

The Dan O'Hanlon Essay Competition
~Part of John Marshall Constitution Week~



The Individual's Voice in a Democracy – The Right to Vote

In this election year, our question focuses on access to the ballot. According to the Constitution, the national government must conduct a census every 10 years to count the total number of citizens living in the United States. These numbers are then used to determine the number of seats in the House of Representatives assigned to each state. As a consequence, changes in a state's population can either increase or decrease the number of representatives assigned to the state. Once the number of seats is assigned, the state must then create congressional districts that identify the borders of the representative's constituency. This process is known as redistricting.

States with a demonstrated history of discrimination related to voting are required by Section 5 of the Voting Rights Act of 1965 to submit any change in a voting standard, practice or procedure that affects voting – including redistricting – to the U.S. Department of Justice or the United States District Court for the District of Columbia for preclearance prior to implementation.

Do you consider this requirement to be good public policy? Your essay should discuss the reasons for your conclusion regarding this question, and in doing so should address the origin of the preclearance requirement, the constitutional and/or statutory basis of this requirement, and the stated reasoning behind this requirement.

Background Material:

It would be useful to begin by reviewing the 14th and 15th Amendments to the United States Constitution. The specific issues relevant to this question are discussed in the following book, which has been placed on reserve at the Reference Desk in Drinko Library:

Keyssar, Alexander, *The Right to Vote: The Contested History of Democracy in the United States*, (Basic Books, Revised Ed., 2009), pages 195-247; 258-302.

In addition, you can find two relevant articles from the Harvard Civil Rights Civil Liberties Law Review here: *[embed link to articles](#)*.

You can learn more about the history and application of the Voting Rights Act by visiting the website of the U.S. Department of Justice, Civil Rights Division: www.justice.gov/crt/about/vot/ and about preclearance requirements and related issues by visiting the websites <http://rosereport.org> and www.publicmapping.org. Finally, for context, you might wish to go to www.pbs.org, enter “Eyes on the Prize” in the search window, and peruse the video library, specifically the clip entitled “The Freedom March from Selma to Montgomery, Alabama.”

This contest is open to any student enrolled at Marshall University. A suggested length for a standard academic essay is 10-15 pages, but there is no required length or page limitation. Winning entries should demonstrate a thorough understanding of the sources listed above. All entries should be typewritten on standard-size 8.5 x 11 inch paper.

Deadline for submission for the 2012 contest is June 30, 2012.

First Prize ~ \$1,500

Second Prize ~ \$750

The winners will be recognized in a special awards ceremony dedicated to the Essay Competition as part of the celebration of Constitution Week in September.

Submit entries to:

Patricia Proctor, Director
Simon Perry Center for Constitutional Democracy
Marshall University, Old Main Room 107
One John Marshall Drive
Huntington, WV 25755



SIMON PERRY
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