

Political Science 601: Election Reform in America

University of Wisconsin-Madison
Spring Semester 2019
Wednesday 2:25-5:25pm
Ingraham Hall 223

Contact

Professor: Barry Burden
Office: 101B North Hall
Phone: 608-263-6351
E-mail: bcburden@wisc.edu
Office Hours: Monday 2-4pm & by appointment

About

“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)

Election rules and administration is one area of public policy where there are abundant ideas for reform. From the campaign finance regulations to legislative districting to voter identification, there is no shortage of proposals for improvement. Whether it comes from politicians, administrators, journalists, scholars, or the public, everyone seems to have opinions about what is wrong with elections and how to fix them. But the motivations for these reforms are varied and their consequences are often unknown. It is not always clear what problem a particular proposal is supposed to cure or what side effects it might have. Often the discussion devolves into a debate between liberals favoring greater accommodations for voters and conservatives favoring tighter security. These are important considerations, but we can do better than to get stuck in this debate. Altering something as important as the election process demands careful scrutiny of empirical evidence and weighing against various normative and legal concerns. This seminar immerses students in debates about election reforms and provides tools for evaluating the claims made by advocates on each side.

In terms of course learning outcomes, by the end of the semester, students should be able to (1) convey a working knowledge of the operation of U.S. elections, (2) have developed an understanding of the origins and effects of prominent election practices, and (3) be prepared to analyze proposals for reform in light of normative goals and resources available

This is a three-credit advanced-level course. The prerequisites for enrollment are junior or senior standing and permission of the instructor. The course is designated for accelerated honors.

Requirements

You will get the most from this course (actually, any course) if you are diligent, curious, and open-minded. It is especially helpful in this setting because our attitudes toward election practices tend to be colored by our partisan and ideological commitments. I ask for your willingness to be wrong, to challenge your own assumptions. This means considering empirical evidence and legal arguments fairly, even if they run contrary to your views. If you are unwilling to change your positions, the course will not be of much value. Which one of your opinions will be turned upside down by the end of the semester?

I expect you to come to our weekly class meetings having done all of the reading and given them some thought. Because we operate as a seminar, your participation is crucial. Expect to talk (and listen actively!) every week.

There are numerous readings from academic journals, book chapters, and media reporting. All will be available on the Learn@UW web site for the course. The readings tend to be original studies rather than textbook-type introductions to topics. This means that you will want to spend more time to work through what can be technical language and data analysis. I will help explain the more challenging methodological aspects of readings in class. Bring the readings with you to class meetings so that they can be referenced during our discussions.

Recommended readings are optional. I might reference them and they could be useful for your final paper, but they do need not be read for class.

Expect to submit response papers every other week. At the first class meeting you will be assigned responsibility writing such papers 5 of the 10 substantive meetings between the introductory session and the final session whose topic is yet to be decided. For your assigned weeks, briefly summarize each of the week's readings and offer a synthesis. How do the readings speak to one another? Are they convincing? What questions are not answered? Responses should be left in the Dropbox application on Learn@UW by 5pm on the Tuesday before class. Each paper should be 2½ to 3 pages long, double-spaced, with one-inch margins.

We are not covering all topics. In particular, we leave aside campaign finance, which is the subject of another course (PS 511). The topic of the final session will be decided by the class.

The course culminates in a final research project. The details will be provided separately, but the basic idea is to prepare a policy recommendation in which you propose a reform in some aspect of election administration. You will specify the reform, discuss what existing scholarly research in journals and books has to say about it, identify any holes in existing research, assess the benefits and risks of the change, offer a plan for transitioning to the new rules, and provide a conclusion for why the change ought to be made. The paper should clearly address the legal, normative, and empirical implications of the reform.

To help in the development of the paper, several benchmarks are built into the schedule. On specific dates you should upload to the course web site the appropriate documents. These will include a broad proposal, a tentative list of references, and a summary of the legal, empirical, and normative issues that will be addressed. More details will be provided later, but note that the final paper will be due on Friday, May 10.

Evaluation

Attendance and participation account for 20% of the final grade. Students who participate actively and constructively based on the readings will receive an A. Those who speak minimally or without clear connection to the readings will earn a B, those who are present but not participating will receive a C.

Bimonthly response papers will also account for another 20% of the grade. These will be graded based on the degree to which they engage the readings on their own terms and offer thoughtful insights about them.

A short report based on observing an election day polling place on April 2 will be worth 10% of the grade.

The final research paper is worth 50% of the grade.

The final grading scale is based on the following thresholds: A (90%), AB (87.5%), B (82.5%), BC (77.5%), C (67.5%), and D (60%). Assignments delivered late without my approval are penalized half a letter grade for each day.

Other Considerations

Your success in this course is important to me. All students are encouraged to visit office hours, if only to share how the course is working for you. The classroom is designed to be an inclusive and welcoming environment where each student has the opportunity to learn.

If you have a disability and need accommodation, please contact me immediately. I will work through the McBurney Disability Resource Center (www.mcburney.wisc.edu) to identify the best way to achieve this accommodation and facilitate equal opportunity for all students.

Academic dishonesty will not be tolerated. This includes using someone else's words or ideas without proper attribution. I will report any cases of academic dishonesty to the Assistant Dean for Academic Integrity. Please make sure you are familiar with university policies about plagiarism.

I reserve the right to modify the syllabus timeline or specific readings as needed.

Please only use electronic devices in class for referencing course materials, taking notes, and occasionally tracking down online items that are necessary for our discussions. Everything else should be quieted and stowed away for later use.

January 23: **Introduction**

Required

Bruce E. Cain. *Democracy More or Less*. (2015 Cambridge University Press) [chapter 2]
Martha E. Kropf. *Institutions and the Right to Vote in America*. (2016 Palgrave MacMillan) [chapter 2]
Michael W. Sances and Charles Stewart III. "Partisanship and Confidence in the Vote Count: Evidence from U.S. National Elections Since 2000." (2015 *Electoral Studies*)

Recommended

Shaun Bowler et al. "Election Administration and Perceptions of Fair Elections." (2015 *Electoral Studies*)
Joshua A. Douglas and Eugene D. Mazo, eds. *Election Law Stories* (2016 Foundation Press).
Heather K. Gerken. *The Democracy Index* (2009 Princeton University Press)
Kathleen Hale, Robert Montjoy, and Mitchell Brown. *Administering Elections: How American Elections Work*. (2015 Palgrave)
Dennis F. Thompson. "Election Time: Normative Implications of Temporal Properties of the Electoral Process in the United States." (2004 *American Political Science Review*)
Presidential Commission on Election Administration. *The American Voting Experience: Report and Recommendations of the Presidential Commission on Election Administration*. (2014 report)
Bipartisan Policy Center Commission on Political Reform. "Governing in a Polarized America: A Bipartisan Blueprint to Strengthen our Democracy." (2014 report) [p. 29-50]

January 30: **The History of Voting Rights and Practices**

Required

The U.S. Constitution and amendments [go find them!]
Voting Rights Act of 1965
Alex Keyssar. *The Right to Vote: The Contested History of Democracy in the United States*. (2000 Basic Books) [chapter 4]
Jeff Manza and Christopher Uggen. "Punishment and Democracy: Disenfranchisement of Nonincarcerated Felons in the United States" (2004 *Perspectives on Politics*)

Recommended

Richard Benschel. "The American Ballot Box: Law, Identity, and the Polling Place in the Mid-Nineteenth Century." (2003 *Studies in American Political Development*)
Charles S. Bullock III, Ronald Keith Gaddie, and Justin J. Wert. *The Rise and Fall of the Voting Rights Act*. (2016 University of Oklahoma Press)

- Alec W. Ewald. *The Way We Vote: The Local Dimension of American Suffrage*. (2009 Vanderbilt University Press)
- Caroline J. Tolbert. "Direct Democracy and Institutional Realignment in the American States." (2003 *Political Science Quarterly*)
- Alan Ware. "Anti-Partism and Party Control of Political Reform in the United States: The Case of the Australian Ballot." (2000 *British Journal of Political Science*)

February 6: **Recent Federal Fixes: NVRA and HAVA**

Required

- National Voter Registration Act of 1993
- Lisa Schur, Meera Adya, and Douglas Kruse. "Disability, Voter Turnout, and Voting Difficulties in the 2012 Elections." (2013 report)
- Charles Stewart III. "What Hath HAVA Wrought? Consequences, Intended or Not, of the Post-*Bush v. Gore* Reforms." (2014 book chapter)

Recommended

- R. Michael Alvarez and Bernard M. Grofman, eds. *Election Administration in the United States: The State of Reform after Bush v. Gore*. (2014 Cambridge University Press)
- R. Michael Alvarez and Thad E. Hall. "Controlling Democracy: The Principal-Agent Problems in Election Administration." (2006 *Policy Studies Journal*)
- Martha E. Kropf and David C. Kimball. *Helping America Vote: The Limits of Election Reform*. (2012 Routledge)

February 13: **No class** (UW-Eau Claire presentation)

February 20: **Voter Registration**

Required

- Stephen Ansolabehere and Eitan Hersh. "Voter Registration: The Process and Quality of Lists." (2014 chapter in *The Measure of American Elections*, ed. Barry C. Burden and Charles Stewart III, Cambridge University Press)
- R. Michael Alvarez, Thad E. Hall, and Morgan Llewellyn. "How Hard Can It Be: Do Citizens Think It Is Difficult to Register to Vote?" (2007 *Stanford Law & Policy Review*)
- R. Michael Alvarez et al. "Voter Opinions about Election Reform: Do They Support Making Voting More Convenient?" (2011 *Election Law Journal*)
- Thad E. Hall. "U.S. Voter Registration Reform." (2013 *Electoral Studies*)
- National Conference of State Legislatures. "Automatic Voter Registration."
<<http://www.ncsl.org/research/elections-and-campaigns/automatic-voter-registration.aspx>>

Recommended

- Barry C. Burden et al. "Election Laws, Mobilization, and Turnout: The Unanticipated Consequences of Election Reform." (2014 *American Journal of Political Science*)
Electronic Registration Information Center (ERIC). ericstates.org
- Michael J. Hanmer. *Discount Voting: Voter Registration Reforms and Their Effects* (2009 Cambridge University Press)
- Michael C. Herron. "Allegations of Fraud and Unusual Patterns in Absentee and Election Day Voting Returns in Bladen County, North Carolina." (2018 manuscript)
- Michael P. McDonald. "Portable Voter Registration." (2008 *Political Behavior*)
- Eric McGhee et al. "Automatic Voter Registration and Voter Turnout" (2017 ESRA conference paper)

February 27: **Voter ID**

Required

- Lonna Rae Atkeson et al. "A New Barrier to Participation: Heterogeneous Application of Voter Identification Policies." (2010 *Electoral Studies*)
- Craig C. Donsanto. "Corruption and the Election Process under U.S. Federal Law." (2008 chapter in *Election Fraud*, ed. R. Michael Alvarez et al., Brookings Institution Press)
- Kenneth R. Mayer and Michael D. DeCrescenzo. "Voter Identification and Nonvoting in Wisconsin: Evidence from the 2016 Election." (2018 manuscript)
- Hannah Walker et al. "Race and the Right to Vote: The Modern Barrier of Voter ID Laws." (2018 chapter in *Changing How America Votes*, ed. Todd Donovan, Rowman and Littlefield)
- National Conference of State Legislatures. "Voter Identification Requirements."
<<http://www.ncsl.org/research/elections-and-campaigns/voter-id.aspx>>

Recommended

- John S. Ahlquist, Kenneth R. Mayer, and Simon Jackman. "Alien Abduction and Voter Impersonation in the 2012 U.S. General Election: Evidence from a Survey List Experiment" (2014 *Election Law Journal*)
- Shaun Bowler and Todd Donovan. "A Partisan Model of Electoral Reform: Voter Identification Laws and Confidence in State Elections." (2016 *State Politics & Policy Quarterly*)
- Government Accountability Office. *Issues Related to State Voter Identification Laws*. (2015 report)
- Robert S. Erikson and Lorraine C. Minnite. "Modeling Problems in the Voter Identification-Voter Turnout Debate" (2009 *Election Law Journal*)
- Zoltan Hajnal, Nazita Lajevardi, and Lindsay Nielson. "Voter Identification Laws and the Suppression of Minority Votes." (2017 *Journal of Politics*) [and follow-up criticism, rebuttal, and adjudication by Burden and Hillygus in 2018]
- Kathleen Hale and Ramona McNeal. "Election Administration Reform and State Choice: Voter Identification Requirements and HAVA" (2010 *Policy Studies Journal*)
- Lorraine C. Minnite. *The Myth of Voter Fraud*. (2010 Cornell University Press)

March 6: **Absentee Voting, Early Voting, and Voting at Home**

Required

- Adam J. Berinsky. “The Perverse Consequences of Electoral Reform in the United States” (2005 *American Politics Research*)
- Barry C. Burden and Brian J. Gaines. “Absentee and Early Voting: Weighing the Costs of Convenience.” (2015 *Election Law Journal*)
- Joseph D. Giammo and Brian J. Brox. “Reducing the Costs of Participation: Are States Getting a Return on Early Voting?” (2010 *Political Research Quarterly*)
- Jayne Nieman et al. “Voting at Home Is Associated with Lower Cortisol than Voting at the Polls” (2015 *PLoS ONE*)
- Robert M. Stein and Greg Vonnahme. “Early, Absentee, and Mail-in Voting.” (2010 chapter in *The Oxford Handbook of American Elections and Political Behavior*, ed. Jan E. Leighley, Oxford University Press)
- National Conference of State Legislatures. “Absentee and Early Voting.”
<<http://www.ncsl.org/research/elections-and-campaigns/absentee-and-early-voting.aspx>>

Required

- Elliott B. Fullmer. “Early Voting: Do More Sites Lead to Higher Turnout?” (2015 *Election Law Journal*)
- Christopher B. Mann. “Mail Ballots in the United States: Policy Choice and Administrative Challenge.” (2014 chapter in *The Measure of American Elections*, ed. Barry C. Burden and Charles Stewart III, Cambridge University Press)

March 13: **Ballot Design and Voting Technology**

Required

- Richard G. Niemi and Paul S. Herrnson. “Beyond the Butterfly: The Complexity of U.S. Ballots” (2003 *Perspectives on Politics*)
- David Jefferson. “If I Can Shop and Bank Online, Why Can’t I Vote Online?” (2011 paper)
- Lawrence Norden et al. “Better Ballots” (2008 Brennan Center for Justice)
- Charles Stewart III. “Voting Technologies” (2011 *Annual Review of Political Science*)
- Kim Zetter. “The Myth of the Hacker-Proof Voting Machine” (February 21, 2019 *The New York Times*)

Recommended

- J. Paul Gibson et al. “A Review of E-Voting: The Past, Present, and Future.” (2016 *Annals of Telecommunications*)
- Michael J. Hanmer et al. “Losing Fewer Votes: The Impact of Changing Voting Systems on Residual Votes” (2010 *Political Research Quarterly*)
- Benjamin Highton. “Long Lines, Voting Machine Availability, and Turnout: The Case of Franklin County, Ohio” (2006 *PS: Political Science & Politics*)
- David C. Kimball and Martha Kropf. “Ballot Design and Unrecorded Votes on Paper-Based Ballots” (2005 *Public Opinion Quarterly*)

Rebecca Mercuri. "A Better Ballot Box? New Electronic Voting Systems Pose Risks as Well as Solutions" (2002 *IEEE Spectrum*)

Jack L. Walker. "Ballot Forms and Voter Fatigue: An Analysis of the Office Block and Party Column Ballots." (1966 *Midwest Journal of Political Science*)

Jonathan N. Wand et al. "The Butterfly Did It: The Aberrant Vote for Buchanan in Palm Beach County, Florida." (2001 *American Political Science Review*)

March 20: **No class** (spring break)

March 27: **Ballot Access and Third Parties**

Required

Barry C. Burden and Jordan Hsu. "Signature Requirements and Ballot Access for Non-Major Party Candidates" (2018 chapter in *Changing How America Votes*, ed. Todd Donovan, Rowman and Littlefield)

Edward B. Foley. "Third-Party and Independent Presidential Candidates: The Need for a Runoff Mechanism." (2016 *Fordham Law Review*)

Shigeo Hirano and James M. Snyder, Jr. "The Decline of Third-Party Voting in the United States" (2007 *Journal of Politics*)

Steven J. Rosenstone and Roy L. Behr. *Third Parties in America*. 2nd ed. (1996 Princeton University Press) [chapter 2]

Recommended

Barry C. Burden. "Ralph Nader's Campaign Strategy in the 2000 U.S. Presidential Election" (2005 *American Politics Research*)

Pradeep Chhibber and Ken Kollman. "Party Aggregation and the Number of Parties in India and the United States" (1998 *American Political Science Review*)

April 2: **Election day observation**

April 3: **No class** (MPSA/Big Ten Voting Challenge meeting)

April 10: **Party Nominations**

Required

John Aldrich. "The Invisible Primary and Its Effects on Democratic Choice" (2009 *PS: Political Science & Politics*)

Bruce E. Altschuer. "Selecting Presidential Nominees by National Primary: An Idea Whose Time Has Come?" (2008 *The Forum*)

Matthew J. Geras and Michael H. Crespin. "The Effect of Open and Closed Primaries on Voter Turnout" (2018 chapter in Routledge *Handbook of Primary Elections*, ed. Robert G. Boatright)

Elaine C. Kamarck. *Primary Politics: How Presidential Candidates Have Shaped the Modern Nominating System* (2009 Brookings Institution Press) [chapters 3 & 4]

Recommended

Scott R. Meinke, Jeffrey K. Staton, and Steven T. Wuhs. "State Delegation Selection Rules for Presidential Nominations, 1972-2000." (2006 *Journal of Politics*)

Barbara Norrander. "Ideological Representatives of Presidential Primary Voters." (1989 *American Journal of Political Science*)

Costas Panagapoulos "Are Caucuses Bad for Democracy?" (2010 *Political Science Quarterly*)

David P. Redlawsk, Caroline J. Tolbert, and Todd Donovan, eds. *Why Iowa? How Caucuses and Sequential Elections Improve the Presidential Nominating Process*. (2011 University of Chicago Press)

John Sides et al. "On the Representativeness of Primary Electorates." (forthcoming *British Journal of Political Science*)

April 17: Redistricting

Required

Theodore S. Arrington. "Redistricting in the U.S.: A Review of Scholarship and Plan for Future Research" (2010 *The Forum*)

Thomas L. Brunell. "Rethinking Redistricting: How Drawing Uncompetitive Districts Eliminates Gerrymanders, Enhances Representation, and Improves Attitudes toward Congress." (2006 *PS: Political Science and Politics*)

Jowei Chen and Jonathan Rodden. "Unintentional Gerrymandering: Political Geography and Electoral Bias in Legislatures" (2013 *Quarterly Journal of Political Science*)

Seth E. Masket, Jonathan Winburn, and Gerald C. Wright. "The Gerrymanders Are Coming! Legislative Redistricting Won't Affect Competition or Polarization Much, No Matter Who Does It" (2012 *PS: Political Science & Politics*)

Jonathan Krasno et al. "Wisconsin's State Legislative Districts Are a Big Republican Gerrymander." (May 24, 2016 Monkey Cage blog post in the *Washington Post*)

Recommended

Stephen Ansolabehere and James M. Snyder Jr. *The End of Inequality: One Person, One Vote and the Transformation of American Politics*. (2008 W.W. Norton)

Brennan Center for Justice. "A 50 State Guide to Redistricting."

Gary W. Cox and Jonathan N. Katz. *Elbridge Gerry's Salamander: The Electoral Consequences of the Reapportionment Revolution*. (2002 Cambridge University Press)

Frances E. Lee and Bruce I. Oppenheimer. *Sizing up the Senate: The Unequal Consequences of Equal Representation* (1999 University of Chicago Press)

Pei-te Lien et al. "The Voting Rights Act and the Election of Nonwhite Officials" (2007 *PS: Political Science & Politics*)

Nolan McCarty, Keith T. Poole, and Howard Rosenthal. “Does Gerrymandering Cause Polarization?” (2009 *American Journal of Political Science*)
Michael P. McDonald. “Redistricting and Competitive Districts.” (2006 chapter in *The Marketplace of Democracy*, ed. Michael P. McDonald and John Samples, Brookings Institution Press)
Nicholas O. Stephanopoulos and Eric M. McGhee. “Partisan Gerrymandering and the Efficiency Gap” (2015 *University of Chicago Law Review*)

April 24: **Electoral College**

Required

Michael J. Korzi. “‘If the Manner of It Be Not Perfect’: Thinking Through Electoral College Reform.” (2010 chapter in *Electoral College Reform: Challenges and Possibilities*, ed. Gary Bugh and David Schultz) [available as e-book]
Nate Cohn. “Why Trump Had an Edge in the Electoral College.” (Dec. 19, 2016 *The New York Times*)
Darshan J. Goux and David A. Hopkins. “The Empirical Implications of Electoral College Reform.” (2008 *American Politics Research*)
Paul D. Schumaker. “The Good, the Better, the Best: Improving on the ‘Acceptable’ Electoral College.” (2010 chapter in *Electoral College Reform: Challenges and Possibilities*, ed. Gary Bugh and David Schultz) [available as e-book]

Recommended

George C. Edwards III. *Why the Electoral College is Bad for America*. 2nd ed. (2001 Yale University Press)
Gary Bugh and David Schultz, ed., *Electoral College Reform: Challenges and Possibilities* (2010 Routledge)
Bradley A. Smith. “Vanity of Vanities: National Popular Vote and the Electoral College.” (2008 *Election Law Journal*)

May 1: **Topic to be chosen by the class**