

Syllabus – Election Law

Class Procedure

- A. This is a law course but by its nature has political science concerns. As much as possible we shall look at the legal problems.
- B. From time to time we shall have outside experts. Be prepared to ask questions of the speaker. It will be informal.
- C. There will be one outside of class assignment. Each student will contact the representatives or fundraisers or campaign managers. You will seek to learn the campaign methods, legal problems, ethical concerns, relations with the media of the candidate's campaigns. You will prepare a one page paper giving the results of your inquiry due the next class following the election. We will not have a class meeting on October 28 as a substitute for your out of class efforts.
- D. A printed packet of materials has been prepared for each of the nine subject areas. These packets provide breakout for each subject area. Some are references. Those marked with an asterisk should be read. All students should be prepared to discuss these readings.
- E. There will not be a final exam for the course. You will be graded upon two (2) separate papers of 20 pages on subjects of your choice from a list which will be provided. More than one student may write on a subject. One paper will be due on October 15 and the other due on December 20. The papers will be graded on content, analysis and writing. The paper will include a bibliography. Each will account for 45% of your grade. 10 % of your grade will be from a 10 minute oral presentation of one of your papers to the class. *** NOTE: THESE PAPERS ARE NOT ELIGIBLE FOR SATISFYING THE LAW CENTER WRITING REQUIREMENTS.**

Subject Matter

I. Federal Role Versus State Role in Elections

- A. US Constitutional Requirements
 - 1. Original delegation to states of suffrage
 - 2. The subsequent limitations by amendment
- B. Extension of regulation by statute and court decisions
 - 1. Control of congressional elections
 - 2. Oversight of primaries
- C. The Electoral College as developed

- D. Amending the Constitution
 - 1. Federal
 - 2. Texan

E. Continuity of Government

II. The Right to Vote (Suffrage)

- A. The federal and Texas Constitutional qualifications for voting
- B. Residential limitations on suffrage
 - 1. Durational requirements
 - 2. The expansion of rights to students, military personnel and the homeless
 - 3. Citizenship and the qualification for voting
 - 4. Aliens
- C. Non-residential-based qualifications for suffrage
 - 1. Registration
 - 2. Expansion of opportunity by constitutional amendments on age, gender and race
 - 3. Court restrictions on property qualifications
 - 4. The continued dispute over voting by felons
 - 5. Age

III. Apportionment and redistricting are major problem areas throughout the political structure

- A. Differing federal and state government structures (legislative) may determine the differences. i.e. U.S. Senate versus State Senate
- B. One man one vote rule largely governs this area
 - 1. Gerrymandering by race and political parties are significant adaptations to this rule
 - 2. Mid-decade redistricting
- C. Judicial districts present a unique problem

IV. The Mechanics and Procedures of Elections

- A. Officials of elections and supervisors
- B. Administration of the election process
- C. Absentee and early voting
- D. Provisional voting at the polling place

E. Statutory provisions for recounts and contests of elections

V. The Legal Status of Political Parties

A. The state authorization and regulation of parties

1. How is the integrity of the party protected by the law and practice
2. Limitations on establishment of a new party
3. Control of party machinery

B. Elections versus conventions as a methodology for selecting candidates

C. Relationship of national parties and state parties

VI. Candidates

A. Right to seek election to public office

B. Qualifications for office set out in federal and state constitutions or by statute

1. Federal qualifications may not be extended by state
2. Limitations may include durational residency and age

C. Filing fees and applications by petition

D. Authorities for write-in candidates

E. Unusual position of presidential electors

F. Forfeiture of candidacy

G. Term limitations applies only to state and local officials

VII. The Financing of Election Campaigns and Issues

A. Federal and state roles in campaign finance

B. Money has historically played an important role in elections

C. Regulations were poorly organized and enforced

D. Federal Election Campaign Act plays a significant role

1. Administered by the Federal Election Commission
2. The act and court decision established concept of money equaling free-speech
3. Limitations on individuals, organizations and political action committees

E. State regulations on campaign finances of state and local officials vary widely

and may be more or less restrictive than federal rules

1. Texas relies on the “sunshine” rule of requiring reporting

VIII. Campaign Practices

- A. Incumbency
- B. Fair Practices
- C. Postal
- D. Door to Door
- E. Defamation
- F. Use of Media (Printed and Electronic)

IX. Special Problems

- A. Lobbying
 1. Regulation of right to petition
 2. Ethics of lobbying
 - a. Government officer or employee
 - b. Lobbyist
 - c. Lawyer as lobbyist
 3. Ethics Commissions
- B. Crimes
- C. Elections Litigation
 1. Place on ballot
 2. Recounts
 3. Contests
- D. Hatch Act