

Political Science 102G: **The Laws of Politics:** Term Limits, Campaign Finance, Blanket Primaries, and Redistricting

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Summer Session II, 2013
Tu/Th 11am-1:50pm
HSS-2150

Required Reading

- › All readings are either included in the course reader or (if noted) posted online at <http://pscourses.ucsd.edu/102g/>. The reader may be purchased from A.S. Soft Reserves.
- › Office Hours: Thursdays 9:30-11am, SSB 369.

This class studies the intersection of election law, politics, and academia. We will look at major policy changes that affect the way that politics works, the legal decisions that govern them, and the academic research aimed at influencing policymakers and judges. Our four areas of focus will be campaign finance, redistricting, nominating primaries, and term limits. Students will make presentations summarizing cases and research, prepare legal briefs of their own, and argue their cases before a mock Supreme Court.

Course Assignments

- › 20% of your grade will be based on your class attendance and participation.
- › 25% will come from a 5-page legal brief due on Tuesday, August 20th.
- › 20% is based on your presentation of one reading and discussion questions.
- › 10% will come from your two-page reaction to “The Redistricting Game,” due on Tuesday, September 3rd.
- › 25% comes from the oral argument that you will make on a fictional case before our mock Supreme Court on Thursday, September 5th.
- › This class has no final exam.

Course Outline

Tuesday, August 6th. Introduction to the course and Campaign Finance Simulation.

Thursday, August 8th. The History of Campaign Finance Through the FECA 1974, *Buckley v. Vallejo* and the Bipartisan Campaign Reform Act

- i. “Contribution and Expenditure Limits: *Buckley v. Valeo*” taken from *Election Law: Cases and Materials*, Daniel Hays Lowenstein. Carolina Academic Press (1995), pp. 507-527 (Reader).
- ii. Michael J. Malbin, “Thinking About Reform,” in *Life After Reform: When the Bipartisan Campaign Reform Act Meets Politics*, edited by Michael J. Malbin (New York: Rowman and Littlefield, 2003 (Reader)).
- iii. The *Buying Time* Controversy. (Packet of press articles in Reader)

- iv. Congressional Research Service, "Public Financing of Congressional Elections: Background and Analysis," Pages 1-8 and 33-69.

Tuesday, August 13th. *McConnell v. FEC, Citizens United* and the Future of Campaign Finance Reform

- i. Ray La Raja, "From Bad to Worse: The Unraveling of the Campaign Finance System," *The Forum*, Volume 6, Issue 1, 2008, (Reader).
- ii. Summary of *Citizens United v. Federal Election Commission*, (online) http://www.oyez.org/cases/2000-2009/2008/2008_08_205.
- iii. Justin Levitt, "Confronting the Impact of *Citizens United*," *Yale Law and Policy Review* 29(1):217-234.
- iv. Jon Samples, "Move to Defend: The Case Against the Constitutional Amendments Seeking to Overturn *Citizens United*," *Cato Institute Policy Analysis No. 724*, April 23, 2013.
- v. [For Legal Brief] Thad Kousser, "Party to Candidate Contribution Limits in San Diego Elections," report for the San Diego City Council (online).

Thursday, August 15th. The Term Limits Movement and the Anti-Term Limits Drive.

- i. William Kristol "Term Limitations: Breaking Up the Iron Triangle," Nelson W. Polsby "Some Arguments Against Congressional Term Limitations," (both from the *Harvard Journal of Law and Public Policy*, 1993) and Paul Jacobs, "From the Voters with Care," from the Cato Institute, *The Politics and Law of Term Limits*, 1994 (Reader).
- ii. Carey, John M., Richard G. Niemi, Lynda W. Powell, and Gary F. Moncrief. 2006. "The Effects of Term Limits on State Legislatures: A New Survey of the 50 States." *Legislative Studies Quarterly* 31:105-34 (Reader).
- iii. Court filing in *Rippon, Bergeson, and Johnston v McPherson and McCormack* (Reader).
- iv. Read about the California initiatives Prop. 93 (<http://igs.berkeley.edu/library/elections/proposition-93>) and Prop. 28 (<http://californiachoices.org/ballot-measures/proposition-28>)
- v. **Reference Reading for Oral Arguments:**
Thad Kousser, 2008. "Term Limits and State Legislatures," in Caroline Tolbert, Todd Donovan, and Bruce E. Cain, editors, *Democracy in the States: Experiments in Election Reform* (Washington, DC: Brookings Institution Press) (Reader)

Tuesday, August 20th. The Role of the Government in Primaries and Proposition 198.

- i. "Obligations of Parties Under the Constitution," through "Associational Rights of Parties," taken from *Election Law: Cases and Materials*, Daniel Hays Lowenstein. Carolina Academic Press (1995), pp. 318-350 (Reader).
- ii. John Sides, Jonathan Cohen, and Jack Citrin, "The Causes and Consequences of Crossover Voting in the 1998 California Elections," from *Voting at the Political Faultline: California's Experiment with the Blanket Primary*, edited by Bruce Cain and Elisabeth Gerber (Berkeley: University of California Press, 2002).

- iii. *California Democratic Party v. Jones*, United States Supreme Court Decision, 1999 (Reader).
- iv. Nathaniel Persily, "The Blanket Primary in the Courts," from *Voting at the Political Faultline: California's Experiment with the Blanket Primary*, edited by Bruce Cain and Elisabeth Gerber (Berkeley: University of California Press, 2002).

Thursday, August 22nd. The Top-Two Primary: Promise and Practice

- i. Read about California Initiative Prop. 14 (<http://californiachoice.org/ballot-measures/proposition-14>)
- ii. Eric McGhee, "Open Primaries," PPIC Report available at http://www.ppic.org/content/pubs/atissue/AI_210EMAI.pdf
- iii. Eric McGhee, "Test Driving California's Election Reforms," PPIC Report available at http://www.ppic.org/main/publication_quick.asp?i=1032.
- iv. Thad Kousser, Justin Phillips, and Boris Shor, "Reform and Representation: Assessing California's Top-Two Primary and Redistricting Commission," available online at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2260083

Tuesday, August 27th. One-Person, One-Vote and Gerrymandering

- i. Gary W. Cox and Jonathan Katz, *Elbridge Gerry's Salamander: The Electoral Consequences of the Reapportionment Revolution*, (New York: Cambridge University Press, 2002) pages 4-28 (Reader).
- ii. Bruce Cain, Iris Hui, and Karin MacDonald, "Sorting or Self-Sorting? Competition and Redistricting in California," *The New Political Geography of California* (Berkeley Public Policy Press, 2008) (Reader).
- iii. J. Morgan Kousser, "Has California Gone Colorblind?" *The New Political Geography of California* (Berkeley Public Policy Press, 2008) (Reader).
- iv. Vlad Kogan and Thad Kousser, "Great Expectations and the California Citizens Redistricting Commission," In *Reapportionment and Redistricting in the West*, edited by Gary Moncrief. Lanham, MD: Lexington Books.
- v. Vlad Kogan and Eric McGhee, "Redistricting California: An Evaluation of the Citizens Commission Final Plans," 2012. *California Journal of Politics and Policy* Vol. 4, No. 1.

Thursday, August 29th. In-class meetings to plan your Supreme Court Oral Argument

Tuesday, September 3rd. Minority Voting Rights.

- i. "The Right to Vote and its Exercise," taken from *Election Law: Cases and Materials*, Daniel Hays Lowenstein. Carolina Academic Press (1995), pp. 21-33 (Reader).
- ii. "Race Conscious Redistricting and the Constitution: Round II," taken from *Election Law: Cases and Materials*, Daniel Hays Lowenstein. Carolina Academic Press (1995), pp. 216-225 (Reader).

- iii. Shelby County v. Holder, Opinion of the Court (Chief Justice Roberts), pages 5-28 of http://www.supremecourt.gov/opinions/12pdf/12-96_6k47.pdf
- iv. Shelby County v. Holder, Dissent (Justice Ginsberg), pages 29-68, http://www.supremecourt.gov/opinions/12pdf/12-96_6k47.pdf
- v. J. Morgan Kousser, "Gutting the Landmark Civil Rights Legislation," <http://blogs.reuters.com/great-debate/2013/06/26/gutting-the-landmark-civil-rights-legislation/>.

Thursday, September 5th. Mock Supreme Court Oral Arguments.