

PSC 326-01  
Elections, Law, and the Courts  
Spring, 2009  
MWF, 10:00-10:50  
204 Graham

Charles Prysby  
Office: 230 Graham  
Office phone: 334-5048  
E-mail: prysby@uncg.edu  
Off. hrs: MWF 11:00-12:00

## SYLLABUS

This course will examine legal aspects of elections in the U.S. 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 how ballots are counted and recounted. 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; and the honesty and fairness of elections. 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.
2. Evaluate the implications of alternative institutional arrangements on the electoral process.
3. Explain 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 should also learn how to do legal research and to interpret and evaluate legal arguments.

### Books:

The following books are available at the bookstore:

- Robert Dudley and Alan Gitelson, *American Elections: The Rules Matter* (Longman, 2002).  
Matthew J. Streb, *Rethinking American Electoral Democracy* (Routledge, 2008).  
Stephen Wayne, *Is This Any Way to Run a Democratic Election?* 3rd ed. (CQ Press, 2007).

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 [R], or by [ER] if on electronic reserve.

The following two books have been placed on closed library reserve as resource books that many students will find useful in preparing their oral reports and/or their policy debate paper. Selected chapters from these books are on e-reserve.

- Samuel Issacharoff, Pamela Karlan, and Richard Pildes, *The Law of Democracy*, 2nd ed.  
Daniel Hays Lowenstein, Richard Hasen, and Daniel Tokaji, *Election Law*, 4th ed.

### **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 March 4 (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. Two reports on specific topics, discussed on a separate handout (5% each; 10% total).
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 for extenuating circumstances and have provided me with prior notice. 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. Please note that a large portion of the reading for this course is reserve reading, and some of the reserve reading is not available through Blackboard as electronic reserve, which means that you have to go to the library to do the reading. If you do not like a course with a large amount of library reserve reading, this course is not for you.

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. 21- Feb. 2)

Streb, chpt. 1

Wayne, chpts. 1, 9.

(Presentations from representatives of the speaking center and the library will be scheduled during this time).

### B. Electoral suffrage and turnout

#### 1. Voter eligibility (Feb. 4-6)

Dudley and Gitelson, chpt. 1 (pp. 1-14).

Lowenstein, Hasen, and Tokaji, chpt. 2, part I. [ER]

#### 2. Election laws and turnout (Feb. 9-11)

Streb, chpt. 2

Wayne, chpt. 2.

Issacharoff, Karlan, and Pildes, chpt. 2, part E. [ER]

### C. Political parties and candidate nominations

#### 1. Political parties and ballot access (Feb. 13-16)

Wayne, chpt. 6

Issacharoff, Karlan, and Pildes, chpt. 5, part A. [ER]

Lowenstein, Hasen, and Tokaji, chpt. 10. [ER]

#### 2. State nomination laws (Feb. 18-20)

Dudley and Gitelson, chpt. 2.

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

#### 3. Presidential nominations (Feb. 23 - March 2)

Wayne, chpt. 7.

Streb, chpt. 8.

DiClerico and Davis, *Choosing our Choices*, pp. 3-78. [R]

**\*\*Midterm Exam (March 4)\*\***

## D. Representational systems and legislative districting

### 1. Electoral systems (March 16-18)

Wayne, chpt. 3

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

### 2. Districting controversies (March 20-25)

Dudley and Gitelson, chpt. 1 (pp. 14-29).

Streb, chpt. 7

Scher, Mills, and Hotaling, *Voting Rights and Democracy*, chpts. 1-3. [ER]

### 3. The Electoral College (March 27-30)

Dudley and Gitelson, chpt. 6.

Streb, chpt. 9

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

## E. Election restrictions and regulations

### 1. Campaign finance (April 1-8)

Streb, chpt. 10.

Wayne, chpt. 4.

Dudley and Gitelson, chpt. 3, 4.

Issacharoff, Karlan, and Pildes, chpt. 6, parts A-E. [ER]

Lowenstein, Hasen, and Tokaji, chpt. 15, part III. [ER]

### 2. Term limits (April 13-15)

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

### 3. Judicial elections (April 17-20)

Streb, chpt. 3.

## F. Election integrity

### 1. Voting methods and technology (April 22-27)

Dudley and Gitelson, chpt. 5.

Streb, chpt. 6

### 2. Recounts and challenges (April 29 - May 4)

Crigler, Just, and McCaffery, *Rethinking the Vote*, chpts. 3, 12. [ER]

Palazzalo and Ceaser, *Election Reform*, pp. 3-34. [ER]

G. Conclusion (Tuesday, May 5—the university operates on a Friday schedule this day)

Streb, chpt. 11.

**\*\*Final Exam (May 11, 12:00 p.m.)\*\***