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# How Do We Ensure that Elections are Free and Fair?: An Inquiry-Based Mini-Unit

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# How Do We Ensure that Elections are Free and Fair?

## *An Inquiry-Based Mini-Unit*

**Brett L. M. Levy, Meghan E. Cook, and Nora D. Schaffer**

Over the past several years, people in the United States have become increasingly skeptical of the integrity of our elections.<sup>1</sup> Although there is no evidence of widespread election fraud, a substantial proportion of the U.S. population (about one-third, according to CNN<sup>2</sup>) refuses to accept that Joe Biden legitimately won the 2020 presidential election. As we saw on January 6th, 2021, such beliefs can lead to violence.<sup>3</sup>

Unfortunately, unsubstantiated claims of voting irregularities have continued in the United States, and in response, many state legislatures have passed more restrictive voting laws.<sup>4</sup> By the end of 2021, a majority of Americans considered democracy to be “under attack,” fearing that elections could be overturned by partisan elected officials.<sup>5</sup> Meanwhile, poll workers and other public officials who had previously been insulated from political conflict (for the most part) have become targets of hyper-partisan activists.<sup>6</sup> For all of us who value democratic governance, such trends are troubling. These growing challenges could undermine the integrity of our elections.

We believe that the sustainability of our democratic system requires that we maintain free and fair elections. Although imperfect, U.S. elections have been well-managed, with very little evidence of fraud for decades. After the 2020 election, dozens of lawsuits claiming voter fraud were defeated in the courts, with judges in those cases citing weakness of evidence.<sup>7</sup> In addition, the Associated Press reviewed every potential case of voter fraud in six battleground states from that election, and out of 25 million votes cast in these states, the

AP found only 475 potential cases (0.15% of the margin of victory in the presidential contest), most of which were not even counted.<sup>8</sup> Nonetheless, unfounded concerns about voter fraud persist and have led to other problems, such as new laws that make voting more difficult in many states.<sup>9</sup>

How should we help young people understand our system of elections and how to strengthen it? In this article, we describe an inquiry-based mini-unit for students to explore how our electoral system works and how they can take informed action to address the real problems that elections now face. Given the ongoing discussions in mass media and social media about the integrity of our elections, this is sure to be an engaging topic for many students.

### **Some Background on Election Administration**

Elections today have many safeguards to ensure that voters can freely cast ballots and that ballots are counted accurately, but our system could still be improved. The Constitution left election administration to the states, and over the course of our history, as social studies educators well know, there have been many unfair and exclusionary practices. However, federal and state rules, programs, and monitoring systems have vastly improved the election process over the past two centuries, allowing for not only broader access but also much more oversight and transparency.

Various groups, including women and African Americans, were initially excluded from voting, and even when constitutional amendments began to change this, many elections in the United States were rife with fraud and bribery. In the



(Credit: DeeCee Carter/MediaPunch /IPX)

Poll watchers observe poll counts at Clark County Election Center in Las Vegas, Nevada, on November 5, 2020.

nineteenth and early twentieth centuries, political machines, such as New York City's Tammany Hall, helped voters cast ballots multiple times by registering them with fake names, and ballot box stuffing was commonplace. These practices faded by the mid-twentieth century as new laws banned vote-buying and required that ballots be secret. Despite this progress, until the 1960s, most African Americans remained disenfranchised in the Jim Crow South, where states enforced laws such as poll taxes, grandfather clauses, and confusing "literacy" tests to suppress the Black vote.

These realities should keep us from idealizing our "democratic" history, but much has changed in the past several decades. The Voting Rights Act of 1965 allowed the Justice Department to ensure that no "voting qualification or prerequisite to voting" could be imposed on the basis of "race or color."<sup>10</sup> And from the 1970s through the early 2000s, voting became increasingly accessible. In 1971, President Nixon supported the 26th Amendment, which lowered the voting age to 18, and President Ford signed amendments to the Voting Rights Act that helped non-English speakers navigate the election system. President Reagan approved a 25-year extension of the Voting Rights

Act in 1982, and President Clinton signed the National Voter Registration Act (NVRA, or "motor voter" law) to make voter registration available at more sites, such as local Departments of Motor Vehicles.

Then in 2002, President George W. Bush signed the extensive Help America Vote Act (HAVA). This established the U.S. Election Assistance Commission (EAC) and required this commission to regulate election equipment, create a national voter registration form, share "best practices" in election management with the states, and provide funding to states to meet new standards.<sup>11</sup> The implementation of the NVRA and HAVA facilitated nationwide standards in the administration of elections, including processes like voter registration and management, ballot and poll-site administration, and reporting and auditing results. Although all states are governed by these same federal laws, each state has its own set of laws that establishes authority for select elections processes, with some decisions made at the state level and others made at the county level.

NVRA, HAVA, and other state and federal laws require specific processes, which along with

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Table 1. **Regulatory Safeguards that Support Electoral Integrity**

Allegation	Description	Regulatory Safeguards that Refute Allegation and Support Electoral Integrity
<b>Double Voting Changes the Outcomes of Elections</b>	One individual votes in-person twice and the ballots are counted both times.	<ul style="list-style-type: none"> <li>All voters must go through a qualifying process governed by nonpartisan or bipartisan oversight.</li> <li>Eligibility documentation is kept in both electronic and paper form within the local election office and in each state's statewide voter database.</li> <li>Signature verification procedures at polling sites ensure that each voter can only vote once.</li> <li>Nonpartisan and bi-partisan oversight during ballot counting affirms one ballot per eligible voter.</li> </ul>
	One individual can vote via absentee ballot <i>and</i> in person in the same election.	<ul style="list-style-type: none"> <li>When a voter requests an absentee ballot, it is documented that it was sent.</li> <li>Depending on the state, an individual must either return the absentee ballot on or before Election Day or show up to cast a ballot in person. If an individual casts a ballot in person, it is recorded that the individual cast their ballot. If an absentee ballot is sent from the same individual, the ballot is considered surrendered and not counted. If more than one absentee ballot is returned by a voter, only one ballot will be counted.</li> </ul>
<b>Hacking Changes the Outcome of Elections</b>	Individuals can gain unauthorized access into voting machines to change ballots cast by those who have already voted.	<ul style="list-style-type: none"> <li>In 2017, the federal government designated all elections technology as critical infrastructure. This means, in addition to the Elections Assistance Commission, other federal agencies, such as the Department of Homeland Security and the Cybersecurity and Infrastructure Security Agency help to oversee elections.</li> <li>Voting machines used to cast and count ballots are certified by each state and are commonly designed to be air-gapped (i.e., disconnected from the Internet). They are standalone machines that are monitored while in use and locked while not in use.</li> <li>Federal election law states that voting machines are monitored by officials from both the Democratic Party and Republican Party at all times.</li> <li>All but 13 states have a statutory requirement for requiring paper ballots with a voter-verifiable permanent paper record.</li> </ul>
	Individuals gain unauthorized access to voter registration systems & add ineligible voters to the registration list or delete eligible voters.	<ul style="list-style-type: none"> <li>The voter registration laws set forth by the National Voter Registration Act state that there must be nonpartisan or bipartisan oversight to certify the voter registration list.</li> <li>Statewide security regulations are in place for local boards of elections, including ensuring data backups are kept and using electronic and automatic tracking of all user logins and changes to voter registration records.</li> <li>Individuals who do not appear on a registration list may cast a provisional ballot and that ballot is checked to determine the eligibility of the voter and if they have already voted.</li> </ul>
<b>Voter Impersonation Changes the Outcomes of Elections</b>	An individual who is eligible to vote votes more than once, or a person who is not eligible to vote votes under the name of another voter.	<ul style="list-style-type: none"> <li>All poll sites are governed by nonpartisan or bi-partisan procedures. These procedures include comparison of signatures from past elections to the current signature.</li> <li>Federal and state election laws make it a punishable crime to impersonate another individual in order to cast a ballot in their name.</li> </ul>
<b>Ballot Dumping Changes the Outcomes of Elections</b>	Large amounts of absentee ballots are thrown away before they are counted.	<ul style="list-style-type: none"> <li>Federal law requires that all election activities have nonpartisan or bipartisan oversight; this includes but is not limited to sending, receiving, tracking, opening, counting, and certifying absentee ballots.</li> <li>Voting machines are tested before each election. Election administrators are required to test ballots during the "logic and accuracy" portion of the testing process. The test ballots are discarded after testing.</li> <li>Federal law requires "chain of custody" of all ballots (i.e., documentation that establishes a record of every movement of all ballots). The chain of custody information is stored within the local jurisdiction.</li> <li>Interference with absentee ballots can be investigated by the U.S. Postal Service and is a federal crime.</li> </ul>

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elections technological infrastructure, provide safeguards to combat intentional fraud, such as double voting and hacking (see Table 1). For example, when a voter enters a polling place and casts a ballot, there are several checks in place, such as signing pollbooks (where signatures are compared). Then during the counting of ballots, there is bipartisan and nonpartisan oversight to ensure that only one vote is cast per registered voter. To prevent hacking, voting machines must, according to federal law, be certified by each state, locked when not in use, and monitored by officials from both major parties. Transparency is a central goal of voting regulations, so all states manage ballots and voting in an openly observable way. And in the rare cases when fraud is identified, all states have made it a punishable crime in a court of law.

Despite these numerous safeguards, new laws and regulations, including some recently passed, can affect the processes that have been in place for years. In 2021, according to the Brennan Center for Justice, 19 states passed laws making it harder to vote.<sup>12</sup> Thus, maintaining and enhancing the integrity of our electoral system requires ongoing attention and civic engagement. Teaching the following mini-unit can help foster understanding of these issues and encourage this vital civic engagement.

### Framing the Unit

The 2020 election saw the highest youth voter turnout in many years,<sup>13</sup> and educators can help this trend continue. But doubts about the integrity of our elections could depress political participation, so it is important to address this perception head-on.

To frame this unit, we recommend reminding students of the ways that politics is relevant to their lives and then opening up questions about the integrity of our elections. Specifically, we suggest that teachers begin by sharing two brief videos featuring young people describing public issues that concern them, such as climate change and the cost of college (see links to videos in Table 2 on page 320). Then, take a brief classroom poll to surface issues that concern students before

introducing the article about accusations of electoral fraud.

After considering the relevance of politics and widespread concerns about voting processes, students will be primed for their teachers to introduce the mini-unit's compelling question: *How do we ensure that U.S. elections are free and fair?* This question guides the entire unit and should be emphasized (perhaps posted prominently) as a touchstone for students.

### Exploring Sources about Electoral Processes

With the unit question as the focus of instruction, this unit also includes four related sub-questions about various electoral processes and challenges, such as voter registration, ballot certification, and governmental efforts to ensure systemic security and integrity. To develop students' understanding of these issues, we have recommended several sources (with links) and associated tasks, which are described in Table 2. (The table also notes which elements of the C3 Framework are addressed by this unit.)

The first sub-question asks students to identify and clarify the steps involved in the election process (primarily from the voter's perspective). To help them answer this question, they can explore various online documents and media, including a straightforward graphic from the U.S. Cybersecurity & Infrastructure Security Agency (see page 322) and a well-produced five-minute video by the U.S. Electoral Assistance Commission. As a formative assessment task, students can then choose how to demonstrate their understanding of these steps, either on a storyboard, timeline, or an extended written explanation.

After students develop an overall picture of the electoral process, the next two sub-questions ask them to examine how public officials manage these processes (see Table 2). Specifically, the second sub-question and its related sources guide students towards a clearer understanding of the major tasks undertaken by election officials, such as updating voting equipment and statewide voter databases. The third sub-question focuses more on election security. For example, students are asked to review

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Table 2. **Inquiry-Based Mini-Unit on Teaching Election Integrity**

Compelling Question	<i>How do we ensure that U.S. elections are free and fair?</i>		
Unit Hooks	Youth Concerns Video: <a href="https://tinyurl.com/youth-concerns">tinyurl.com/youth-concerns</a> ; <a href="https://tinyurl.com/pbsyoungvoters">tinyurl.com/pbsyoungvoters</a> Questioning Election Results: <a href="https://tinyurl.com/perspectivesonfraud">tinyurl.com/perspectivesonfraud</a>		
Supporting Question 1	Supporting Question 2	Supporting Question 3	Supporting Question 4
What are the steps involved in the election process?	How are elections managed by public officials?	How do public officials ensure that the voting process is secure?	What are some threats to the integrity of our elections, and how are they addressed?
Formative Task 1	Formative Task 2	Formative Task 3	Formative Task 4
Create a storyboard, timeline, or text description summarizing the major phases and processes involved in U.S. elections.	Write a brief first-person narrative of your responsibilities during the election from the perspectives of one or more of the following: poll worker, poll watcher, state elections administrator.	Engage in a think-pair-share discussion about how election officials try to make each phase of an election (registration, voting, certification) fair and secure.	Make a table that lists three or four potential threats to election integrity in one column and how these threats are addressed (or could be addressed) in a second column.
Featured Sources, Task 1	Featured Sources, Task 2	Featured Sources, Task 3	Featured Sources, Task 4
Graphic of Voting Process: <a href="https://tinyurl.com/election-overview-graphic">tinyurl.com/election-overview-graphic</a>  Brief Video of Election Process: <a href="https://tinyurl.com/elec-details-vid">tinyurl.com/elec-details-vid</a>  Voter Registration Process: <a href="https://tinyurl.com/about-voter-reg">tinyurl.com/about-voter-reg</a>	Election Administration in States & Counties: <a href="https://tinyurl.com/elec-admin-state-by-state">tinyurl.com/elec-admin-state-by-state</a>  Help America Vote Act Overview: <a href="https://tinyurl.com/havabasics">tinyurl.com/havabasics</a>  About Election Officials: <a href="https://tinyurl.com/election-officials">tinyurl.com/election-officials</a>	Election Security Pamphlet: <a href="https://tinyurl.com/voter-security">tinyurl.com/voter-security</a>  Counting of Mail-in Ballots: <a href="https://tinyurl.com/yakima-count-2016">tinyurl.com/yakima-count-2016</a> ; <a href="https://tinyurl.com/yakima-count-2020">tinyurl.com/yakima-count-2020</a>  Videos of Security Measures: <a href="https://tinyurl.com/krebs-security">tinyurl.com/krebs-security</a> ; <a href="https://tinyurl.com/nyt-vote-2020">tinyurl.com/nyt-vote-2020</a>  Election Certification: <a href="https://tinyurl.com/ap-vote-cert">tinyurl.com/ap-vote-cert</a> ; <a href="https://tinyurl.com/post-election-map">tinyurl.com/post-election-map</a>	Voter Fraud: <a href="https://tinyurl.com/check-voter-fraud">https://tinyurl.com/check-voter-fraud</a> ; <a href="https://tinyurl.com/little-voter-fraud">https://tinyurl.com/little-voter-fraud</a>  Solutions to Vote Problems: <a href="https://tinyurl.com/nine-solutions">https://tinyurl.com/nine-solutions</a> ; <a href="https://tinyurl.com/electoral-count">https://tinyurl.com/electoral-count</a>  Disinformation: <a href="https://tinyurl.com/elec-badinfo">tinyurl.com/elec-badinfo</a> ; <a href="https://tinyurl.com/disinfo-elections">tinyurl.com/disinfo-elections</a>  Disenfranchisement: <a href="https://tinyurl.com/harder-to-vote">https://tinyurl.com/harder-to-vote</a> ; <a href="https://tinyurl.com/for-the-people-bill">https://tinyurl.com/for-the-people-bill</a> ; <a href="https://tinyurl.com/ten-laws">https://tinyurl.com/ten-laws</a> ; <a href="https://tinyurl.com/sup-court">https://tinyurl.com/sup-court</a>
Summative Performance Tasks	Write an essay that answers the compelling question: <i>How do we ensure that U.S. elections are free and fair?</i> In your response, describe at least three strengths of our current system and at least one area for improvement, citing specific evidence from the reliable sources you explored.		
Taking Informed Action	Design a letter and/or social media post that highlights the ideas and evidence in your essay. The letter could be addressed to a public official (e.g., state legislator) with the power to address your concerns, and the social media post (e.g., Tiktok, Facebook) could share ideas for how individuals can participate in the political process or otherwise effect positive change.		
Examples of Relevant Standards from the C3 Framework (Dimension 2)	D2.Civ.13.9-12. Evaluate public policies in terms of intended and unintended outcomes, and related consequences. D2.Civ.11.9-12. Evaluate multiple procedures for making governmental decisions at the local, state, national, and international levels in terms of the civic purposes achieved. D2.Civ.2.6-8. Explain specific roles played by citizens. D2.Civ.12.6-8. Assess specific rules and laws as means of addressing public problems.		

Table 3. Resources for Learning More about Election Administration and Operations

Title	Source/Author	Overview	URL
The Election Collection	PBS Learning Media	Public Broadcasting Service (PBS) Learning Media brings the world to the classroom with lesson plans, articles, video, and audio files on elections and campaigns, the party system, voting rights, current issues and debate.	<a href="https://tinyurl.com/pbs-elections">https://tinyurl.com/pbs-elections</a>
Teaching About Elections During an Election Year	PBS Teachers' Lounge	PBS Teachers' Lounge sets forth lessons, blogs, tool kits and links to resources on civic duty, primary elections, electoral college, political parties, and presidential campaigns.	<a href="https://tinyurl.com/yprh6x8f">https://tinyurl.com/yprh6x8f</a>
Help America Vote Act (HAVA):	U.S. Election Assistance Commission	The U.S. Election Assistance Commission is an independent, bipartisan commission. HAVA was passed by the U.S. Congress to make sweeping reforms to the nation's voting process.	<a href="https://tinyurl.com/hava-regs">https://tinyurl.com/hava-regs</a>
Election Rumor vs. Reality	Cybersecurity & Infrastructure Security Agency	The Cybersecurity and Infrastructure Security Agency has put together a resource designed to debunk common misinformation and disinformation narratives that relate broadly to the security of election infrastructure.	<a href="http://www.cisa.gov/rumorcontrol">www.cisa.gov/rumorcontrol</a>
Elections and Campaigns	National Conference of State Legislatures	NCSL's mission is to advance the effectiveness, independence and integrity of legislatures and to foster interstate cooperation and facilitate the exchange of information among legislatures. The election resources information includes administration, results and analysis, and campaign finance.	<a href="https://tinyurl.com/NCSL-resources-tons">https://tinyurl.com/NCSL-resources-tons</a>
National Voter Registration Act (NVRA)	U.S. Department of Justice (DOJ)	The DOJ sets forth questions and answers on the NVRA to help guide state and local officials as well as the general public concerning the provisions within the Act.	<a href="https://tinyurl.com/doj-nvra">https://tinyurl.com/doj-nvra</a>

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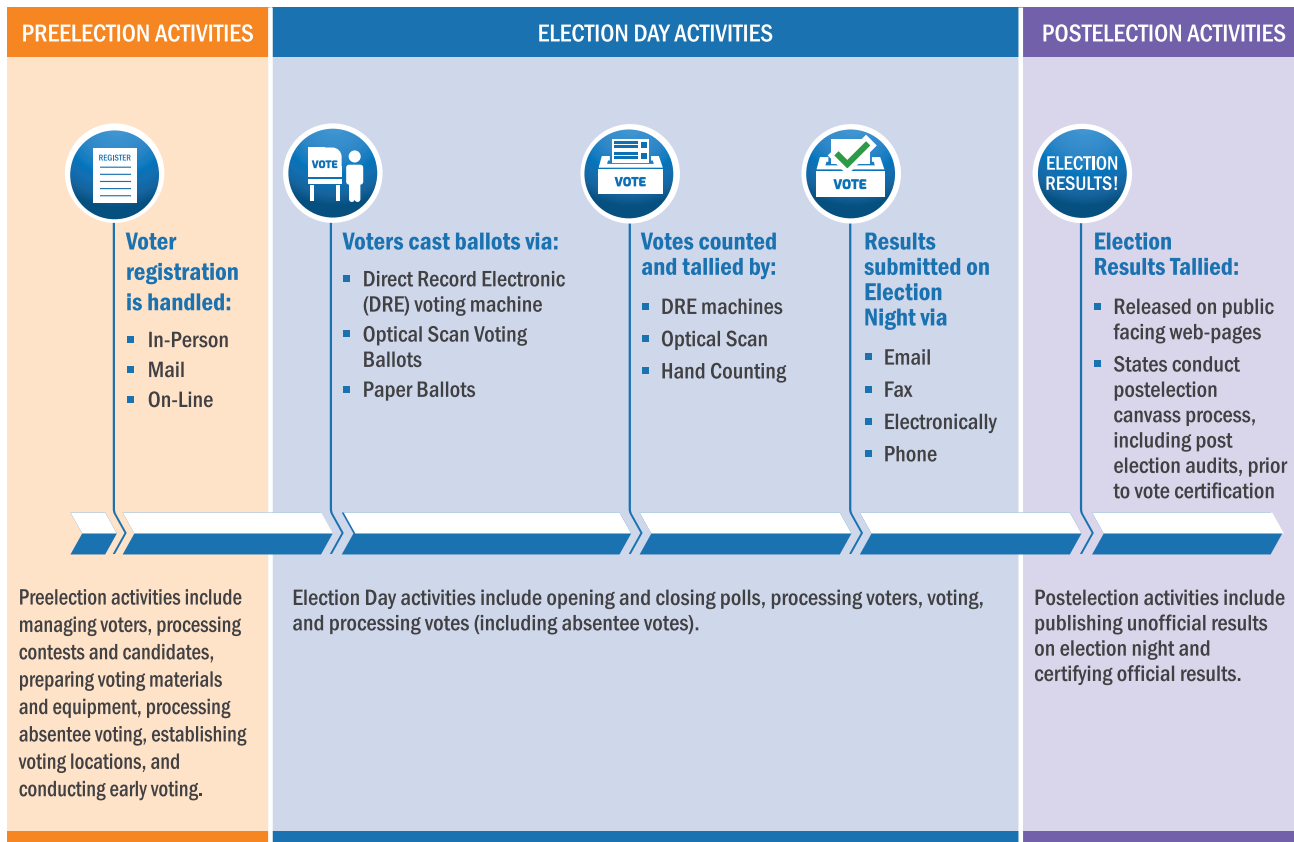
documents detailing how mail-in ballots are counted and a *New York Times* video on making voting machines more trustworthy. For each of these two sub-questions, we recommend activities that allow students to organize and illustrate their learning.

The fourth sub-question directly addresses potential threats to our current election system. Students are asked to explore sources that consider disinformation, racially-charged voter disenfranchisement, technological challenges, and more. Then, as a formative assessment, they can create a table that summarizes some of these issues and how they might be remediated. Once students have explored sources related to these sub-questions, they can summarize their overall understanding by answering the unit’s compelling question in an essay or other format. (If so

inclined, they can explore more resources, such as those listed in Table 3 on page 321.) As they review the evidence to address the question, they should consider the numerous strengths of our electoral system as well as the ways that it can be improved.

**Taking Informed Action**

Finally, students can use their acquired knowledge to take informed action, whether through advocacy or by raising awareness. For example, students can send letters or emails to state representatives or local election officials summarizing what they learned, and if they so choose, they can express support for specific policies. Likewise, students could opt to create a short video or other social media post to educate others about certain complex issues, such as election machine security, safeguards in our electoral processes, exclusionary voting laws, or the lack



Steps in the election process. Graphic of the U.S. Cybersecurity and Infrastructure Security Agency.



of evidence about widespread voter fraud. Some students may choose to express their support for or disagreement with new election regulations in their state or municipality. (Identifying an appropriate audience for such communications may require some research and consideration of the local context.) When taking informed civic action, it is important that students have options about the positions that they take and that they use reliable evidence to support their claims.

Research indicates that providing students opportunities to use their civic voices can foster their sense of political empowerment and civic engagement.<sup>14</sup> Thus, giving students opportunities to take informed action on the issues—and telling them early in the unit that such action will be a culminating activity—may not only strengthen their classroom learning but also boost their engagement in civic issues.

### A Vital Issue to Teach

The current challenges facing our electoral system could undermine the peaceful transfer of power and the integrity of our elections, two cornerstones of democratic governance. Thus, it is vital to help young people understand how our electoral system works, including the processes in place to ensure accuracy and fairness as well as the real challenges to electoral integrity, such as voter suppression. Recent trends in gerrymandering and campaign finance are also important to consider.<sup>15</sup> But having an election process that accurately reflects the votes cast is a baseline necessity for democratic governance.

This mini-unit plan provides students the opportunity both to learn about these vital complex issues and to advocate for changes that could address the challenges confronting our system. Grounded in the C3 Framework and related to standards in numerous states, teaching



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this unit could help young people to not only meet official benchmarks but more importantly to engage meaningfully and productively in civic life. 📌

### Notes

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