POLI 104G SUMMER 2018 DRAFT SYLLABUS
ELECTION LAW, SPECIAL SEMINAR EDITION

MTWTh 12:30-1:50 WLH 2208 (Note—no class Tuesday, August 14)
FINAL TAKE HOME—Due Friday, September 7, Noon
Note: changes may be made to this syllabus throughout the quarter. You are responsible for any changes mentioned in class, even if you are absent. They will be posted on the class TritonEd page.

Instructor: Peter Galderisi, SSB 449
Office Hours: TTh 2-3:30 no Th, week 1

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Please feel free to email me with questions/concerns at any time. I generally read my emails each morning and early evening until 6 PM (Saturdays excluded).

The study of election law has grown rapidly in the last half century. Although originally limited mainly to state constitutional and legislative provisions, federal legislative mandates, presidential orders, and court decisions, as well as modernizing technology, have expanded the study of election law increasingly into issues of equal voting rights, vote dilution, election administration (including ballot forms and ballot counting), nomination rules, party autonomy, redistricting and campaign finances. All we be covered in this class.

Much of this class will be comprised of the study of these laws and court decisions that sustain or override them. We will also, however, read several academic research essays that place these decisions within historical context and discuss their political aftermath.

You will be required in this class to wade your way through court cases. This is not as easy as reading an academic article, but it will provide you a skill set that will help if you intend to pursue a degree in law, paralegal studies or the like. Please be prepared. If you don’t intend to participate fully and keep up with the readings on a timely basis, I advise that you drop this class.
REQUIREMENTS:

A. **Attendance**—in both body and mind. Please don’t ask me if it’s OK to take a week off for a family vacation.

B. **Readings**—should be completed **before** class discussion (a prerequisite for the second condition in A). Of course, I couldn’t enforce that rule on the first day or two. A tentative schedule of readings begins on the back pages of this handout. I’ll mention the readings required each class as the lectures progress and post them on the “To Do” module on the class’s TritonEd page.

With a few optional exceptions, all readings are online. They are available through three different sources:

1. A direct url hyperlink link to a court case, journal essay, or web page

2. Available online directly or through the UCSD library server (access on campus or at home through a proxy server or VPN. Instructions for each can be found at: http://blink.ucsd.edu/technology/network/connections/off-campus/

3. There are several ways (library server) to access cases. Ms. Annelise Sklar, Social Science Research Librarian Extraordinaire (yes, her official title) has put together a very helpful guide to seeking out cases through either Westlaw Next or Lexis-Nexis Academic. http://ucsd.libguides.com/c.php?g=148169&p=971874

One other service, found on www.law.cornell.edu, gives probably the cleanest results, but only includes U.S. Supreme Court cases/federal laws, etc. and searching isn’t always straightforward.

You should read more than just the “synopsis.” Read through most of the main decision and at least one dissent (if it exists).

C. **Exam (50%)**—With your approval, I would like to remove the midterm exam. You will have a final, take home exam where you will discuss several cases using a theme or themes that I suggest. I will provide you with written guidance to help you with assessing the cases. The final must be submitted through the TritonEd facility’s TurnItIn drop box by Friday, September 7, Noon.

(Please note: any requests to review exam grades must be made in writing (typed) with a full and detailed justification for the request.)

D. **Presentation (50%)**—Each of you will be assigned a series of cases to discuss, based upon your preference schedule that you submit. You will have a rubric to guide you in laying out your presentation. PowerPoints or some similar presentation program must be used.
POLICY ON CHEATING and PLAGIARISM

Failure--no exceptions.

“Cheating” includes copying from someone during the in-class exam or the take home final. You can help each other with general questions about basic concepts, facts, readings, lectures, citation style, etc. In fact, I strongly suggest you do so on a regular basis. On the other hand, collaborating on the final essay, either in preparation or final production, is strictly forbidden.

“Plagiarism” is the intentional use of another’s words (by direct transcription) or ideas (by paraphrasing) without attribution. University prohibitions against plagiarism are rather clear. If you are not sure about what qualifies as cheating or plagiarism, please ask me to clarify and/or review the university policy: http://academicintegrity.ucsd.edu/excel-integrity/define-cheating/index.html

INCOMPLETES

The university grants me precious little discretion here. To qualify for an incomplete, I must demonstrate that you have been doing passable work (so you must have taken at least one exam and passed it) and you must demonstrate a reason for requesting an incomplete that conforms to university guidelines (documented illness, death or emergency in the family, unexpected military deployment, etc.). Again, the university makes this decision—not me nor Mr. Bredell.

OSD ACCOMMODATIONS

As per University and Federal regulations, all accommodation requests made through OSD certification will be honored. Please remind the professor one week before any quiz or exam date.

“SPECIAL” REQUESTS:

Most of you know that I am already fairly generous with grades. Please do not ask me to change grades because you “need them” to:

• maintain a scholarship
• retain your enrollment at the university
• impress your parents
• get into Harvard Law School.
• just because you would like it (believe it or not, that is becoming more common!)

You will be graded on the merits of your work, not on your needs or desires.
TENTATIVE OUTLINE OF READINGS (Weeks are approximate)

Day 1: Class introduction/How to do legal research

Week 1: The Study of Election Law—the Basics

- *U.S. Constitution*, Article 1 Sections 2 & 4; Amendments 14, 15, 17, 19, 22, 23, 24, 26

  Basics—Who Qualifies to Run (Citizenship and Terms)?


Week 1-2: Who Qualifies to Vote?—the Franchise, Registration Rules and General Elections


- *Skafte v. Rorex*: 553 P.2d 830 (Colo. 1976)


Week 2: How are votes counted?

- *Coleman v Franken*: 767 N.W.2d 453 (Minn. 2009)


Week 3: Party Independence and Primary Elections

- Smith v. Allwright, 321 U.S. 649 (1944)
- cases/readings on California’s new “top-two” primary debacle, eh, system
- current controversies

Week 3-4: Apportionment and Redistricting

On apportionment:

- Colegrove v. Green, 328 U.S. 549 (1946)--(make sure to read dissent)
- Reynolds v. Sims, 377 U.S. 533 (1964)

Redistricting Guidelines-Geography


Redistricting Guidelines-Party

- Recent cases on Pennsylvania, Michigan and Maryland gerrymanders

- California’s tortured redistricting history materials (perhaps)
Week 4: The Voting Rights Act and Its Amendments

  Note: the full text of the Voting Rights Act is appended to the decision. The majority decision not only speaks to the facts of the case, but also the history behind the VRA.
- *Shelby County v. Holder*, 570 U.S. 2 (2013) or 133 S.Ct. 2612

Redistricting Guidelines-Race

- Latest North Carolina redistricting case

Week 5: Campaign Finance


You might also want to look up the following tax codes:
  - 501c(3) and 501(c)4, 527
  - [opensecrets.org](http://opensecrets.org) is a good quick source that one can read without an accountancy/tax law degree