



# LAW WISE

PUBLISHED BY



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SEPTEMBER 2019 • ISSUE 1

Greetings from the Kansas Bar Association (KBA).  
Welcome to this first edition of Law Wise for the 2019-2020 school year.

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## Youth Voting

The passage of the 26th amendment lowering the voting age from 21 to 18 served as the culmination of a thirty-year battle to extend the privilege to teenagers. However, the battle over youth voting has not ended with that historic amendment. As this issue will explore, organizations like the National Youth Rights Organization continue to advocate for lowering the voting age to 16. The political importance of the youth vote will be explored as well. Data since the 1972 presidential election shows over half of all eligible youths have voted in presidential elections since 2008. In the 2018 midterm elections, youth voting reached a 25-year high. With important political issues, including health insurance and student debt forgiveness, younger voters might find themselves motivated to exercise their franchise in the 2020 presidential election cycle. A closer look will be given to these and other issues impacting youth voters. Finally, information on how to register to vote and ways for young people to become more politically involved will be covered as well.

Voting is not only a right, it is a duty—a responsibility—as well. The power of the youth voting bloc has the potential to reshape the political landscape of the United States for years to come.

### Did you know...

- 4 MILLION 17-year-olds turn 18 before the November election.
- If you are 17 1/2, you can register to vote NOW.
- Don't miss the opportunity to play a role in electing your leaders.

### Your Vote Is Your Voice

#### Constitution Day Public Reading September 17, 2019 • 9:00 a.m.

to sign up to be a reader, go to the link for that particular venue

**Kansas City: Robert J. Dole U.S. Courthouse**  
<https://bitly.com/const-day2019kc>

**Topeka: Frank Carlson Federal Building**  
<http://bitly.com/const-day2019topeka>

**Wichita: United States Courthouse**  
<http://bitly.com/const-day2019wichita>

### Calendar

Sept 12-13	DNC U.S. Presidential Debates on ABC
Sept. 15-21	Celebrate Freedom Week.
Sept. 17	Constitution Day



## The Potential Impact of the Youth Vote

With the culmination of the decades-long fight to lower the voting age to 18, the first impact of this electoral demographic appears in the 1972 presidential election between Senator George McGovern and President Richard Nixon. According to electoral data, 55 percent of voters age eighteen to twenty-nine voted in the election, which occurred less than a year after the passage of the 26th Amendment. That election remains a record high for youth voters.

However, within the twenty-first century, youth voting has experienced an upswing in most presidential elections and even in the 2018 mid-term elections. In the 2000 presidential election, 40 percent of voters between the age of eighteen to twenty-nine voted. The number rose to nearly 49 percent in 2004. In 2008, approximately 52 percent of those voters participated in the presidential election. That marked the highest percentage since the 1992 presidential election and the third highest total since the passage of the 26th Amendment. The percentage dipped slightly to 49 percent in 2012 and rose to approximately 50 percent in 2016. In the 2018 midterm Congressional elections, nearly 31 percent of youth voters took part. Though a seemingly lower number, the 31 percent marked a 10 percent increase over the 2014 midterms and is the highest percentage of the last quarter century.

Traditionally, the 18-29 demographic votes Democratic. The 1994 midterm election has been the only election in the last twenty-five years in which the youth vote went Republican—49 percent to 48 percent. The two parties equally split

the vote in 1998, and the 2000 and 2002 elections held only a one to two percent advantage for the Democratic Party. In every other national election since 1992, the Democratic Party has had over a 10 percent advantage, peaking in the 2018 midterm where youth voters preferred the Democratic Party 67 percent to 32 percent.

The Center for Research and Information on Civic Learning and Engagement (CIRCLE) at Tufts University noted in 2012 that Mitt Romney would have won the 2012 election had he split the youth vote with incumbent president Barack Obama. The youth vote proved decisive in Florida, Ohio, Pennsylvania and Virginia, where President Obama had at least 61 percent of the youth vote in these states. Hilary Clinton received 55 percent of the youth vote to President Trump's 40 percent.

In voting down Representative Alanna Pressley's bill to lower the federal voting age to 16, Representative Rodney Davis stated, "I'm of the opinion that we shouldn't arbitrarily lower the voting age just because right now, I believe Democrats think they'll gain more votes. I believe it will institutionalize a Democrat majority here in this House of Representatives."

The current generation of youth voters have embraced voting in contrast to Generation X which, during the 1990s, rarely exceeded 40 percent in national elections. It will remain to be seen how youth voting will influence the 2020 election, though candidates and parties will likely need to be more attentive to the issues affecting this age group.



## "Old Enough to Fight, Old Enough to Vote"

The phrase "Old Enough to Fight, Old Enough to Vote" emerged from the movement to lower the federal voting age from twenty-one to eighteen. During the Second World War, President Franklin Roosevelt lowered the draft age from twenty-one to eighteen. Most states had set the voting age at twenty-one; therefore, Roosevelt's action caused resentment since those serving in the military might not be able to vote when they returned from the war.

Several states unilaterally took action to sync the voting age with the draft age. Georgia became the first state to do so in 1943 by setting the voting age in state and national elections at eighteen. A year earlier, Representative Jennings Randolph introduced a bill in the House of Representatives to set the federal voting age at eighteen. Randolph argued, "They possess a great social conscience, are perplexed by the injustices

in the world and are anxious to rectify those ills." Randolph, who later became a Senator, would introduce bills to lower the voting age 11 times in Congress.

President Dwight D. Eisenhower, former Supreme Allied Commander during WWII, voiced his support for a Constitutional Amendment to lower the national voting age to eighteen. Eisenhower noted "For years our citizens between the ages of 18 and 21 have, in time of peril, been summoned to fight for America. They should participate in the political process that produces this fateful summons."

In 1969, as the U.S. involvement in Vietnam continued despite growing opposition to the conflict, at least 60 Congressional resolutions attempted to address this issue, but none resulted in changing the voting age. The next year, 1970,

Congress voted to extend and amend the Voting Rights Act of 1965. One amendment allowed for eighteen-year-olds to vote in elections on all levels. Though he signed the bill, President Richard Nixon believed Congress did not possess the authority to make such a change. Nixon believed the appropriate action to be a Constitutional Amendment.

In that same year, a case reached the Supreme Court regarding the constitutionality of this legislation. In *Oregon v Mitchell*, the Supreme Court ruled Congress did not have the right to regulate minimum voting age in local and state elections, but did have the power in federal elections. As result of the Court's decision, eighteen to twenty-years old could vote in the Presidential election only.

Feeling dissatisfied with this situation, the states proposed a Constitutional Amendment which would set the national voting age at eighteen. In March of 1971, the Senate and House both passed that Amendment with considerable support in

both chambers. Within two months, over three-fourths of the states had ratified this Amendment. The time frame remains the shortest ratification effort in American history. On July 1, 1971, President Nixon signed the 26th Amendment into law. In his remarks, Nixon claimed, "The reason I believe that your generation, the 11 million new voters, will do so much for America at home, is that you will infuse into this nation some idealism, some courage, some stamina, some high moral purpose, that this country always needs."

Kansas was among the forty-two states that passed the 26th Amendment. Eight states did not ratify this Amendment. Those states were Florida, Kentucky, Mississippi, Nevada, New Mexico, North Dakota, South Dakota and Utah. The 26th Amendment joined the 15th and 19th Amendments to the U.S. Constitution that extended voting rights to African-Americans, and women.



## Should the Voting Age be Lowered?

The struggle to lower the voting age from eighteen to twenty-one took considerable time and effort before the passage of the 26th Amendment in 1971, in time for eighteen-years old to vote in the 1972 Presidential Election. Since the passage of the Fourteenth Amendment in the aftermath of the Civil War, the age to vote had been set nation-wide at twenty-one. As the conflict in Vietnam raged on, Congress and the American people realized the double standard of allowing young men and women to serve in the military, but not giving them the right to vote. Since the passage of the 26th Amendment, the ability to vote in local and national elections has become an important rite of passage for eighteen-years old in the United States.

For the better part of the last two decades, there have been various bills proposed and resolutions introduced at the state and local levels to lower the voting age even further. In 1995, a Representative of the California Assembly proposed legislation to lower the voting age to 14. Numerous other states and locales have followed suit, though most have settled on lowering the voting age to seventeen or sixteen. Most of the efforts have either not made it on referendum ballots, not received enough votes in municipal councils or have died in legislative committees, despite often having numerous sponsors. One of the paradoxes of the process is the fact that the people voting on these measures are adults. While teens can lobby for these measures, they must rely on the votes of others to ensure their passage.

There have been a limited number of small victories for teenage voters. The State of Maine allowed seventeen-years old to vote in primary elections, if they will turn eighteen by

the general election. Three cities in Maryland have awarded the franchise to younger voters. In Takoma Park, Maryland, sixteen-year-olds were allowed to vote in municipal elections for the first time in November of 2013. Two years later, Hyattsville, Maryland, passed a similar measure. Finally, in 2018 Greenbelt, Maryland, became the third municipality to allow sixteen-years old to vote. Berkeley, California does allow for sixteen-years old to vote in school board elections.

Though there have been attempts in many of the states to lower the voting age in state elections, most have focused on local voting rights. Some communities have considered allowing citizens sixteen years old or even younger to vote in school board elections, given the importance and relevance these positions have on the students. In Kansas, there have been no efforts in the statehouse to lower the voting age.

Despite being part of the majority party in the U.S. House of Representatives, Congresswoman Ayanna Pressley of Michigan failed to garner enough votes for her proposed legislation that would have lowered the voting age to sixteen for federal elections. The house defeated the bill on a vote of 126-305. Pressley argued "From gun violence to climate change, our young people are organizing, mobilizing and calling us to action. They are at the forefront of social and legislative movement and have earned inclusion in our democracy." Though Pressley's efforts failed, there are still a number of states and organizations (i.e. FairVote, Generation Citizen, the National Youth Rights Association) that continue to advocate for a lower federal voting age.

## “The Times They Are A-Changin’”: Issues Affecting Young Voters



In 1964, Nobel laureate Bob Dylan wrote “The Times They Are A-Changin’” which signaled a shift of power from the previous generation to the youth, of which Dylan was a part. In one stanza, he directly addressed American politics.

*Come senators, congressmen  
Please heed the call  
Don't stand in the doorway  
Don't block up the hall  
For he that gets hurt  
Will be he who has stalled  
The battle outside ragin'  
Will soon shake your windows  
And rattle your walls  
For the times they are a-changin'.*

With a twenty-five year high in youth voting in Congressional midterm elections, it appears the times are changing, and we are seeing a surge in youth activism. Groups such as The National Youth Rights Association and Generation Citizen continue to advocate for lowering the national voting age to sixteen. FairVote supports lowering the national voting age to 17. Berkeley, Cal., and a few communities in Maryland allow sixteen-years old to vote in municipal elections.

Never Again MSD is a student-led political action committee started by students at Marjory Stoneman Douglas in the aftermath of the mass shooting that occurred at their high school in Parkland, Fla. The internet and social media serve as platforms for young students to address issues of concern for them and their generation. In so doing, these students have

embraced the philosophy of Thomas Jefferson, who provocatively wrote about the ability of each generation to essentially write their own constitution. In a letter to James Madison, Jefferson argued, “Every constitution, then, and every law, naturally expires at the end of nineteen years. If it be enforced longer, it is an act of force, and not of right. It may be said, that the succeeding generation exercising, in fact, the power of repeal, this leaves them as free as if the constitution or law had been expressly limited to nineteen years only.” Political scientists and historians continue to argue whether Jefferson meant this literally, but Jefferson did believe succeeding generations did not have to automatically live under a government and society they inherited from their predecessors. Jefferson also believed in the changing nature of governments and societies.

Though she was unsuccessful, Rep. Alanna Pressley of Michigan introduced legislation to lower the national voting age to sixteen. In her defense of this bill, Pressley spoke to the reasons she believed young people had the right to participate in national elections. She argued, “From gun violence to climate change, our young people are organizing, mobilizing and calling us to action. They are at the forefront of social and legislative movement and have earned inclusion in our Democracy.”

Comparative data from European countries including Austria and Norway show that voters allowed to begin at sixteen do participate at higher rates than those who vote for the first time at eighteen or twenty-one. The question of who will shape the future of American society and when young people can fully participate in the American electoral and political system will likely not be answered definitely any time soon. Regardless of the answer, the times will definitely continue to change.

# Election Lesson Plan 1: WHY VOTE?

from GrowingVoters.org and Michael Farmer  
Grades 6-8

## Objective: Students will be able to:

- Explain the process of voting in the federal election as citizens of their home state
- Demonstrate learning by building a convincing argument for voting to others
- Communicate their understanding/arguments for voting to others in a well-executed “online” brochure
- Solicit and syndicate feedback from the community on the reasons to vote

## Overview of lesson(s):

- 1) Students will research the process of voting in their home state. They will answer several key questions:
  - What is citizenship?
  - What are four rights and three duties of all American citizens
  - Why should we vote?
  - When we vote, who or what are we voting for?
  - How does our vote count?
  - How does the process of voting actually work (both registration and on election day)?
  - When are federal elections held?
  - How is the president elected?
  - What is “the popular vote”?
  - Is the electoral college better than the popular vote as the means for electing the president?
- 2) Students will incorporate elements of the above into a PowerPoint document which will be emailed as a brochure to families in the school district. The brochure will contain a link to a Michael Farmer, Mt. Everett Regional High School in western Massachusetts, with his customized version of GrowingVoters.org learning activity for 7th grade students to create their own Why Vote brochure and use it in their community survey (which the class needs to design), seeking community input as to their view on why people should vote.
- 3) Survey results will be analyzed and published in the subsequent edition of the school newspaper and placed onto the school website as a splash item.

## Total elapsed time = 2 weeks

- **Day One:** Students will be briefed about the overall 2-week project. Assigned into evenly matched heterogeneous groups. Each group will prepare a “what you know about voting already” page and share their findings with the class. This will be posted on the board and discussed.
- **Day Two:** Four Students will be given a copy of the question guide together with a list of the resource pages they can go to in order to complete it. Each student in each group will need to hand in a completed copy of the question guide at the end of day 3’s class.
- **Day Five:** Students will come up with a class list of reasons to vote. This will be consolidated for the grade (i.e. across all 4 classes) and then be the list which is used to create the Survey Monkey link on each group’s brochure. Each team will give up one member to the survey team. The remaining team members will commence brochure design activities.
- **Day Six:** Seven Brochure design and survey creation activities will continue.
- **Day Eight:** Nine Students will integrate the brochure and survey hyperlink, prepare a brief email notice to recipients, create the email and send the brochure out.
- **Day Ten:** Students will receive the results and prepare a school-wide summary of responses. Each group will prepare a communication slide to be loaded to the school’s homepage.
- **Day Twelve:** Slippage-Review of learning, student feedback and other items.

# Election Lesson Plan 2: Design Candidate Advertising Campaign

from GrowingVoters.org

Grades 9-12

Using mathematics, business or computer applications,  
students design and develop a budget for a political advertising campaign

## Learning Objectives:

- Students will demonstrate how to create a spreadsheet using basic editing, formatting, formulas and functions and relate data to political life as well as skills relevant to the workplace.
- Students will think through the difference in ads online, on TV and radio, and in print (billboards, newspapers).
- What is the difference in pricing and in impact.

**Topic/Assignment:** Create an advertising budget for a presidential campaign using Microsoft Excel.

## Technology/Equipment/Supplies Needed:

- Computer with Internet access
- Microsoft Excel
- Printer
- Microsoft Excel Tutorial available if needed
- Examples of Campaign Advertisements, available online

**Length of Lesson:** Variable but multi-day is recommended

**Collaboration:** Collaboration between groups and/or classes for pricing on costs for media advertising to avoid students researching the same businesses.

**Task:** You are advising the advertising manager for a presidential campaign and need to decide how much to invest where (TV, newspapers, radio, etc.). With a budget of \$1,000,000 your job is to find out how much it is going to cost to advertise in your local area. You will keep track of your budget in Microsoft Excel and then present your budget to the rest of the class explaining why you chose to advertise in the areas you did. Things you may want to consider:

1. How much will different media cost?  
Television – Group 1  
Radio – Group 2  
Newspaper – Group 3  
Billboard – Group 4  
Direct mail – Group 5  
Internet - Group 6
2. What cities/towns make up your local area?
3. By investigating the population of cities/towns in your area, figure out how much it is going to cost per person to advertise in that area.
4. What areas will you spend the most advertising money and why?
5. What would be different if you were advising the other candidate?
6. What is the best layout of your spreadsheet?

**Essential Question: Where should I spend the bulk of my advertising money?***Note: All bitly links are case-sensitive***Process:**

- **Day One**
  - ✓ Read over the following link at on business phone etiquette. <http://bit.ly/2ksHCE6>
  - ✓ Read over the following link on email etiquette. <http://bit.ly/2lCfSwY>
  - ✓ Students will go to the ABYZ News Link site to access information to contact businesses about advertising costs by telephone or email. Groups will post their advertising information on their spreadsheet and on the designated spot on the white board. <http://bit.ly/2ksLN2L>
  - ✓ Go to the U.S. Census Bureau and type the information into Microsoft Excel for later use. <http://bit.ly/2k1j2du>  
Local Area Information for Calculating Advertising  
Cities & Towns  
Population
- **Day Two**
  - ✓ Students will continue to research advertising costs and complete their spreadsheet.
  - ✓ Students will start planning the layout of the spreadsheet and formulas or functions that will be needed to complete the spreadsheet.
  - ✓ Look up guidance on how to apportion advertising dollars. For example, a digital presence: <http://bit.ly/2lCgKSg>
- **Day Three**
  - ✓ Students will continue to work on their spreadsheets and add any advertising information that they didn't have from the previous day.
  - ✓ Complete the rough draft of the spreadsheet by using the grading rubric at the bottom of the lesson.
- **Day Four**
  - ✓ Complete the final draft of the spreadsheet.
  - ✓ Determine what type of graph would best display why you chose to spend the biggest amount of money in certain area(s).
  - ✓ At the bottom of your spreadsheet, answer the question, "What areas will you spend the most advertising money and why?"
- **Day Five**
  - ✓ Using the grading rubric, compare your spreadsheet and graph with another student's, then make any changes that you feel are necessary.
  - ✓ List any changes that you made and why you made them.
  - ✓ Compare student designs with actual spending. <http://bit.ly/2k0QYHd>
  - ✓ Hand in the completed spreadsheet either electronically or in print.

A Grading Rubric for the Graph and Spreadsheet is found on page four of this PDF <http://bit.ly/2khCEKD>



iCivics Resources for Getting Involved & Taking Action

[www.icivics.org](http://www.icivics.org)

*This site provides teachers with free resources that improve students' civic knowledge, civic attitudes, and core literacy skills.*

Fun Learning Opportunities

iCivics

[www.icivics.com](http://www.icivics.com)



The Constitution

As we enter Celebrate Freedom Week, please consider accessing resources from iCivics. Teachers can register at no cost and have access to these resources in the Constitution unit:

- America's Founding Preambles
- The Constitution's Cover Letter
- Anatomy of the Constitution
- You've Got Rights!
- Do I Have a Right?
- Amendment Mini-Lesson
- Sortify: U.S. Citizenship
- Supreme Decision
- The Constitution: Rules for Running a Country

The KBA also has resources for teachers. Visit: [https://www.ksbar.org/page/educator\\_resources](https://www.ksbar.org/page/educator_resources)

About the Law Wise Editor:



**Nicolas Shump** teaches courses in Creative Writing, Film, and Advanced Placement (AP) courses in Comparative Government and Politics, European History, Psychology, and U.S. Government and Politics for the Hybrid Learning Consortium (HLC) at The Barstow School in Kansas City, MO.

He also teaches Discourse 100 at the University of Missouri-Kansas City (UMKC) where he is an MFA Student in the Creative Nonfiction Program. He is a columnist for the Topeka Capital-Journal and a Talk About Literature in Kansas (TALK) discussion leader for Humanities Kansas.

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Is Law Wise Helpful to You?

We are always open to receiving comments, ideas and suggestions. Please reply to [awoods@ksbar.org](mailto:awoods@ksbar.org).

Please let us know:

- Topics you would like to explore;
- Projects and lessons *you* have developed that you would like us to feature;
- Questions you would like to ask an attorney or judge.

We look forward to hearing from you.

Visit [www.ksbar.org/lawwise](http://www.ksbar.org/lawwise) to see archived issues, frequently asked questions, and to receive six issues a year via email.



Law Wise  
FAQs

We have a list of FAQs available at <http://www.ksbar.org/LWFAQ>.

The Kansas Bar Foundation, with Interest on Lawyers' Trust Accounts (IOLTA) funding, provides support for this publication. *Law Wise* provides general information about law-related matters of interest to teachers, students, and the public in Kansas, but does not provide any legal advice, so readers should consult their own lawyers for legal advice. For further information about any projects or articles, contact Anne Woods, public services director, (785) 234-5696. *Law Wise* is published by the Kansas Bar Association, 1200 SW Harrison St., Topeka, KS 66612-1806, during the school year.

## TERRIFIC TECHNOLOGY FOR TEACHERS

**An Overview of the 26th Amendment**

<https://constitution.laws.com/26th-amendment>

From constitution.laws.com, this site has a wealth of information on the legislation itself, the Supreme Court cases associated with this Amendment as well as information regarding the ratification of the 26th Amendment by the states.

**The Movement to Lower the Voting Age: A History**

<https://www.youthrights.org/issues/voting-age/history-of-the-movement/>

Excellent resource and timeline regarding attempts by various state and municipalities to lower the voting age further from 14 to 17.

**Pre-registration for Young Voters**

<http://www.ncsl.org/research/elections-and-campaigns/preregistration-for-young-voters.aspx>

A website devoted to explaining the process for preregistering voters who are not yet of voting age produced by the National Conference of State Legislatures.

**Primary Voting at Age 17**

[https://www.fairvote.org/primary\\_voting\\_at\\_age\\_17](https://www.fairvote.org/primary_voting_at_age_17)

Part of the Fair Vote website devoted to the proposition of lowering the federal voting age to 17. This site provides good background information and a U.S. map showing where 17 years old are allowed to caucus and vote in primary elections.

**Should 16-Year Olds Be Allowed to Vote?**

<https://www.pbs.org/newshour/politics/should-16-year-olds-be-allowed-to-vote>

This website, produced by PBS NewsHour, has excellent information not only on legislative efforts to lower the voting age, but also how a lower voting age could impact the 2020 election.

**Should 16-Year Olds Have the Right to Vote? Pros and Cons**

[https://www.headcount.org/should-16-year-olds-have-the-right-to-vote-pros-and-cons/?gclid=Cj0KCQjwhdTqBRDNARIsABsOl981QIBRUgOsPecTEm-Lq-cii4CTjF2RT\\_6tE3aQrLbiJVtPjR17uQgaAlmfEALw\\_wcB](https://www.headcount.org/should-16-year-olds-have-the-right-to-vote-pros-and-cons/?gclid=Cj0KCQjwhdTqBRDNARIsABsOl981QIBRUgOsPecTEm-Lq-cii4CTjF2RT_6tE3aQrLbiJVtPjR17uQgaAlmfEALw_wcB)

A short, but informative site organized by HeadCount that provides both sides of the issue of lowering the voting age to 16.

**Young Voters at the Ballot Box**

<https://generationcitizen.org/wp-content/uploads/2016/03/GC-Voting-Age-Paper-2015-12-07-11.pdf>

An extensive White Paper from the organization Generation Citizen.

**The Voting Age**

<https://library.cqpress.com/cqresearcher/document.php?id=cqresrre1944090900>

A website by CQ Researcher with a variety of reports on the history of the voting age not only in the United States, but in Europe as well. Includes public opinion data and contextual information on some of the forces that lead to the 26th Amendment.

**The 26th Amendment**

<https://www.history.com/topics/united-states-constitution/the-26th-amendment>

An excellent site from History.com. It tells the story of the thirty-year struggle to lower the federal voting age to 18 from World War II to the Vietnam Conflict.

**The 26th Amendment**

<https://www.annenbergclassroom.org/26th-amendment/>

From the Annenberg Classroom website, this is part of their Annenberg Guide to the United States Constitution. It includes the text and some brief overview of the legislative efforts to extend the franchise to eighteen-year-olds.