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
   Minor v. Happersett
   Richardson v. Ramirez
B. The African-American Franchise
   Giles v. Harris
   Gomillion v. Lightfoot
C. The Modern Framework
   Lassiter v. Northampton County Bd of Elec
   Kramer v. Union Free Sch. Dist.
D. Regulating the Franchise
   Burdick v. Takushi
   Crawford v. Marion Cty. Elec. Bd.

II. Reapportionment & Redistricting (4 Classes)
A. The One Person, One Vote Revolution
   Colegrove v. Green
   Baker v. Carr
   Reynolds v. Sims
   Evenwel v. Abbott
   Lucas v. Forty-Fourth Colorado General Assembly
   Karcher v. Daggett
B. Local Government
   Ball v. James
   Fumolaro v. Chicago Bd. of Educ.
C. Unit Voting, Republican Theory, and Interest Representation
   Gray v. Sanders
D. The Oregon Experience
   Handout
   Norman R. Williams, Redistricting in Oregon: History, Law & Politics

III. Partisan Gerrymandering (1 Class)
A. Partisan Vote Dilution?
   Gaffney v. Cummings
   Karcher v. Daggett
B. Justiciable? Rucho, 698-704
   1. Partisan Gerrymanders
      *Rucho v. Common Cause*
   2. Bipartisan Gerrymanders
   3. Mid-Decade Redistricting
C. Non-Judicial Solutions 704-714

IV. Political Parties (3 Classes)
   A. Ballot Access 259-292
      1. The White Primary Cases
         *Nixon v. Herndon*
         *Smith v. Allwright*
         *Terry v. Adams*
      2. Restrictions on Who Appears on the Ballot
         *Bullock v. Carter*
   B. Primary Elections: Closed, Open, and Blanket Primaries 292-338
      1. Both Party and State Exclude
         *Nader v. Schaffer*
         *Duke v. Massey*
         *Republican Party of Texas v. Dietz*
      2. Party Excludes but State Includes
         *California Democratic Party v. Jones*
         *Washington State Grange v. Washington State Republican Party*
      3. Party Includes but State Excludes
         *Tashjian v. Republican Party of Connecticut*
   C. Regulating the Party’s Internal Affairs 338-345
      *Eu v. San Francisco County Democratic Central Committee*
   D. The Two-Party System: Entrenchment or Prevention of Chaos? 345-381
      *Munro v. Sociality Workers Party*
      *Timmons v. Twin Cities Area New Party*
      *Arkansas Educ. Television Comm’n v. Forbes*

V. Campaign Finance (5 Classes)
   B. Contribution Limits 420-439
      *Nixon v. Shrink Missouri Government PAC*
      *Randall v. Sorrell*
   C. Political Parties & Expenditure Limits 439-459
      *Colorado Republican I*
      *Colorado Republican II*
   D. Corporations 459-483
      *First National Bank of Boston v. Bellotti*
      *Austin v. Michigan Chamber of Commerce*
E. BCRA and the New Reforms 484-531
   *McConnell v. FEC*
   *Citizens United v. FEC*
F. Disclosure Requirements 531-544
   *Citizens United v. FEC*
G. The New Soft Money 544-555
   *SpeechNow.org v. FEC*
H. Public Financing 556-583
   *Arizona Free Enterprise v. Bennett*
I. Judicial Elections 583-595
   *Caperton v. Massey Coal*

VI. The Voting Rights Act (4 Classes) 715-717, 742-767
   A. Section Five & Preclearance
      *South Carolina v. Katzenbach*
      *Shelby County v. Holder*
   B. Section Two and the Results Test 767-784 (skim)
      1. Vote Dilution 784-871
         *Thornburg v. Gingles*
         *Bartlett v. Strickland*
         *LULAC v. Clements*
         *Johnson v. De Grandy*
         *Holder v. Hall*
      2. Vote Denial Read Online
         *Brnovich v. DNC*
   C. Is Section 2 Constitutional? 888-892

VIII. Race and Representation (2 Classes) 893-940
   A. Ensuring Minority Representation
      *United Jewish Orgs. v. Carey*
      *Shaw v. Reno*
      *Easley v. Cromartie*
   B. Coalitions and Politics 940-979
      *Georgia v. Ashcroft*
      *LULAC v. Perry*

IX. Direct Democracy (2 Classes) 981-994
   A. Republican Government? 981-994
      *Pac. States Tele. & Telegraph v. Oregon*
   B. Minority Political Participation 994-1038
      *Schuette v. Coalition to Defend Affirmative Action*
      *Evans v. Romer*
      *Romer v. Evans*
      *Doe v. Reed*
   C. Popular Lawmaking and Entrenchment 1038-1066
      *U.S. Term Limits v. Thornton*
      *Cook v. Gralice*
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.