Course Description

Over the last thirty years, U.S. courts have become increasingly influential participants in American elections. The 2000 presidential election; recent decisions about campaign finance rules; alternations to federal voting rights statutes; and contests over voter identification are only some of the issues where courts have made their mark. In this course, we examine how the American judiciary has shaped American elections, whether those decisions have produced a better electoral system, and – if not – how might our election system be improved. Students will cover topics like voting rights, representation, redistricting, ballot access, and campaign finance.

This is an intensive writing course. Students are expected to complete a substantial research paper over the course of the semester. Students do not need to have prior experience conducting legal research, though research will be required for the paper.

Materials

Many materials related to this course are available via the course Blackboard website. Students may be asked to purchase a book or two depending on their research interests. The following books are recommended and can be purchased via Amazon.com:


Policies

Student participation in this course is governed by the University’s Standard of Academic Integrity. Those standards are outlined here:

http://www.albany.edu/undergraduate_bulletin/regulations.html

Failure to comply with the Standard of Academic Integrity can result in dismissal from the course and other academic discipline by the University. It will certainly result in a failing grade.

If a student presents “as one’s own the work of another person,” that student has engaged in plagiarism and violated the Standard of Academic Integrity. The University provides guidelines regarding plagiarism via an online tutorial entitled Plagiarism 101. All students are expected to complete the tutorial, which can be access here:

http://library.albany.edu/infolit/plagiarism1

Reasonable accommodations will be provided to students who required them. Please notify me early in the semester. In addition, please request that the Disabilities Resource Center contact me regarding your situation. Students who miss a deadline because of an illness are required to bring a note from the dean of undergraduate studies (Lecture Center 30, Phone: 518-442-3950). The Dean is responsible for excused absence certification. Without such a note, the missed deadline will count against you.

Extensions on assignments will only be granted in exceptional circumstances and the extension must be granted before the deadline has passed.

Graded Assignments

Grades will be determined by student performance on class participation, response papers, a presentation, and the research paper. The respective weights are listed below:

- Presentations: 5% Due dates vary for each student
- Paper Prospectus: 5% Due by class on September 29, 2016
- Bibliography: 10% Due by class on October 13, 2016
- Participation: 10% Assessed throughout the course
- First draft: 10% Due by October 25, 2016
- Second draft: 10% Due by class on November 15, 2016
- Final draft: 50% Due by class on December 8, 2016
Please send all assignments via email to sstohler@albany.edu.

Presentations

During the first half of the semester, each student will be asked to present a case assigned for class discussion. Presentations should consist of 1) a brief description of the facts; 2) a description of the legal issue; 3) the arguments of the parties involved in the case; 4) the Court’s argument; and the holding of the case. Students can expect to receive questions from the class and students should do their best to provide plausible answers to fair questions. Students not presenting will be expected to ask questions about the case. Participation will be assessed – in part – on the quality of the questions asked.

During the second half of the semester, every student will present a portion of her argument to the class. This presentation is designed to provide students with help and feedback on areas of the paper that needs improvement. In theory, presenting students may use this time in whatever way they like. But I have found that students which circulate materials before class (2-3 pages, maximum) have received the best feedback.

Paper Prospectus

The paper prospectus consists of a one-page description of the argument you will make in your paper. The description should include a discussion of the evidence you will rely on to determine whether you are right or wrong (though this may depend on whether you are writing an empirical or normative paper). Finally, the prospectus should include a discussion of why your argument is important. This assignment, like every writing assignment in this course, will be assessed – in part – on the quality of the writing. I encourage students to contact me well before the due date to discuss paper topics and arguments.

Annotated Bibliography

Students will submit an annotated bibliography of materials – including cases – they will read during the remainder of the semester. Each item listed should also include a justification indicating why this item is important given the argument of the paper. I encourage students to contact me well before the due date to discuss materials that should be included.
Research Paper

Students are expected to produce a well-written research paper by the end of the term, while meeting several deadlines before the final due date. The paper must be related to election law in some capacity. The paper should be of substantial length, but the paper will ultimately be assessed according to the quality of the argument and the quality of the writing. I am more than happy to work with students to find a topic that interests or – better yet – bothers them; to clarify the arguments they want to make; or to guide students toward useful literature and evidence. Please do not hesitate to contact me with these matters.

Course Outline

8/30: Introduction
8/30: Class cancelled
9/6: An Equal Vote, Introduction

http://www.radiolab.org/story/the_political_thicket/

The ReDistricting Game: Population Equality
http://redistrictinggame.org/

Please send digital copy of completion screen (basic setting).


9/8: An Equal Vote, Case Law

Baker v. Carr (BB)
Reynolds v. Sims (BB)
Evenwel v. Abbott (BB)
9/13: Partisan Gerrymandering, Introduction


The ReDistricting Game: Partisan Gerrymandering

http://redistrictinggame.org/

Please send digital copy of completion screen (advanced setting).

9/15: Partisan Gerrymandering, Case Law

*Vieth v. Jubelirer* (BB)

*Whitford v. Nichol*: Original Complaint (BB)

9/20: Minority Voting Rights, Introduction


*Allen v. Virginia State Board of Elections* (BB)

The ReDistricting Game: Voting Rights Act

http://redistrictinggame.org/

Please send digital copy of completion screen (basic setting).

9/22: Minority Voting Rights, Case Law

*Beer v. United States* (BB)

*Thornburg v. Gingles* (BB)

*Shelby County v. Holder* (BB)

9/27: Racial Gerrymandering, Introduction


9/29: Racial Gerrymandering, Case Law

*Davis v. Bandemer* (BB)

*Voinovich v. Quilter* (BB)

*Shaw v. Reno* (BB)

10/4: Rosh Hashanah. Class cancelled.

10/6: Voter Identification, Introduction


http://n.pr/2aNgpEg


10/11: Voter Identification, Caselaw

*Crawford v. Marion County Board of Elections* (BB)

*NAACP v. McCrory,* complaint (BB)


10/18: Campaign Finance, Introduction


Anne Baker. “The more outside money politicians take, the less well they represent their constituents.” *Washington Post.* August 17, 2016.

*Buckley v. Valeo* (BB).

10/20: Campaign Finance, Case Law
Bellotti v. First National Bank (BB)

Austin v. Michigan Chamber of Commerce (BB)

Citizens United v. Federal Election Commission (BB)

SpeechNow.org v Federal Election Commission (BB)

Last updated: September 13, 2016
Other Possible Paper Topics

List adapted from Richard Hasen’s Election Law Blog

- absentee ballots
- alternative voting systems
- ballot access
- bribery
- Bush v. Gore
- campaign finance
- campaigns
- citizen commissions
- comparative election law
- direct democracy
- election administration
- Election Assistance Commission
- election law and constitutional law
- Elections Clause
- electoral college
- ethics investigations
- federal election commission
- felon voting
- fraud
- Gary Johnson
- gerrymandering, partisan
- gerrymandering, racial
- internet voting
- judicial elections
- legislation and legislatures
- lobbying
- military voting
- petition clause
- petition signature gathering
- political equality
- political parties
- political polarization
- primaries
- provisional ballots
- recall elections
- recounts
- redistricting
- referendum
- residency
- social media and social protests
- term limits
- third parties
- vote buying
- voter id
- voter initiatives
- voter registration
- voters with disabilities
- voting
- Voting Rights Act
- voting technology