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 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. Consequently, I will often, as in law school, ask students to discuss a particular case. Please be prepared.
REQUIREMENTS:

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

B. **Readings**—should be completed **before** class discussion (a prerequisite for the second condition in A). Of course, I can’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/](http://blink.ucsd.edu/technology/network/connections/off-campus/)

3. There are several ways (library server) to access cases. Ms. Annelise Sklar 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](http://ucsd.libguides.com/c.php?g=148169&p=971874)

   One other service, found on [www.law.cornell.edu](http://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. **Exams**—Two short, 50 minute exams and one final take home exam. The short exams will be given on February 2\textsuperscript{nd} and March 2\textsuperscript{nd}. You will be given a study guide one week before each. Each short exam is worth 25\% of your course grade, final=50\%. The final will be take-home with a TurnItIn submission due by Friday, March 23, Noon.

Please note:

- Any requests for a makeup must be accompanied by documentation. Makeups will only be granted for university-sanctioned reasons ((documented illness, death or emergency in the family, unexpected military deployment, etc.)
- Any requests to review exam grades must be made in writing (typed) with a full and detailed justification for the request).
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.

You will be graded on the merits of your work, not on your needs.
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

Who Qualifies to Run?


Week 2-3: Who Qualifies to Vote?—the Franchise, Registration Rules and General Elections

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

Week 3-4: How are votes counted?

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

Quiz 1: Friday, February 2
Week 5: 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 6-7: 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


- California’s tortured redistricting history materials (perhaps)
Week 8-9: 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


  Or

Quiz 2: Friday, March 2
Weeks 9-10: Campaign Finance

  - *FEC v. NCPAC* 470 U.S. 480 (1985)

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

Week 10?: Catch up and Discussion—Electoral College, Voting Aggregation Rules, Etc.

**FINAL: TAKE-HOME DUE by FRIDAY, MARCH 23, Noon (TurnItIn)**