



This Benchmarks activity was developed by Annette Boyd Pitts, Executive Director, Florida Law Related Education Association Inc. Copyright 2013.

Voting: Who Has the Right?

Topics addressed:

- ☆ Who should have the right to vote
- ☆ History of voting
- ☆ Voting Rights Act of 1965
- ☆ Current challenges and dilemmas

Time needed: 40 to 50 minutes

Overview: This presentation addresses voting practices historically and currently in the United States and explores present day challenges and dilemmas about who should vote and who should have the right to vote and who should have the power to decide.

Group type and size: For adult civic/nonpartisan groups and may be implemented in a variety of settings. While a group of 30 is ideal, this activity can be done with much larger groups.

Materials:

- ☆ PowerPoint on the right to vote
- ☆ Voting Literacy Test Handout
- ☆ What Do You Think? Handout

Equipment: Computer for PowerPoint, projector and screen. Arrange with event coordinator to make sure you have needed power cords.

Preparation:

- Review presenter's guide of "What to Do and Not to Do."
- Become familiar with the "Who Has the Right" PowerPoint and corresponding speaker notes at the bottom of each slide.
- Make copies of handouts for distribution.
- Review the case summary and listen to the audio of oral arguments at www.oyez.org/cases/2010-2019/2012/2012_12_96

Getting Started:

- ☆ Follow PowerPoint and utilize the guidelines below.
- ☆ At tables, leave a modified literacy test for audience members to complete after being seated. Explain the test is a sample of the types given in certain states during the early 1960s. Ask: How many think you answered all questions correctly front and back?
- ☆ Let the audience know that if they did not answer all questions correctly, their right to vote may have been restricted. Passage of the test could also have

40 to 50 minutes
required



Needed:
Laptop and projector for PowerPoint



Warm-up activity:
Ask audience to take the voter literacy test



Discuss the number of questions they answered correctly and explain what wrong answers would have meant to their right to vote

5 minutes

depended on who administered the test. (Announce that answer keys will be distributed after the presentation.)

- ☆ Let the participants know that in U.S. history, certain groups have been excluded from the voting process or restricted in some way.

Who has the right?

- ☆ Ask participants: **Should everyone have the right to vote in this country?** Receive general responses. (In piloting this activity, most participants said no and indicated that age and citizenship should be requirements.)
- ☆ Next ask if their perspective changes if the question is phrased: **Should all citizens of voting age be allowed to vote? Why or why not?** (Some informed audience participants may say “not felons” etc. based on knowledge of Florida. Emphasize the word “should” to seek out personal opinions on who should be allowed to vote.)
- ☆ Ask for spontaneous responses from the audience.

Basic right or not?

- ☆ The “right to vote” is listed five times in amendments to the U.S. Constitution.
- ☆ Eligibility to vote is determined by state and federal law.

Let participants know that many people today would say that the right to vote is one of the most basic rights of citizenship. Others would say it is not a constitutional right but a privilege. Throughout U.S. history, certain groups have been discriminated against in terms of eligibility to vote and voting practices. Review disenfranchised groups as shown in the PowerPoint.

PowerPoint:

Continue through the PowerPoint. Review “The History of Voting in the United States,” which provides a constitutional framework for discussion. (Presenter notes provide a general overview of the historical evolution of voting in the United States from white landowners at the writing of the Constitution to the elimination of property requirements through constitutional amendments addressing race and gender in voting practices as well as poll taxes, etc.) The PowerPoint reviews:

- ☆ The events leading up to the Voting Rights Act of 1965 including the discriminatory practices that persisted in some states.
- ☆ The U.S. Supreme Court decision in *Shelby County v. Holder*.

Ask which groups in Florida have been excluded from voting. Review specific provisions in the Florida Constitution and legislative components as mentioned in the PowerPoint. Compare to other states. (For example, compare Maine and Vermont to Florida with respect to felons and the right to vote. In Maine and Vermont, inmates can vote from prison.) Be balanced and neutral and encourage the audience to think critically about these issues that face our state and country.

Conclude:

Ask participants to think independently first and write down their thoughts using the What Do You Think? handout addressing the following questions:

- ☆ Who should be allowed to vote (or not allowed to vote) in the United States?
- ☆ Who should decide who is allowed to vote?
- ☆ Should voting practices/procedures and eligibility requirements be uniform (the same or similar) throughout the country OR should state and local governments be allowed to have their own specific requirements?
- ☆ What changes if any would you recommend? Would you change the formula for how states would be subject to federal scrutiny in their voting practices? What criteria would you suggest? Would you broaden the right to vote so that suffrage is more universal OR would you restrict eligibility to vote to more groups?

Question?

Who should be eligible to vote in the United States?

At tables, have groups discuss answers, which then can be presented to full group

Allow 3 to 4 minutes



Begin PowerPoint



Review events leading up to **1965 Voting Rights Act** and 2013 Supreme Court decision in **Shelby County v. Holder**

Discuss Florida voting laws and compare to other states



Small group/full group discussion:

- ☆ After reflecting, have participants at each table discuss their answers. (Rule of thumb for group discussions: Everyone speaks once before anyone speaks twice. Also write down the most persuasive arguments for both sides of the issue presented by members of your group.) Allow for three or four minutes of discussion.
- ☆ As a full group ask for a few responses from each small group of the most persuasive arguments on each side to determine the range of perspectives.

Thank participants:

- ☆ After thanking participants, let everyone know that being aware of our Constitution and state laws as well as our history and present day challenges plays an important part of being an informed and active citizen.
- ☆ **The Florida Bar's Benchmarks** program is working to help educate Floridians about our Constitution, our courts and the rights and responsibilities we have in this country and state. We may not all agree on every issue we discuss but in a healthy democracy it is important to listen to one another and examine multiple perspectives in a civil manner.
- ☆ Optional end quote: "Our lives begin to end the day we become silent about things that matter." – Martin Luther King Jr.



For additional information, contact Annette Boyd Pitts, at ABPflreaED@aol.com. Permission is granted for Bar members to use this activity for educational presentations. Benchmark activities are available to be downloaded from The Florida Bar at www.floridabar.org/Benchmarks.



Questions to consider:

- Who should be allowed to vote?
- Who should decide?
- Are changes needed?
- Should voting be uniform?

After discussion at tables have each group give most persuasive answers to full group



Thank the audience

Let them know Benchmarks seeks to educate Floridians about our democracy, the courts and their rights and duties as citizens

