

# Who Has the Right to Vote?




Photo from the Smithsonian Institution's "Marchers, Selma to Montgomery March for Voting Rights." In background, National Guard reconnaissance plane on lookout for threats to marchers.

MARCH 1965 FILE PHOTO BY BY MATT HERRON, © 1997 SMITHSONIAN INSTITUTION

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## An Integrated Curriculum For The Washington Post Newspaper In Education Program

**Who Has the Right to Vote?**

**Lesson:** Students examine the right to vote and from whom this right may be taken.

**Level:** All

**Subjects:** Government, civics, journalism

**Related Activity:** Art, language arts

National, state and local elections lend themselves to a look at the requirements, process and impact of elections. This is the first of five online guides that will focus on the broad question: Whose vote really counts? In this guide, we examine the right to vote and limitations placed on enfranchisement.

Voter registration in Maryland and Virginia increased dramatically in 2004. The Post reported “43,000 new voters registered in August, up 30 percent from the same period four years ago, according to the state elections board. The state had 4.3 million registered voters as of Sept. 1.” In Maryland, more than 46,000 new voters registered in August, and more than 2.9 million registered voters were expected by the deadline to register. In the District voter registration was up 8 percent since 2000.

The U.S. Constitution empowered states to conduct elections. Voting is not a mere privilege; it is a right. From whom, if ever, should this right be taken?

**Find the Right Word**

Younger students may enjoy “Get Out the Vote.” They are given 15 terms associated with elections to locate. In addition they are asked to find a symbol of the U.S. (“eagle” or “flag”). You can make the word find more challenging by asking students to answer a series of questions with words found in the puzzle. Questions might include:

- What two states have been home to more than one president? (Virginia and Ohio)
- What document gives states the authority to run elections? (Constitution)
- Which word’s etymology comes from the Roman practice of individuals running for office wearing white togas? (Candidates)

**Learn How to Run for President**

“How to Run for President” is a reprint from the July 4, 2004, Washington Post. Before reading it, you might ask students to discuss who may run for president of the United States. What does the U.S. Constitution require?

The tone of the piece reflects its placement in the Source section. There is room in the margin for students to annotate or comment on the content.

Why must candidates get on ballots state by state? Does the process of getting on the ballot enhance or dilute respect for the office? In what ways does it reflect the benefits and/or downside of a democracy?

**Get an Outlook**

Former president Jimmy Carter has been engaged in observing elections around the globe. After the 2000 elections, he and former president Gerald Ford lead the commission that examined election procedures and sought ways to improve the electoral process. The commission’s recommendations resulted in the Help America Vote Act of 2002. Carter still has concerns for the 2004 election.

Before reading Carter’s commentary, you might ask

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**Voter’s Low Down**

<http://elections.gmu.edu/>

**The United States Elections Project**

Located at George Mason University in Fairfax, Va., the Project provides election statistics and electoral system information.

<http://www.rockthevote.org/>

**Rock the Vote**

Registration information, daily news and PSAs

<http://www.congress.org/congressorg/e4/?>

**DemocracyNet**

The League of Women Voters presents “Election 2004: Candidates and Information.” Click a state, territory or D.C. for election, registration and polling place information. The Web site seeks to engage the public in the political process.

<http://www.youthvote.org/indexcfm>

**Youth Vote Coalition**

A nonpartisan coalition to increase voter participation. Includes polling and elected official information. Link to The Center for Information and Research on Civic Learning and Engagement where you will find statistics on youth voting.

<http://www.fec.gov/index.shtml>

**Federal Election Commission**

Everything you want to know about administering and enforcing federal campaign finance laws

<http://www.washingtonpost.com/wp-dyn/politics/elections/2004/>

**Politics 2004**

Current and archived Post articles

<http://www.fec.gov/hava/hava.htm>

**Help America Vote Act of 2002**

The act, supporting committees, procedures

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students: The U.S. Constitution gives states the responsibility of conducting elections. How well is the state of Florida doing?

After reading "Still Seeking a Fair Florida Vote," the following questions might be asked:

- What international requirements for a fair election, according to Carter, are missing in Florida?
- Why do African American citizens believe they were disenfranchised in 2000?
- What concern is addressed when Carter supports electronic voting: "almost immediate tabulation and with paper ballot printouts."
- What examples of departure from "fair and equal treatment" are given? Do students agree or disagree with the examples?
- How and who might implement Carter's final suggestion?

### Compare Editorial Cartoons

Two works by Post editorial cartoonist Tom Toles are provided. They both comment on the role of the media in covering campaigns. Give students "Campaign and Media in Editorial Cartoons." As a follow-up activity, you may ask students to draw their own editorial cartoons in which they address election coverage, voter registration or who should have the right to vote.

The current and archived editorial cartoons by Toles and the works of other editorial cartoonists can be found at <http://www.washingtonpost.com/wp-dyn/opinion/tolestom/>.

*INSIDE Journalism: Editorial Cartoons*, found at [www.washingtonpost.com/nie](http://www.washingtonpost.com/nie), provides material to study editorial cartoons. Works of Herblock and Toles are included as well as "How to Draw

an Editorial Cartoon" and "The Mechanics of Editorial Cartooning."

### You and Your Rights

A Marshall-Brennan Fellow prepared the background paper and activity in this section. The focus is on *de facto* disenfranchisement. Students will:

- Learn about the low rates of voter turnout in the United States;
- Understand some of the current barriers in American elections;
- Recognize that the way elections are governed can have an effect on rates of participation; and
- Gain an appreciation for the importance of voting.

Teachers should post signs on the side of the blackboard and near the classroom door stating that there will be an in-class election tomorrow and all students are eligible to vote. The election can be on any issue that would be of interest to students. The signs should also state in small print: "All students who wish to vote must see the teacher after class today or before class tomorrow in order to register." Make a quick announcement about the election at the beginning of class, but otherwise do not draw attention to the signs.

The following day, you should hold the election quickly at the beginning of class. Students who are tardy, who are not registered or who are absent should not have the chance to vote. Votes should be tallied, throwing out any ballots that are not marked as specified. Announce the election results. It is up to your discretion whether or not the students will be bound by the outcome.

Ask your students:

- Was this election conducted fairly? Why or why not?

### Read About It

Barnes, Peter W. and Cheryl.

*Woodrow For President*

Through the campaign of Woodrow G. Washingtall, younger students learn about voting, elections and civic duty.

Granfield, Linda. *America Votes:*

*How Our President Is Elected*

Short chapters cover qualifications for voting, party lines and animals, voting and the Electoral College. Steve Bjorkman's illustrations make each spread lively.

Hurwitz, Johanna. *Class President*

Lacking confidence to run for fifth grade class president, Julio Sanchez promises to be his best friend's campaign manager. Julio's leadership emerges and is recognized by election day.

St. George, Judith. *So You Want to Be President?*

This grade 3-and-up book is filled with anecdotes and the personal side of the men who have been American presidents. There is no doubt as to why David Small's caricature paintings received Caldecott Medal recognition in 2001.

Syl Sobel and Judy Wood. *Presidential Elections and Other Cool Facts*

Maryland author Sobel in lively chapters explains campaigning, electing a president and maintaining the office when the unexpected takes place.

Winters, Kay. *My Teacher for President*

Younger students will understand the qualities needed to be president through Oliver's letter and the amusing illustrations of Denise Brunkus.

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- Did all students have the right to vote? Explain.
- What obstacles (mandated pre-registration, “hidden” qualifications, the timing of the election at the very beginning of class) might students have faced in casting their votes?

After discussion, the class should suggest modifications that would have increased participation in their class’s election. Compare these difficulties to the barriers that American voters face—the requirement in most jurisdictions that voters register 25 days prior to the election, the scheduling of elections for only one day, and timing of elections on weekdays.

Before giving students a copy of “Voting in America,” find out if students know whether their parents vote, if they have gone to the polling place with their parents to observe an election, and if they are aware of the different offices for which each voter will cast his or her ballot in the next election. Older students may be asked if any are volunteering at polling places.

Read and discuss “Voting in America.” Who may vote? Why do citizens not vote? Review statistics on voter turnout in recent elections, make a comparison of the voting rates of people ages 18-24 and the general populations. According to the United States Elections Project statistics, in 2002 voting-eligible voters turnout rate was as follows: D.C.: 30.1%; Maryland: 46.2%; and Virginia: 28.9%.

To discuss university student eligibility to vote, you may use Maryland as an example. Maryland requires that voters be a Maryland resident to register to vote. Their requirements state:

“To be considered a Maryland resident, your domicile must be in Maryland. Your domicile is the place that you consider to be your ‘official’ or ‘permanent’ home, even though it may be different from the place where you are actually living on a short-term or temporary basis. Your domicile will ordinarily be the address you use most frequently on tax returns or other government documents, driver’s license, bank accounts, charge accounts, for insurance purposes, and so forth.

“As a student, you are usually not domiciled at your school address, but at the place where you lived before enrolling in school. However, if you do not consider that place home, and do not intend to return there after school, your school address may be your domicile.”

Students may write a journal entry on whether they intend to vote or not when they are eligible and speculate on whether or not election laws play a role in their decision. This sheet should be for the students’ own reflection and should not be collected.

### Conduct an Election Campaign

This next activity is a group project. Divide students into two to four groups. Give them “Campaign Committee Challenge.” You may make this a two-day, once-a-week or longer project. You may wish to bring in complications, issues and opportunities based on what is happening in the current local or national elections. Use the demographic information for your community and apply it to the voter turnout information. How does this influence a group’s strategy?

Bring technology into the picture. You may wish to have each group produce print, radio

## Voting Rights

*The unprovoked attack on March 7, 1965, by state troopers on peaceful marchers crossing the Edmund Pettus Bridge in Selma, Alabama, en route to the state capitol in Montgomery, persuaded President Johnson and Congress to overcome Southern legislators’ resistance to effective voting rights legislation.*

<http://www.usdoj.gov/crt/voting/intro/intro.htm>

### Federal Voting Rights Laws

U.S. Department of Justice Civil Rights Division provides voting rights information before the Voting Rights Act of 1965, the act and its effect.

<http://www.fairvote.org/vra/>

### Voting Rights

Center for Voting and Democracy topics include voting rights updates, data, D.C. and ex-offender voting rights, and glossary of election terms. The Voting Rights Library links to many significant sites and works.

<http://www.aclu.org/VotingRights/VotingRightsMain.cfm>

### ACLU Voting Rights

Issues that are included on the site include ballot access, ex-offenders and minority voting rights.

<http://www.voterights.org/>

### National Voting Rights

Museum and Institute

Online museum introduces visitors to the Selma, Ala., exhibits. Sample literacy test, photos, music and recent events.

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and broadcast advertisements for their candidate. Perhaps prepare a brochure for door-to-door canvassing. As the Internet has entered into political prominence, students might be asked to create a Web page for each candidate.

**Consider Who Should Not Vote**

Within the group of people who are the legal age to vote there are those who are not eligible to vote. Discuss who these individuals are after reading "Voting in America." This activity focuses on one group—those with dementia or who may be considered to have impaired ability to make reasoned judgments. Read "Dementia and the Voter: Research Raises Ethical, Constitutional Questions" from the Sept. 14, 2004, Washington Post.

Questions during discussion may include:

- What is the distinction between an "ethical" and a "constitutional" concern?
- How does one determine if an individual is an informed voter?
- What arguments do Jennifer Mathis, Victor Henderson and Kristin Aiello present?
- What positions do Ronald Petersen, Stephen McConnell and Marc Swerdloff offer?
- What authority do those interviewed for this article have? Did the

author balance perspectives well? What additional "voice" or perspective might you have included in those interviewed? (Someone with Alzheimer's disease)

Divide students into groups to address the following. You are members of a state (or D.C.) election standards committee. What is your position on this issue? Should your state allow voting by individuals who are mentally ill, suffering from dementia or under supervision of a caregiver? Where do you draw the line?

**Extension**

1. Research the requirements to register to vote in Maryland, Virginia and the District of Columbia. Also research voter registration eligibility of students enrolled in institutions of higher education.

2. Study the time period, political activism and conditions that resulted in passage of the 15th, 19th and 26th amendments to the U.S. Constitution. *The American Woman*, a look at the changing views of women, includes suffrage. This Post NIE online guide has reproducibles and background files that you may wish to review and use with your students. All Post NIE guides are found at [www.washpost.com/nie](http://www.washpost.com/nie).

**In the Know****Amendment**

A change to the United States Constitution

**Disenfranchisement**

The act of taking away the right to vote in public elections from a citizen or class of citizens

**Grandfather clause**

Rule allowing only citizens whose grandfathers had voted to vote

**Literacy test**

A reading test that citizens were required to pass in order to vote

**Off-year congressional elections**

Federal elections that do not include a presidential race. These elections occur in the middle of a serving president's term. All seats in the House of Representatives and 1/3 of the seats in the Senate are contested.

**Poll tax**

A mandate that citizens pay a sum of money in order to vote

**Registration**

A requirement in most states that citizens sign up to vote a specified number of days prior to the day of the election

**Suffrage**

The right to vote

**Voting Rights Act of 1965**

Legislation that made activity hindering a person's right to vote illegal

**White primaries**

Races within political parties in which only whites could vote

# Get Out the Vote

Terms associated with elections are listed below. The words can be located by reading left to right, right to left, up and down, and on the diagonal. Can you also find a symbol of the United States within the word find?

Ads			Candidates		Issues		Ohio		Right		
Ballot			Constitution		Madison		Party		Virginia		
Campaign			Elect		Office		Register		Vote		
M	A	R	E	T	S	I	G	E	R	O	N
E	L	E	C	T	I	O	W	A	R	O	O
N	E	B	O	H	I	O	U	M	I	S	S
T	E	G	A	L	F	M	I	T	G	L	R
E	C	T	N	R	A	S	U	B	H	A	E
R	I	A	O	D	I	T	N	M	T	T	M
T	F	D	I	V	I	R	G	I	N	I	A
A	F	S	A	T	E	A	G	L	E	S	F
I	O	D	S	B	A	L	L	O	T	S	L
N	D	N	E	W	Y	T	R	A	P	U	A
O	O	N	G	I	A	P	M	A	C	E	A
C	A	N	D	I	D	A	T	E	S	S	C

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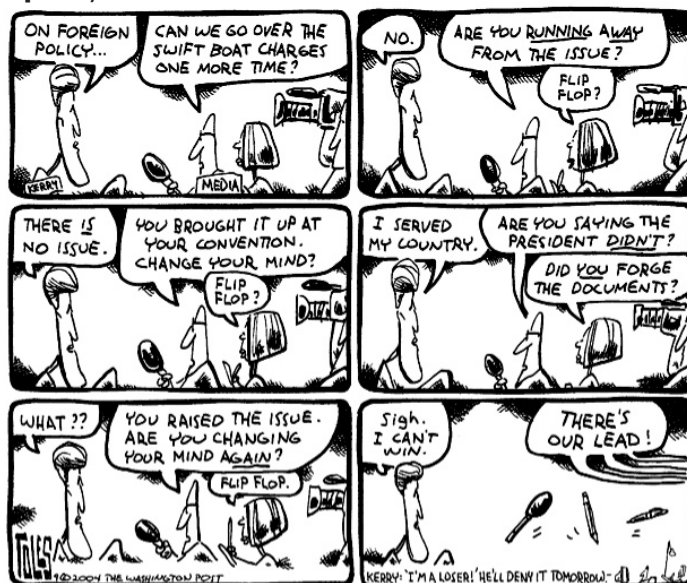
# Campaign and Media in Editorial Cartoons

An editorial cartoon by Tom Toles is found in the daily Washington Post on the Editorial Page. Through image, labels and succinct word choice, Toles expresses his point of view on local, national and international events and issues.

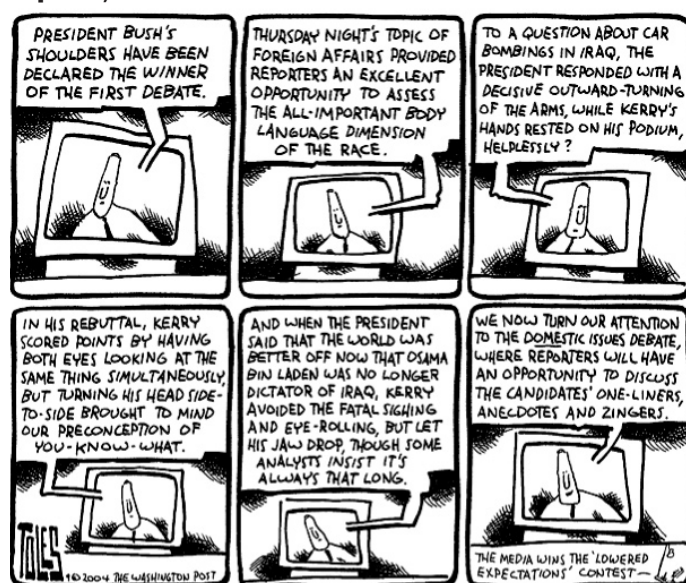
“Declared the Winner” was published on Sept. 29, 2004, and “On Foreign Policy” appeared in the Sept. 21, 2004, Post. Review the two cartoons below. On your own paper answer the following questions.

1. To what event(s) is Toles responding in each cartoon?
2. The first debate between presidential candidates John Kerry and George W. Bush took place the evening of Sept. 30. Toles’ cartoon appeared on Sept. 29. What does this timing reveal about Toles’ perspective?
3. What is Toles’ point of view in each cartoon?
4. How would Toles answer this question: Do media reflect or influence how a candidate is perceived during a campaign? Support your answer.
5. What is the proper role of print and broadcast media when covering candidates for office? Should a news reporter also serve as a political analyst?

Sept. 21, 2004



Sept. 29, 2004





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## How to Run for President



BY CARLOS APONTE FOR THE WASHINGTON POST

**D**istrict resident Samuel Lyndell Powell is running for president. The 46-year-old goes by the nickname “Uncle Sam,” and on the campaign Web site Project Vote Smart ([www.vote-smart.org](http://www.vote-smart.org)), he lists among his qualifications an affection for all animals—especially dogs. However, his “most special talent” is his ability to “whistle any song written.”

Every election has its share of independents, though with a few notable exceptions (Ralph Nader comes to mind), most campaign in noble obscurity. Take Robert Lee of Alexandria, for example, who is mounting his sixth presidential challenge since 1984: He says his dream team would include Yo Yo Ma as secretary of education; Clint Eastwood as director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; and Bill Gates as secretary of the Treasury.

So how do these idealists join the race? It's easier than you might think—and, better yet, there's still plenty of time. As long as you're a natural-born U.S. citizen (sorry, Gov. Schwarzenegger), age 35 or older, and have lived in the country for at least 14 years, you can grab a catchy slogan and follow this primer.

**GET YOUR NAME OUT.** Rules differ by state. To be listed on the ballot in the District, you'll need a petition signed by 3,500 registered D.C. voters filed with the D.C. Board of Elections by 5 p.m. on Aug. 17. In Virginia, you'll need more than 10,000 signatures, with at least 400 from each of the state's 11 congressional districts, filed by Aug. 20. And in Maryland, you'll need a petition signed by 28,000 registered voters, filed by Aug. 2. You'll also need a running mate from outside your state, so start sweet-talking long-distance friends.

If finding tens of thousands of John Hancocks sounds daunting—and assuming you're not Puff Dad-

dy, we can assume it does—don't give up: You don't have to be on the ballot to run. If you can persuade voters to write your name in the blank section on the ballot when they cast their votes, you can run as a write-in candidate. Better still, the registration deadline for write-ins in the District is 4:45 p.m. on Nov. 9—a full week after the polls close! In Maryland you'll have to be quicker (Oct. 27), and in Virginia, you'll need to be quicker still (Oct. 23).

**CONQUER THE RED TAPE.** Whether you're on the ballot or a write-in, you must satisfy certain requirements. First, you have to file a notarized Declaration of Candidacy with the local board of elections. You'll also need to nominate people to the Electoral College (three in the District, 10 in Maryland and 13 in Virginia). They must be registered voters in and residents of the state/District (and yes, Mom will do). If you plan to raise more than \$5,000, you must also register with the Federal Election Commission, which monitors compliance with campaign finance regulations.

**PREPARE TO PAY.** In Virginia and Maryland, as long as you're a registered write-in candidate, your total will be tallied. But in the District, the Board of Elections will not count individual write-ins unless the election is won by less than 1 percent, triggering a recount. To find out how many votes you received, you'll need to pay \$50 per precinct, or \$7,100 for all 142 precincts. But hey, who cares about 10 or 20 votes? Just running for our nation's highest office is reward enough. (Right, Mr. Gore?)

*The electoral process has many nuances. For in-depth information on each of these areas, see [www.dcboee.org](http://www.dcboee.org) (Washington), [www.sbe.state.va.us](http://www.sbe.state.va.us) (Virginia) and [www.elections.state.md.us](http://www.elections.state.md.us) (Maryland).*

— Paul Berger and Kate Stohr



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## Outlook: Still Seeking a Fair Florida Vote

### Jimmy Carter

After the debacle in Florida four years ago, former president Gerald Ford and I were asked to lead a blue-ribbon commission to recommend changes in the American electoral process. After months of concerted effort by a dedicated and bipartisan group of experts, we presented unanimous recommendations to the president and Congress. The government responded with the Help America Vote Act of October 2002. Unfortunately, however, many of the act's key provisions have not been implemented because of inadequate funding or political disputes.

The disturbing fact is that a repetition of the problems of 2000 now seems likely, even as many other nations are conducting elections that are internationally certified to be transparent, honest and fair.

The Carter Center has monitored more than 50 elections, all of them held under contentious, troubled or dangerous conditions. When I describe these activities, either in the United States or in foreign forums, the almost inevitable questions are: "Why don't you observe the election in Florida?" and "How do you explain the serious problems with elections there?"

The answer to the first question is that we can monitor only about five elections each year, and meeting crucial needs in other nations is our top priority. (Our most recent ones were in Venezuela and Indonesia, and the next will be in Mozambique.) A partial answer to the other question is that some basic international requirements for a fair election are missing in Florida.

The most significant of these requirements are:



RIC FELD—ASSOCIATED PRESS

**President Jimmy Carter is 80 years old.**

- A nonpartisan electoral commission or a trusted and nonpartisan official who will be responsible for organizing and conducting the electoral process before, during and after the actual voting takes place. Although rarely perfect in their objectivity, such top administrators are at least subject to public scrutiny and responsible for the integrity of their decisions. Florida voting officials have proved to be highly partisan, brazenly violating a basic need for an unbiased and universally trusted authority to manage all elements of the electoral process.

- Uniformity in voting procedures, so that all citizens, regardless of their social or financial status, have equal assurance that their votes are cast in the same way and will be tabulated with equal accuracy. Modern technology is already in use that makes electronic voting possible, with accurate and almost immediate tabulation and with paper ballot printouts so all voters can have confidence in the integrity of the process. There is no reason these proven techniques, used overseas and in some U.S. states, could not be used in Florida.

It was obvious that in 2000 these basic standards were not met in Florida, and there are disturbing signs that once again, as we prepare for a

presidential election, some of the state's leading officials hold strong political biases that prevent necessary reforms.

Four years ago, the top election official, Florida Secretary of State Katherine Harris, was also the co-chair of the Bush-Cheney state campaign committee. The same strong bias has become evident in her successor, Glenda Hood, who was a highly partisan elector for George W. Bush in 2000. Several thousand ballots of African Americans were thrown out on technicalities in 2000, and a fumbling attempt has been made recently to disqualify 22,000 African Americans (likely Democrats), but only 61 Hispanics (likely Republicans), as alleged felons.

The top election official has also played a leading role in qualifying Ralph Nader as a candidate, knowing that two-thirds of his votes in the previous election came at the expense of Al Gore. She ordered Nader's name be included on absentee ballots even before the state Supreme Court ruled on the controversial issue.

Florida's governor, Jeb Bush, naturally a strong supporter of his brother, has taken no steps to correct these departures from principles of fair and equal treatment or to prevent them in the future.

It is unconscionable to perpetuate fraudulent or biased electoral practices in any nation. It is especially objectionable among us Americans, who have prided ourselves on setting a global example for pure democracy. With reforms unlikely at this late stage of the election, perhaps the only recourse will be to focus maximum public scrutiny on the suspicious process in Florida.

*Former president Carter is chairman of the Carter Center in Atlanta.*

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# Dementia and the Voter

## *Research Raises Ethical, Constitutional Questions*

By SHANKAR VEDANTAM  
Washington Post Staff Writer

Florida neurologist Marc Swerdloff was taken aback when one of his patients with advanced dementia voted in the 2000 presidential election. The man thought it was 1942 and Franklin D. Roosevelt was president. The patient's wife revealed that she had escorted her husband into the booth.

"I said 'Did he pick?' and she said 'No, I picked for him,'" Swerdloff said. "I felt bad. She essentially voted twice" in the Florida election, which gave George W. Bush a 537-vote victory and the White House.

As swing states with large elderly populations such as Florida gear up for another presidential election, a

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2004**

sleeper issue has been gaining attention on medical, legal and political radar screens: Many

people with advanced dementia appear to be voting in elections—including through absentee ballot. Although there are no national statistics, two studies in Pennsylvania and Rhode Island found that patients at dementia clinics turned out in higher numbers than the general population.

About 4.5 million Americans have Alzheimer's disease, the most common cause of dementia. Florida alone has 455,000 patients, advocates estimate.

Concern is growing that people with dementia may be targets for partisan exploitation in nursing homes and other facilities. Even without abuse, family members and caregivers may unduly influence close elections.

"Precisely because Alzheimer's disease insidiously erodes the ability

to make reasoned judgments . . . it is somewhat unnerving to consider that patients with dementia may routinely contribute to selecting the leader of the free world," Victor W. Henderson and David A. Drachman wrote after the 2000 election in the journal *Neurology*.

Many people with mild dementia are able to understand the issues in an election, but experts say there is no way to test voter competence. While many states have laws governing who is eligible to vote, attempts to disenfranchise voters with dementia could face constitutional challenge.

Unlike driving, which is a privilege, voting is a right.

"I think it's a very important issue, and I think it is striking how little law there is on the subject," said Erwin Chemerinsky, a political scientist and constitutional scholar at Duke University. Although the state could deny voting rights to people incapable of understanding what was at stake, he said, "the legal challenges are going to be on how that's defined." Jennifer Mathis, a Washington lawyer at the Judge David L. Bazelon Center for Mental Health Law, a disability rights group, said: "Our voting system does not require intelligent voting or informed voting. The Supreme Court has said the idea of informed voting is too susceptible to abuse."

Advocates such as Mathis say that disqualifying groups of voters usually leads to discrimination. Paupers, slaves and women were once ruled incompetent to vote—and recent scrutiny of people with dementia has led to allegations of abuse.

In California, for example, Democrats are suing the Veterans Affairs Medical Center in Menlo Park for preventing

activists from talking to residents and homeless veterans. Lawyer Scott Rafferty, a member of presidential candidate John F. Kerry's steering committee, said he was turned away on the grounds that residents have dementia.

Rafferty said that most of the residents were of sound mind—and that most were Democrats. He charged the Bush administration with suppressing Democratic turnout. The Department of Veterans Affairs said it was protecting patients and was required by law to keep out partisan activity.

About 45 states have laws that address whether people who are unable to look after their own finances or health are allowed to vote, Chemerinsky said. About 25 states automatically terminate the right to vote if a person is under the care of a guardian, Mathis added, but those laws are often arcane—and unevenly enforced.

The result could hardly be worse: a pastiche of outmoded laws that are out of touch with current science and are being applied inconsistently and arbitrarily. Many competent people in nursing facilities are being prevented from voting, advocates say, even as caregivers of other patients with severe dementia vote on their behalf.

"I have had caregivers accompany dementia patients into the booth and vote for them," said Jean Merget, a social worker at the North Broward Memory Disorder Center in Pompano Beach, Fla., who said she repeatedly heard of the practice during support group meetings. "This is not uncommon, especially in Florida."

Germaine L. Odenheimer, a neurologist and geriatrician, recalled seeing

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## Dementia, Voting Rights Debated

activists from the League of Women Voters coming through the VA nursing home in Gainesville, Fla., and registering residents to vote. "A large portion of the residents were demented," said Odenheimer, who now works at the University of Oklahoma. She said she asked activists from the nonpartisan group how they judged which patients were mentally competent.

"I never had a satisfactory answer," she said.

Many states do not bar people with dementia from voting unless they have been ruled unfit by court order—a procedure rarely invoked. Some states automatically disenfranchise people who are under the care of a guardian, but such laws may be overly broad and unconstitutional. After the 2000 presidential election, for instance, disability rights advocates in Maine won a ruling that a law disenfranchising mentally ill voters under the care of a guardian was unconstitutional. Lawyer Kristin Aiello said the law also violated the Americans With Disabilities Act and federal civil rights laws barring discrimination.

"The difficulty is in drawing the line of who is entitled to vote and who is not," said Henderson, a professor of neurology at Stanford University.

"Someone who is illiterate can vote. Someone who is intoxicated can vote. . . . It's easy to say people with dementia shouldn't vote, but once you look at the complexity of the issue, the solutions aren't easy."

Alzheimer's disease is characterized by memory loss, disorientation and problems with thinking. In advanced stages of dementia, patients can find it impossible to dress themselves, understand questions or even recognize loved ones. Sometimes, experts say, just

asking patients if they want to vote can distinguish people who are competent from those who are not—patients with severe dementia are usually not interested. It is their families and caregivers who understand the importance of the vote.

Without clear guidelines, however, poll workers and nursing home administrators are deciding which patients are competent to vote, but those decisions are not based on science. Widely used dementia tests provide scores indicating the degree of impairment but are not a reliable predictor of voting competence, experts say. Different people with the same scores may understand an election differently. A person's condition can change, so that a ruling of competence in April may not hold true in November.

"You want a cutoff point where you can say clearly there is so much impairment these people can't make a competent choice," said Brian R. Ott, a scientist at Brown University, "but we don't have a way of defining that cut point."

Ott surveyed 100 patients at a Rhode Island dementia clinic after the 2000 presidential election and found that 60 percent had voted. In another survey, Jason H.T. Karlawish and other researchers found that 64 percent of patients attending a dementia clinic in Pennsylvania had voted in the same election. While more severely impaired patients were less likely to vote, many with advanced Alzheimer's did vote. Ott found that 37 percent of patients with moderate dementia and about 18 percent with severe dementia had voted.

Neurologists are divided about how much help a spouse should offer a patient in voting: "Certainly it seems if I give my wife the right to make decisions about my health care—keep him on life support or not—you would think voting would be something she could do," said Ronald C. Petersen, director of the Mayo Clinic's Alzheimer's Disease Research Center in Rochester,

Minn. At the same time, he said, it is reasonable to ask whether a person who had lost the ability to care for himself should also lose the ability to vote.

The Alzheimer's Association, a nonprofit science and advocacy group, receives calls every election season from families and nursing homes asking whether patients can vote. The answer is yes, said Stephen McConnell, senior vice president for advocacy and public policy at the association.

"Then they say, 'Can I vote for him?'" McConnell said. "We say, 'No, you can't vote for him. You can make decisions about his finances or health care or whether he should participate in research, but you can't vote for him.'" McConnell said a group of experts wrestled with the issue in August 2003 and agreed that patients even partly cognizant of the election should be allowed to vote. As the baby boomers age, the number of Alzheimer's cases will soar, and experts said it is time for the nation to grapple with the issue—if only to head off abuse.

Swerdlloff said he wondered whether the Florida woman who voted for her demented husband was guilty of fraud. And he worried about activists going into nursing homes, where two-thirds of the residents have Alzheimer's disease.

"If they can go into a nursing home, why not go into an ICU and have a person who is comatose and on a ventilator—let the caregiver vote," he said. "Then you say if a person is registered to vote, what about the brain-dead person?"

But Adam Butler of the Disability Rights Center in Little Rock said such talk holds people with disabilities to a higher standard than the rest of the population. No tests of mental competence are required to stand for office, and no law prevents "competent" voters from choosing candidates for questionable reasons: "People may vote because they like the way George W. Bush looks or because they like Heinz ketchup."



## An Integrated Curriculum For The Washington Post Newspaper In Education Program

# Voting in America

Voting rights and practices have undergone drastic changes throughout this country's history. During the colonization period, very few people had the right to vote. Blacks, Native Americans and women were completely excluded from the electorate. And states' prerequisites of property ownership meant that in some jurisdictions an estimated 90% of white males were denied suffrage.

Over time voting rights were extended. In the first half of the 1800's, most property requirements were dropped. The period of reconstruction saw the passage of the 15th Amendment which (at least temporarily) allowed black men to vote.

## YOU AND YOUR RIGHTS

Women gained suffrage with the ratification of the 19th Amendment in 1920. Eighteen-year-olds obtained the right to vote in 1971 when the 26th Amendment was ratified. Finally, the Voting Rights Act of 1965 and other actions of Congress and the courts outlawed poll taxes, grandfather clauses, literacy tests, white primaries and other actions that have been used to disenfranchise minorities.

## What's Our Voting Pattern?

Paradoxically, following these expansions of voting rights, a smaller proportion of Americans do in fact participate in elections. Voter turnout in virtually all elections has declined steadily since the 1960's. Presidential elections, the contest in which the highest number of Americans vote, now see turnout rates of around 50%, down from 62%

in 1964. Voter participation in off-year congressional races has not exceeded 50% since the 1940's and in 2002 it was under 40%. Voting in primaries for federal offices has been as low as 10%.

In addition, rates of electoral participation vary with age, gender, economic status, race and geographic area. Likelihood of voting increases with age; for example, participation in the 1998 congressional elections among 18- to 24-year-olds was half that of their elders. Women are more likely to vote than men. The wealthy and middle classes vote in higher rates than low income Americans. Whites are more likely to vote than African Americans, Latinos and Asians. Finally, states in the Plains see higher rates of voter turnout than those in the South.

These disparities likely have an effect on public policy. Candidates may be inclined to ignore certain components of their constituencies, figuring that individuals within these groups will not express their dissatisfaction at the polls.

## Why Do Citizens Not Vote?

People do not vote for a variety of reasons. Discontentment with American politics may keep some people away from the polls. Electoral campaigns are increasing use of negative ads and allegations of scandal. People may become disillusioned with government and consequently opt not to participate. Likewise, some people feel that voting is not worth the time and energy it costs. In addition, structural barriers may keep some people from voting.

Elections last only one day and are nearly always held on weekdays. Some people do not have the flexibility in their work schedules to get to the polls. Likewise, the vast majority of states require registration 25 days before the election in order to vote. People who are unaware of this requirement or who lack the time to fulfill it are then barred from voting.

Length of residency and definitions of "resident" keep some from voting in jurisdictions.

Many college students are not considered local residents. Not allowed to register to vote in their university's community, they must arrange to vote by absentee ballot. If filing deadlines are missed or forms improperly completed, many of these potential voters will not have their choices counted.

In addition to these barriers to voting, many Americans still do not have the legal right of suffrage. Convicted felons, regardless of whether or not they are still incarcerated, may not vote. This prohibition bars close to four million Americans from voting. Furthermore, the mentally incapacitated, non-citizens, and minors do not have the right to vote.

On November 2 of this year, millions of Americans will exercise their right of vote, a freedom many of them did not have 200, 100 or even 50 years ago. Conversely, on the same day, for reasons of discontentment, lack of time and legal disenfranchisement, a greater number of Americans will not go to the polls.

## ABOUT THE AUTHOR

Melissa Rifkin, a second-year law student at American University Washington College of Law, recently began teaching at Kennedy High School. She has a B.A. from Carleton College in Political Science and Women's and Gender Studies.

## An Integrated Curriculum For The Washington Post Newspaper In Education Program

## Campaign Committee Challenge

You are the campaign committee of an individual running for mayor of a town of 25,000 people. The election will be held on a Tuesday, a standard workday.

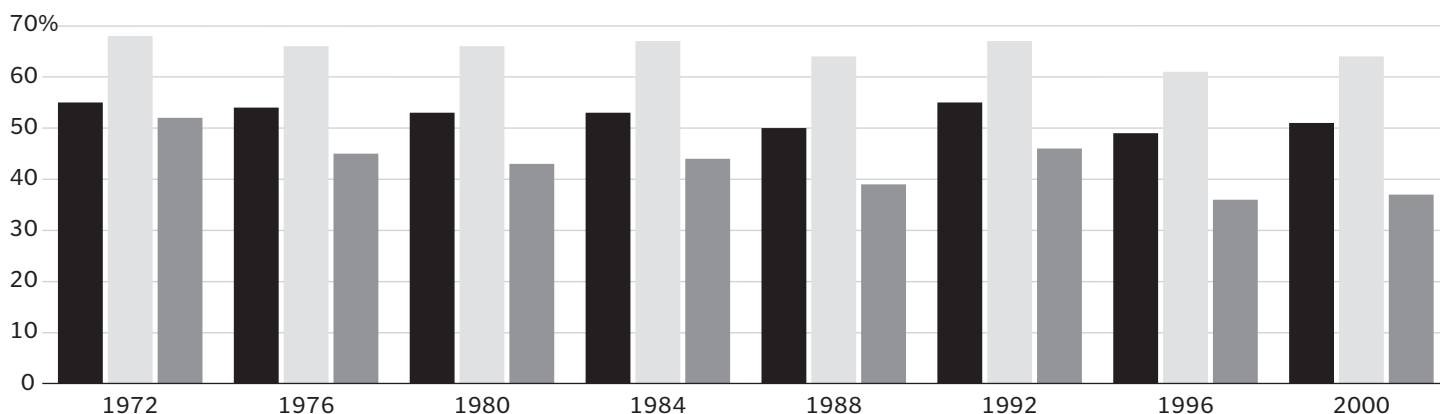
The town has the following election rules: All voters must be registered 25 days before the election and polls are open from 6:30 a.m. to 8:00 p.m.

The local newspaper indicates that the race will be extremely close. Among people who say that they are likely to vote, your opponent leads by 2%. But among all residents, your candidate leads by 2%. So, high voter turnout would be beneficial to you. You have 30 volunteers helping. It is now five weeks before the election. What can your volunteers do to ensure high voter turnout? What can you do one week before the election? What can you do on the day of the election?

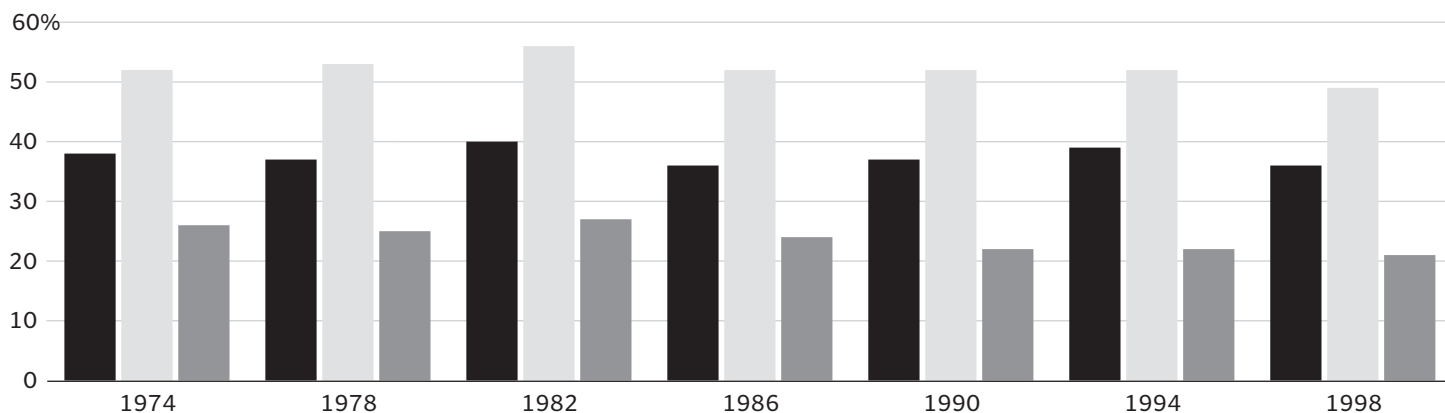
### The Numbers: Voter Turnout 1972-2000

■ Total voting age population    ■ Adults 25 years of age and older    ■ Adults 18 to 24 years of age

#### TURNOUT IN PRESIDENTIAL ELECTIONS



#### TURNOUT IN OFF-YEAR CONGRESSIONAL ELECTIONS



SOURCES: Levine, Peter and Mark Hugo Lopez. Youth Voter Turnout Has Declined, By Any Measure. The Center for Information & Research on Civic Learning and Education. School of Public Affairs, University of Maryland, College Park. 2002.

## An Integrated Curriculum For The Washington Post Newspaper In Education Program

**Academic Content Standards**

*This lesson addresses academic content standards of Maryland, Virginia and the District of Columbia.*

**Maryland**

*Social Studies, Grade 5, Political Science.*

Students will describe the rights and responsibilities of being a citizen of the United States.

*Social Studies, Grade 5, Political Science.*

Students will explain the importance of civic participation as a citizen of the United States:

- Analyze the usefulness of various sources of information used to make political decisions;
- Describe the ways people can participate in the political process including voting, petitioning elected officials, and volunteering.

A complete list of State Content Standards of Maryland can be found at <http://www.mdk12.org/mspp/standards/>.

**Virginia**

*Civics and Economics*

The student will demonstrate knowledge of the political process at the local, state, and national levels of government by describing voter registration and participation.

*Virginia and U.S. Government*

The student will understand that thoughtful and effective participation in civic life is characterized by

- participating in the political process;
- keeping informed about current issues;
- respecting differing opinions in a diverse society.

*Virginia and U.S. Government*

The student will demonstrate knowledge of local, state, and national elections by

- describing the nomination and election process;
- analyzing the influence of media coverage, campaign advertising, and public opinion polls;
- identifying how amendments extend the right to vote;

A complete list of Standards of Learning of Virginia can be found on the Web at <http://www.pen.k12.va.us/>.

**Washington, D.C.**

*Reading/English Language Arts, Grade 4, Language for Social Communication*

The student discusses a current event from the newspaper.

*Reading/English Language Arts, Grade 4, Language for Social Communication*

The student evaluates the role of the media in focusing attention and in forming an opinion.

*American Government*

The student evaluates the effects of the media on public opinion and public policy.

The student models good citizenship and demonstrates appreciation for the democratic values and traditions that are an integral part of the American character.

- The student explains methods in which individuals participate in the political process and in civic life;
- The student describes the relationships between rights and responsibilities in a democratic society;
- The student identifies the contributions of leaders and people who made a positive difference in the community, state, nation or world.

A complete list of Standards for Teaching and Learning of the District of Columbia Public Schools can be found at <http://www.k12.dc.us>.