Who Decides First?

How voting rules changed the balance of state and federal power

USH.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 change to a government's power or responsibility, and circle the Constitution, amendment, law, or court decision that caused it. Number the changes in time order to track how authority shifted.

A Polling Place and the Balance of Power

1 Imagine a county clerk deciding who may vote. Under the original U.S. Constitution, states set voter qualifications for U.S. House elections. Anyone eligible to vote for the larger house of a state legislature could vote for the U.S. House. States also ran elections, though Congress could change rules for congressional elections. This left states with broad authority, and many excluded Black citizens. After the Civil War, the Fifteenth Amendment, ratified in 1870, barred federal and state governments from denying voting rights because of race, color, or previous enslavement. It also gave Congress power to enforce that rule by legislation.

2 A constitutional ban did not end discrimination. Some states used literacy tests and other tactics to keep Black citizens from voting. In 1965, Congress passed the Voting Rights Act, using its Fifteenth Amendment enforcement power. The law banned literacy tests in certain places and required jurisdictions with a history of discriminatory voting practices to get federal approval before changing voting rules. This approval process was called preclearance. Officials had to show that a proposed change would not discriminate. For a covered county clerk, moving a polling place now meant answering to the federal government before the move could take effect.

3 In 2013, the Supreme Court decided Shelby County v. Holder. The Court struck down the formula that identified which jurisdictions had to seek preclearance, saying it relied on outdated conditions. The Court did not strike down the preclearance requirement itself or the Voting Rights Act's general ban on racial discrimination in voting. Without a valid coverage formula, however, jurisdictions once covered by that formula no longer had to seek advance federal approval for voting changes. States and local officials regained room to act first, while federal authorities and voters could still challenge discriminatory rules afterward. Congress could adopt a new coverage formula.

2 ANSWER WITH EVIDENCE

Use the passage

1. How did the Fifteenth Amendment limit state power compared with the original Constitution?

2. What new responsibility did the 1965 Voting Rights Act give the federal government beyond the Fifteenth Amendment's ban?

3. How did the Voting Rights Act change the steps a covered county clerk had to take before moving a polling place?

4. After the 2013 decision, how did federal oversight change, and what federal protection remained?

3 YOUR TURN

Your own words

Imagine Congress adopts a new preclearance coverage formula based on recent evidence of voting discrimination, and your county is covered. In four or five sentences, advise a clerk planning to move a polling place: compare the clerk's steps with those after 2013, then explain one possible benefit and one possible cost of this shift in power.

ANSWER KEY

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HIGH SCHOOL · USH.P.2.1.C

PART 1 · READ AND MARK

Underline each change to a government's power or responsibility, and circle the Constitution, amendment, law, or court decision that caused it. Number the changes in time order to track how authority shifted. Accept any marking that follows this job and points at the right text.

PART 2 · ANSWERS

#	QUESTION	ANSWER
1	How did the Fifteenth Amendment limit state power compared with the original Constitution?	**States had broad authority to set voting qualifications for U.S. House elections, but the Fifteenth Amendment barred them from denying voting rights because of race, color, or previous enslavement.**
2	What new responsibility did the 1965 Voting Rights Act give the federal government beyond the Fifteenth Amendment's ban?	**The act required federal officials to review voting-rule changes in covered jurisdictions before those changes took effect.**
3	How did the Voting Rights Act change the steps a covered county clerk had to take before moving a polling place?	**The clerk had to obtain federal approval before making the move, rather than acting without advance federal review.**
4	After the 2013 decision, how did federal oversight change, and what federal protection remained?	**Jurisdictions previously covered by the struck-down formula no longer had to seek advance approval. The federal ban on racial discrimination in voting remained, and discriminatory rules could still be challenged afterward.**

PART 3 · YOUR TURN (SAMPLE ANSWER)

After 2013, the clerk could move the polling place without seeking advance federal approval, although the change could be challenged later. Under the new formula, the clerk would need federal approval before making the move. Review could catch a discriminatory change before it affects voters. It could also delay a useful move and give the county less control over its election plans.

Accept answers that distinguish advance federal review from a challenge after a rule takes effect. Students should not claim that the 2013 decision ended the federal ban on racial discrimination in voting.