Who Reviews the Rules?

How federal and local powers shape voting policy

USH.P.2.1 "Demonstrate an understanding of the principles of government, the benefits of democratic systems, and their responsibilities as citizens..."

NAME _____ DATE _____

1 READ AND MARK

Read it twice

YOUR JOB Underline two places that describe federal power, circle the court decision that changed its reach, and number two details that show how federal review affects local voting rules.

A Voting Rule Under Review

1. In 1870, the Fifteenth Amendment barred the United States and state governments from denying a citizen's vote because of race, color, or previous enslavement. It gave Congress power to enforce that rule through laws. Yet many states used literacy tests and other barriers that kept Black citizens from voting. A constitutional promise alone did not stop officials from restricting access. This gap raises a question about democratic government: Who has the power to make voting rights real? Elections depend not only on written rights but also on the rules and offices that put those rights into practice.

2. Congress passed the Voting Rights Act in 1965. It suspended literacy tests in covered areas and required certain jurisdictions to get federal approval before changing voting rules. A formula based on past voting barriers and turnout identified these areas. This process, called preclearance, shifted some control from state and local officials to the federal government. In 2013, the Supreme Court ruled in Shelby County v. Holder that the old coverage formula could no longer be used. The Court did not strike down preclearance itself. Without a new formula from Congress, most jurisdictions no longer needed advance federal approval under that provision.

3. Consider a county planning to move a polling place. Before 2013, if the county was covered by the law, it generally had to obtain federal approval before making that change. Today, in most places, local officials may plan such changes under state law without that advance review, although other federal voting protections still apply. Supporters of preclearance argue that advance review can prevent discriminatory rules before an election. Critics argue that requiring federal approval based on old conditions gives Washington too much control over local decisions. The debate asks how a democracy should balance local authority with national protection of equal voting rights.

2 ANSWER WITH EVIDENCE

Use the passage

1. How did the Fifteenth Amendment give Congress a role in voting rights, and why did that power matter?

2. How did the Voting Rights Act change the balance of power over voting rules in covered areas?

3. Why did the 2013 court decision reduce federal oversight even though it did not strike down preclearance?

4. Compare how a covered county's plan to move a polling place would have been reviewed before 2013 and how such a plan is generally handled today. What concern does each approach raise?

3 YOUR TURN

Your own words

Imagine Congress proposes requiring federal review before a state reduces its early-voting hours. In four sentences, recommend how Congress should decide which states need review, explain how the law would divide state and federal power, and weigh one benefit against one concern.

ANSWER KEY

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HIGH SCHOOL · USH.P.2.1

PART 1 · READ AND MARK

Underline two places that describe federal power, circle the court decision that changed its reach, and number two details that show how federal review affects local voting rules. Accept any marking that follows this job and points at the right text.

PART 2 · ANSWERS

#	QUESTION	ANSWER
1	How did the Fifteenth Amendment give Congress a role in voting rights, and why did that power matter?	**It gave Congress power to enforce the ban on denying votes because of race, color, or previous enslavement. That power mattered because states still used barriers that kept Black citizens from voting.**
2	How did the Voting Rights Act change the balance of power over voting rules in covered areas?	**It required covered jurisdictions to get federal approval before changing voting rules, giving the federal government advance oversight of some state and local decisions.**
3	Why did the 2013 court decision reduce federal oversight even though it did not strike down preclearance?	**The Court ruled that the formula identifying covered jurisdictions could no longer be used. Without a new formula from Congress, most jurisdictions no longer needed advance approval under that provision.**
4	Compare how a covered county's plan to move a polling place would have been reviewed before 2013 and how such a plan is generally handled today. What concern does each approach raise?	**Before 2013, a covered county generally needed federal approval first, which critics saw as too much federal control. Today, local officials may plan the change under state law without that advance review in most places, which supporters of preclearance worry could allow a discriminatory change to take effect.**

PART 3 · YOUR TURN (SAMPLE ANSWER)

Congress should use recent evidence of voting discrimination to identify states that must seek federal review before reducing early-voting hours. State governments would still set early-voting rules, and local officials would administer elections, but a covered state would need federal approval for this change. Advance review could stop a discriminatory cut before voters are affected. However, oversight might delay a reasonable change, so Congress should require prompt decisions based on clear evidence.

Accept responses that accurately distinguish federal oversight from state rulemaking and local election administration. Students may reach different recommendations if they support them with a specific benefit and concern.