

Election Law

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Introduction

Since the 2000 Bush-Gore Election, the importance of election law has grown and is now taught in most of the law schools in the United States. Election law is both part of constitutional law and political science. Election law research is about the politics of law and the law of politics. This bibliography covers election law in general, apportionment, redistricting, and gerrymandering, campaign finance, the electoral college, election fraud, election reform, Presidential elections, voting rights, and voting technology. This bibliography is only a starting point in doing election law research.

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Books

Finding Books: Books available on campus can be located through INFOHAWK, the integrated library catalog for the University of Iowa. To expand your research to resources off campus use the big ten (CIC) online catalog or WorldCat. These items can be obtained through interlibrary loan.

Subject searches: The Library of Congress subject headings listed below are where most of the materials on election law are located. A key word search can be used to find additional materials. All books listed below are located on campus. Unless otherwise indicated the books are in the Law Library

- African Americans -- suffrage
- Apportionment (Election Law)
- Campaign funds and law and legislation
- Election law
- Elections
- Elections corrupt practices
- Ex-convicts--suffrage

- Election corrupt practices
- Equal time rule (broadcasting)
- Gerrymandering
- Internet voting
- Labor unions, election law and legislation
- Literacy tests
- Local elections
- Older people -- suffrage
- Political Action Committees
- Political campaigns law and legislation
- Primaries
- Voter registration
- Voting-machines law and legislation
- Women -- suffrage

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To find articles about Election Law use the journal indexes (print or online versions): *Index to Legal Periodicals*, *Current Law Index*, and *Social Sciences Index*. To find full text articles use Lexis, Westlaw, JSTOR, Project Muse, and HeinOnline. For scholarly articles and working papers consult Social Science Research Network (SSRN).

There are two law journals dedicated solely to the topic of Election Law or the Law of Politics:

Election Law Journal. Larchmont, N.Y.: M.A. Liebert, 2002-. [K5 .L43] available on Westlaw.

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Encyclopedias

25 *Am. Jur. 2d Elections* §§ 1-478 (2004). Available in print, Lexis, and Westlaw

29 *C.J.S. Elections* §§1-583 (2005). Available in print and Westlaw

American Law Reports

Use the print versions *West's ALR Digest* "Elections" and *ALR Quick Index* "Elections and Voting", or online Westlaw to find annotations.

Databases

CQ Library, at <http://library.cqpress.com/>. A full text resource for researching American government, politics, public policy, and current affairs. Information is divided into collections, including one on Congress and another on the Supreme Court. It also includes electronic versions of the CQ Researcher, CQ Almanac, and the Political Handbook of the World.

BNA's *Money and Politics Report*, at <http://news.bna.com/mpdm/>. This daily examines Federal Election Commission filings, reports, advisory opinions, decisions, and enforcement actions to provide up-to-date coverage of campaign finance reform, new lobbying regulations, and government ethics

U.S. Constitutional Provisions Related to Election Law

Article 1, Sec. 4 – Election of Senators and Representatives

Article 2, Sec. 1 – Executive Term, Installation and Removal

12th Amendment – Election of President and Vice-President

14th Amendment Secs. 2&3 – Apportionment & Requirements for Election of Members of Congress

15th Amendment – Right to Vote Regardless of Race, Color, or Previous Condition of Servitude

17th Amendment – Composition and Timing of Election of Senators

19th Amendment – Right to Vote Regardless of Gender

20th Amendment – Presidential Succession at Death

22nd Amendment – Presidential Term Limit

23rd Amendment – Electoral College Amendment

24th Amendment – Poll Tax Abolished

25th Amendment – Presidential Succession

26th Amendment – Right to Vote at 18 Years of Age

28th Amendment – Compensation Adjustment Delayed Until After Next Election

Federal Statutes (selected) & Regulations Relating to Elections

Election of Senators and Representatives – U.S. Code, Title 2, Chapter 1

Contested Elections – U.S. Code, Title 2, Chapter 12

Federal Election Campaigns – U.S. Code, Title 2, Chapter 14

Presidential Elections & Vacancies – U.S. Code, Title 3, Chapter 1

Crimes & Criminal Procedure: Elections & Political Activity – U.S. Code, Title 18, Chapter 29

Internal Revenue Code: Presidential Election Campaign Fund – U.S. Code, Title 26, Chapter 95

Internal Revenue Code: Presidential Matching Payment Account – U.S. Code, Title 26, Chapter 96

Voting Rights Act – U.S. Code, Title 42, Chapter 20

Federal Election Commission Regulations – Code of Federal Regulations, Title 11, Chapter 1

Government Documents – Legislative Histories

Materials on the legislative history of federal election laws can be found in two databases listed below.

LexisNexis Congressional database. This resource is based on indexes created by the Congressional Information Service and is particularly useful for compiling legislative histories and tracking bills. It includes information on bills, laws, committee prints, House and Senate documents and reports, the Congressional Record, and more. Users can search by subject, keyword, document number, and public law number. This resource also allows full text access to Congressional Research Service reports published since 1916.

U.S. Congressional Serial Set, 1817-1980 database. The goal of this database is to digitize the entire contents of the US Serial Set, which contains House and Senate reports, documents, and journals, as well as a variety of other primary source materials. Materials are currently available for volumes 1-10968, covering the 15th-77th Congresses. For earlier Congresses consult the American State Papers.

Recent U.S. Supreme Court Cases

Christian Civic League of Maine v. Federal Elections Commission, 128 S. Ct. 3052 (2007).
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Crawford v. Marion County Election Board, 128 S. Ct. 1610 (2008). Challenge state law requiring photo ID.

Davis v. Federal Election Commission, 128 S. Ct. 2759 (2008). Challenge of the “millionaire’s amendment” to the Bipartisan Campaign Reform Act.

Johnson v. Bush, 546 U.S. 1015 (2005). Felon voting rights.

League of Latin American Citizens v. Perry, 126 S. Ct. 2594 (2006). Texas redistricting.

New York State Board of Elections v. Torres, 128 S. Ct. 791 (2008). Challenge to New York’s statutory scheme for political parties to nominate candidates.

Randall v. Sorrell, 126 S. Ct. 2479 (2006). Vermont’s campaign contributions limits.

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Washington State Grange v. Washington v. Washington State Republican Party, 128 S. Ct. 1184 (2008). Challenge to the “Blanket” primary system.

Wisconsin Right to Life, Inc., v. Federal Election Commission, 546 U.S. 410 (2006). Challenge to the McCain-Feingold campaign reforms.

More cases can be found through Lexis and Westlaw. An “Eclipse” or “Westclip” searches can be set up to keep researchers current. Several websites also have current or pending cases such as the FEC site or Election Law@Moritz.

Federal Government Election Law Web Resources

- **Federal Election Commission**, at <http://www.fec.gov>. The FEC is an independent regulatory agency responsible for administering the Federal Election Campaign Act, the FEC promulgates regulations that implement the law and issues advisory opinions that apply the law to particular circumstances. The Commission also seeks to defend and uphold the law in district and appellate courts throughout the country. This page provides access to a variety of legal resources, including statutes, regulations, advisory opinions, policy statements and non-enforcement litigation.
 - Campaign Finance Reports and Data, at <http://www.fec.gov/disclosure.shtml>
 - Law & Regulations, at <http://www.fec.gov/law/law.shtm>
 - Commission Meetings, at <http://www.fec.gov/agenda/agendas.shtml>
 - News Releases, at <http://www.fec.gov/press/press2009/2009NewsReleases.shtml>
- **NARA – Electoral College**, at <http://www.archives.gov/federal-register/electoral-college/index.html>. This site has background information about the electoral college,

deadlines for state officials, information about the 2008 Presidential election, and historical election results for all the Presidential races.

- **Federal Voting Assistance Program**, at <http://www.fvap.gov>. This site helps citizens outside the U.S. and Uniformed Services members and their families to vote absentee.
- **U.S. Department of Justice - Civil Rights Division – Voting Section**, at <http://www.usdoj.gov/crt/voting/>. This site has the voting acts that the Civil Rights Division enforces and links to current litigation in the area of voter rights.
- **U.S. Commission on Civil Rights**, at <http://www.usccr.gov/top.htm>. This commission among other things investigates complaints and serves as a national clearinghouse in respect to discrimination or denial of equal protection of laws because of race, color, religion, sex, disability, or national origin. An excellent guide to the “Historical Publications of the United States Commission on Civil Rights” was done by Thurgood Marshall Law Library, at <http://www.law.umaryland.edu/marshall/usccr/index.html>.
- **U.S. Census Bureau - Voting and Registration**, at <http://www.census.gov/population/www/socdemo/voting.html>. Information on reported voting and registration by various demographic and socioeconomic characteristics is collected for the nation in November of congressional and presidential election year. Historical data is available as well as estimates and projections.
- **Office of the Clerk, U.S. House of Representative - Election Statistics**, at http://clerk.house.gov/member_info/electionInfo/index.html. Since 1920 the Clerk of the House has collected and published the official vote counts for federal elections and have made them available to researchers on this website.

Institutes and Centers

- **Caltech/MIT Voting Technology Project**, at <http://www.vote.caltech.edu/>
Established to prevent a recurrence of the problems that threatened the 2000 U.S. Presidential Election. Some of the tasks of the project include evaluating the current reliability and uniformity of U.S. voting systems and establish and propose uniform guidelines and requirements for reliable voting systems.
- **The Campaign Finance Institute**, at <http://www.cfinst.org>. The Campaign Finance Institute is a non-partisan, non-profit institute affiliated with George Washington University that conducts objective research and education, empanels task forces and makes recommendation for policy change in the field of campaign finance.
- **Campaign Legal Center**, <http://www.camlc.org> is a nonpartisan, nonprofit organization which works in the areas of campaign finance and elections, political communication and government ethics. It participates in generating and shaping our nation’s policy debate about money in politics, disclosure, political advertising, and enforcement issues before the Congress, the Federal Communication Commission (FCC), Federal Election Commission (FEC), and the Internal Revenue Service (IRS)

- **Center for Politics**, <http://www.centerforpolitics.org>. This center is affiliated with the University of Virginia and provides comprehensive research and pragmatic analysis in order to raise awareness and understanding of politics.
- **Election Law@Moritz**, at <http://moritzlaw.osu.edu/electionlaw>. This center is located at Ohio State University, Moritz Law School. It contains information and insight on laws governing federal, state, and local elections.
- **Initiative and Referendum Institute**, <http://ww.iandrinstitute.org>. Located at the University of Southern California, this group provides a wealth of information on initiative and referendum.
- **Pew Research Center for the People and the Press**, at <http://people-press.org>. The Center is an “independent opinion research group that studies attitudes towards the press, politics, and public policy issues.”

Websites

General Sources

- **ACLU – Voting Rights**, at <http://www.aclu.org/votingrights/>. Established in 1965, the ACLU Voting Rights Project has worked to protect the gains in political participation won by racial and language minorities since passage of the historic Voting Rights Act of 1965.
- **American National Election Studies**, at <http://www.electionstudies.org>. Ongoing studies of the American electorate. Provides data and statistics on voting, public opinion, and political participation in the U.S. from 1948 to the present.
- **FactCheck.org**, at <http://factcheck.org>. Anneberg Public Policy Center of the University of Pennsylvania site that monitor factual accuracy of what is said by major candidates in TV ads, debates, speeches, interviews, and news releases.
- **Fair Vote**, at <http://www.fairvote.org>. Fair Vote is a nonprofit organization that studies how voting systems affect participation, representation, and governance. The organization tries to protect “right to vote, universal voter registration, a national popular vote for presidents, instant runoffs, and proportional voting.
- **Government Redistricting Web Sites**, at <http://www.lib.purdue.edu/govdocs/redistricting.html>. The site provides links to state redistricting information.
- **League of Women Voters**, at <http://www.lwv.org/>. The League of Women Voters, a nonpartisan political organization, “encourages informed and active participation in government, works to increase understanding of major public policy issues, and influences public policy through education and advocacy.”

- **National Association of Secretaries of State**, at <http://nass.org>. Provides a wealth of information election-related information by state.
- **Project Vote Smart**, at <http://www.votesmart.org>. Links to information on current officials and candidates.

Election Reform

- **Common Cause**, at <http://www.commoncause.org/site/pp.asp?c=dkLNK1MQIwG&b=4731359> . Since the electoral meltdown in the 2000 presidential election, it has become apparent that our election system is technologically, legally and administratively inadequate and unfair. Common cause has concentrated on three broad goals: access, accuracy and accountability.
- **Electionline.org**, at http://www.pewcenteronthestates.org/initiatives_detail.aspx?initiativeID=34044. A project of the Pew Center on the States, is the nation’s only nonpartisan, non-advocacy Web site providing up-to-the minute news and analysis on election reform, campaign contributions, and statements by candidates.
- **National Conference of State Legislatures**, “Electoral College Bills 2007-2008”, at http://www.ncsl.org/programs/legismgt/elect/EC_bills_2007-2008.htm The site tracks current state legislation changing the “winner take all system” for allocating electoral votes.
- **National Committee for Voting Integrity (NCVI)**, at <http://votingintegrity.org> . “The National Committee for Voting Integrity (NCVI) brings together experts on voting issues from across the country to promote constructive dialogue among computer scientists, election administrators, policymakers, the media and the public on the best methods for achieving voter verified systems.”
- **Reform Elections**, at <http://www.reformelections.org/>. The site is The Century Foundation’s website. The Foundation researches election reform and provides commentary on election reform policy issues.

Campaign Finance

- **Campaign Finance**, at <http://www.brookings.edu/topics/campaign-finance.aspx>. The Brookings Institute tracks Congressional debates on reform issues and recent court cases. It also creates publications on campaign finance
- **CampaignMoney**, at <http://www.campaignmoney.com>. This site tracks campaign contributions by zip code, individual name or address, and political action committees. Special reports include contribution made by celebrities, industries, companies and more.
- **The Color of Money**, at <http://www.colorofmoney.org> . Tracks campaign contributions by race, ethnicity, and neighborhood.

- **Follow the Money**, at <http://www.followthemoney.org>. This site investigates money in state politics
- **FundRace2008**, at <http://fundrace.huffingtonpost.com>. This site is part of The Huffington Post website. It traces fund giving by name or address.
- **OpenSecrets.org**, at <http://www.opensecrets.org>. This site tracks who's giving and who's getting money in politics. The site "tracks money in politics and its effect on elections and public policy."
- **Public Campaign**, at <http://www.publiccampaign.org> Public Campaign is a non-profit, non-partisan organization "dedicated to sweeping campaign reform that aims to dramatically reduce the role of big special interest money in American politics."

Polls

- **Dave Leip's Atlas of Presidential Elections**, at <http://www.uselectionatlas.org>
- **Gallup polls**, at <http://www.gallup.com/tag/Elections%2B2008.aspx>
- **PollingReport**. "Election 2008", at <http://www.pollingreport.com/2008.htm>
- **Pollster**, at <http://www.pollster.com>
- **Poll Track (National Journal)**, at <http://www.nationaljournal.com/polltrack>

Presidential Elections

Election 2000

- Chabot College, *Election 2000*, at <http://www.chabotcollege.edu/Library/onlineref/election2000.html>, contains the official documents but also other political websites, current election reform bills and laws, and information about other close Presidential races in the past.
- FindLaw, *Election 2000*, at <http://news.findlaw.com/legalnews/us/election/election2000.html>
- Robert Crown Law Library, Stanford Law School *Election 2000*, at <http://election2000.stanford.edu> contains all the pertinent official documents about the Presidential election of 2000.
- The University of Michigan Center, *Elections 2000*, at <http://www.lib.umich.edu/govdox/elec2000.html>

Election 2004

- FindLaw, *Election 2004*, at <http://news.findlaw.com/legalnews/lit/election2004/cases.htm>,
- The University of Michigan Center, *Elections 2004*, at <http://www.lib.umich.edu/govdocs/elec2004.html>

Election 2008

- The University of Michigan Documents Center, *Elections 2008*, at <http://www.lib.umich.edu/govdocs/elec2008.html>
- Pace Law School, *Election 2008*, at <http://library.law.pace.edu/research/election2008.html>

General

- **Presidential Election Law 2008 (Findlaw)**, at <http://findlaw.com/elections.2008.html>
- **Initiative and Referendum Institute**, Ballotwatch, *Election 2008: A Surge of Social Issues*, at <http://www.iandrinstitute.org>. This part of the site tracks initiatives and referendums. This year the usual tax and spending issues are taking a back seat in November to a diverse collection of social issues, with intriguing potential spillover onto the presidential election.
- **FactCheck**, at <http://www.factcheck.org/about/>. The Annenberg Political Fact Check is a “nonpartisan, nonprofit consumer advocate for voters that aims to reduce the level of deception and confusion in U.S. politics. We monitor the factual accuracy of what is said by major U.S. political players in the form of TV ads, debates, speeches interviews, and new releases.”

News Sources and Current Awareness

- **ABC**, at <http://www.abcnews.go.com/politics>
- **CBS** “politics”, at <http://www.cbsnews.com/sections/politics/main250.shtml>
- **CNN.com: Politics**, at <http://www.cnn.com/POLITICS>
This site includes a link to polls, coverage of the debates, and other election news
- **CQ Electronic Library**, at <http://library.cqpress.com/>
- **C-Span**, at http://www.c-span.org/homepage.asp?cat=series&code=rwh&showvidnum=6&rot_cat_cd
This site includes campaign ads, video clips, and links to other sources.
- **FOX**, at <http://foxnews/politics/index.html>
- **MSNBC** “politics”, at <http://www.msnbc.com/id.3032553>
- **National Journal**, “Hotline”, at <http://www.hotlineoncall.nationaljournal.com>
- **NPR**, Election 2008, at <http://www.npr.org/templates/topics/topic.php?topicId=1102>
- **PBS Vote 2008**, at <http://www.pbs.org/vote2008/tools/>

Political Parties

- **Directory of U.S. Political Parties**, at <http://www.politics1.com/parties.htm>. Description of most of the political parties in the U.S. with links to their web sites.

Campaign Contributions

- **The Huffington Post. *Fundraise 2008***, at <http://www.huffingtonpost.com/> Traces the donations given the candidates by name, location and occupation.

Blogs

- **Equal Vote**, at <http://moritzlaw.osu.edu/blogs/tokaji>. This blog looks at “election reform, the Help America Vote Act and related topics such as the controversy of over voting technology with special attention given to the voting rights of people of color, non-English proficient citizen and people with disabilities.”
- **Election Law**, at <http://electionlawblog.org/>. This blog’s concentration is on the law of politics and politics of law more specifically election law, campaign finance, legislation, voting rights, initiatives and redistricting.
- **The Law and Politics Blog**, at <http://www..politicslaw.org>. This blog focuses on news and analysis of issues at the intersection of law and politics, including elections law, voting rights, separation of powers, judicial politics, government relations and political corruption. The blog is located on the website of the Institute of Law and Politics at the University of Minnesota Law School.
- **More Soft Money Hard Law**, at <http://moresoftmoneyhardlaw.com>. This blog focuses in on the new campaign finance law.
- **Vote Law**, at <http://votelaw.com/blog> This blog looks “at the intersection of politics and law specifically looking at campaign finance, redistricting, the right to vote, election law and administration and politicians in trouble.”