

Election Law: A Social Science Perspective

LAWS 95903

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Instructor

Richard Holden

Room TBA

rtholden@post.harvard.edu

Overview

This course focuses on two key topics in election law: reapportionment/redistricting and campaign finance regulation. The current round of redistricting that is occurring at present, as well as recent Supreme Court decisions make this a timely topic. We will focus on classic cases in election law, as well as research in political science and economics that bear on those cases.

Prerequisites:

None

Assessment:

Class participation 25% (If you will be unprepared for class please email me at least one hour ahead of time).

Short paper 75%.

Casebook

Issacharoff-Karlan-Pildes. *The Law of Democracy: Legal structures of the political process*. Foundation Press. 3rd edition, 2007. You will also need the 2011 supplement which can be downloaded for free here

<http://www.westacademic.com/Professors/ProductDetails.aspx?productid=137969&tab=1>

A Note on Readings

The purpose of this class is to analyze classic issues in election law through a social science lens. Thus, a number of the readings assigned are scholarly papers published in economics or political science journals, in addition to extracts from the casebook. Some of the social sciences papers are more accessible than others, but several contain a fair amount of mathematical notation or use statistical techniques. You are NOT expected to understand all the details, nor read the papers in their entirety. Unless I specify otherwise below, please at least read the introduction to each carefully—they are typically 3-6 pages per paper—and skim the rest quickly. If you can read more that's great, but not essential.

Course Outline and Readings

Class 1: Traditional Districting Principles

Types of electoral systems	IKP 1132-37
Colgrove. Green	IKP 112-17 & n.4
Baker v. Carr	IKP 118-30 & n.2
Reynolds v. Sims	IKP 134-42 & nn.1-3
Karcher v. Daggett	IKP 161-65

Stephen Coate and Brian Knight. 2007. "Socially Optimal Districting: A theoretical and empirical exploration." *Quarterly Journal of Economics*. pp1409-1471.

<http://qje.oxfordjournals.org/content/122/4/1409.full.pdf+html>

Roland G. Fryer, Jr and Richard T. Holden. 2011. "Measuring the Compactness of Political Districting Plans". *Journal of Law and Economics*, August.

<http://www.economics.harvard.edu/faculty/fryer/files/Compactness Final.pdf>

Class 2: Political Districting

Davis v. Bandemer	IKP 829-31 & n.5
Vieth v. Jubelirer	IKP 841-872

John N. Friedman and Richard T. Holden. 2008. "Optimal Gerrymandering: Sometimes Pack But Never Crack", *American Economic Review* 98(2). pp.113-144.

<http://www.jstor.org/stable/pdfplus/29729966.pdf>

Class 3: Race and Redistricting

VRA s2	IKP 566-67
Thornburg v. Gingles	IKP 595-618
Shaw v. Reno	IKP 724-32
Post Shaw	IKP 740-55 & n.5

Adam B. Cox and Richard T. Holden. 2011. "Reconsidering Racial and Partisan Gerrymandering." *University of Chicago Law Review*.

<http://www.law.uchicago.edu/files/file/554-350-abc-gerrymandering.pdf>

H.P.Young. 1988. "Measuring the Compactness of Legislative Districts." *Legislative Studies Quarterly* 13(1). pp. 105-115.

<http://www.jstor.org/stable/pdfplus/439947.pdf>

Ebonya Washington. "Do Majority Black Districts Limit Blacks' Representation? The

Case of the 1990 Redistricting” forthcoming, *Journal of Law and Economics*.
<http://www.econ.yale.edu/faculty1/washington/redistricting.pdf>

Class 4: Money and Politics

Buckley v. Valeo	IKP 334-38
McConnell V. FEC	IKP 403-20 & n.1
527 background	IKP 452-55
Citizens United v. FEC	Supp. 75-98 & nn.1-4

<http://www.supremecourt.gov/opinions/09pdf/08-205.pdf>

Stephen Coate. 2004. “Pareto-Improving Campaign Finance Policy.” *American Economic Review* 94(3). pp.628-655.
<http://www.jstor.org/stable/pdfplus/3592946.pdf?acceptTC=true>

Donald Wittman. 2007. “Candidate quality, pressure group endorsements and the nature of political advertising.” *European Journal of Political Economy* 23. pp. 360–378.
<http://www.sciencedirect.com/science/article/pii/S017626800700002X>