

# Will New State Laws about Vote Counting Overrule the Will of the People?

*Compelling Question: How are election votes counted and how do we ensure that election outcomes reflect the will of the people?*

Grade Level		Time	Standards/Competencies	
K-2	3-5	45–60 Minutes	<b>Common Core Anchor:</b> Reading: R1, R2 Writing: W1, W4 Speaking & Listening: SL1, SL4 Language: L3, L6	<b>SEL:</b> Self-Awareness Social Awareness Relationship Skills Responsible Decision-Making
MS	HS			



### Web Related Connections

#### Lessons

- [Elections and the Youth Vote](#)
- [How Do Polls Inform, Influence and Impact Elections?](#)
- [Should We Keep the Electoral College?](#)
- [Voting Rights Then and Now](#)

#### Table Talk

- [Let's Talk about Voting!](#)
- [What is Voter Suppression?](#)

#### Other Resources

- [9 Ways To Teach about the Election: A Social Justice Approach](#)
- [Civics Education](#)
- [Teaching about Elections](#)

### Key Words

- |               |                   |
|---------------|-------------------|
| authority     | override          |
| backlash      | partisan          |
| battlegrounds | politicize        |
| bipartisan    | provisions        |
| criminalize   | retaliation       |
| democracy     | takeover          |
| diminish      | unprecedented     |
| enacted       | vendetta          |
| extreme       | violation         |
| legislation   | voter suppression |
| nonpartisan   |                   |

## LESSON OVERVIEW

The freedom to vote and the tallying of accurate and fair vote counts are at the heart of U.S. democracy. In recent years, there has been a great deal of concern and attention paid to the first part of that equation, namely because of voter suppression laws that target certain voters, limiting and restricting their ability to vote. There has been less attention focused on the counting of the votes and ensuring that votes are counted fairly and accurately so that election outcomes reflect the will of the people. In some state legislatures across the country, there are efforts underway to move power away from independent election administrators (i.e., secretaries of state) and toward partisan actors with the power to impact vote counts and overturn election results.

This lesson provides an opportunity for students to learn more about the vote counting process, understand current laws that shift power from independent election officials to partisans, and examine and report on some specific state laws.

## LEARNING OBJECTIVES

- Students will learn about the vote counting process in elections.
- Students will reflect on state laws that restrict voter access and that change vote counting processes.
- Students will explore one state’s proposed or enacted law in order to examine how it works and its potential impact on election results.

## MATERIALS & PREPARATION

- [KWL Chart](#) (one copy for each student)
- [Information on How We Count the Votes](#)
- “10 New State Laws Shift Power Over Elections to Partisan Entities” (ABC News, August 16, 2021, <https://abcnews.go.com/Politics/dozen-state-laws-shift-power-elections-partisan-entities/story?id=79408455>), one copy for each student
- [State Law Analysis Worksheet](#) (one copy for each student)

- (Optional) *A Threat to Our Democracy: Election Subversion in the 2021 Legislative Session* report (Voting Rights Lab, 2021, <https://votingrightslab.org/wp-content/uploads/2021/09/20210924-VRL-Election-Subversion-Report-.pdf>)

## PROCEDURES



### Information Sharing: How We Count the Votes

1. Begin the lesson by asking students: *When you have an election in school, what do you think happens after you vote? How do the votes get counted?* After soliciting their thoughts, share any information you have about how the votes are counted at your school. Then ask students: *How would you feel if you found out yours and other students' votes were not counted?*
  2. Ask students: *In political elections, like for Congress or President, how do you think the votes get counted? What do you know about this process?* Have students share anything they know or heard and record it on the board/smart board. For each piece of information shared, elicit more from them by asking: *How do you know that? Where did you learn that?*
  3. Distribute a [KWL Chart](#) to each student. Explain that the KWL Chart organizes what we already know (**K**) about a topic or issue, what we want to know (**W**), and what we learned (**L**) and that they will be filling in different parts of the chart throughout the lesson. Have students take some of the information they shared that they already know about the vote counting process and put it in the first column, K.
  4. Then ask students: *What would you like to know? What questions do you have about the process?* Have some students share their thoughts verbally and ask all students to record a few of their questions in the second column, W (want to know).
- Share some or all the [information on how we count the votes](#) and explain that students will learn more by reading an article later in the lesson. As you are sharing this information, ask students to add some of this information to their KWL charts.



### Reading Activity

1. Distribute the article "[10 New State Laws Shift Power Over Elections to Partisan Entities](#)" to each student. Provide 10-15 minutes for students to read it silently or read aloud together with students taking turns reading.
2. After reading, engage students in a discussion by asking some or all the following questions.
  - What are some of the big ideas discussed in this article?
  - What are some examples shared in the article of the ways that would shift the power from nonpartisan to partisan actors?
  - What is democracy? To what extent are these laws a threat to democracy?
  - What in the article challenged your thinking?
  - What is your main takeaway after reading this article?
  - What more do you want to know about this issue?
3. Invite students to add to their KWL charts by recording any new information they have learned (**L**: learned) and what new questions were raised for them or what more they want to know after reading the article (**W**: want to know)?



### Small Group Research: State Laws

1. Explain to students that they are going to work in small groups to examine specific state laws that aim to change how votes are counted and attempt to shift the allocation of power in election administration (i.e., away from secretaries of state and election boards to partisans). These laws are either proposed, enacted or failed to pass, but are all useful to study.

2. Divide students into small groups of 4-6 people and assign each one of the following states: Georgia, Arkansas, Kansas, Texas, Pennsylvania, Florida and Arizona. If the groups are too large, you can have more than one small group working on a given state. Distribute to each student a [State Law Analysis Worksheet](#).
3. Have students initially spend 10-15 minutes in class (and more over the next several days and for homework, depending on how much time you have) conducting research on that state, examining a few of the laws (there are many) that were proposed, enacted or failed in that state on vote counting and shifts in power. Students should conduct their own research, but you can provide this report as an initial jumping off point for further research: [A Threat to Our Democracy: Election Subversion in the 2021 Legislative Session](#).
4. In conducting their research, have students use the [State Law Analysis Worksheet](#), responding to the prompts provided, to compile a summary of their findings and discussions.
5. After students have done their research, have them present their findings and points of view in a class presentation that can be in the form of (1) a PowerPoint/Google slide presentation, (2) a persuasive speech, (3) a persuasive letter to an elected official with their point of view, or (4) a short podcast or TV news segment reporting on their law.
6. After the presentations, engage students in a discussion by asking:
  - What did you learn about these laws that you didn't know before?
  - What is surprising? What is concerning?
  - What do these different state laws have in common? How are they different?
  - To what extent do these laws impact election results and "the will of the people?"
  - What can we do to address these laws if we want to?
7. Give students the opportunity to add to their KWL charts.

### Closing

Have students share one new thing they learned (from their KWL chart) and say who they will share that information with.

### ADDITIONAL READING

- [A Threat to Our Democracy: Election Subversion in the 2021 Legislative Session](#) (Voting Rights Lab, September 21, 2021)
- [Ballotpedia: States](#)
- ["Campaigning to Oversee Elections, While Denying the Last One"](#) (*The New York Times*, January 30, 2022)
- [Georgia's New Law, and the Risk of Election Subversion](#) (*The New York Times*, August 6, 2021)
- ["How Ballots are Actually Counted, Explained by 3 Election Officials"](#) (Vox, November 3, 2020)
- ["How Trump-backed Secretary of State Candidates Would Change Elections in the United States"](#) (*The Washington Post*, December 1, 2021)
- ["Nearly a Dozen States Enacted Laws This Year That Could Subvert the Results of Future Elections, Analysis Finds"](#) (CNN, September 29, 2021)
- ["New GOP Voting Laws Target More Than Just Voter Access"](#) (NBC News, June 3, 2021)
- ["Senators Seek Changes to Electoral Count Act to Firm Up Presidential Elections"](#) (*Wall Street Journal*, January 20, 2022)
- ["The Dangerous GOP Voting Laws Change Who Counts the Votes"](#) (CNN, June 6, 2021)
- [Understanding Election Results](#) (Vote.org)
- ["What Congress's New Election Reform Idea Leaves Out"](#) (Vox, January 22, 2022)
- [Who Runs Elections in the United States?](#) (Ballotpedia)

## Common Core Standards

CONTENT AREA/STANDARD
Reading
R1: Read closely to determine what the text says explicitly and to make logical inferences from it; cite specific textual evidence when writing or speaking to support conclusions drawn from the text.
R2: Determine central ideas or themes of a text and analyze their development; summarize the key supporting details and ideas.
Writing
W1: Write arguments to support claims in an analysis of substantive topics or texts using valid reasoning and relevant and sufficient evidence.
W4: Determine central ideas or themes of a text and analyze their development; summarize the key supporting details and ideas.
Speaking and Listening
SL1: Prepare for and participate effectively in a range of conversations and collaborations with diverse partners, building on others' ideas and expressing their own clearly and persuasively.
SL4: Present information, findings, and supporting evidence such that listeners can follow the line of reasoning and the organization, development, and style are appropriate to task, purpose, and audience.
Language
L3: Apply knowledge of language to understand how language functions in different contexts, to make effective choices for meaning or style, and to comprehend more fully when reading or listening.
L6: Acquire and use accurately a range of general academic and domain-specific words and phrases sufficient for reading, writing, speaking, and listening at the college and career readiness level; demonstrate independence in gathering vocabulary knowledge when encountering an unknown term important to comprehension or expression.

## CASEL's SEL Competencies

COMPETENCIES
Self-Awareness: The abilities to understand one's own emotions, thoughts, and values and how they influence behavior across contexts.
Social Awareness: The abilities to understand the perspectives of and empathize with others, including those from diverse backgrounds, cultures, & contexts.
Relationship Skills: The abilities to establish and maintain healthy and supportive relationships and to effectively navigate settings with diverse individuals and groups.
Responsible Decision-Making: The abilities to make caring and constructive choices about personal behavior and social interactions across diverse situations.

## KWL (Know, Want to Know, Learned) Chart

<b>K</b> now	<b>W</b> ant to Know	<b>L</b> earned

## Information on How We Count the Votes

- The U.S. has a long history of attempting to prevent people from voting. Over the past decade, some state lawmakers have made specific efforts and passed laws to limit or restrict the ability to vote—particularly for Black people, Latinx people, young people and people who are elderly. These laws include limits or restrictions around early voting, absentee voting, voter registration, voter ID laws, voter purging, those with felony convictions, and more.
- In the wake of former President Trump’s false claim of widespread fraud in the 2020 Presidential election, there has been a surge in additional voter suppression laws which have been proposed and passed. This claim of fraud refers to the false and thoroughly debunked disinformation that there had been voter fraud in the presidential election and that President Trump had won. Every ballot recount and court challenge has shown this to be false. The election was deemed the most secure in U.S. history by the Elections Infrastructure Government Coordinating Council & Election Infrastructure Sector Coordinating Executive Committees.
- In addition to voter suppression laws (laws that limit and restrict people’s ability to vote), states have proposed and passed laws that impact and threaten the fair and accurate counting of votes once they are cast. Accurate and fair counting is supposed to ensure that the will of the people prevails—a principle and procedure that is at the heart of U.S. democracy.
- Processing election results takes time. Each state has an official process for certifying the results of an election and those who are responsible for certifying those results varies from state to state. The secretaries of state generally oversee federal and state elections. In some states, these secretaries of state are elected and in others they are appointed by the Governor. For more information about this process, see [Understanding Election Results](#) or project this page on the board/smartboard and discuss the process with the class.
- Some states have proposed or enacted new laws to change how votes are counted and have attempted to shift the allocation of power in election administration from secretaries of state and nonpartisan election boards to partisans (firm supporters of a political party, faction, cause, or person). According to the [Voting Rights Lab](#) report, “Some give partisan actors more power to shape and control election outcomes or limit the autonomy of local election officials. Some give partisan poll watchers the ability to intimidate and harass voters. Others criminalize election workers for simply doing their jobs. The most concerning bills would enable partisan state legislatures to overturn election results.”
- These new laws and procedures could subvert the “will of the people” and overrule what the voters decide. For example, Georgia passed a bill that removes the Secretary of State from the State Elections Board and replaces that position with a legislature-appointed chairperson. It also gives the State Elections Board power to suspend county or municipal election workers.



5. Explain your position about the law (for, against, mixed) and the reasons for your position.