

A. Amending Voting Laws

You have examined several primary source documents related to voting rights in America. The first set illustrated how voting rights expanded to include people of different races and ethnic groups, women, and 18 year-olds. The second set of documents focused on ways that voting rights have been restricted, including poll taxes and voter literacy tests.

Take another look at the title page of the congressional report. When did this report take place? What was the purpose of the report? What names do you recognize on the title page? What do these names tell you about the content of the report?

As you have figured out by now, the Voting Rights Act of 1965 made it illegal for any state to have laws that restricted voting rights.

Section 2 of that law explains that the “purpose of this Act is to ensure that the right of all citizens to vote, including the right to register to vote and cast meaningful votes, is preserved and protected as guaranteed by the Constitution.”

You should have also figured out that the purpose of the report is to persuade Congress to re-authorize the Voting Rights Act of 1965 with at least one *amendment* (change). The amendments presented in this report added further protections of voting rights, including the rights of Spanish-speaking citizens.

B. Congressional Committee

Imagine that your group is a special congressional committee that has been appointed to determine if the Voting Rights Act should be further amended to increase equality. Your committee will consider a proposal on compulsory voting.

Step 1: Background

Your staff has prepared background on this matter. Each committee member should read the background information in the box below.

| Calendar No. 523 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| 109TH CONGRESS } 2d Session | SENATE | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| REPORT 109–295 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>FANNIE LOU HAMER, ROSA PARKS, CORETTA SCOTT KING, AND CÉSAR E. CHÁVEZ VOTING RIGHTS ACT RE-AUTHORIZATION AND AMENDMENTS ACT OF 2006</p> <hr/> <p>JULY 26, 2006.—Ordered to be printed</p> <hr/> <p>Mr. SPECTER, from the Committee on the Judiciary, submitted the following</p> <p style="text-align: center;">R E P O R T</p> <p style="text-align: center;">together with</p> <p style="text-align: center;">ADDITIONAL VIEWS</p> <p style="text-align: center;">[To accompany S. 2703]</p> <p style="text-align: center;">[Including cost estimate of the Congressional Budget Office]</p> <p>The Committee on the Judiciary, to which was referred the bill (S. 2703) to amend the Voting Rights Act of 1965 having considered the same, reports favorably thereon with an amendment and recommends that the bill (as amended) do pass.</p> <p style="text-align: center;">CONTENTS</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th style="text-align: right; font-weight: normal;">Page</th> </tr> </thead> <tbody> <tr> <td>I. Purpose of the Voting Rights Act</td> <td style="text-align: right;">2</td> </tr> <tr> <td>II. History of the Bill and Committee Consideration</td> <td style="text-align: right;">2</td> </tr> <tr> <td>III. Section-by-Section Summary of the Bill</td> <td style="text-align: right;">4</td> </tr> <tr> <td>IV. Congressional Budget Office Cost Estimate</td> <td style="text-align: right;">5</td> </tr> <tr> <td>V. Regulatory Impact Evaluation</td> <td style="text-align: right;">7</td> </tr> <tr> <td>VI. History of the Voting Rights Act of 1965</td> <td style="text-align: right;">7</td> </tr> <tr> <td>VII. Expiring Provisions of the Voting Rights Act of 1965</td> <td style="text-align: right;">10</td> </tr> <tr> <td>VIII. The House and Senate Records</td> <td style="text-align: right;">10</td> </tr> <tr> <td>IX. Clarifications to the Voting Rights Act of 1965</td> <td style="text-align: right;">15</td> </tr> <tr> <td>X. Additional Views of Mr. Kyl</td> <td style="text-align: right;">22</td> </tr> <tr> <td>XI. Additional Views of Mr. Cornyn and Mr. Coburn</td> <td style="text-align: right;">25</td> </tr> <tr> <td>XII. Additional Views of Mr. Leahy, Mr. Kennedy, Mr. Biden, Mr. Kohl, Mrs. Feinstein, Mr. Feingold, Mr. Schumer, and Mr. Durbin</td> <td style="text-align: right;">54</td> </tr> <tr> <td>XIII. Changes in Existing Law Made by the Bill, as Reported</td> <td style="text-align: right;">55</td> </tr> <tr> <td>XIV. Appendices</td> <td style="text-align: right;">65</td> </tr> </tbody> </table> <p style="text-align: center; font-size: small;">49–010</p> | | | Page | I. Purpose of the Voting Rights Act | 2 | II. History of the Bill and Committee Consideration | 2 | III. Section-by-Section Summary of the Bill | 4 | IV. Congressional Budget Office Cost Estimate | 5 | V. Regulatory Impact Evaluation | 7 | VI. History of the Voting Rights Act of 1965 | 7 | VII. Expiring Provisions of the Voting Rights Act of 1965 | 10 | VIII. The House and Senate Records | 10 | IX. Clarifications to the Voting Rights Act of 1965 | 15 | X. Additional Views of Mr. Kyl | 22 | XI. Additional Views of Mr. Cornyn and Mr. Coburn | 25 | XII. Additional Views of Mr. Leahy, Mr. Kennedy, Mr. Biden, Mr. Kohl, Mrs. Feinstein, Mr. Feingold, Mr. Schumer, and Mr. Durbin | 54 | XIII. Changes in Existing Law Made by the Bill, as Reported | 55 | XIV. Appendices | 65 |
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Compulsory Voting

Many people who have chosen to exercise their right to vote have been stopped from doing so, whether by literacy tests, poll taxes, or other means. But what if the opposite was true? What if people who might otherwise choose *not* to vote had to vote, anyway? What if voting was not just a *right* but also a required *duty*?

Some people believe that citizens in the United States should be required to vote. This is called **compulsory voting**. Today, as many as 22 countries have compulsory voting laws, but it has not been the law in the United States.

Without a valid excuse, people in countries with compulsory voting laws may face **sanctions**, or administrative punishments, if they do not vote. Several of these countries enforce the laws with sanctions such as fines, requiring explanations from non-voters, and even possible imprisonment (for not paying fines). The sanctions apply to all non-voters equally.

Step 2: Examine Arguments in Favor and Arguments Opposed

Consider this question: *Would compulsory voting in the United States expand equality?*

Once you have received either Handout C or Handout D (half of your committee will receive one, and half the other) with arguments for or against compulsory voting, read through the arguments carefully.

As you read, make notes about the arguments, considering:

- Is the argument strong?
- Why or why not?

Step 3: Present Arguments

Committee members who read the **arguments in favor** should now present and explain those arguments to the rest of the group.

Everyone should listen carefully, ask questions, and take notes.

Next, committee members who read the **arguments opposed** should present and explain those arguments. Again, listen carefully, ask question, and take notes.

Step 4: Individuals Decide

Now that your committee has a better understanding about the arguments on both sides of the issue, discuss the following:

- What were the strongest arguments in favor?
- What were the strongest arguments opposed?

Take two minutes for each person in your committee to write one sentence that answers the following question and provides an evidence-based argument.

Would compulsory voting in the United States expand equality? Why or why not?

Each committee member should now share his/her sentence with the group.

Step 5: The Committee Decides

Just as you thought your committee was ready to make a decision, Congress has handed you a list of policies to consider.

In your group, consider and discuss the three policy choices.

- A. The United States should not impose compulsory voting. Voting should continue to be voluntary to maintain equality achieved in the past.
- B. The United States should impose compulsory voting, perhaps through a constitutional amendment or federal law (otherwise it would be a state-by-state decision). To ensure that voters are informed, however, only those citizens who pass a basic citizenship test will be permitted to vote.
- C. The United States should impose compulsory voting. To ensure that uninterested voters do not vote randomly, however, a choice of “none of the above” (NOTA) will be included in any list of candidates. If a majority votes for NOTA, a new nomination and election process will commence.

Which, if any, of these policy options (A–C) do you think would expand equality of voting rights in the United States?

Once your group reaches a decision, write a paragraph that explains your group’s decision. If your group decides that none of these policy options would expand equality, then write a paragraph that explains why. In either case, reference the text.