

## Election Law Spring 2012

### CONTACT INFORMATION

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Office Hours: M, W 9:30-10:30 and by appointment

### CLASS INFORMATION

Room: 241

M, W 11:00-12:25

3 credits

### COURSE DESCRIPTION

In this course, we will discuss the basic themes surrounding the legal regulation of elections, politics, and the political process as a whole. We will cover all the major Supreme Court cases (and a few important lower court decisions) on the topics of voting rights, reapportionment/redistricting, ballot access, regulation of political parties, campaign finance, and the 2000 presidential election controversy. We will also discuss competing political philosophies; alternatives to the two-party system; and the role of the courts, the legislature, and direct democracy in our system. By the end of the course, the goal is that you will have a basic understanding of the structure, mechanics, and history of the political process in this country, but with an appreciation for the complexities of the right to vote and the difficulties involved in regulating the behavior of political actors.

### COURSE MATERIALS

- SAMUEL ISSACHAROFF, PAMELA KARLAN & RICHARD PILDES, THE LAW OF DEMOCRACY (3rd ed. 2007) (noted here as “Casebook”).
- COURSE READER (supplemental materials that have been uploaded to blackboard and are referred to in the syllabus as “Supp”).
- Additional materials to be distributed from time to time.

### ATTENDANCE AND CLASSROOM PARTICIPATION POLICY

You are required to come to class prepared and on time. Attendance is mandatory. The College of Law requires each student to attend a minimum of 80% of class meetings to receive credit for the course. Roll will be taken at each class. If you must miss a class, it is your responsibility to obtain the materials, notes, and assignments from that class.

You are expected to be fully prepared and ready to discuss the reading assigned. **If I call on you during class and you are unprepared, then you will be marked absent for that day.** Excessive tardiness will also result in being marked absent for the day. I strongly encourage each of you to do your part to make our discussions a rewarding experience for us all.

### GRADING POLICY

Final grades will be based primarily on the final exam. However, I reserve the right to adjust grades up or down to reflect extraordinary contributions to class discussion or

extraordinary disinterest. An upward adjustment reflects high quality, not just quantity. A downward adjustment will be based on failure to participate in class discussion and/or poor attendance/tardiness.

## COURSE OUTLINE

### Defining the Individual Right to Participate

#### 1. Constitutional Foundations

- Reading: Casebook 12-37
- Main cases: *Minor v. Happersett*; *Richardson v. Ramirez*

#### 2. The Modern Constitutional Framework

- Reading: Casebook 37-57, 57-61, 61-65
- Main cases: *Lassiter v. Northampton Bd. of Elections*; *Harper v. Virginia Bd. of Elections*; *Kramer v. Union Free Sch. Dist*; *Dunn v. Carrington*

#### 3. Voter Registration Rules

- Reading: Supp 1-22; Supp 28-55
- Main cases: *Crawford v. Marion County*; *Doe v. Reed*

### Reapportionment: Groups, Institutions, and Political Equality

#### 4. Into the Thicket

- Casebook 1132-1137; 112-133
- Main cases: *Colgrove v. Green*; *Baker v. Carr*

#### 5. A Right in Search of a Theory

- Casebook 134-147; 147-155; 161-165
- Main cases: *Reynolds v. Sims*; *Lucas v. Forty-Forth General Assembly*; *Karcher v. Daggett*

#### 6. Unique Institutions

- Casebook 170-203
- Main cases: *Board of Estimate v. Morris*; *Ball v. James*; *Fumaloro v. Chicago Board of Education*; the Senate

### Political Parties

#### 7. The White Primary Cases

- Reading: Casebook 202-208 (skim); 208-221
- Main cases: *Nixon v. Herndon*; *Smith v. Allwright*; *Terry v. Adams*.

#### 8. Modern Ballot Access Cases

- Reading: Casebook 226-33; 237-42; 253-56; 256-58 & notes 1-5
- Main cases: *Burdick v. Takushi*; *Bullock v. Carter*; *Duke v. Massey*; *Republican Party v. Dietz*.

**9. State Regulation of Primary Structure**

- Reading: Casebook 249-51 & note 2; 274-79 & note 3; 260-66 & notes 7, 9, 10; 281-86 & notes 5-8; Supp. 60-73
- Main cases: *Nader v. Schaffer*; *Tashjian v. Republican Party of Conn*; *California Democratic Party v. Jones*; *Washington State Grange*; *Lopez Torres*.

**10. Third Parties**

- Reading: 293-312
- Main cases: *Munro v. Socialist Workers Party*; *Timmons v. Twin Cities New Party*