

ELECTION LAW: THE LEGAL REGULATION OF THE POLITICAL PROCESS

Professor Norman R. Williams

The casebook for this course is Issacharoff, Karlan, Pildes & Persily, *The Law of Democracy: Legal Regulation of the Political Process* (5th. ed. 2016)

I. The Right to Vote (3 Classes)	
A. Constitutional Text	15-42
<i>Minor v. Happersett</i>	
<i>Richardson v. Ramirez</i>	
B. The African-American Franchise	43-67
<i>Giles v. Harris</i>	
<i>Gomillion v. Lightfoot</i>	
C. The Modern Framework	67-92
<i>Lassiter v. Northampton County Bd of Elec</i>	
<i>Harper v. Virginia St. Bd. of Elec.</i>	
<i>Kramer v. Union Free Sch. Dist.</i>	
D. Regulating the Franchise	92-127
<i>Burdick v. Takushi</i>	
<i>Crawford v. Marion Cty. Elec. Bd.</i>	
II. Reapportionment & Redistricting (4 Classes)	
A. The One Person, One Vote Revolution	157-228
<i>Colegrove v. Green</i>	
<i>Baker v. Carr</i>	
<i>Reynolds v. Sims</i>	
<i>Evenwel v. Abbott</i>	
<i>Lucas v. Forty-Fourth Colorado General Assembly</i>	
<i>Karcher v. Daggett</i>	
B. Local Government	229-249
<i>Ball v. James</i>	
<i>Fumaloro v. Chicago Bd. of Educ.</i>	
C. Unit Voting, Republican Theory, and Interest Representation	249-258
<i>Gray v. Sanders</i>	
D. The Oregon Experience	Handout
Norman R. Williams, Redistricting in Oregon: History, Law & Politics	
III. Partisan Gerrymandering (1 Class)	
A. Partisan Vote Dilution?	645-652
<i>Gaffney v. Cummings</i>	
<i>Karcher v. Daggett</i>	

B. Justiciable?	Rucho, 698-704
1. Partisan Gerrymanders	
<i>Rucho v. Common Cause</i>	
2. Bipartisan Gerrymanders	
3. Mid-Decade Redistricting	
C. Non-Judicial Solutions	704-714
<i>Arizona St. Leg. v. Ariz. Indep. Redist. Comm'n</i>	
IV. Political Parties (3 Classes)	
A. Ballot Access	259-292
1. The White Primary Cases	
<i>Nixon v. Herndon</i>	
<i>Smith v. Allwright</i>	
<i>Terry v. Adams</i>	
2. Restrictions on Who Appears on the Ballot	
<i>Bullock v. Carter</i>	
B. Primary Elections: Closed, Open, and Blanket Primaries	292-338
1. Both Party and State Exclude	
<i>Nader v. Schaffer</i>	
<i>Duke v. Massey</i>	
<i>Republican Party of Texas v. Dietz</i>	
2. Party Excludes but State Includes	
<i>California Democratic Party v. Jones</i>	
<i>Washington State Grange v. Washington State Republican Party</i>	
3. Party Includes but State Excludes	
<i>Tashjian v. Republican Party of Connecticut</i>	
C. Regulating the Party's Internal Affairs	338-345
<i>Eu v. San Francisco County Democratic Central Committee</i>	
D. The Two-Party System: Entrenchment or Prevention of Chaos?	345-381
<i>Munro v. Sociality Workers Party</i>	
<i>Timmons v. Twin Cities Area New Party</i>	
<i>Arkansas Educ. Television Comm'n v. Forbes</i>	
V. Campaign Finance (5 Classes)	
A. <i>Buckley v. Valeo</i> and the Rise of Soft Money	383-420
B. Contribution Limits	420-439
<i>Nixon v. Shrink Missouri Government PAC</i>	
<i>Randall v. Sorrell</i>	
C. Political Parties & Expenditure Limits	439-459
<i>Colorado Republican I</i>	
<i>Colorado Republican II</i>	
D. Corporations	459-483
<i>First National Bank of Boston v. Bellotti</i>	
<i>Austin v. Michigan Chamber of Commerce</i>	

E. BCRA and the New Reforms	484-531
<i>McConnell v. FEC</i>	
<i>Citizens United v. FEC</i>	
F. Disclosure Requirements	531-544
<i>Citizens United v. FEC</i>	
G. The New Soft Money	544-555
<i>SpeechNow.org v. FEC</i>	
H. Public Financing	556-583
<i>Arizona Free Enterprise v. Bennett</i>	
I. Judicial Elections	583-595
<i>Caperton v. Massey Coal</i>	
VI. The Voting Rights Act (4 Classes)	
A. Section Five & Preclearance	715-717, 742-767
<i>South Carolina v. Katzenbach</i>	
<i>Shelby County v. Holder</i>	
B. Section Two and the Results Test	767-784 (skim)
1. Vote Dilution	784-871
<i>Thornburg v. Gingles</i>	
<i>Bartlett v. Strickland</i>	
<i>LULAC v. Clements</i>	
<i>Johnson v. De Grandy</i>	
<i>Holder v. Hall</i>	
2. Vote Denial	Read Online
<i>Brnovich v. DNC</i>	
C. Is Section 2 Constitutional?	888-892
VIII. Race and Representation (2 Classes)	
A. Ensuring Minority Representation	893-940
<i>United Jewish Orgs. v. Carey</i>	
<i>Shaw v. Reno</i>	
<i>Easley v. Cromartie</i>	
B. Coalitions and Politics	940-979
<i>Georgia v. Ashcroft</i>	
<i>LULAC v. Perry</i>	
IX. Direct Democracy (2 Classes)	
A. Republican Government?	981-994
<i>Pac. States Tele. & Telegraph v. Oregon</i>	
B. Minority Political Participation	994-1038
<i>Schuette v. Coalition to Defend Affirmative Action</i>	
<i>Evans v. Romer</i>	
<i>Romer v. Evans</i>	
<i>Doe v. Reed</i>	
C. Popular Lawmaking and Entrenchment	1038-1066
<i>U.S. Term Limits v. Thornton</i>	
<i>Cook v. Gralike</i>	

FINAL EXAM: The final exam, which is closed book, will consist of 2-3 essay questions. In addition, students who participate in the classroom discussion on a regular and helpful basis may receive a grade enhancement of one-third a grade in the discretion of the instructor.

LEARNING OUTCOMES: Students are expected to be able to learn the doctrinal rules applicable for each area of election law; be able to apply those rules to novel or unanticipated factual scenarios; and be able to critically assess the normative validity of those rules, including by articulating and defending alternative interpretations of the relevant constitutional or statutory text.

ATTENDANCE/PARTICIPATION: Pursuant to the College of Law's attendance policy, attendance will be required for students. Applying the 75% rule to this course means that you cannot miss more than 4 class sessions.