Who Sets the Rules?

Trace how voting laws changed government power over elections.

AWH.P.2.1.C "Analyze the impact of constitutions, laws, treaties, and international agreements, by comparing how various governmental powers and responsibilities have changed over time."

NAME _____ DATE _____

1 READ AND MARK

Read it twice

YOUR JOB Underline each rule that changed who could set or review voting rules, circle the governments affected, and number the changes from earliest to latest. Use your marks to compare who held power before and after each change.

Voting Rules and Government Power

1. In 1870, the Fifteenth Amendment barred federal and state governments from denying a citizen the vote because of race, color, or previous condition of servitude. Before this constitutional change, states had much broader room to set voting rules that excluded Black men. The amendment changed the legal limits on both state and federal action, and it gave Congress power to enforce those limits through laws. Yet a constitutional promise did not automatically protect every voter. Some states later used literacy tests and other practices to keep Black citizens from voting, especially in the South.

2. In 1965, Congress passed the Voting Rights Act to strengthen enforcement of the Fifteenth Amendment. It suspended literacy tests in jurisdictions covered by a formula tied to past voting rules and low participation. Certain covered jurisdictions also had to get federal approval before changing voting procedures, a process called preclearance. That requirement shifted some control over election rules from those state and local governments to the federal government. Federal officials could review proposed changes before voters faced them. In 1975, Congress made the ban on literacy tests nationwide and permanent, extending that protection beyond the places originally covered.

3. In 2013, the Supreme Court ruled in Shelby County v. Holder that the decades-old formula used to identify jurisdictions requiring preclearance was unconstitutional. The Court did not strike down preclearance itself or the nationwide ban on literacy tests. Without a valid coverage formula, the old system no longer required jurisdictions to seek approval based on that formula, so many state and local governments could change election rules without advance federal review. Congress could adopt a new coverage formula, but it has not done so. The decision changed who checked rules before they took effect, not the Fifteenth Amendment's ban on racial discrimination.

2 ANSWER WITH EVIDENCE

Use the passage

1. How did the Fifteenth Amendment change the limits on state voting rules and the responsibility of Congress?

2. Compared with earlier state and local control, how did the 1965 preclearance requirement change who reviewed voting-rule changes and when?

3. How did the 1975 law change the reach of the restriction on literacy tests compared with the 1965 law?

4. How did the 2013 ruling change the balance of power over election rules, and which federal protections remained?

3 YOUR TURN

Your own words

Imagine Congress proposes a law requiring every state to offer two weeks of early voting and send Congress a yearly report about voting access. In 5 to 6 sentences, compare this proposal with two changes in the passage, explain how it would shift government responsibilities, and describe one possible effect.

ANSWER KEY

Who Sets the Rules?

HIGH SCHOOL · AWH.P.2.1.C

PART 1 · READ AND MARK

Underline each rule that changed who could set or review voting rules, circle the governments affected, and number the changes from earliest to latest. Use your marks to compare who held power before and after each change. Accept any marking that follows this job and points at the right text.

PART 2 · ANSWERS

#	QUESTION	ANSWER
1	How did the Fifteenth Amendment change the limits on state voting rules and the responsibility of Congress?	**It barred states from denying voting rights because of race, color, or previous condition of servitude and gave Congress power to enforce that limit through laws.**
2	Compared with earlier state and local control, how did the 1965 preclearance requirement change who reviewed voting-rule changes and when?	**Certain covered jurisdictions had to obtain federal approval before changing voting procedures, giving federal officials a chance to review changes before they took effect.**
3	How did the 1975 law change the reach of the restriction on literacy tests compared with the 1965 law?	**The 1965 law suspended literacy tests in covered jurisdictions. The 1975 law made the ban permanent and nationwide.**
4	How did the 2013 ruling change the balance of power over election rules, and which federal protections remained?	**The old coverage formula could no longer require jurisdictions to obtain advance federal approval, leaving many state and local governments able to change rules without that review. The Fifteenth Amendment's protection and the nationwide literacy-test ban remained.**

PART 3 · YOUR TURN (SAMPLE ANSWER)

A nationwide early-voting rule would set a federal minimum while making every state offer two weeks of early voting. Like the 1975 nationwide literacy-test ban, it would apply beyond the areas singled out in 1965. Unlike 1965 preclearance, it would not require covered places to obtain federal approval before changing other election rules. States would still run elections, but they would have to meet the new requirement and report on voting access to Congress. The shared minimum could make early voting more consistent across states, while states would have less freedom to set shorter voting periods.

Accept comparisons that accurately distinguish the 1965 law's covered jurisdictions from the 1975 nationwide ban. For the open task, accept other plausible effects if the response explains how the proposed law would change state and federal responsibilities.