

Ballots, Bucks, and Maps: The Rules of the Electoral Game in American Politics
POL 161 – Fall 2020

Instructor

Professor Ben Highton, bhighton@ucdavis.edu

Office hours (remote): Tuesdays 1:30-3:00, and by appt.

Zoom meeting id: TBA

Zoom link: TBA

Teaching Assistants

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Office hours (remote): Mondays & Thursdays 1:00-2:00, and by appt.

Zoom meeting id: TBA

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Office hours (remote): Wednesdays 10:00-12:00, and by appt.

Zoom meeting id: TBA

Zoom meeting link: TBA

Course Description

This course will focus on the laws and rules that govern the electoral system in the United States. Among the topics covered will be voting rights, representation and redistricting, partisan gerrymandering, minority representation and vote dilution, election administration, and the Electoral College. We will focus on the historical development of laws, key court cases, and some of the most contentious issues in current American politics. By the end of the course, successful students will:

- Understand the most important laws and Supreme Court cases that influence the operation of the U.S. electoral system.
- Be able to assess competing claims and evidence about the effects of electoral institutions on electoral politics.
- Develop critical thinking skills to evaluate arguments made in ongoing political disputes regarding proposed changes to election laws.
- Have developed in-depth knowledge of one area of election law through independent research and writing of a term paper.

Method of Instruction

This course will be taught by remote instruction. There will not be required times to “attend” class. Recorded lectures will be posted on Canvas. In the current lingo, the course will be largely “asynchronous.” During a typical week, students will be expected to (a) watch and take notes on lecture material, (b) complete assigned readings, and (c) turn in a homework assignment based on the previous week’s material. (Note: The Registrar lists a TBA discussion section for this course. That is incorrect. *There will not be a discussion section for this course.*)

Both the instructor and teaching assistants will hold regular remote office hours via Zoom and will be available for meeting remotely with students at other times.

All material (including all readings) for the course will be posted on Canvas, and all work will be submitted through Canvas.

Important Notes about Course Materials

It may seem strange that I am telling you this, but with the transition to 100% remote teaching and the sometimes widespread and problematic sharing of course materials on-line, UCD recommends that instructors make the following crystal clear to students.

Lectures and course materials, including PowerPoint presentations, tests, outlines, and similar materials, are protected by U.S. copyright law and by University policy. I am the exclusive owner of the copyright in those materials I create. Students may take notes and make copies of course materials for their own personal use. Students may also share those materials with another student who is enrolled in or auditing this course. Students may not reproduce, distribute or display (post/upload) lecture notes or recordings or course materials in any other way — whether or not a fee is charged — without my express prior written consent. You also may not allow others to do so. If you do so, you may be subject to student conduct proceedings under the UC Davis Code of Academic Conduct. Similarly, students own the copyright in their original papers and exam essays. If I am interested in posting your answers or papers on the course web site, I will ask for your written permission.

Requirements (and % of final grade)

- Five homework assignments (15%, based on your 4 best scores).
- Three short tests (40%).
- Research paper (25%).
- Final exam (20%).

Grades

Final grades will be based on the following scale:

<u>Grade</u>	<u>From</u>	<u>To</u>
A+	97	100
A	93	96.9
A-	90	92.9
B+	87	89.9
B	83	86.9
B-	80	82.9
C+	77	79.9
C	73	76.9
C-	70	72.9
D+	67	69.9
D	63	66.9
D-	60	62.9
F	0	59.9

To give all students the benefit of close calls on grading, we will add 0.5 to all students' final grades. For example, a student whose overall grade is an 89.7 and who would otherwise receive a B+ will get bumped up to 90.2 ($89.7 + 0.5 = 90.2$) and receive an A-. (Of course there need to be cutoffs somewhere. A student with an 89.4 would get bumped to an 89.9 and still receive a B+.)

Students with Disabilities

We will be happy to accommodate students with special needs provided that they work through the process developed by the Student Disability Center on campus (<http://sdc.ucdavis.edu>). This process involves requesting accommodation before or at the beginning of the quarter. If you have any questions about this, please contact the instructor or the TA during the first week of the quarter.

Academic Integrity

Academic integrity is important. Dishonesty will not be tolerated. If you are unfamiliar with the university's academic code of conduct, please consult the SJA (the office of Student Support and Judicial Affairs, <http://sja.ucdavis.edu/>), and especially this [document](#). If you have any questions about what constitutes inappropriate academic behavior or other concerns, please contact SJA or the instructor.

Important Dates

- October 13 (Tuesday): Homework #1 due (handed out on October 9)
- October 20 (Tuesday): Short test #1
- October 27 (Tuesday): Homework #2 due (handed out on October 23)
- November 3 (Tuesday): Homework #3 due (handed out on October 30)
- November 10 (Tuesday): Short test #2
- November 17 (Tuesday): Homework #4 due (handed out on November 13)
- November 24 (Tuesday): Homework #5 due (handed out on November 20)
- December 4 (Friday): Research paper due
- December 10 (Thursday): Short test #3
- December 17 (Thursday): Final exam

Tentative Schedule

Weeks 1-2: Introduction, Courts & Policy Making, and The Electoral College

Weeks 2-3: The Electoral College and Voting Rights

Weeks 3-4: Apportionment & Malapportionment and Redistricting & Gerrymandering

Weeks 4-5: Redistricting & Gerrymandering

Weeks 5-6: The 2020 Elections & Minority Representation

Weeks 6-7: Minority Representation

Weeks 7-8: Election Administration

Weeks 8-9: Thanksgiving holiday and Election Administration

Weeks 9-10: Election Administration and Course Review

December 17: Final Exam

Readings by Topic

1. Courts and Policymaking in the United States
 - a. "After 14 Years, Chief Justice Roberts Takes Charge," Adam Liptak. *New York Times*.
 - b. "Roberts Is The New Swing Justice: That Doesn't Mean He's Becoming More Liberal." Amelia Thomson-DeVeaux, Laura Bronner, & Elena Mejía. *FiveThirtyEight*.
 - c. "A More Liberal Supreme Court? Not When It Comes to Voting Rights." Adam Liptak. *New York Times*.

2. The Electoral College
 - a. "Electoral College Reform." Thomas Neale. Congressional Research Service.
 - b. "Setting the Record Straight, Part Two: Common Popular Vote Myths." Jesse Wegman. *Let the People Pick the President*, chapter 8.

3. Voting Rights
 - a. *Lassiter v. Northampton County Board of Elections* (1959).
 - b. "Turning Rights into Ballots: The Uneven Integration of Women into Electoral Politics after Suffrage." Christina Wolbrecht & J. Kevin Corder. *PS: Political Science & Politics*.
 - c. "Punishment and Democracy: Disenfranchisement of Nonincarcerated Felons in the United States." Jeff Manza and Christopher Uggen. *Perspectives on Politics*.

4. Apportionment & Malapportionment
 - a. "Who Counts for One Person, One Vote?" (Introduction, sections I & II, Conclusion). Nathaniel Persily. *UC Davis Law Review*.
 - b. "Equal Votes, Equal Money: Court-Ordered Redistricting and Public Expenditures in the American States." Stephen Ansolabehere et al. *American Political Science Review*.

5. Redistricting & Gerrymandering (continued on next page)
 - a. "Belling the Cat: The Story of *Vieth v. Jubelirer*." Lisa Marshall Manheim.
 - b. "How the Supreme Court could Limit Gerrymandering, Explained with a Simple Diagram." Alvin Chang. *Vox*.

5. Redistricting & Gerrymandering, cont.

- c. *Common Cause v. Lewis* (2019), Introduction (pp. 5-10), Findings of Fact B3 (pp. 37-67), Conclusions of Law II, III, & IV (pp. 298-331).
- d. “With No Supreme Court End to Gerrymandering, Will States Make It More Extreme?” Richard Fausset. *New York Times*.
- e. Prisoner Gerrymandering
 - i. “Census Counting of Prisoners becomes Partisan Battleground.” Ivan Moreno. *Associated Press*.
 - ii. “‘Your Body Being Used’: Where Prisoners Who Can’t Vote Fill Voting Districts.” Hansi Lo Wang & Kumari Devarajan. National Public Radio.

6. Minority Representation

- a. “Does Redistricting Aimed to Help Blacks Necessarily Help Republicans?” Kimball Brace, Bernard Grofman & Lisa Handley. *Journal of Politics*.
- b. California Civil Rights Act (CVRA)
 - i. Chico City Council: read documents in the “CVRA Chico” PDF file.
 - ii. Davis City Council: read documents in the “CVRA Davis” PDF file.
 - iii. Santa Monica City Council: *Pico Neighborhood Association v. Santa Monica* (2020).

7. Election Administration

- a. *Fish v. Kobach*
 - i. “Judge Rejects Kansas Law *Requiring Voters to Show Proof of Citizenship*,” Julie Bosman, *New York Times*.
 - ii. Expert Report of Lorraine C. Minnite, *Fish v. Kobach*, pp. 1-15.
- b. “The 2018 General Election and 2019 Special Election for North Carolina’s 9th Congressional District Seat.” See handout with media coverage and election results: “NC9th_2018-19.pdf”
- c. Voting Machines
 - i. “Voting Technology” & “Voting System Certification.” *Securing the Vote: Protecting American Democracy*. The National Academies of Sciences, Engineering, & Medicine.
 - ii. “The Myth of the Hacker-Proof Voting Machine.” Kim Zetter. *New York Times*.
 - iii. “How Voting-Machine Lobbyists Undermine the Democratic Process.” Sue Halpern. *The New Yorker*.
 - iv. “Trips to Vegas and Chocolate-Covered Pretzels: Election Vendors Come Under Scrutiny.” Pam Fessler. National Public Radio.
 - v. “The Market for Voting Machines Is Broken. This Company Has Thrived in It.” Jessica Huseman. ProPublica.