

THE LEGAL EAGLE

SPECIAL ELECTION EDITION

A LEGAL NEWSPAPER FOR KIDS

Gerrymandering Becomes a Problem for the States to Resolve

by Phyllis Raybin Emert

Gerrymandering on a **partisan** basis is not new to politics. The term gerrymander dates back to the 1800s when it was used to mock Massachusetts Governor Elbridge Gerry, who manipulated congressional lines in the state until the map of one district looked like a salamander.

Redistricting, which is the redrawing of district maps, happens every 10 years after the U.S. Census takes place. Whatever political party is in power at that time has the advantage since, in most states, they are in charge of drawing the maps.

"Partisan **gerrymandering** refers to the practice of politicians drawing voting districts for their own political advantage," says Eugene D. Mazo, a professor at Rutgers Law School and an expert on election law and the voting process.

Professor Mazo explains that politicians, with the use of advanced computer technology, use methods of "packing" and "cracking" to move voters around to different state districts, giving the edge to one political party.

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Should the Voting Age be Lowered Again?

by Maria Wood

Since our nation's founding, who has the right to vote has changed dramatically. In the beginning, the **franchise** was limited to white, land-owning males. Today, the right can't be denied to any citizen 18 years of age or older, regardless of gender or race.

It was the 26th Amendment to the U.S. Constitution—the last amendment to expand the franchise—that allowed 18-year-olds to vote. Previously, the voting age in the U.S. was 21.

Although the debate over lowering the voting age took center stage in the 1960s, during the Vietnam War, the push actually started much sooner, spurred by another war. President Dwight D. Eisenhower, a former World

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Battling Over How to Elect a President

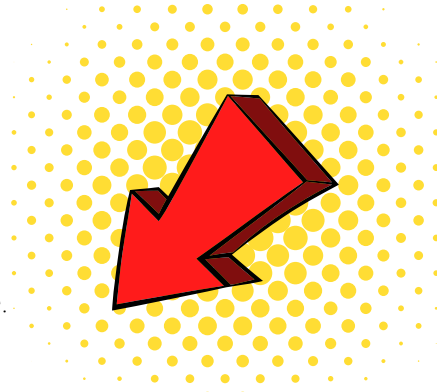
by Michael Barbella

The debate on how the President of the United States should be elected is almost as old as the country itself. Contrary to popular belief, voters do not elect the president and vice president directly; instead, they choose electors to form an **Electoral College** where the official vote is cast.

During the Constitutional Convention of 1787, a few ways to elect the chief executive were discussed. One way was to let members of Congress select the president and another was direct election by the people.

In an opinion piece for *The Washington Post*, Joshua Spivak, a senior fellow at Wagner College's Hugh L. Carey Institute for Government Reform, wrote that according to James Madison's notes, "there was very little support for a popular election of the president." Madison preferred that congressional members elect the president, but it was Alexander Hamilton who proposed a sort of compromise and the system we use today—the Electoral College. Hamilton,

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How to Elect a President **CONTINUED FROM PAGE 1**

according to Spivak, was worried about corruption. “Having the [presidential] selection spread among the states rather than in the compact Congress would help ward off the dangers of ‘foreign powers’ gaining ‘an improper **ascendant**’ in our councils,” Spivak writes.

The Electoral College does not have a campus and is not the type of college that you can obtain a degree from. It is a body of electors that gathers every four years to select our nation’s top two heads of government—president and vice president. Each political party at the state level nominates electors who are usually long-standing supporters within the party. There is a slate of Republican electors and a slate of electors for the Democrats in every state. Each state has its own laws governing that nomination process,

but under federal constitutional law, an elector cannot be a member of Congress.

How the election really happens

“Most Americans don’t understand how we elect a president,” says Eugene Mazo, a professor at Rutgers Law School and an expert in election law and the voting process. “Basically what they [the framers] said was we’re going to elect these electors.”

Before the 1970s, the names of electors appeared on the ballot, Professor Mazo explains, and you voted for electors to cast their ballots for whoever receives the popular vote in that state. Today, the presidential candidates’ names appear on the ticket, but voters are really choosing electors from that party to cast a ballot at a separate election where the winner is finalized. For instance, if the Republican candidate wins the popular vote in New Jersey, then the slate of Republican electors goes to a designated location in the state on the day that Congress sets (usually in December) and casts its electoral votes for the Republican candidate.

So, how many electors does each state have? Professor Mazo explains that under the U.S. Constitution each state has the same number of electors as they have members in Congress. For example, New Jersey has 12 congressmen and two senators, so it gets 14 electors or electoral votes.

Since each state’s electoral total matches its congressional delegation sum, the Electoral College is comprised of 538 members (the District of Columbia is treated as a state under the U.S. Constitution’s 23rd Amendment and is granted three electors). A majority of electoral votes—270—is needed to win the presidency.

Almost all states award their electoral votes in a winner-take-all system where the popular vote winner in each state gets all the state’s electoral votes. So, even if, for example,

the popular vote winner in New Jersey doesn’t get a majority, he or she will still get all of New Jersey’s electoral votes. For instance, say a candidate wins 46 percent of the vote and the other party’s candidate wins 45 percent of the vote and then a third-party candidate wins nine percent. The candidate with 46 percent did not receive a majority but did receive a **plurality** of the vote, so he or she wins all of New Jersey’s 14 electoral votes.

Only two states—Maine and Nebraska—stray from the norm, splitting their ballots between the statewide popular vote winner and the victor in each congressional district (two in Maine, three in Nebraska).

“If you looked at a map of Maine on election night [2016], it would not have been red or blue, but purple because Maine assigned three votes to Hillary Clinton and one vote to Donald Trump,” Professor Mazo says. “Hillary Clinton won the popular vote in the state and then in one congressional district she got the most votes. But in the other district Donald Trump got the most votes, so that electoral vote went to him.”

The U.S. Constitution does not specifically stipulate that states need to have a winner-take-all or a split vote system for deciding who wins electoral votes. That is left for each state to decide.

Are the College’s days numbered?

Since its adoption in 1787, the Electoral College has survived more than 750 attempts to either reform it or abolish it, according to the Congressional Research Service. One proposal in 1808 would have limited a U.S. senator to one three-year term and called for the Senate to select the president from among the outgoing senators. Other proposals, one in 1822 and another in 1860, called for the selection of the president from rotating



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regional areas. In other words, in one election cycle the president would come from a northern state and then in the next cycle from a southern state. All of those efforts failed.

What is gaining support among Americans is the concept of electing the president via popular vote. Surveys from Marist (2016), Pew Research (2018) and Gallup (2019), all have support for a national popular vote system at more than 50 percent among the American public. One of the main drivers of a national popular vote system has been the handful of times a presidential candidate has won the popular vote but lost the election. Such a result has taken place five times in the nation's history, the first in 1824 and the most recent occurring in 2016.

Growing support for a national popular vote system is fueling the development of a multistate effort to bypass the Electoral College and award the presidency to winners of national vote majorities. The National Popular Vote Interstate Compact (NPVIC) is an agreement among participating states that would ensure national popular vote winners in future presidential elections would also claim Electoral College victory. In other words, the states in the Compact are agreeing to award their electoral votes to the candidate that wins the national popular vote, not necessarily the candidate that won the state's popular vote.

Using New Jersey as an example again, if the Republican candidate won the popular vote in the Garden State,

but the Democrat won the nationwide popular vote. Under the NPVIC, instead of awarding its electoral votes to the Republican, New Jersey would award them to the Democrat. The agreement can only take effect, though, if states representing at least 270 electoral votes participate. So far, 15 states (New Jersey was the second state to join) and the District of Columbia, representing 196 electoral votes, have joined the Compact, according to FairVote, an organization that advocates for **electoral reform**.

Compact advocates argue the national popular vote system will force candidates to campaign everywhere in the country, rather than in select "battleground" states. But critics of the plan question whether a smaller, less populous state like Montana would have an incentive to join because it has a larger share of electoral votes than its share of the nation's population.

"Election by state electoral votes rather than popular vote advantages some states," notes Bernard Bell, a Rutgers Law School professor and constitutional law expert. "In particular, it advantages 'swing states,' that is, states closely divided between Democrats and Republicans, and small states. Such states get much more attention from presidential candidates than they would probably get if the only thing that mattered were the nationwide popular vote."


Professor Bell thinks a nationwide popular vote might encourage candidates to mainly campaign where the most people are, which is in large cities and the suburbs, leaving out the smaller states.

"States with small populations would likely not support changing the basis of electing the president to a nationwide popular vote," Professor Bell says. "And swing states, like Florida and Ohio, may not find popular election appealing either for similar reasons."

Florida and Ohio have not joined the NPVIC. The states that have

joined include California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Massachusetts, Maryland, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont and Washington.

The power struggle between large and small states in presidential elections could be problematic for the NPVIC movement, experts say. Without the Compact, the only way to achieve a national popular vote system to elect the president would be by constitutional amendment—a particularly difficult and unpopular option.

"The U.S. Constitution is extremely difficult to change," Professor Bell says pointing out that it requires a two-thirds vote in both the U.S. House of Representatives and the U.S. Senate and then ratification by three-fourths of the states. 

DISCUSSION QUESTIONS



1. In 1787, there were three processes for electing the President of the United States considered—election by Congress, direct election by the people and the Electoral College system we currently have. Which process do you favor and why?
2. Within the individual states, do you favor a winner-take-all system of awarding electoral votes or the split vote system that only Maine and Nebraska use?
3. What do you think of the National Popular Vote Interstate Compact movement which instructs states that join to support the national popular vote instead of the popular vote in their state? Is it fair?
4. Why is it important to vote?

Making Your Choice and Your Vote Count

by Jodi L. Miller

It's 2020, an election year, so once again the nation's attention turns to the way Americans vote and **electoral reforms** to make that vote count.

One electoral reform that is usually front and center is the use of ranked choice voting (RCV), sometimes called instant runoff voting (IRV). For our purposes, let's call it RCV, which is a voting method that allows voters to rank candidates in an election in order of preference.

Here's how RCV works. Say there are four candidates running for mayor—one each from the Red Party, the Blue Party, the Green party and the Purple party. Once the votes are counted, if one of these candidates wins an outright majority (more than 50 percent), then that's it and we're done. If, however, no candidate wins an outright majority, under RCV the candidate with the least votes is eliminated. The second choice of whoever voted for the eliminated candidate would be counted instead.

For example, say the outcome of the first round of voting is this: Red Party-35 percent; Blue Party-33 percent; Green Party-17 percent; and Purple Party-15 percent. The Purple Party candidate would be eliminated and the second choice preference for anyone who voted for the Purple Party would be counted and added to the other candidates' totals. With such a tight race between the top two candidates, the method could either solidify the race for the Red Party candidate, elevate the Blue Party candidate for the win or propel the Green Party candidate to a higher position. If, after another vote tally, no one has won more than 50 percent of the vote, the process would be repeated and the candidate coming in third place would be eliminated.

According to FairVote, an organization that advocates for electoral reform, there are municipalities in 11 states that currently use RCV for local elections and six states have opted to use it for the 2020 Democratic Primary. In November 2019, New York City voters approved a measure to use RCV for primaries and special elections beginning in 2021. New York City is the largest city to employ this voting method.

Christina Greer, a political science professor at Fordham University, told *Politico* that RCV has the potential to increase voter turnout.

"It makes the political process more robust, because you can't have a candidate who says, 'I'm just going to cater to Brooklyn, and I know they'll come through for me,'" Professor Greer said. "They're going to have to diversify who they reach out to."

Pros and cons

RCV is not without its detractors. Many believe the system would cause confusion and is too expensive, requiring special computer software or counting the vote by hand, which could lead to errors.

Others believe the pros far outweigh the cons. The League of Women Voters, for example, contends that RCV promotes majority support and discourages negative campaigning. A candidate that might potentially need to be a voter's second choice would not want to insult that voter's first choice candidate.

In addition, RCV would avoid what is called a "spoiler candidate." The United States has two major parties—Republican and Democrat. A "spoiler" or third-party candidate is one not affiliated with either of these parties. When there is a "spoiler" in the race, often times that candidate will take votes away from one of the major parties but generally doesn't have enough support to win outright. With RCV, voters may be more willing to vote for a third-party candidate since their vote would not be wasted in a second round.

Fun fact: The Academy Awards has used a choice voting method to determine its nominees in all categories since the 1930s. Since 2009, it has used RCV to select its Best Picture winner.

Tested in the courts

The constitutionality of RCV has been tested in the courts. In 2010, the method was upheld in San Francisco and it has survived challenges in Minnesota and Massachusetts, as well.

In 2016, Maine voters approved a measure to implement RCV beginning in 2018 for primary and general elections for governor, U.S. Senate, U.S. House of Representatives and its state legislature. Prior to this, a state had not instituted RCV at the federal level. In 2017, the Maine Supreme Judicial Court advised that according to its state constitution, elections for governor and state legislature did not require a majority vote, only a **plurality**.

The state legislature voted to delay implementation of RCV on the federal level in the state until 2021. Maine voters collected signatures to force a veto **referendum** in the state, and ultimately in the 2018 general election RCV was used to elect all state and federal officials. In August 2019, the Maine legislature passed a bill adopting RCV for presidential primaries and the general presidential election. In 2020, it will be the first state to use the RCV method to choose a president. 🗳️

DISCUSSION QUESTIONS

1. What are some differences between our current system of voting and ranked choice voting?
2. Which method do you prefer and why?
3. What are some advantages and disadvantages of ranked choice voting?



War II general, supported lowering the voting age from 21 to 18.

“For years our citizens between the ages of 18 and 21 have, in time of peril, been summoned to fight for America,” President Eisenhower said during his 1954 State of the Union Address. “They should participate in the political process that produces this fateful summons.”

That was the same argument that demonstrators used during the Vietnam War where chants of “old enough to fight, old enough to vote” were common. In other words, if 18-year-olds, who were being **drafted**, were old enough to go to war, they were old enough to vote for the leaders who were sending them there.

The movement to lower the voting age had its origins in New Jersey. Three New Jersey college students launched a campaign in the late-1960s to make 18 the federal voting age. In 1969, that effort failed when New Jersey voters defeated a state proposal to lower the voting age. The Voting Age Coalition, Inc. of New Jersey, however, caught the attention of college students in other states, who joined the cause, followed by political leaders and eventually the public at large.

The 26th Amendment was **ratified** by the states in 1971, just four months after Congress approved it. No attempt to change the voting age has been undertaken since—until recently.

Can we go lower?

Joshua A. Douglas, a law professor at the University of Kentucky who specializes in election law, voting rights and constitutional law, notes that the 26th Amendment doesn’t expressly prohibit lowering the voting age to 16. It merely says that states can’t deny the right to vote to anyone 18 or older. States and localities, therefore, can set their own voting rules, such as polling hours and eligibility requirements.

Today’s movement to lower the voting age to 16 is being propelled

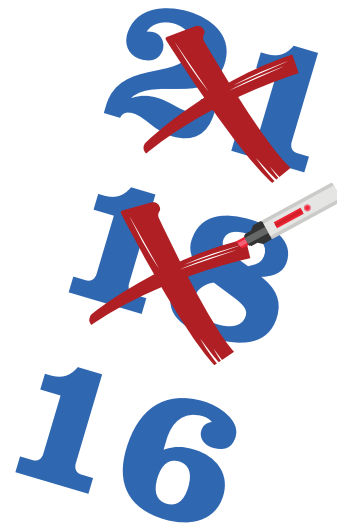
by high school students. Groups like Vote16 USA and the National Youth Rights Association are leading the charge.

“What we’re seeing is a great example of a grassroots movement driven by 16-year-olds,” says Professor Douglas, who has studied the impact of lowering the voting age to 16 and is the author of the book, *Vote for the US: How to Take Back Our Elections and Change the Future of Voting*.

In recent years, several towns in Maryland have lowered the voting age. The first was Takoma Park, which in 2013 lowered the minimum age to vote in municipal elections to 16. Other Maryland towns—Hyattsville, Riverdale Park and Greenbelt—followed suit. Glenarden, Maryland lowered its voting age to 16 in 2016 but raised it to 18 a year later. Berkeley, California permits 16-year-olds to vote in school board elections. San Francisco voters, however, defeated a proposal in 2016 that would have allowed 16-year-olds to vote in municipal contests.

One of the arguments against letting 16- and 17-year-olds vote is based on the belief they are not mature enough to make election decisions, which was also an argument made during the movement to lower the age to 18. A 2011 study published in the *Annals of the American Academy of Political and Social Science* concluded there was no difference between the civics knowledge of 16-year-olds and someone two years older. The study stated that 16- and 17-year-old brains are wired to make what is known as “cold cognition” choices, which refers to decisions made after a deliberate and reasoned process. Deciding whether to vote for a particular politician or policy falls into the cold cognition category.

“If they are cognitively able to do so and if we arm them with the right tools and education there is no reason they can’t be meaningful voters,” Professor Douglas says. “It’s been proven in the cities that have done it.”



Pointing to Takoma Park as an example, Professor Douglas notes that 40 percent of 16- and 17-year-olds voted in Takoma Park’s election in 2013 when the voting age was lowered compared to a citywide turnout of 11 percent.

Professor Douglas also notes that turning 18 can be a year of upheaval for many young people. They are leaving for college or starting in the workforce. With so much going on in their lives, they may not think about registering to vote, and he says it’s important to start the voting habit early. Young people who don’t vote in the first election in which they’re eligible are unlikely to be lifelong voters, Professor Douglas adds.

“Sixteen makes more sense because they are in the supportive environment of home and school, and we know where they are to get them registered and educated,” he says.

The professor’s enthusiasm for lowering the voting age is not without limits. Professor Douglas cautions that lowering the voting age must be combined with strong civics instruction in the schools.

“You can’t lower the voting age without improving civics education,” he stresses.

Young people want to be heard

So, what’s the rationale? When 18-year-olds were

seeking the vote, the argument was “old enough to fight, old enough to vote.” Those advocating for lowering the voting age to 16 argue that their generation will be most affected by issues such as gun control and climate change so they should have a voice on those issues.

Professor Douglas points to the “March for Our Lives” nationwide effort for better gun control laws started by students at Marjory Stoneman Douglas High School in Parkland, Florida after a school shooting there in 2018.

“That’s led many people to think these individuals should have a say in the political conversation—not just the debate, but at the ballot box,” he says.

Advocates for lowering the voting age also emphasize that at 16, young people are already given many adult responsibilities, such as driving and paying taxes on their wages. According to the National Youth Rights Association, young people pay approximately \$730 million yearly in income tax with no say in how that money is spent.

Limited support


While several congressional leaders have voiced support for making 16 the federal voting age, recent polls indicate that anywhere from 75 to 84 percent

of registered voters oppose it. Rep. Alyanna Pressley (D-MA) introduced a bill in March 2019 to lower the age for federal elections to 16, which was backed by House Speaker Nancy Pelosi. In the end, the measure failed by a vote of 126 to 305.

The lack of support for the cause is not discouraging advocates who point out that in 1939 support for lowering the voting age to 18 was polling at around 17 percent and by 1967 it had climbed to 64 percent.

Some states have lowered the barrier to voting for young people, while not lowering the voting age. For instance, more than 20 states allow 17-year-olds to vote in presidential **primaries** or **caucuses** if they will turn 18 before the general election. A similar measure was proposed in New Jersey but it stalled in the state senate. New Jersey, along with three other states, however, does allow 17-year-olds to pre-register to vote.

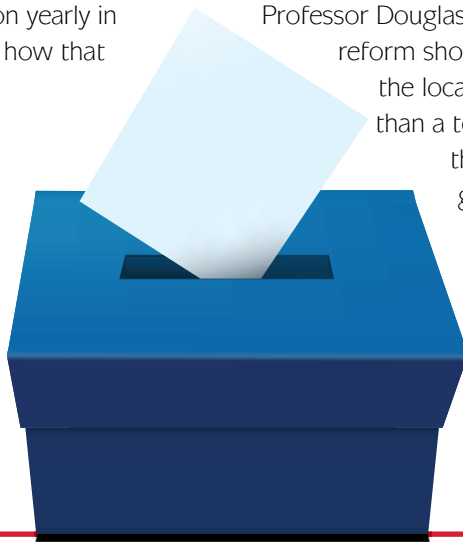
Professor Douglas says he believes reform should percolate up the local and state level, than a top-down decision the federal government. That way, cities and states can assess how to best implement the change.

“Women **suffrage**, lowering voting age from 21 to 18—those were local pressures well before you had enough support to then lead to a constitutional amendment to do it nationwide,” Professor Douglas says. “If enough states pass it then you have a tipping point for a constitutional amendment.” 

DISCUSSION QUESTIONS



1. How do you feel about lowering the voting age? Would you be ready to vote at age 16?
2. What are some advantages or disadvantages of living at home when you are first voting and have the influence of your parents or guardians?
3. There are several arguments for lowering the voting age to 16. Which is the most compelling to you and why?
4. Gun control and climate change are mentioned in the story as issues that young people care about. What other issues are important to you?
5. Will you pre-register to vote when you turn 17? Why or why not?

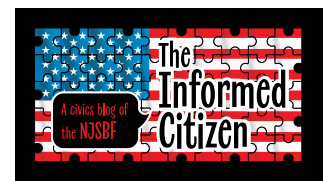


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"Politicians can 'pack' like-minded voters into a single district, thus wasting the strength of their votes in other districts," Professor Mazo says and gives an example of a district redrawn to include great numbers of Democrats, taking them away from neighboring districts, which would now be more likely to vote Republican. "Cracking" works by dividing voters in a single district into two or more districts.

"Say that 60 percent of voters in a given district are Republican," says Professor Mazo. "Politicians can 'crack' that district to spread these Republican voters into two different districts."

Again, "cracking" weakens the role of one party. The method in the above scenario would prevent a Republican from being elected, creating two new districts, each only 30 percent Republican. Professor Mazo says that partisan gerrymandering can lead to a minority of voters electing a majority of the legislature.

"It is important to note that Democrats and Republicans are equally at fault here," Professor Mazo notes. "Both parties gerrymander to their own advantage when they can and have done so consistently throughout American history."

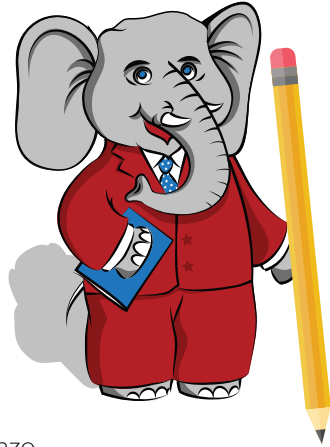
Is gerrymandering constitutional?

There are two issues to be considered in gerrymandering cases, according to Professor Mazo.

"The first is whether partisan gerrymandering is a **'justiciable'** issue for the courts, meaning whether this is a topic that courts could resolve in the first place," he says. "The second issue is what test the courts should use to resolve gerrymandering claims."

In 2004, the U.S. Supreme Court decided *Vieth v. Jubelirer*, an important gerrymandering case that arose out of a redistricting dispute in Pennsylvania. In a 5 to 4 decision, the Court found that gerrymandering disputes were justiciable. However, according to Professor Mazo, the Court could not agree on what test or rule should be used to resolve these disputes. Despite the fact that federal courts heard many gerrymandering cases, judges received no guidance from the highest court in the land on how best to resolve them.

Scholars have discussed tests to determine fairness for many years, Professor Mazo explains. "But only the Supreme Court can make the decision of which of these tests should be used and it has been reluctant to wade into these waters," he says.



Supreme Court weighs in...or not

In 2019, the U.S. Supreme Court agreed to hear two partisan gerrymandering cases—*Rucho v. Common Cause*, a case from North Carolina, and *Lamone v. Benisek*, a Maryland case. In *Benisek*, the Democratic-controlled legislature had redrawn Maryland's congressional districts specifically to get rid of a Republican congressman. In *Rucho*, according to Court documents, North Carolina's Republican-controlled legislature "instructed their mapmaker to use political data to draw a map that would produce a congressional delegation of 10 Republicans and three Democrats." After the 2016 election, that is exactly what happened. In addition, North Carolina Republican candidates for its state senate won a minority of the popular vote and still took 29 of 50 seats. The two cases were consolidated and the Supreme Court heard oral arguments in March 2019.

The 5 to 4 decision was handed down in June 2019 and Chief Justice John Roberts wrote the **majority opinion**. The Supreme Court avoided resolving the gerrymandering issue, ruling that partisan gerrymandering was beyond the reach of the federal courts.



While Justice Roberts acknowledged in his opinion that partisan gerrymandering may be "incompatible with democratic principles...We conclude that partisan gerrymandering claims present political questions beyond the reach of the federal courts." Justice Roberts went on to say, "The districting plans at issue here are highly partisan, by any measure. The question is

whether the courts below appropriately exercised judicial power when they found them unconstitutional as well." The Court found, "There are no legal standards discernible in the Constitution for making such judgments, let alone limited and precise standards that are clear, manageable and politically neutral."

In her **dissenting opinion**, Justice Elena Kagan took the majority to task for not finding a "workable legal standard to apply" in these cases.

"The practices challenged in these cases imperil our system of government," Justice Kagan wrote. "Part of the court's role in that system is to defend its foundations. None is more important than free and fair elections."

"After the Supreme Court heard *Rucho* and *Benisek*, it changed its prior stance," says Professor Mazo, "suddenly ruling that partisan gerrymandering claims were no

Gerrymandering Becomes a Problem

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longer ‘justiciable.’ This, in effect, closed the door of the federal courts to all further partisan gerrymandering claims.”

Rucho and Benisek were sent back to the lower court with instructions to dismiss for lack of jurisdiction.

Up to state courts

In the fall of 2019, a panel of three North Carolina judges ruled that North Carolina’s state legislative maps constituted a partisan gerrymander and were unconstitutional under its state constitution.

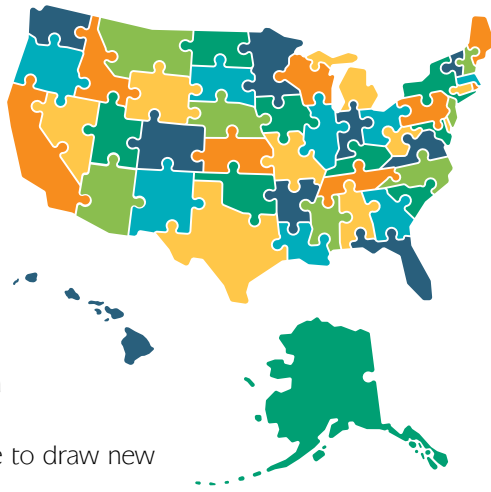
“The object of all elections is to ascertain, fairly and truthfully, the will of the people,” the North Carolina judges wrote in their opinion. They determined that the maps drawn by the Republican-controlled state legislature “do not permit voters to freely choose their representative, but rather representatives are choosing voters based upon sophisticated partisan sorting.”

The judges urged the state legislature to draw new maps for the 2020 election.

“The North Carolina court ruled that gerrymandering was wrong under a state’s constitution, rather than under the federal constitution, and in doing so showed that it is possible for courts to resolve partisan gerrymandering claims successfully,” Professor Mazo says. He also points to the Pennsylvania Supreme Court, which also relied on its state constitution to strike down Pennsylvania’s congressional districts in 2018 for being partisan. In addition, voters in several states, including Michigan and Colorado, passed ballot measures that address gerrymandering. Other states, such as Arkansas and Oregon are considering similar measures.

Now that the highest court in the land has ruled that federal courts cannot consider partisan gerrymandering cases, Professor Mazo says, “From now on, state courts will serve as the institutions that resolve partisan gerrymandering claims in our democracy.”

In the meantime, North Carolina’s state legislature presented the court with a newly drawn map in December 2019. The same court that struck down the earlier map is allowing this one to stand for the 2020 primaries, citing the lack of time for determining whether the new maps are also partisan gerrymanders.



DISCUSSION QUESTIONS

1. What are some laws in our country that give some people advantages, while disadvantaging others? Explain.
2. If you could give your side an advantage and suffer no consequences would you do it? Why or why not?
3. When you think of fairness in our country, which groups of people are not treated fairly? Why?



GLOSSARY

ascendant — rising power or influence.

caucus — used in some states, this is a meeting where local members of a political party voice their preference among a slate of candidates for office.

dissenting opinion — a statement written by a judge or justice that disagrees with the opinion reached by the majority of his or her colleagues.

drafted — the required induction of individuals into the Armed Services.

Electoral College — the body of people, representing the states, who formally elect the president and vice president of the United States.

electoral reform — a change in an electoral system to improve how the public votes and how their wishes in an election are expressed.

franchise/suffrage — the right to vote.

gerrymander — manipulate the boundaries of a community to favor one political party or class over another.

justiciable — subject to trial in a court of law.

majority opinion — a statement written by a judge or justice that reflects the opinion reached by the majority of his or her colleagues.

partisan — someone who supports a particular political party or cause with great devotion.

plurality — number of votes received by a candidate who receives more than any other but does not obtain a majority.

primary — a preliminary election by a political party to select a candidate for office.

ratification — the action of formally signing a contract or agreement to make it official.

ratified — approved or endorsed.

referendum — the referral of a measure to the voters for approval or rejection.