

PSC 326-01  
Elections, Law, and the Courts  
Spring, 2016  
MWF, 10:00-10:50  
309 Curry

Charles Prysby  
Office: 318 Curry  
Office phone: a victim of budget cuts  
E-mail: prysby@uncg.edu  
Off. hrs: MWF 11:00-12:00

## SYLLABUS

This course will examine legal aspects of elections in the United States. Elections in this country are greatly affected by laws that establish the rules of the game. These rules cover such things as who is eligible to vote, when and how voting takes place, how candidates are nominated, how votes are translated into legislative seats, how the president is elected, how campaign funds can be raised and spent, and what people can vote on. Many of these laws have generated controversy. This course will examine the controversies over these election laws, including court interpretations of these laws. This course will carry a speaking intensive designation, and the grades for the course will be based on both written and oral work.

The theme of this course is that the election laws can be evaluated in terms of their impact on the following factors: the extent of participation in the electoral process; the competitiveness of elections; the quality of candidates; the quality of election campaigns; the nature of representation; the fairness of elections, and the extent and quality of citizen influence on government policy. However, applying these criteria to election laws and arrangements is difficult, as the issues are complex and subject to varying interpretations, which is one reason why there are so many controversies in this area.

### Student Learning Objectives:

As a result of taking this course, students should be able to do the following:

1. Analyze the impact of election laws and rules on the electoral process and the political system.
2. Explain the implications of alternative institutional arrangements on the electoral process and the political system.
3. Evaluate contemporary controversies over the laws and rules governing elections.

Additionally, students should develop and improve their ability to present arguments and ideas, both orally and in writing. Students also should learn how to do legal research and to interpret and evaluate legal arguments.

### Books:

The following books are available at the bookstore:

- Daniel Lowenstein, Richard Hasen, and Daniel Tokaji, *Election Law: Cases and Materials*, 5th ed. (Carolina Academic Press, 2012), plus 2015 supplement.
- Matthew Streb, *Rethinking American Electoral Democracy*, 3rd ed. (Routledge, 2016).
- Stephen Wayne, *Is This Any Way to Run a Democratic Election?* 5th ed. (CQ Press, 2013).

Additional readings are on library reserve. These readings are listed in the schedule of topics and readings in this syllabus. Reserve readings are marked by [ER] if on electronic reserve. In addition, I have placed several books on closed (one-day) library reserve as resource books that many students will find useful in preparing their oral report and/or their policy debate paper:

- Issacharoff, Karlan, and Pildes, *The Law of Democracy*, 4th ed.
- Scher, Mills, and Hotelling, *Voting Rights and Democracy*.
- Peacock (ed.), *Affirmative Action and Representation*.
- Edwards, *Why the Electoral College is Bad for America*.
- Best, *The Case Against Direct Election of the President*.
- Malbin (ed.), *The Election After Reform*.

Corrado, *The New Campaign Finance Sourcebook*.  
 Currinder, *Money in the House*.  
 Farmer, et al., *Legislating Without Experience*.  
 Carey, Niemi, and Powell, *Term Limits and the State Legislatures*.  
 Streb (ed.), *Running for Judge*.  
 Broder, *Democracy Derailed: Initiative Campaigns and the Power of Money*.  
 Cronin, *Direct Democracy: The Politics of Initiative, Referendum, and Recall*.  
 Magleby, *Direct Legislation: Voting on Ballot Propositions in the United States*.

### **Course Requirements:**

The fact that this course is designated as speaking intensive does not mean that there will be little writing in the course. Like most if not all upper-level political science courses, being able to clearly express your arguments and ideas in writing is an important part of the course. The written requirements for this course consist of the following (along with their contribution to the final grade):

1. A midterm exam, which will be in-class and essay in nature, scheduled for Feb. 19 (20%).
2. A final exam, which also will be an in-class, essay exam (25%).
3. A paper on a policy topic, discussed in more detail on a separate handout (25%).

Because this course is speaking intensive, there are significant oral requirements for this course, which consist of the following:

1. Participation in a debate on a particular policy topic, discussed on a separate handout (10%).
2. One class report on a specific election topic, discussed on a separate handout (10%).
3. Class participation (10%).

### **Course Policies and Expectations**

1. Class attendance and participation are extremely important in this course. You cannot expect to do well in this course if you do not attend class. Because this is a speaking intensive course, your debate performance, your class reports, and your participation in general class discussion will count substantially toward determining your final grade, as explained above. Failure to be present when you are scheduled to present a report or participate in a debate will result in a grade of zero for that item unless you have missed because of extenuating circumstances and have provided me with prior notice and with appropriate documentation. With regard to class participation, simply attending class does not warrant a high grade for participation. On the other hand, an empty chair never participates in class discussions. You should participate in the class discussions, including asking questions when you are unclear about some points. Asking good questions is a very important part of class participation.

2. Students are expected to come to class having read the assigned material and prepared to discuss the material in class. If you are not prepared for these class sessions, you will not be able to participate effectively. Even asking good questions in class requires that you have read and thought about the material.

3. Students are expected to follow the UNCG Academic Integrity Policy for all work. The Academic Integrity Policy is available at <http://academicintegrity.uncg.edu>.

4. Students are encouraged to discuss the course material with others and to otherwise work together to better understand the material. Of course, all written work that is submitted by a student must be that person's own work.

5. Late papers will be marked down unless you receive permission to submit your paper late. Such permission must be requested prior to the due date and will be granted only for legitimate reasons.

## Course Outline and Schedule

### A. Introduction (Jan. 11-20)

Streb, chpt. 1  
 Wayne, chpts. 1  
 Lowenstein, Hasen, and Tokaji, chpt. 1  
 (Presentations from representatives of the speaking center and the library will be scheduled during this time).

### B. Electoral suffrage and turnout

#### 1. Voter eligibility (Jan. 22-27)

Lowenstein, Hasen, and Tokaji, chpt. 2

#### 2. Election laws and turnout (Jan. 29–Feb. 1)

Streb, chpt. 2  
 Wayne, chpt. 2  
 Lowenstein, Hasen, and Tokaji, chpt. 6, parts III and IV (plus supplement)

### C. Political parties and candidate nominations

#### 1. Political parties and ballot access (Feb. 3-5)

Streb, chpt. 5  
 Wayne, chpt. 6  
 Lowenstein, Hasen, and Tokaji, chpts. 8, 9 (plus supplement)

#### 2. State nomination laws (Feb. 8-10)

Hershey, *Party Politics in America*, chpt. 9. [ER]

#### 3. Presidential nominations (Feb. 12-17)

Wayne, chpt. 7  
 Streb, chpt. 8

## **\*\*Midterm Exam (Feb. 19)\*\***

### D. Representational systems and legislative districting

#### 1. Electoral systems (Feb. 22-24)

Wayne, chpt. 3  
 Rush and Engstrom, *Fair and Effective Representation?*, pp. 3-67. [ER]

2. Districting controversies (Feb. 29-March 18)

Streb, chpt. 7  
Lowenstein, Hasen, and Tokaji, chpts. 3-5 (plus supplement)

3. The Electoral College (March 21-23)

Streb, chpt. 9  
Longley and Peirce, *The Electoral College Primer 2000*, chpts. 2, 4 [ER]

E. Election restrictions and regulations

1. Campaign finance (March 28-April 6)

Streb, chpt. 10  
Wayne, chpt. 4  
Lowenstein, Hasen, and Tokaji, chpts. 12-16 (plus supplement)

2. Term limits (April 8-11)

Farmer et al., *Legislating Without Experience*, chpts. 1, 11. [ER]

F. Extent of Democracy

1. Judicial elections (April 13-15)

Streb, chpt. 3  
Lowenstein, Hasen, and Tokaji, chpt. 10, part III (plus supplement)

2. Direct Democracy (April 18-22)

Streb, chpt. 4  
Lowenstein, Hasen, and Tokaji, chpts. 7 (plus supplement)

G. Conclusion (April 25-26—The university operates on a Friday schedule on April 26)

Streb, chpt. 11  
Wayne, chpt. 9