelling Question</b> | Ask students to respond to the following: “Who should be allowed to vote in federal elections? What limitations should be put on how voters can cast their ballots?”                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

| Supporting Question 1                                                                                                                                                                                                                                                                                                                                                                                | Supporting Question 2                                                                                                                                                                                                                                                                                                                                                                                                   | Supporting Question 3                                                                                                                                                                                                                                                                                                                                    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Who decides who gets to vote and how they vote?                                                                                                                                                                                                                                                                                                                                                      | Are we justifiably disenfranchising our own citizens?                                                                                                                                                                                                                                                                                                                                                                   | Is voter fraud undermining our democracy?                                                                                                                                                                                                                                                                                                                |
| Formative Performance Task                                                                                                                                                                                                                                                                                                                                                                           | Formative Performance Task                                                                                                                                                                                                                                                                                                                                                                                              | Formative Performance Task                                                                                                                                                                                                                                                                                                                               |
| The formative task is to have students review the <i>Constitution</i> and its <i>Amendments</i> and other sources to determine who has the right to vote in a federal election, who decides who can vote, who determined the requirements to vote, and the scope of restrictions placed on the manner of casting a ballot.                                                                           | The formative task is to have students evaluate the impact of three types of laws that impact the right to vote—voter ID laws, denying the right to vote to convicted felons, and absentee voting laws. Students will articulate the top 3 arguments in favor or against the law, along with supporting evidence. Create a graphic organizer explaining the law and its impact and stating their position with support. | The formative task is to have students review the sources and identify types of voter fraud, the magnitude of the problem of each type of voter fraud, explain which restrictions from SQ #1 would address each type of voter fraud, and then answer SQ #3.                                                                                              |
| Featured Sources                                                                                                                                                                                                                                                                                                                                                                                     | Featured Sources                                                                                                                                                                                                                                                                                                                                                                                                        | Featured Sources                                                                                                                                                                                                                                                                                                                                         |
| <p><b>A:</b> <i>The Constitution &amp; Amendments</i></p> <p><b>B:</b> <a href="#">Voter registration rules</a>, Vote.org (undated)</p> <p><b>C:</b> Vote411, <a href="#">Voting rules: Nationwide quick view</a>, League of Women Voters Education Fund (undated)</p> <p><b>D:</b> <a href="#">Elections 2012   The Right to Vote - Electoral Dysfunction   Op-Docs</a>, New York Times (video)</p> | <p><b>A:</b> Kansas Advisory Committee to the U.S. Commission on Civil Rights, <a href="#">Voting rights and the Kansas Secure and Fair Elections Act</a></p> <p><b>B:</b> Report # GAO-14-634, <a href="#">Elections: Issues related to state voter identification laws</a></p>                                                                                                                                        | <p><b>A:</b> <a href="#">Presidential Executive Order on the Establishment of Presidential Advisory Commission on Election Integrity</a></p> <p><b>B:</b> <a href="#">Brennan Center for Justice, Background on Trump's 'Voter Fraud' Commission</a></p> <p><b>C:</b> <a href="#">Trump panel finds no voter fraud</a>, U.S. News &amp; World Report</p> |

## Government & Civics: What's undermining the right to vote?

|                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>E:</b> Mac Brower, <a href="#"><i>What does the Constitution say about the right to vote?</i></a>, Democracy Docket</p> <p><b>F:</b> The Heritage Foundation, <a href="#"><i>Election Integrity Scorecard</i></a></p> <p><b>G:</b> Excerpts of Report # GAO-14-634, <a href="#"><i>Elections: Issues related to state voter identification laws</i></a></p> | <p><b>C:</b> Erin Kelly, <a href="#"><i>Racism &amp; felony disenfranchisement: An intertwined history</i></a></p> <p><b>D:</b> <a href="#"><i>Criminal Disenfranchisement laws across the United States</i></a></p> <p><b>E:</b> Erika Wood &amp; Rachel Bloom, <a href="#"><i>De factor disenfranchisement</i></a></p> <p><b>F:</b> Erika Wood, <a href="#"><i>Florida: An outlier in denying voting rights</i></a></p> <p><b>G:</b> U.S. Vote Foundation, <a href="#"><i>Absentee ballot voting: An explainer</i></a></p> <p><b>H:</b> <a href="#"><i>Voting by mail and absentee voting</i></a>, MIT Election Data + Science Lab</p> <p><b>I:</b> <a href="#"><i>How did absentee voting affect the 2020 U.S. election?</i></a>, Democracy &amp; Polarization Lab, Stanford University</p> <p><b>J:</b> <a href="#"><i>Timeline: Voter suppression in the US from the Civil War to today</i></a>, ABC News</p> | <p><b>D:</b> <a href="#"><i>Heritage Foundation, Voter Fraud Database</i></a></p> <p><b>E:</b> <a href="#"><i>There have been just four documented cases of voter fraud in the 2016 election</i></a>, <i>Washington Post</i></p> <p><b>F:</b> <a href="#"><i>A comprehensive investigation of voter impersonation finds 31 credible incidents out of one billion ballots cast</i></a>, <i>Washington Post</i></p> <p><b>G:</b> <a href="#"><i>Number of Voters and Voter Registration as a Share of the Voter Population</i></a>, Kaiser Family Foundation</p> <p><b>H:</b> <a href="#"><i>The History of Voter Fraud in the United States</i></a>, BuzzFeed Unsolved Network (video)</p> <p><b>I:</b> <a href="#"><i>Illegal aliens are still voting in our elections</i></a>, The Heritage Foundation</p> <p><b>J:</b> <a href="#"><i>One illegal vote can change the outcome of an election</i></a>, The Heritage Foundation</p> <p><b>K:</b> Excerpts of Kansas Advisory Committee to the U.S. Commission on Civil Rights, <a href="#"><i>Voting rights and the Kansas Secure and Fair Elections Act</i></a></p> |
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|                                   |                                                                                                                                                                                                                                                                                                                                                                                     |
|-----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Summative Performance Task</b> | <p><b>ARGUMENT.</b> What's undermining the right to vote? Is it voter fraud or laws limiting who and how people vote? When should we allow laws limiting who and how people vote?</p> <p>Construct an argument (e.g., detailed outline, poster, essay) that responds to these questions using specific claims, supported by relevant evidence, and acknowledge competing views.</p> |
|                                   | <p><b>EXTENSION.</b> Evaluate and analyze an additional law limiting how people vote that has recently appeared in the news (e.g., criminalizing providing water to people waiting in line to vote).</p>                                                                                                                                                                            |
| <b>Taking Informed Action</b>     | <p><b>UNDERSTAND &amp; ASSESS.</b> Research local laws on voting and their impact on who votes, possibly reaching out to local get-out-the vote organizations.</p> <p><b>ACT.</b> Petition your local government to change a law that you believe has a negative impact, possibly working through a local organization.</p>                                                         |

## Overview

### Inquiry Description

Many allegations about voter fraud have been thrown around over the last 8 years and many states have changed their laws to combat voter fraud that arguably limit the ability of people to vote. This inquiry asks students to investigate whether fraudulent voters or restrictions on how people vote is more likely to undermine our democracy. The inquiry is focused on federal elections. Students will examine the *Constitution* and *Amendments* so see what they protect in relation to the right to vote; examine three types of voting laws and their impact; examine evidence of voter fraud, and ultimately, answer the compelling question.

This inquiry highlights the following D.C. Social Studies Standards for Government & Civics:

**GC.36** Evaluate voting rights, laws, and practices in Washington, DC, a state or a territory, and develop a proposal for a specific change in current government policy or law to impact voting rights or civic engagement.

**GC.31** Analyze the expansion and contraction of voting rights throughout US history, including movements by different groups to access the right to vote.

It is important to note that this inquiry assumes a general knowledge of the historical, but now illegal, limitations on the right to vote (e.g., race, gender, poll taxes, literacy, property ownership)

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

### Structure of the Inquiry

In addressing the compelling question, students will first review the *Constitution* and *Amendments* to understand who has the right to vote in federal elections and who determines how voters cast their ballots. Next students will examine the impact of three types of voting laws—availability of and requirements placed on absentee ballots, denial of voting rights to convicted felons, and voter identification requirements. With this background, students will examine the evidence of voter fraud. Ultimately, students will answer the compelling question, arguing their position with support.

### Credits:

C3 Teachers. (n.d.). *How do people respond when democracy is impeded?*. [Retrieved October 2, 2024.] <https://c3teachers.org/wp-content/uploads/2024/06/How-do-people-respond-when-democracy-is-impeded.pdf>

C3 Teachers. (n.d.). *Should the right to vote be protected in the Constitution?*. [Retrieved October 2, 2024.] <https://c3teachers.org/wp-content/uploads/2024/04/3.-DiD-Inquiry-Voting-and-Elections-1.docx>

- As I looked for sources to use online, I found these C3 lesson plans with the compelling questions in their title which in different ways overlapped with the lesson plan I was creating.
- My lesson plan had evolved to variations on its 3 supporting questions before I found these, but parts of them are spot on where there are overlaps. I have attempted not to lift wholesale from them as a student, but I will do so when appropriate as a teacher.

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- They were particularly helpful in identifying additional primary sources, especially when I decided I needed to address voter fraud. The *Should the right to vote be protected in the Constitution?* lesson plan's activity to review the *Constitution and Amendments* was very similar to what I had already put together, but it helped me refine my planned activity, especially in thinking about how students should record the information they were collecting.

### Staging the Compelling Question

(est. 15 minutes)

To stage the compelling question, have students pair-up and take 5 minutes to respond to the following:

*Who should be allowed to vote in federal elections?*

- This is not a question about what the law says.
- List the minimum traits of a person who should be allowed to vote (e.g., age, gender, education, wealth, shoe size)

*What limitations should be put on how voters can cast their ballots?*

- Again, this is not a question about what the law says.
- List the types of limitations that should be placed on voting in federal elections (e.g., when, where, how (e.g., by mail, online, in-person))

Then go around the room asking each pair to share one requirement and why until exhausted. Review the list, then have the class vote each up or down using a polling application. Share the results.

For reference, § 1 in the Appendix is a list of requirements to vote in federal elections from [usa.gov](https://www.usa.gov) and a non-exhaustive list of restrictions on the manner of casting a ballot.

## Supporting Question 1

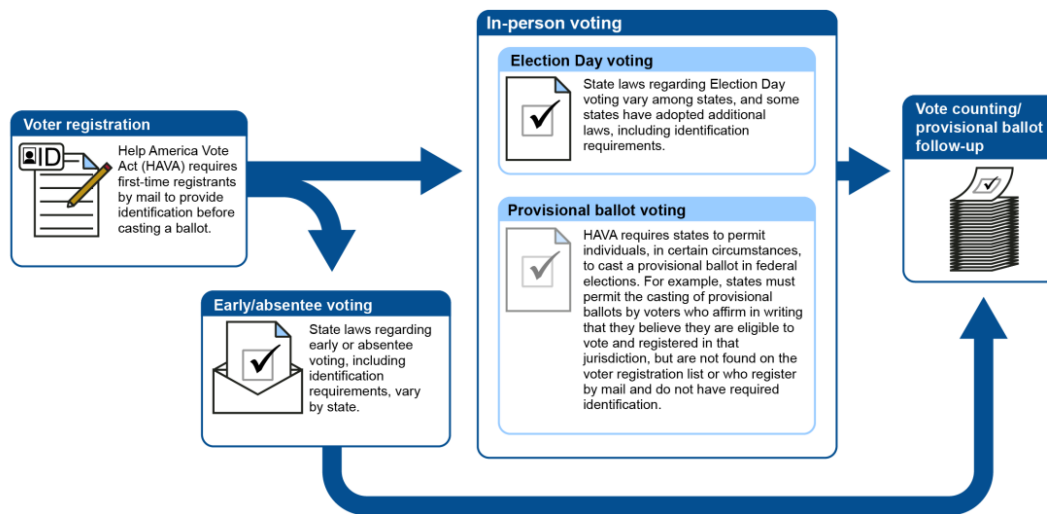
The first supporting question: *Who decides who gets to vote and how they vote?*

The formative task is to have students review the *Constitution* and its *Amendments*, a League of Women Voters webpage to determine who has the right to vote in a federal election, who decides who can vote, the requirements to vote, the restrictions placed on the manner of casting a ballot, and their value judgment about the requirement or limitation.

Teachers may implement this formative ask with the following procedures (est. 45 minutes):

1. Leave up the list of traits of who should be able to vote and any limitations that should be put how people cast their votes.
2. Go over the process of voting using Figure 1 from Source G:

Figure 1: The Voting Process



Source: GAO. | GAO-14-634

3. To do this, small groups review Sources A–C & F and create and complete two 3-column tables (see examples below). One table is the requirements to vote, and the other is limitations on how people can cast their vote.
  - Recommend that you assign students a set of states (no more than 10) to avoid getting responses for just the first 10-20 states alphabetically. They can use the same group of states for both lists.
  - Students should not list each nuanced restriction separately, but they should include an explanation for any differences for each state. They should group states that have the same explanation. See example below related to requirement of no felony conviction.
  - The goal with the exercise related to the states is to give them a foundation of the scope of the types of restrictions on voting.
  - Students should not list states for the requirements contained in the *Constitution*, and as suffrage was expanded they need only list the minimum requirement from the *Constitution*.
  - The third column asks them to give their opinion and why on whether we should have the particular restriction or requirement. The goal here is to just get them thinking about what is right or wrong in their view.

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| Requirement to Vote          | Source in Constitution/<br>State Examples                                                                                                                                                                                | Should this be the law?<br>Why/why not?                                                                                                                    |
|------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Must be 18 years old         | 26th Amendment                                                                                                                                                                                                           | Yes. 18 is the right age. High school kids should not be allowed to vote.                                                                                  |
| Not be convicted of a felony | Alaska (only while incarcerated or on probation/parole for certain felones)<br>Florida (all felonies, unless civil rights have been restored)<br>Georgia (while serving sentence for felonies involving moral turpitude) | Yes, but only while incarcerated. Once they are back in the community they should be allowed to vote to help them reintegrate even if still on probations. |

| Identify Limitations on<br>Manner of Casting Vote | Examples of States that impose<br>(with explanation if different)                                                                                                             | Should this be the law?<br>Why/why not?                                                                                     |
|---------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|
| Absentee ballot only with excuse                  | Alabama (limited list of reasons a person cannot vote in person)<br>Delaware, Missouri (limited list of reasons a person cannot vote in person, including a religious excuse) | No. Absentee ballots should be allowed for anyone who wants one. It's too much work to police and it will increase turnout. |

4. Share with students a Google doc that has the Constitutional requirements filled in for the first two columns. (No need for the third column.) Then have students add their contributions related to state restrictions to a Google doc (only the first two columns) for the states. This will give students a complete list and they can see the variety of restrictions.
5. Ask to identify the state (or DC) they think is the most restrictive on the right to vote and the state (or DC) with the least restrictions on the right to vote.

If needed to ensure students have foundation for SQ #2 and SQ #3, Source D or E can be used to close out the session or for scaffolding. However, they should not be used before the above exercise because they provide the answer.

The scaffolds and other materials may be used to support students as they work with the sources include defining specific terms, questions to get them thinking in the right direction, and partially completed tables, where appropriate. In addition, here is a secondary source that may be useful to assist a student:

- Vocabulary
  - Suffrage
  - Franchise
  - Ballot
  - Polling Place
  - Elector as used in Art. 1 §§ 2, 4.
- Questions
  - What are the limits on where someone can vote?
    - Near your house or somewhere else
  - What are the limits on when someone can vote?

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- Only on election day? Other days?
- What are the limits on how someone can vote?
  - How they submit their ballot? Electronic or paper?
  - Who can submit an absentee ballot?
  - Can someone other than voter submit their absentee ballot on their behalf?

Sources D and E are secondary sources that could be used for scaffolding.

**Featured Sources:** The following primary and secondary sources were selected to allow students to examine primary and secondary sources to determine who can vote, how they can vote, and who decides.

- Source A is self-explanatory.
- Sources B, C, and F are designed to give students a sense of the scope of the different state requirements.
- The brief video (Source D) and piece from Democracy Docket (Source E) can be used to make sure students understand how limited the *Constitution* is on this issue and that states decide for the most part.
- Source G will help explain the process of voting to ensure students can understand what is happening when looking at the restrictions on how people vote.

**A:** *The Constitution & Amendments*: Art. I, §§ 2, 4; Art. II, § 1, Amends. 15, 17, 19, 24, 26 (excerpts are in §2 of the Appendix)

**B:** [Voter registration rules](#), Vote.org (undated) (list of states and DC in alphabetical order, stating the voting requirements of each)

**C:** Vote411, [Voting rules: Nationwide quick view](#), League of Women Voters Education Fund (undated) (table of rules about how ballots can be cast and which exist in each state and DC)

**D:** [Elections 2012 | The Right to Vote - Electoral Dysfunction | Op-Docs](#), *New York Times* (Sept. 14, 2012)

**E:** Mac Brower, [What does the Constitution say about the right to vote?](#), Democracy Docket (Feb. 3, 2022).

**F:** The Heritage Foundation, [Election Integrity Scorecard](#) (undated)

**G:** Figure 1 from Excerpts of Report # GAO-14-634, [Elections: Issues related to state voter identification laws](#), U.S. Government Accountability Office (Sept. 2014) (see supplement) (These excerpts are also SQ #2 Source B.)

## Supporting Question 2

The second supporting question—*Are we justifiably disenfranchising our own citizens?*

The formative task is to have students review the sources to evaluate the impact of three types of laws that impact the right to vote—voter ID laws, denying the right to vote to convicted felons, and absentee voting laws.

Teachers may implement this formative task with the following procedures (est. 75 minutes):

1. Begin by having students review pages 3–5 of Source A and Sources C & J for background on the history of voter suppression in the United States. Students should pair and share and decide which form of voter suppression was the worst and why and which was the most under the radar and why.
2. Go around the room and have each pair share their worst law; as each type of law comes up, poll the rest of the students who also thought it was the worst, then have them share why in succession. Then do the same with the most under-the-radar law.
3. Then assign groups to review one of the three types of laws—voter ID, denying the right to vote to convicted felons or and absentee voting. Recommend at least 2 groups for each. They should review Sources A (pages 2, 6, 8–25, 29–31, 38–40) & B; Sources D–F, and Sources G–I, respectively
4. Each group should review their Sources and identify the top 3 arguments in favor or against the law, along with supporting evidence
5. Create a graphic organizer that includes the following:
  - description of the law (e.g., what it does, how it changes voting)
  - how does make it harder or easier for citizens to vote
  - whether it results in more or less people voting
  - what is the magnitude of the change; and
  - a claim with support on whether or not the law is justifiable.
6. Have students display their graphic organizer and have the class do a gallery together with students explaining their graphic organizer when it is reached on the walk.

The scaffolds and other materials may be used to support students as they work with sources include defining terms or changing the nature of the product.

**Featured Sources:** The following sources were selected to provide an overview of the voter suppression through history,

- Source A has a good background on history of suppression and the Voting Rights Act, and Source J is a timeline.
- Sources A & B relate to the impact of Voter ID laws.
- Source C–F relate to disenfranchisement laws for criminal convictions.
- Sources G–I relate to absentee voter laws.

**A:** Pages 2–6, 8–25, 29–31, 38–40 of Excerpts of Kansas Advisory Committee to the U.S. Commission on Civil Rights, [Voting rights and the Kansas Secure and Fair Elections Act](#), (Mar. 2017) (see supplement) (provides succinct description/history of the Voting Rights Act; examines implementation and impact of Photo ID requirement; and discusses voter fraud) (These excerpts are also SQ #3 Source K.)

[There are several redactions even on the pages included so it's not as long as it seems. It could be further limited to just pages specifically discussing testimony and the Committee's findings.]

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- B:** Figures 3–6, and Tables 2, 5–6 from Excerpts of Report # GAO-14-634, [\*Elections: Issues related to state voter identification laws\*](#), U.S. Government Accountability Office (Sept. 2014) (see supplement) (includes executive summary and charts showing impact of Photo ID laws on turnout and which groups were impacted most) (These excerpts are also SQ #1 Source G.)
- C:** Erin Kelly, [\*Racism & felony disenfranchisement: An intertwined history\*](#), Brennan Center for Justice (May 9, 2017)
- D:** [\*Criminal Disenfranchisement laws across the United States\*](#), Brennan Center for Justice (Oct. 16, 2024)
- E:** Erika Wood & Rachel Bloom, [\*De facto disenfranchisement\*](#), Brennan Center for Justice (Oct. 1, 2008)
- F:** Erika Wood, [\*Florida: An outlier in denying voting rights\*](#), Brennan Center for Justice (Dec. 16, 2016)
- G:** U.S. Vote Foundation, [\*Absentee ballot voting: An explainer\*](#) (undated) (background and a little history on absentee ballots and explains excuse vs. no-excuse absentee voting)
- H:** [\*Voting by mail and absentee voting\*](#), MIT Election Data + Science Lab (Feb. 28, 2024) (explainer about absentee voting with some charts showing effect)
- I:** Excerpts from Jesse Yoder et al., [\*How did absentee voting affect the 2020 U.S. election?\*](#), Democracy & Polarization Lab, Stanford University (June 25, 2021) (see supplement) (contains introduction, conclusion, and illustrative tables)
- J:** Terrance Smith, [\*Timeline: Voter suppression in the US from the Civil War to today\*](#), ABC News (Aug. 20, 2020)

### Supporting Question 3

The third supporting question—*Is voter fraud undermining our democracy?*

The formative task is to have students review the sources and identify types of voter fraud, the magnitude of the problem of each type of voter fraud, explain which restrictions from SQ #1 & 2 that would address each type of voter fraud, and then answer SQ #3.

Teachers may implement this formative task with the following procedures (est. 75 minutes):

1. Review Sources A–G & I–K, collecting the information below. You may choose to parcel out the sources to different groups. Recommend that you continue the state assignments from SQ #1 for the review of Source D.
2. Organize the information gathered in a table with columns labeled: Type of Voter Fraud & Evidence of the Fraud, Geographic Area, Election, Number of Cases, Votes Cast, and Percentage (Number of Cases/Votes Cast). Include allegations of voter fraud without evidence.
  - What evidence is there for or against the existence of the type of voter fraud?
  - How big is the problem
    - What is the number of cases?
    - What geographic area and elections are covered by that number
      - It is better to list each election separately if the information is available
    - What is that number as a percentage of total votes cast and/or the registered voters in that geographic area in that election

Section 3 of the Appendix has a list of the types of voter fraud in the Heritage Foundation database.

3. Have students populate a master document (online) with the information they gathered. You should choose which group to take the lead in populating information where there is an overlap. Then have the overlapping groups check it. If they disagree, they need to come together and figure out the right information.
4. Divide up and assign the types of voter fraud to the groups, with each type assigned to at least 2 groups. The groups should review the types of voter fraud and identify which restrictions or restrictions identified in relation to SQ #1, they believe would address that type of voter fraud? And explain why.
  - a. Have each group populate another table in the common document and present their answers to the class.
5. Have students answer SQ #2 with support in preparation for the summative exercise. and support it with evidence. It need only be one or two paragraphs.

Source H can be used to close out the session or for scaffolding. However, they should not be used before the above exercise because they provide the answer.

The scaffolds and other materials may be used to support students as they work with the sources include defining specific terms (e.g., the types of voter fraud), partially completed tables, or Source H, where appropriate. You also may need to make a few calculators available.

- Vocabulary
  - Eligible voter or voter population (used in Source G)
  - Registered voter
  - Turnout
  - Votes Cast

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- § 3 of the Appendix has a list of the types of voter fraud in the Heritage Foundation database.
- Consider whether you need to provide detailed instructions with screen snippets to show how to filter and sort the data in the Heritage Foundation Voter Fraud database.

**Featured Sources:** The following sources were selected to give students a sense of the magnitude of the problem of voter fraud, with an effort to find sources on both sides of the issue. (I searched the *Wall Street Journal* for reporting in saying there was fraud and came up empty. I also searched Fox News but it was impossible to filter out the opinion pieces and find anything reporting facts.)

- First, there is President Trump's Executive Order (Source A) establishing the Election Integrity Commission, a secondary source discussing what the Commission did (Source B), and an article on the Commission shutting down without finding fraud or issuing a report (Source C).
- Source K discusses the importance of election integrity.
- The Heritage Foundation's database on voter fraud (Source D) reports less than 2,000 instances of voter fraud, but it's the best that is available to provide support for the voter fraud side of the argument.
- Then two articles from the *Washington Post* (Sources E & F) reporting their review of public documents in search of voter fraud.
- Two pieces from the Heritage Foundation (Sources I & J) are included to provide some support for the opposing side, but credible sources were difficult to find. I recommend searching for the latest information to potentially supplement or replace Sources I & J.
- Source G has data by state on the number of voters registered, number of people who voted, and those as a percentage of eligible voters for federal elections from 2014 to 2022. These numbers can be used to understand the magnitude of the issue and Source G can show them on a map, in a table, and with a graph.
- Source H is a video reporting on voter fraud that is helpful as it does point out how close some elections have been with numbers, but it should not be shown before the exercise because of spoilers.

- A:** [\*Presidential Executive Order on the Establishment of Presidential Advisory Commission on Election Integrity\*](#) (May 11, 2017)
- B:** [\*Brennan Center for Justice, Background on Trump's "Voter Fraud" Commission\*](#) (July 18, 2017)
- C:** Joseph P. Williams, [\*Trump panel finds no voter fraud\*](#), *U.S. News & World Report* (Jan. 10, 2018) (covers the dissolution of the Commission)
- D:** [\*Heritage Foundation, Voter Fraud Database\*](#) (can be filtered and sorted; for a glossary of the types of cases and types of voter fraud; click on "See Keys & Definitions >")
- E:** Philip Bump, [\*There have been just four documented cases of voter fraud in the 2016 election\*](#), *Washington Post* (Dec. 1, 2016)
- F:** Justin Levitt, [\*A comprehensive investigation of voter impersonation finds 31 credible incidents out of one billion ballots cast\*](#), *Washington Post* (Aug. 6, 2014)
- G:** [\*Number of Voters and Voter Registration as a Share of the Voter Population\*](#), Kaiser Family Foundation (undated)
- H:** [\*The History of Voter Fraud in the United States\*](#), BuzzFeed Unsolved Network (Oct. 26, 2020) (video)
- I:** Matthew Tragesser, [\*Illegal aliens are still voting in our elections\*](#), The Heritage Foundation (July 10, 2024)

### ***Government & Civics: What's undermining the right to vote?***

- J:** J. Christina Adams & Hans A. von Spakovsky, [\*One illegal vote can change the outcome of an election\*](#), The Heritage Foundation (July 13, 2023)
- K:** Pages 31–34 of Excerpts of Kansas Advisory Committee to the U.S. Commission on Civil Rights, [\*Voting rights and the Kansas Secure and Fair Elections Act\*](#), (Mar. 2017) (see supplement) (appended to this document) (provides succinct history of voter suppression, especially of African Americans, the Voting Rights ACT; examines implementation and impact of Photo ID requirement; and discusses voter fraud) (These excerpts are also SQ #2 Source A.)

### Summative Performance Task

At this point in the inquiry, students have examined the *Constitution* and *Amendments* for the Constitutional sources of protection of voting rights, how laws on the manner of voting can impact who votes, and evidence of voter fraud. Students are expected to demonstrate the breadth of their understandings and their abilities to use evidence from multiple sources to support their claims. In this task, students will use evidence from the sources to construct an evidence-based argument—students will make a claim (or take a position) on whether limits on the manner of voting or voter fraud is a greater danger to our democracy and then support it. Students should also explain how they would decide whether laws on the manner of voting should be allowed—should there be across-the-board restrictions on these laws or only for some of them.

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

- Voter fraud does occur, but there are so few documented instances that it does not justify limiting how people vote.
- While there is limited documented instances of voter fraud, it's the voter fraud that is not easily detectable that we need to worry about.
- The number of people disenfranchised is so much larger than the substantiated examples of voter fraud that these laws should be severely limited.

To support students in their writing, teachers should point them to progression of supporting questions and the information they gathered directly and as a class.

The specific instructions are:

*What's undermining the right to vote? Is it voter fraud or laws limiting how people vote? When should we allow laws limiting how people vote?*

*Construct an argument (e.g., detailed outline, poster, essay) that responds to these questions using specific claims, supported by relevant evidence, and acknowledge competing views.*

The inquiry could be extended as noted in the table at the beginning as well as the opportunity to take informed action noted there as well.

## APPENDIX

### 1. Requirements to Vote

#### Who can and cannot vote (from [usa.gov](https://www.usa.gov))

You can vote in U.S. federal, state, and local elections if you:

- Are a U.S. citizen, including those living outside the US and dual citizens
- Meet your state's residency requirements, even if you are homeless
- Are 18 years old on or before Election Day
  - Some states allow 17-year-olds who will be 18 by Election Day to vote in primaries.
- Are registered to vote by your state's voter registration deadline.

#### Who cannot vote

- Non-citizens
- Some people cannot vote after being convicted of a felony or if they are currently serving time for other types of crimes. Depends on the state. [not a restriction in DC]
- Some people who have a mental disability may not be able to vote. Depends on the state. [is a restriction in DC]
- U.S. citizens residing in U.S. territories cannot vote for president in the general election.

#### Restrictions on how to cast a ballot (not exhaustive)

- Where
  - How close is the polling place to your house
  - Where do have to drop off absentee ballots
- When
  - Day of election
  - Early voting (in-person or by mail)
  - Hours the polling place is open
    - Will the polling place remain open if there is a long line
  - When do mail in ballots have to be post-marked or received
  - How early you have to register before the election or can you register at the polls
- How
  - In-person
    - Electronic voting machine
    - Analog voting machine
    - Paper ballot
  - Absentee
    - How absentee ballot can be submitted (e.g., drop box, mail, drop-off in person)
    - Who can submit the absentee ballot (e.g., voter, third party)
    - Limits on who, how, and reasons you can request an absentee ballot
  - By mail (e.g., Oregon only allows people to vote by mail)
  - Documentation – Only your signature must match or do you need identification or Photo ID

**2. Provisions of the *Constitution* and *Amendments* that relate to voting in federal elections**

**Article 1, Section 2**

*The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.*

**Article 1, Section 4**

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

**Article 2, Section 1**

The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows

*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: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.*

...

*The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.*

**15th 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.*

**17th Amendment**

The Senate of the United States shall be composed of two Senators from each State, *elected by the people thereof*, for six years; and each Senator shall have one vote. *The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.*

**19th Amendment**

*The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.* Congress shall have power to enforce this article by appropriate legislation.

**24th 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.*

**26th Amendment, Section 1**

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

**3. Types of Voter Fraud Listed in the Heritage Foundation Voter Fraud Database:**

- **Fraudulent Use Of Absentee Ballots** – Requesting absentee ballots and voting without the knowledge of the actual voter; or obtaining the absentee ballot from a voter and either filling it in directly and forging the voter's signature or illegally telling the voter who to vote for.
- **Ineligible Voting** – Illegal registration and voting by individuals who are not U.S. citizens, are convicted felons, or are otherwise not eligible to vote.
- **Impersonation Fraud At The Polls** – Voting in the name of other legitimate voters and voters who have died, moved away, or lost their right to vote because they are felons, but remain registered.
- **Buying Votes** – Paying voters to cast either an in-person or absentee ballot for a particular candidate.
- **Ballot Petition Fraud** – Forging the signatures of registered voters on the ballot petitions that must be filed with election officials in some states for a candidate or issue to be listed on the official ballot
- **Duplicate Voting** – Registering in multiple locations and voting in the same election in more than one jurisdiction or state.
- **False Registrations** – Voting under fraudulent voter registrations that either use a phony name and a real or fake address or claim residence in a particular jurisdiction where the registered voter does not actually live and is not entitled to vote.
- **Altering The Vote Count** – Changing the actual vote count either in a precinct or at the central location where votes are counted.
- **Illegal "Assistance" At The Polls** – Forcing or intimidating voters—particularly the elderly, disabled, illiterate, and those for whom English is a second language—to vote for particular candidates while supposedly providing them with “assistance.”