

**How to Fix Elections: Election Administration in the United States**  
Spring 2017

POLS 2998-9  
PP 4095-1

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*The truth of the matter is that the whole administration—organizations, laws, methods and procedures, and records—are, for most states, quite obsolete. The whole system, including the election laws, requires a thorough revision and improvement.*

- Joseph Harris (1934)

*The United States runs its elections unlike any other country in the world. Responsibility for elections is entrusted to local officials in approximately 8,000 different jurisdictions. In turn, they are subject to general oversight by officials most often chosen through a partisan appointment or election process. The point of contact for voters in the polling place is usually a temporary employee who has volunteered for one-day duty and has received only a few hours of training. These defining features of our electoral system, combined with the fact that Americans vote more frequently on more issues and offices than citizens anywhere else, present unique challenges for the effective administration of elections that voters throughout the country expect and deserve.*

- Presidential Commission on Election Administration (2014)

### **Course Overview**

Democracies require elections where citizens have the opportunity to cast their ballots without fear of coercion and can be confident that their choices are recorded and counted properly. However, some U.S. elections fall short of that ideal. Media reports of voter fraud, voter intimidation, spoiled ballots, or stolen ballots are perhaps the most extreme signs that something has gone wrong in an election. Other problems also plague American elections, including those involving voting systems and ballot designs, inaccurate voter rolls, and polling places that fail to open on time. Some of these issues arise as a result of the unusual complexities of American elections that originate from the design of the political system. Others result from administrative decisions unrelated to partisan politics. Still others, such as which candidates are listed on the ballot and the ordering of their names, are often intended to advantage one or more candidates or parties.

This course focuses on election administration in the United States. It covers the impact of federalism on electoral institutions and processes; the evolution of institutions, norms, and processes; rules governing the participation of candidates, political parties, and voters; factors

that affect voter turnout; early in-person voting, permissive absentee voting, vote-by-mail ballots, and other convenience voting methods; innovations in voting technologies and ballots; claims of voter suppression, voter fraud, recounts, and the and other challenges to the conduct of elections; and the impact of election administration on campaign strategy. Finally, the course assesses prospects for election reform.

### **Grades and Assignments**

Midterm	30%
Paper	50%
Redistricting simulation	10%
Participation & quizzes	10%

Students are expected to complete the reading and other assignments prior to each class meeting. Assignments turned in late will be penalized half a letter grade per day.

### **Research Paper**

Students will write a 2,500-3,000 word (10-12 pages) research paper on an approved topic. The paper prospectus and bibliography are due by March 1 at 5pm. Students are required to discuss their prospectus and bibliography with the professors. Copies of the final paper are to be emailed and handed in by the beginning of class on April 26.

### **Prerequisites**

Introduction to American Politics (POLS 1602)  
Introduction to Public Policy (PP 1001)  
(or with permission of instructors)

### **Additional University Policies**

Official university policies on class attendance, discrimination and harassment, students with disabilities, absences from final exams, scholarly integrity, and the student code of conduct can be found at <http://provost.uconn.edu/syllabi-references>.

### **Required Reading**

- Matthew J. Streb, ed. *Law and Election Politics, 2nd ed.* Routledge 2013 (available at the UConn bookstore or online)
- Presidential Commission on Election Administration. *Report on the American Voting Experience.*
  - <https://www.supportthevoter.gov/files/2014/01/Amer-Voting-Exper-final-draft-01-09-14-508.pdf>
- Additional readings are posted on HuskyCT site or available online through the library.

## Course Schedule

### January 18: Introduction

### January 25: Elections in a Federal System

#### Required Readings:

- Presidential Commission on Election Administration, sections I and II
- U.S. Constitutional provisions related to voting/elections (on HuskyCT)
- Andre Blais and Louis Massicotte, "Electoral Systems," in *Comparing Democracies* 2 (Sage 2002) (on HuskyCT)
- Streb, "Judicial Elections" (Streb, ch. 12)
- Smith. "Direct Democracy" (Streb ch. 8)
- Posner, "In Defense of the Electoral College"
  - [http://www.slate.com/articles/news\\_and\\_politics/view\\_from\\_chicago/2012/11/defending\\_the\\_electoral\\_college.html](http://www.slate.com/articles/news_and_politics/view_from_chicago/2012/11/defending_the_electoral_college.html)

#### Recommended Readings

- Chris W. Bonneau and Melinda Gann Hall. 2009. *In Defense of Judicial Elections*. Routledge [chapters 1, 5, & 6]
- Charles Gardner Geyh. 2003. "Why Judicial Elections Stink," *Ohio State Law Journal*
- Alec W. Ewald. 2009. *The Way We Vote: The Local Dimension of American Suffrage*. Vanderbilt University Press [ch. 4 & 5]
- Caroline J. Tolbert. 2003. "Direct Democracy and Institutional Realignment in the American States." *Political Science Quarterly*.
- Elaine C. Kamarck. 2009. *Primary Politics: How Presidential Candidates Have Shaped the Modern Nominating System*. Brookings Institution Press [ch. 3 & 4]
- Mark Baldassare. 2015. "The Role of Public Opinion on the California Governor's Recall in 2003: Populism, Partisanship, and Direct Democracy," *American Politics Research*
- John G. Matusaka. 2006. "Direct Democracy and Electoral Reform" in *The Marketplace of Democracy*, ed. Michael P. McDonald and John Samples. Brookings Institution Press
- Alicia Bannon. 2016. "Rethinking Judicial Selection in State Courts," *Brennan Center Report*.
- Relevant judicial cases:
  - *Republican Party of Minnesota v. White* (2002) (invalidating state prohibition of judicial "announce clause")
  - *Williams-Yulee v. Florida Bar* (2015) (upholding state prohibition on judicial solicitation)
  - *Pacific States Telephone & Telegraph Co. v. Oregon* (1912) (holding that the "Guaranty Clause" is a nonjusticiable political question)
  - *Doe v. Reed* (2010) (upholding state requirement that petition signatures be publicly disclosed)

## February 1 Reapportionment, Redistricting, Party Nominations, and Ballot Access

### Required Readings:

- Kanthak and Loepp, “Political Parties and Primaries” (Streb, ch. 9)
- Hershey, “Third Parties” (Streb, ch. 10)
- Barry C. Burden. 2007. “Ballot Regulations and Multiparty Politics in the States,” *PS: Political Science & Politics*, pp. 669-773 (on HuskyCT)
- Bullock, “Redistricting” (Streb, ch. 11)
- Excerpt from *Baker v. Carr*, 369 U.S. 186 (1962) (on HuskyCT)
- Excerpt from *Vieth v. Jubelirer*, 541 U.S. 267 (2004) (on HuskyCT)

### Recommended Readings:

- Fougere, Ansolabehere & Persily. 2011. “Partisanship, Public Opinion, and Redistricting,” in Charles, Gerken, and Kang, *Race, Reform, and Regulation of the Political Process*. Cambridge University Press [ch. 11]
- Bruce E. Cain. 2012. “Redistricting Commissions: A Better Political Buffer?” *Yale Law Journal*
- Nathaniel Persily. 2001. “Candidates v. Parties: The Constitutional Constraints on Primary Ballot Access Laws,” *Georgetown Law Journal*
- Nicholas Stephanopoulos. 2013. “The Consequences of Consequentialist Criteria,” *U.C. Irvine Law Review*, vol. 3
- Stephanopoulos & McGhee. 2015. “Partisan Gerrymandering and the Efficiency Gap,” *The University of Chicago Law Review*
- Issacharoff & Pildes. 1998. “Politics as Markets: Partisan Lockups of the Democratic Process,” *Stanford Law Review*
- Nathaniel Persily. 2002. “In Defense of Foxes Guarding Henhouses: The Case for Judicial Acquiescence to Incumbent-Protecting Gerrymanders,” *Harvard Law Review*, vol. 116
- Relevant judicial cases:
  - *Shaw v. Reno* (1993) (race as predominant factor)
  - *Arizona State Legislature v. Arizona Independent Redistricting Commission* (2015) (“legislature” means political process)

## February 8: Redistricting Simulation Presentations

- <http://www.redistrictinggame.org>

## February 15: Voter Eligibility, Registration, and Suppression

### *Required Readings:*

- Presidential Commission on Election Administration, section III A,E,F
- Lorraine Minnite, “Voter Identification Laws” (Streb, ch. 5)
- Richard L. Hasen. 2014. “Race or Party? How Courts Should Think About Republican Efforts to Make it Harder to Vote in North Carolina and Elsewhere,” *Harvard Law Review Forum* (on HuskyCT)

### *Recommended Readings:*

- Fisher, Garrett & Whitaker. 2016. “State Voter Identification Requirements: Analysis, Legal Issues, and Policy Considerations,” *Congressional Research Service Report R42806*
- Hajnal, Lajevardi, Nielson. 2016. “Voter Identification Laws and the Suppression of Minority Votes,” *Journal of Politics*
- Benjamin Highton. 2016. “Voter Identification Laws and Turnout in the United States,” *Annual Review of Political Science*
- Michael D. Gilbert. 2015. “The Problem of Voter Fraud,” *Columbia Law Review*
- Lorraine Minnite, 2010. *The Myth of Voter Fraud*. Cornell University Press
- Alexander Keyssar. 2009. *The Right to Vote: The Contested History of Democracy in the United States* [ch. 6]
- Nathaniel Persily. 2007. “The Promise and Pitfalls of the New Voting Rights Act,” *Yale Law Journal*
- Michael J. Pitts. 2008. “Empirically Assessing the Impact of Photo ID at the Polls Through an Examination of Provisional Balloting,” *Journal of Law & Politics*
- Cobb, Greiner & Quinn. 2012. “Can Voter ID Laws Be Administered in a Race-Neutral Manner? Evidence from the City of Boston in 2008,” *Quarterly Journal of Political Science*
- Ansolabehere & Persily. 2008. “Vote Fraud in the Eye of the Beholder: The Role of Public Opinion in the Challenge to Voter Identification Requirements,” *Harvard Law Review*
- Ahlquist, Mayer, and Jackman. 2014. “Alien Abduction and Voter Impersonation in the 2012 U.S. General Election: Evidence from a Survey List Experiment,” *Election Law Journal*

## February 22: Convenience Voting

### Required Readings:

- Presidential Commission on Election Administration, sections IIIC, IIID
- Herrnson, et al. 2015. "Message, Milieu, Technology, and Turnout among Military and Overseas Voters." *Electoral Studies*, vol 39, pp. 142-152 (on HuskyCT)
- Gronke, "Early Voting" (Streb, ch. 6)
- Burden, Canon, Mayer & Moynihan. 2014. "Election Laws, Mobilization, and Turnout: The Unanticipated Consequences of Election Reform," *American Journal of Political Science* (on HuskyCT)
- Michael P. McDonald, Enrijeta Shino and Daniel A. Smith. "Early Voting and Participation: Reassessing Turnout Effects of Election Reforms", American Political Science Association, San Francisco CA, Sep. 2015. (on HuskyCT)

### Recommended Readings:

- Ashok, Feder & Hersh. 2016. "The Dynamic Election: Patterns of Early Voting Across Time, State, Party and Age," *Election Law Journal*, vol. 15
- Elliott Fullmer. 2015. "Early Voting: Do More Sites Lead to Higher Turnout?" *Election Law Journal*, vol. 14
- Stein, Owens, and Leighley, "Electoral Reform, Mobilization, and Voter Turnout,"
- Jan Leighley, 2014. "Absentee Ballot Regimes: Easing Costs or Adding a Step?" in Alvarez & Grofman, *Election Administration in the United States: The State of Reform Ten Years After Bush v. Gore*, University of Chicago Press

## March 1: Voting interfaces

### Prospectus and Bibliography due

#### Required Readings:

- Presidential Commission on Election Administration, sections III.E
- Hall and Smoot, "Voting Machines" (Streb, ch. 4)
- Niemi and Herrnson. 2003. "Beyond the Butterfly: The Complexity of U.S. Ballots," *Perspectives on Politics*, vol. 1 (on HuskyCT)
- Wand, et al. 2001. "The Butterfly Did It: The Aberrant Vote for Buchanan in Palm Beach County, Florida," *American Political Science Review*, vol. 95 (on HuskyCT)
- Pasek et al. 2014. "Prevalence and Moderators of the Candidate Name-Order Effect: Evidence from Statewide General Elections in California," *Public Opinion Quarterly*, vol. 78 (on HuskyCT)
- John Myers, "California's very long November ballot is now official – and it might get even longer," L.A. Times, June 30, 2016
  - <http://www.latimes.com/politics/la-pol-ca-november-ballot-propositions-certified-20160630-snap-story.html>

### *Recommended Readings*

- Herrnson, et al. 2007. *Voting Technology: The Not-So-Simple Act of Casting a Ballot*, Brookings Institution Press [chs. 3-6]
- Alvarez & Hall. 2010. *Electronic Elections: The Perils and Promises of Digital Democracy*, Princeton University Press [chs. 2-3, 6-7]
- Alvarez & Hall. 2003. *Point, Click, & Vote: The Future of Internet Voting*, Brookings Institution Press [chs. 4-5]
- Ansolabehere & Stewart. 2001. "Residual Votes Attributable to Technology," *CalTech/MIT Voting Technology Project Report*
- Stein et al. 2008. "Voting Technology, Election Administration, and Voter Performance," *Election Law Journal*, vol. 7
- Elmendorf & Spencer. 2013. "Are Ballot Titles Biased? Partisanship in California's Supervision of Direct Democracy," *U.C. Irvine Law Review*, vol. 3

**March 8: MIDTERM EXAM**

**March 15: SPRING BREAK**

**March 22: Student papers**

**March 29: Impact of Election Administration on Campaign Strategy**

### *Required Readings:*

- Eitan Hersh. 2015. *Hacking the Electorate*, Cambridge University Press [ch. 1]
- "Running Scared," *Atlantic Monthly*
  - <http://www.theatlantic.com/magazine/archive/1997/01/running-scared/376754/>

### *Recommended Readings:*

- Foley, "Recounts" (Streb, ch. 7)
- Daron R. Shaw. 2006. *The Race to 270: The Electoral College and the Campaign Strategies of 2000 and 2004* [ch. 4]
- Costas Panagopoulos. 2016. *Political Campaigns: Concepts, Context, and Consequences* [ch. 5]
- Eitan Hersh. 2015. *Hacking the Electorate*, Cambridge University Press [chs. 2-4,7]
- Archon Fung. 2012. "Popular Election Monitoring: How Technology Can Enable Citizen Participation in Election Administration" in *Race, Reform, and Regulation of the Electoral Process: Recurring Puzzles in American Democracy*, Cambridge University Press

## **April 5: Election Administration**

**Guest speaker: Denise Merrill, CT Secretary of the State and other election officials**

### *Required Readings:*

- Presidential Commission on Election Administration, section III.B
- Hall et al. 2009. "The Human Dimension of Elections," *Political Research Quarterly*, vol. 62, pp. 507-522 (on HuskyCT)
- Spencer & Markovits. 2010. "Long Lines at Polling Stations? Observations from an Election Day Field Study," *Election Law Journal*, vol. 9 (on HuskyCT)

### *Recommended Readings:*

- Charles Stewart, "2016 Survey of the Performance of American Elections"
- Pew Charitable Trusts. 2016. "Assessing the 2014 Election: The Election Performance Index," *Issue Brief*
- Toby James. 2010. "Electoral Administration and Voter Turnout: Towards and International Public Policy Continuum," *Representation* vol. 46

## **April 12: Reform / Student presentations #1**

### *Required Readings:*

- Democracy Fund. 2016. "Progress Report on the Presidential Commission on Election Administration"
- Charles Stewart & Stephen Pettigrew, "The United States is Getting Better at Running Elections," *Washington Post Monkey Cage Post* (Aug. 9, 2016)
  - <https://www.washingtonpost.com/news/monkey-cage/wp/2016/08/09/the-united-states-is-getting-better-at-running-elections/>

### *Recommended Readings:*

- Burden & Stewart. 2014. *The Measure of American Elections*, Cambridge University Press
- Issacharoff & Pildes. 2014. "Bush v. Gore and the Constitutional Right to Vote," in *Election Administration in the United States: The State of Reform after Bush v. Gore*, Cambridge University Press
- Alvarez et al. 2011. "Voter Opinions about Election Reform," *Election Law Journal*, vol. 10
- Pew Charitable Trusts. 2016. "Assessing the 2014 Election: The Election Performance Index," *Issue Brief*

## **April 19: Student presentations #2**

## **April 26: Student Presentations #3**