

Making American Democracy Work: Elections, Election Reform, and Voting Technology

17.S953
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E53-485

Charles Stewart III
cstewart@mit.edu
617-253-3127

The purpose of this class is to explore the social science literature across a variety of legal, administrative, and technological topics related to voting in the United States. The topics chosen are ones that loom large in the history of voting rights in the United States. Most, but not all, are currently hot topics in the news.

I am especially interested in the influence of social science on the development of voting rights and election administration in the U.S. Therefore, the approach of the readings is more applied than most classes on elections and representation. The administration of elections, broadly considered, is one of the few areas of public policy where political science actually is the primary repository of subject-matter expertise. (We share this pride of place with law, which is why we will also be reading important legal decisions and law review articles, to see how the competition thinks about these things.) Thus, it is important to understand the theoretical and empirical foundations on which we rest our knowledge about topics such as whether voter registration suppresses turnout or whether the drawing of legislative districts diminishes the representational force of minority populations. But once we have done that, we also need to understand how the empirical literature either does or should influence the evolution of policy and the law in these areas.

The class is divided into five major topics: (1) the evolving right to vote, (2) reform efforts and their effects on behavior, (3) redistricting and apportionment, (4) campaign finance, and (5) voting technology and election administration. We will cover each topic over a period of two or three class meetings. Each week's reading covers a lot of ground. However, this is an exploratory seminar, so I am more than willing to adjust the readings to suite and interests of those taking the class.

Finally, this is the fall semester. Despite the fact that this is an odd-numbered year, there will be a couple of major elections this fall, among them are gubernatorial elections in New Jersey and Virginia, a mayoral election in Boston, and a city council election in Cambridge. The Boston preliminary election on September 24 and the various general elections on November 5 will provide us opportunities to observe the conduct of elections up close. We will not hold class meetings on those days. Instead, we will do some observation of local election polling places. Details to come.

We will read seven books more-or-less in their entirety. Therefore, you should buy them (usually used and cheap), rather than just check them out of the library. Here are the books you should get:

- Alex Keyssar, *The Right to Vote*. Basic Books.

- C. Vann Woodward, *The Strange Career of Jim Crow*. Oxford University Press.
- Stephen Ansolabehere and James M. Snyder, Jr. *The end of inequality: One person, one vote and the transformation of American politics*. Norton
- Gary W. Cox and Jonathan N. Katz. 2002. *Elbridge Gerry's salamander: The electoral consequences of the reapportionment revolution*. Cambridge University Press.
- Frank Sorauf, *Inside Campaign Finance*. Yale.
- Roy G. Saltman. 2006. *The history and politics of voting technology: In question of integrity and public confidence*. Palgrave Macmillan.
- R. Michael Alvarez and Thad E. Hall. *Electronic elections: The perils and promises of digital democracy*. Princeton University Press.

(One request: please get paper copies of these books, not the Kindle editions, because of the difficulty in referencing pages.)

Assignments

There are three assignments:

1. Attend all classes, with all the reading done, ready to discuss. I will assign class members to take responsibility for keeping the discussion going, on a rotating basis.
2. Discussion agenda memos. You will write brief, one-page memos, circulated by 5pm on the Monday before each class meeting, about the points you want to discuss at the next day's seminar. A list of bullet points is fine. The goal is to get us thinking ahead of time about the topics that interest people.
3. Seminar paper. You will write an empirical paper on one of the topics covered by the syllabus. This should be the first draft of a paper you might want to present at a conference or submit to a journal for publication. You must get my approval of the topic no later than Columbus Day. The paper is due at the end of the semester.

Reading Schedule

Organizing meeting: September 10

The evolving right to vote, I. September 17

Alex Keyssar, *The Right to Vote* (all). Skim the empirical appendices at the end.

No class (observe the Boston preliminary election): September 24

The evolving right to vote, II: October 1

- Chandler Davidson, 1992. The Voting Rights Act: A Brief History. In *Controversies in minority voting: The Voting Rights Act in perspective*, Bernard Grofman and Chandler Davidson, eds., Washington: Brookings.
- Samuel Issacharoff. 2004. Is Section 5 of the Voting Rights Act a victim of its own success? *Columbia Law Review* 104(6): 1710–1731.
- Michael J. Pitts. 2005. Let’s not call the whole thing off just yet: A response to Samuel Issacharoff’s suggestion to scuttle Section 5 of the Voting Rights Act. *Nebraska Law Review* 84:605–630.
- Shelby County, Alabama v. Holder*, 570 U.S. ____ (2013). Download the slip opinion from the case page at the Election Law @ Moritz web site, moritzlaw.osu.edu/electionlaw/. Click on “major pending cases,” and then search for the link to the Selby County case.
- Michael P. McDonald. 2006. Who’s covered? Coverage formula and bailout, In *The future of the Voting Rights Act*, David L. Epstein, et al, eds., (pp. 255–274).
- Nathaniel Persily. 2007. The promise and pitfalls of the new Voting Rights Act. *Yale Law Journal* 117: 174–253.
- Stephen Ansolabehere, Nathaniel Persily, and Charles Stewart III. 2013. Regional differences in racial polarization in the 2012 presidential election: Implications for the constitutionality of Section 5 of the Voting Rights Act. *Harvard Law Review Forum* 126: 205–220.
- Bernard Grofman. 2013. Devising a sensible trigger for Section 5 of the Voting Rights Act. *Election Law Journal* 12(3): 332–337.

Reform efforts and their effects on behavior, I: October 8

Reform generally

- Steven J. Rosenstone and Raymond E. Wolfinger. 1978. The effect of registration laws on voter turnout. *American Political Science Review*. 72(1): 22–45.
- Adam J. Berinsky. 2005. The perverse consequences of electoral reform in the United States. *American Politics Research* 33(4): 471–491.

Southern disfranchisement

- C. Vann Woodward. 1966. *The strange career of Jim Crow*, 2nd ed. New York: Oxford.
- V.O. Key. 1949. *Southern Politics in State and Nation*, chapter 25.
- J. Morgan Kousser. 1973. Post-Reconstruction suffrage restrictions in Tennessee: A new look at the V.O. Key thesis. *Political Science Quarterly* 88(4): 655-683.

Columbus Day Holiday: October 15

Reform efforts and their effects on behavior, II: October 22

Progressive reforms

- Walter Dean Burnham. 1965. The changing shape of the American political universe. *American Political Science Review* 54:7–28.
- Philip E. Converse. 1972. Change in the American electorate. In *The Human Meaning of Social Change*, ed. Angus Campbell and Philip E. Converse. New York: Russell Sage Foundation (pp. 263–337), especially pp. 263–301.
- Walter Dean Burnham. 1974. Theory and voting research: Some reflections on Converse’s “Change in the American Electorate.” *American Political Science Review* 68:1002–1023.
- Philip E. Converse. 1974. Comment on Burnham’s “Theory and voting research.” *American Political Science Review* 68:1024–1027.
- Jerrold G. Rusk. 1974. Comment: The American electoral universe: Speculation and evidence. *American Political Science Review*. 68:1028–1049.
- Walter Dean Burnham. 1974 Rejoinder to “Comments” by Philip Converse and Jerrold Rusk. *American Political Science Review* 68:1050–1057.

National Voter Registration Act

- Frances Fox Piven and Richard A. Cloward. 1966. Northern Bourbons: A preliminary report on the National Voter Registration Act. *PS: Political Science and Politics* 29(1): 39–42.
- Benjamin Highton and Raymond E. Wolfinger. 1998. Estimating the effects of the National Voter Registration Act of 1993. *Political Behavior* 20(2): 79–104.

Election Day Registration

- Craig Leonard Brians and Bernard Grofman. 2002. Election day registration’s effect on U.S voter turnout. *Social Science Quarterly* 82(1): 170–181.
- Alex Street, et al. 2013. Extending voter registration deadlines would enfranchise millions of Americans. Paper presented at the annual meeting of the American Political Science Association.

Vote-by-mail

- Priscilla L. Southwell and Justin I. Burchett. 2000. The effect of all-mail elections on voter turnout. *American Politics Research* 28(1): 72–79.
- Adam J. Berinsky, Nancy Burns, and Michael W. Traugott. 2001. Who votes by mail? A dynamic model of the individual-level consequences of voting-by-mail systems. *Public Opinion Quarterly* 65(2): 178–197.
- Alan S. Gerber, Gregory A. Huber, and Seth J. Hill. 2012. Identifying the effects of elections held all-mail on turnout: Staggered reform in the Evergreen State. (mimeo)

Redistricting and reapportionment, I: October 29

- Stephen Ansolabehere and James M. Snyder, Jr. 2008. *The end of inequality: One person, one vote and the transformation of American politics*. New York: Norton.

November 5. No class. Observe polling places

Redistricting and reapportionment, II: November 12

- Robert S. Erikson. 1972. Malapportionment, gerrymandering, and party fortunes in congressional elections. *American Political Science Review* 66(4): 1234–1245
- Edward R. Tuft. 1973. The relationship between seats and votes in two-party systems. *American Political Science Review* 67(2): 540-554.
- John A. Ferejohn. 1977. On the decline of competition in congressional elections. *American Politics Review* 71(1): 166–176.
- Gary W. Cox and Jonathan N. Katz. 2002. *Elbridge Gerry's salamander: The electoral consequences of the reapportionment revolution*. New York: Cambridge University Press.
- Jowei Chen and Jonathan Rodden. 2013. Unintentional gerrymandering: Political geography and electoral bias in legislatures. *Quarterly Journal of Political Science* 8: 239–269.

Campaign finance, I: November 19

- Frank Sorauf. 1994. *Inside campaign finance: Myths and realities*. New Haven: Yale University Press.
- Buckley v Valeo* 424 U.S. 1 (1976)
- McConnell v. Federal Election Commission* 540 U.S. 93 (2003)
- Citizens United v. Federal Election Commission* 588 U.S. 50 (2010)
- Justin Levitt. 2010. Confronting the Impact of *Citizens United*. *Yale Law and Policy Review* 29: 217–234.

Campaign finance, II: November 26

- Gary Jacobson. 1978. The effects of campaign spending on congressional elections. *American Political Science Review* 72:769–783.
- Gary Jacobson. 1985. Money and votes reconsidered: Congressional elections 1972–1983. *Public Choice* 47:7–62.
- Donald P. Green and Jonathan S. Krasno. 1988. Salvation for the spendthrift incumbent: Reestimating the effects of campaign spending in House elections. *American Journal of Political Science* 32(4): 884–907.
- Richard L. Hall and Frank W. Wayman. 1990. Buying time: Moneyed interests and the mobilization of bias in congressional committees. *American Political Science Review* 84(3): 797–820.
- Samuel Issacharoff and Richard Pildes. 1998. The hydraulics of campaign finance reform.” *Texas Law Review* 77(7): 1705–1738.
- Stephen Ansolabehere, John M. de Figueiredo, and James M. Snyder, Jr. 2003. Why is there so little money in U.S. politics? *Journal of Economic Perspectives* 17(1): 105–130.
- John R. Wright. 1990. Contributions, lobbying, and committee voting in the U.S. House of Representatives. *American Political Science Review* 84(2): 417–438.

Voting technology and election administration I: December 3

Caltech/MIT Voting Technology Project. 2001. *Voting: What Is/What Could Be*.

Roy G. Saltman. 2006. *The history and politics of voting technology: In question of integrity and public confidence*. New York: Palgrave.

Charles Stewart III. 2011. Voting technologies. *Annual Review of Political Science* 14: 353–378.

Voting technology and election administration II: December 10 (may be rescheduled)

Robert S. Montjoy. 2008. The public administration of elections. *Public Administration Review* 68(5): 788–799.

Thad E. Hall, J. Quin Monson, and Kelly D. Patterson. 2008. The human dimension of elections: How poll workers shape public confidence in elections. *Political Research Quarterly* 62(3): 507–522.

R. Michael Alvarez and Thad E. Hall. 2010. *Electronic elections: The perils and promises of digital democracy*. Princeton: Princeton University Press.

Rachael V. Cobb, D. James Greiner, and Kevin M. 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* 7:1–33.