

Question: Who Can Vote?

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This year's rollercoaster primary elections and the pending national election, with an anticipated record voter turnout, provide the perfect backdrop for an examination of the questions: Who can vote? And, Who will vote? We can examine this question through the NCSS themes of **II Time, Continuity, and Change**; **VI Power, Authority, and Governance**; and **IX Civic Ideals and Practices**. Historically, the American government refused voting rights to various groups based on race, gender, age, and even mental capacity. Currently, there remain several groups without the right to vote. Of equal concern are those who *choose* not to vote. The issue of who can vote remains relevant and highly debated. This article highlights a few of the historical events that changed voting practices as well as current issues related to voting, and provides a teacher-tested lesson on voting.

Teacher Background

Many American youth believe voting has always been carried out as it is today. Most Americans do not know that the decision of who can vote is tied to the jurisdiction of individual states. There are particular events in U.S. history that have prompted the federal government to mandate certain conditions that extend and/or protect the right to vote.

Major American Events

One of the first major events prompting a change in voting regulations was the Civil War. As part of the process of restoring order and unity, the federal government enacted a series of constitutional amendments—often referred to as the Reconstruction Amendments. Slaves were granted freedom with the 13th Amendment's abolition of slavery and were granted due process and equal protection under the law with the 14th Amendment. The third Reconstruction Amendment, the 15th Amendment, granted the right to vote regardless of race, color, or previous condition of servitude.

Despite these equalizing amendments, many states chose to enact new laws, known as the Jim Crow laws. Jim Crow laws worked against integration and promoted disfranchisement. They were primarily implemented in the South and were used to preserve the status quo of segregation. The laws helped encourage violent acts such as beatings and lynching.



Three suffragists casting votes in New York City, ca. 1917.

These events severely inhibited the voting practices of African Americans, and the psychological effects of disfranchisement still lingered in some parts of the country. Nearly 100 years after the abolition of slavery, the federal Voting Rights Act of 1965 provided the most decisive blow against Jim Crow voting qualifications that included poll taxes, literacy tests, and related actions designed to deny the right to vote. However, Congress must regularly renew the Voting Rights Act; the last renewal occurred on July 27, 2006, and extended the act for 25 years. A related question for study is: “Will Americans continue to support renewals of the Voting Rights Act? Why or why not?”

Originally, state laws provided property owners the right of suffrage. Gradually, however, even property owning women lost some or all of their voting rights. Beginning with the Seneca Falls Convention in 1848,

women fought a long battle toward gaining full suffrage. The women’s suffrage movement paved the way for the passage of the Nineteenth Amendment, granting women the right to vote. The fight took more than 70 years and the dedication of many suffragists, who suffered ridicule, arrest, and forced feedings during prison hunger strikes. A related question for possible study is: “Does the right to vote guarantee equal rights in other venues?”

The Twenty-sixth Amendment instituted a national voting age of 18, requiring many states to lower their voting age. In the 1970s, proponents of lowering the voting age from 21 to 18 had argued: “If citizens can fight to defend their country, then they should have the right to vote.” The amendment was ratified in 1971, but residual issues remain. Just as there were some who believed the voting age was too low and young citizens lacked the necessary preparation and maturity to handle the

issue of voting, there were some who believed that older citizens no longer were capable of, or interested in, voting. Americans have not completely solved the question: “What is the proper age for voting?”

Closely related to the issues of age are the rights of the physically and mentally challenged. Over the years, states changed voting procedures to assist the physically challenged through such features as alternative ballots, more accessible voting booths, and special assistance. But questions concerning the rights of mentally challenged citizens continue to be debated. States vary in the voting rights granted to individuals officially diagnosed with a DSM-IV mental disability.¹ Americans still need to consider the question: “Should those individuals diagnosed with a mental disorder/disability be permitted to vote?”

Those convicted of a felony face civil consequences that may extend for the rest of their lives. The state laws govern



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the right to remove or restore the right to vote.² Americans need to consider these questions: “Do individuals convicted of a felony deserve the right to vote? If so, when should they be allowed to vote?”

Less contentious voting-related questions address those Americans living outside the boundaries of the United States. Should American soldiers and other government employees stationed outside of the United States vote in American elections? Should Americans working in other nations be able to vote in American elections? Should retired people who move to other nations be able to vote in American elections?

Another area worthy of exploration pertains to the Twenty-third Amendment and the District of Columbia. This constitutional amendment allowed District residents to vote in presidential elections, but D.C. residents, unlike those living in states, lack direct representation in Congress. There is no D.C. representative in the United States Senate and only a non-voting delegate in the House of Representatives. Americans need to consider the following question, “Should we repeal the 23rd Amendment and replace it with a new amendment granting representation to all American citizens living within the national boundaries?”

The answer to the question, “Who can vote?” has changed over time and has varied from state to state. In recent years, some states have addressed lifestyle differences by extending the times that people are allowed to vote. Early voting is permitted by mail after written application. Early voting locations are often provided to the general population. In spite of such accommodations, the most difficult question remains: “Why do so many American citizens still choose not to vote?”

While the issues outlined have been raised throughout American history, they have been given scant attention in popular K-12 social

studies curriculum frameworks. A lesson directly addressing voting issues over time and the struggles concerning the right and ability to vote, contributes to the basic knowledge of young citizens and is a very appropriate instructional choice during the election season. A general lesson plan with suggestions for modification for development levels along with a list of annotated resources for teaching about voting issues follows on page 234.

Conclusion

In the typical K-12 educational experience, students will likely encounter the presidential election as a current event four times and as course work in a civics or government course at least once. Variety regarding the instructional approaches to the election process content is needed to stimulate a wider range of ideas among students. A plethora of data and information are readily accessible through the Internet. The Internet allows more and more teachers the opportunity to ask local and far-reaching questions concerning voting; this helps to increase their students’ level of appreciation regarding the right to vote, as well as helping students become active citizens. Learning about elections and the changes in the electoral process needs to begin early in a child’s academic career. Too many students are educated through the media where they are left to interpret civics on their own. This results in misconceptions of the important and complex roles of government and citizenship. Social studies educators want to send their students out as good, democratic citizens who thrive in an increasingly interdependent world. By exploring the notion of voting rights, teachers promote the understanding of good citizenry and help students expand their conceptions of American democracy. 🗳️

Notes

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2. Human Rights Watch, “The Sentencing Project,” www.hrw.org/reports98/vote/usvot98o.htm.

3. InfoPlease, “Presidential Elections, 1789-2004,” www.infoplease.com/ipa/A0781450.html.
4. USConstitution.net, “The U.S. Constitution Online,” www.usconstitution.net/const.html.
5. Ibid, “The U.S. Constitution Online: The Amendments,” www.usconstitution.net/const.html#Amends.
6. Ibid, “The U.S. Constitution Online: Article I,” www.usconstitution.net/const.html#Article1. Please direct your attention to Art. I, § 8, cl. 5.
7. The Library of Congress Learning Page Elections, learning.loc.gov:8081/learn/features/election/home.html. Suggested for grades 5 and up.

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Who Can Vote?

Exploratory Introduction: Create a situation where student voting is a logical choice of behavior, such as choice of a book for a read-aloud or recess activity. Ask students to vote with a show of hands and carefully count only a portion of the votes of the students, such as the right side of the classroom. Announce the results.

Discuss the resultant reaction based on the questions:

- For a vote to be accepted as legitimate, must the vote of everyone in the class be counted?
- Does this hold true for the local, state, and national elections in which your parents participate?
- In what ways is our classroom election different from the big elections in which your parents vote?

Help students identify two main ideas. Everyone in the classroom is a member whose vote matters and the logistics of conducting an election in a small place is much easier than in a very large area. Ask the class to create a list of major groups of people in typical cities, states, or the nation that need to be accommodated to assure that all people can vote. Probe as needed until the list includes:

- Age
 - Elderly
 - Youth
- Disabled
 - Mentally
 - Physically
- Resident non-citizens
- Citizens working and living abroad
 - Soldiers
 - Retired persons
 - Vacationers
 - Students
- Convicted felons
- Ethnic and racial differences
- Gender

For closure on the introduction, ask students to word and record a class statement that summarizes who they believe should be able to vote.

Lesson Development

Assign students to small groups and distribute to each group the historical chart of the population of the United States and the number of votes that the winners of selected presidential elections received.³ Do not disclose that the data is from American elections. Ask the students to decide if they think the people were happy with the winners of these elections and to explain their reasons.

Ask the students to raise their hands if they would accept the results of an election where so few votes were cast in comparison to the actual population of the nation. Record the tally, and tell students that this is actual data from national elections. Ask students to discuss the questions: Do you think that these leaders could have been popular with the people they governed? Why or why not? Have students share their ideas with the class. Tell students that the data comes from past American presidential elections in which the following individuals were elected president: Andrew Jackson, Ulysses S. Grant, Benjamin Harrison, Theodore Roosevelt, Franklin D. Roosevelt, Lyndon Johnson, and George W. Bush. Have pairs of students try to match the election results with the names of the correct president. Ask the class, “Why do you think some of the presidents that are best liked and respected won with such a small portion of the population voting for them?”

Refer to the U.S. Constitution, specifically where it says who can vote.⁴ Then examine the changes to the Constitution from the Fifteenth, Nineteenth, Twenty-third, and Twenty-sixth Amendments.⁵ What does the Constitution really say concerning who can vote? Does it include all of the people that we stated should have the right to vote? What role do the states have in determining who, how, and when people can vote? (With younger students, simply tell students that the states make the laws that run the elections. Older students should be directed to the portion of the Constitution detailing the expressed and implied powers that make it possible for variations in voting processes from state to state.⁶) Point out that throughout American history the legal right to vote has grown to include more and more people because the citizens of the United States have acted to expand that right. If students are in grade five or above and there is time, ask small groups to examine an assigned part of the “voters” section at the Library of Congress learning page (learning.loc.gov:8081/learn/features/election/home.html).⁷ Groups select two important or surprising points at their assigned site and report these to the class.

Lesson Expansion

For younger students, assign the task of learning about specific people who played important roles in the expansion of the right to vote. For non-readers, the teacher can read stories aloud. Ask the students to identify the person’s important character traits, his or her specific actions, and the socio-political climate of the

Table 1. Election Results—Teacher Background Information

Year	Winner	Winner's Electoral Votes	Opponent's Electoral Votes	Winner's Popular Vote	Opponent's Popular Vote	Total Population
1828	Andrew Jackson	178	83	642,553	500,897	12,237,000
1872	Ulysses S. Grant	286	0*	3,598,235	2,834,761	41,972,000
1888	Benjamin Harrison	233	168	5,443,892	5,534,488	60,496,000
1904	Theodore Roosevelt	336	140	7,626,593	5,082,898	82,266,000
1932	Franklin Roosevelt	472	59	22,829,501	15,760,684	124,949,000
1964	Lyndon Johnson	486	52	43,129,566	27,178,188	191,889,000
2000	George W. Bush	271	266	50,456,002	50,996,582	281,422,000

Sources: The National Archives site provides electoral and popular votes for all the years quoted at www.archives.gov/federal-register/electoral-college/votes/index.html. The Census Bureau has historical statistics for total resident population in all years mentioned except 2000 at www2.census.gov/prod2/statcomp/documents/CT1970p1-02.pdf; the statistic for 2000 is from the census for that year, and is available at www.census.gov/main/www/cen2000.html.

*Grant's opponent Horace Greeley died after the election but before the Electoral College met, so no electoral votes were cast for him.

time. Ask students to talk about how the individual changed the voting practices of Americans. Then have students prepare a creative interpretation (e.g., poster, sculpture, song, or poem) about the assigned individual and his or her contributions.

Older students can examine the first national elections and discuss the reasons why no popular election was conducted—as compared to later elections in which a popular vote occurred (See Table 1 above). Older students can also delve deeper into the historical struggles of women or African Americans that culminated in the passage of constitutional amendments; or students can examine the issues that are facing voters today and take positions or an action related to a selected issue. One example might include asking students to speculate on why people would not want to vote; students might then engage in research on the voting records of various ethnic, age, gender, socio-economic, and disability groups as a means of uncovering why certain groups have lower rates of voting. Ask the students to describe what kinds of provisions would be necessary to increase the voting rate of the various groups and draft a letter to a local/state/national government agency expressing students' concern as well as suggestions to increase voter turnout.

Another issue might be an examination of representation and voting by people who live in our nation's capital. Ask students to research the historical foundations of the Twenty-third Amendment as well as the current controversy surrounding this amendment. Do the students think citizens' rights are being limited? Why or why not? Ask the students to design a creative expression (e.g., flyers, songs, or op-ed pieces) explaining their points of view. Make sure to ask that the students' projects also include several references as support and justification for the piece.

With so many students' family members serving in the military today, students might find it interesting to learn how military

Table 2. Election Results—Student Version

Winner	Winner's Popular Vote	Opponent's Popular Vote	Total Population
	642,553	500,897	12,237,000
	3,598,235	2,834,761	41,972,000
	5,443,892	5,534,488	60,496,000
	7,626,593	5,082,898	82,266,000
	22,829,501	15,760,684	124,949,000
	43,129,566	27,178,188	191,889,000
	50,456,169	50,996,582	281,422,000

personnel learn about election issues and carry out voting, and if and how candidates try to gain votes from these Americans.

Some of the following issues might be more appropriate for high school students: why do so many members of the general public choose not to vote even when they have the legal right to vote? And why do people consider voting for a president and not for local officials, whose actions frequently and directly impact their daily lives? Considering other controversial issues, should the government grant those convicted of a felony the right to vote upon completion of their sentences?

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