

**PS4190: Elections and Democracy in the United States  
Fall Semester 2019**

Professor Jay Dow  
310 Professional Building  
[dowj@missouri.edu](mailto:dowj@missouri.edu) / 882-0047  
Class: MWF 1:00 – 1:50 Middlebush Hall 211  
Office Hours: MW 2:00-3:30  
and by appointment

**Course Description**

This is a class on United States election processes and their relationship to democratic governance. By election processes I mean the rules and procedures under which elections are contested. These include franchise, balloting methods, vote aggregation rules, apportionment, districting and related subjects. The class does *not* engage public opinion, partisanship, voter choice and other subjects typically classified as political behaviors.

Elections are a means to an end; that end is normatively defensible democratic governance. Consequently, we discuss these subjects in the context of American democratic thought and ideals. Election processes can either contribute towards our democratic goals and aspirations or detract from them. More precisely, different election methods privilege different democratic values. To understand whether United States elections work well or poorly one must understand the democratic ideals that have most deeply influenced the American experience. Consequently, we study election processes from a historical development perspective informed by political thought. However, our assessment of United States elections is deeply informed by contemporary theory and empirical analysis.

**Readings:**

There are no required books for this class. Instead I will place most readings on Canvas. Some readings (e.g. The Federalist Papers) are available on-line and will not be placed on Canvas. You are responsible for downloading and printing all readings. The readings emphasize quality and depth over quantity and breadth. I expect all students to arrive at class prepared to *discuss* the readings. I will lead this class as a seminar, and a seminar is a participatory activity.

The course is organized thematically. The first section is theoretical. Here we discuss the place of elections in democratic theory with particular emphasis on the American political thought. The second section details the right to vote. Suffrage is central to understanding the development of electoral democracy because it is the foundation for political legitimacy. It is also the best

indicator of who is considered a member of the political community and who is not. Third we focus on the development of balloting and poll access. The physical act of casting a vote has changed significantly over the course of American political history, and different balloting methods carry distinct advantages and liabilities for democratic governance. The fourth section focuses on representative democracy. However interesting presidential and other elections might be, legislative elections are the foundation of republican government. Here we discuss why the United States relies on the single-member district system and challenges to this method of electing representatives. We also assess the empirical performance of district elections. The final part of the course reviews other United States election processes. These include direct democracy (initiative, referendum and recall), the Electoral College, and alternative ranking procedures (e.g. “instant runoff voting”). We devote the last week of the semester to reflection on US election processes and their contribution to our democratic goals and aspirations.

**Grades:**

Semester grades are determined by five brief take home essays (5 pages maximum: 5@15%) and class attendance and participation (25%). I will distribute the take home essay questions electronically on the dates below and your responses are due in class the following week.

**Important Dates:**

9/6	First Essay Distributed	9/20	Second Essay Distributed
10/11	Third Essay Distributed	11/8	Fourth Essay Distributed
12/4	Fifth Essay Distributed <sup>1</sup>		

I use the following, percentage-based, grading scale:

A+	97.9 – 100	C+	77.9 – 79.9	F	< 60.0
A	92.1 – 97.8	C	72.1 – 77.8		
A-	90.0 – 92.0	C-	70.0 – 72.0		
B+	87.9 – 89.9	D+	67.9 – 69.9		
B	82.1 – 87.8	D	62.1 – 67.8		
B-	80.0 – 82.0	D-	60.0 – 62.0		

**Special Notices:**

1. This syllabus is not a contract. I may change readings or assignments as circumstances warrant.
2. Make-up Examinations and Late Assignments

In general, a missed examination may not be made up. Likewise, I do not accept late assignments. In either of these cases, you will not receive credit for the exam or assignment. I may provide exceptions for those with an acceptable written excuse from a university administrator, health care professional or member of the clergy. This note should be on letterhead with the name, address and telephone number of the person verifying the reason for the missed examination or late assignment. I am the final arbitrator of whether an excuse is acceptable. Please note the dates and times of the examinations. Please bring your student ID to the exam.

---

<sup>1</sup> Due electronically or in my department mailbox by Thursday December 12<sup>th</sup> at 5:00 pm.

### 3. Electronic Devices and Books

There is no need to bring electronic devices to this class. You won't need them. If you do bring an electronic device, think of this class as an airplane: If the device has an on/off switch, the switch needs to be in the off position.

### 4. ADA

Please inform me immediately if you have special needs addressed by the Americans with Disabilities Act (ADA) and need assistance with examinations or other course requirements. You should also notify the Disability Services office regarding ADA considerations relevant to your performance in this class. I will make a reasonable effort to accommodate your needs.

### 5. Intellectual Pluralism

The University community welcomes intellectual diversity and respects student rights. Students who have questions concerning the quality of instruction in this class may address concerns to either the Departmental Chair or Divisional leader or Director of the [Office of Students Rights and Responsibilities](http://osrr.missouri.edu/) (<http://osrr.missouri.edu/>). All students will have the opportunity to submit an anonymous evaluation of the instructor(s) at the end of the course.

### 6. Academic Honesty

Academic honesty is fundamental to the activities and principles of a university. All members of the academic community must be confident that each person's work has been responsibly and honorably acquired, developed and presented. Any effort to gain advantage not given to all students is dishonest whether or not the effort is successful. The academic community regards academic dishonesty as an extremely serious matter, with serious consequences that range from probation to expulsion. Please contact me if you are in doubt about what constitutes plagiarism, inappropriate paraphrasing, quoting, or collaboration. All examinations and papers in this class must be completed independently.

## Class Outline

### Part I: Democratic Theory and Elections

#### 8/19-8/23: Elections and Democratic Theory - Overview

<ul style="list-style-type: none"> <li>• Overview</li> </ul>	Richard Katz <i>Democracy and Elections</i> pp. 1-18 & Chapter 7.
--	---

#### 8/26-8/30: Elections and Democratic Theory – Principles of Social Choice

<ul style="list-style-type: none"> <li>• The Pure Theory of Elections</li> </ul>	William Riker <i>Liberalism Against Populism</i> Chapters 1&2 Anthony Downs <i>An Economic Theory of Democracy</i> Chapter 8
--	---

#### 9/2-9/6: Founding Era Political Thought and Elections

<ul style="list-style-type: none"> <li>• Republican Government</li> </ul>	Federalist Paper No. 39
<ul style="list-style-type: none"> <li>• House Selection and Representation</li> </ul>	George Mason Constitutional Convention Speeches 5/31/1787 and 9/15/1787 US Constitution Article I, Section 2 and Section 4 Federalist Paper No. 10 Federalist Paper No. 57 Federal Farmer Letter 7
<ul style="list-style-type: none"> <li>• Senate Selection</li> </ul>	US Constitution Article I, Section 3 and Section 4 Federalist Paper No. 62 US Constitution Amendment 17
<ul style="list-style-type: none"> <li>• Presidential Selection</li> </ul>	US Constitution Article II, Section I Federalist paper No. 68 US Constitution Amendments 12 & 23

**\*First Essay Distributed – 9/6\***

**Part II. United States Suffrage**

**9/9-9/13: Franchise in the Early Republic**

<ul style="list-style-type: none"> <li>• Overview</li> </ul>	US Constitution Article 1, Section 4
<ul style="list-style-type: none"> <li>• Founding Era Suffrage</li> </ul>	Chilton Williamson <i>American Suffrage</i> Chapter 4 Alexander Keyssar <i>The Right to Vote</i> Chapters 1&2

**9/16-9/20: Franchise in the 19<sup>th</sup> - 21<sup>th</sup> centuries**

<ul style="list-style-type: none"> <li>• Overview</li> </ul>	US Constitution Amendments 15, 19, 23 and 26
<ul style="list-style-type: none"> <li>• Gender and Race</li> </ul>	Alexander Keyssar <i>The Right to Vote</i> Chapters 6&8  The Voting Rights Act of 1965 (especially sections 2-5)  The Voting Rights Act of 1965 DOJ Historical Overview <a href="https://www.justice.gov/crt/history-federal-voting-rights-laws">https://www.justice.gov/crt/history-federal-voting-rights-laws</a>  <i>Shelby County v. Holder</i> 570 U.S. 2 (2013) read case summary and listen to 2/27/2013 oral arguments at <a href="https://www.oyez.org/cases/2012/12-96">https://www.oyez.org/cases/2012/12-96</a>
<ul style="list-style-type: none"> <li>• Alien Suffrage</li> </ul>	Leon E. Aylesworth, "The Passing of Alien Suffrage," <i>American Political Science Review</i> 25 (February, 1931): 114-116.

**\*Second Essay Distributed – 9/20\***

**Part III: The Casting of Votes**

**9/23-9/27: The Practice of Elections in the Early Republic**

<ul style="list-style-type: none"> <li>• Overview</li> </ul>	Jay Dow – Selections from Book in Progress
<ul style="list-style-type: none"> <li>• Electioneering and Voting</li> </ul>	Andrew W. Robertson “Voting Rites and Voting Acts” in Jeffrey L. Pasley, Andrew W. Robertson and David Waldstreicher (eds.) <i>Beyond the Founders: New Approaches to the Political History of the Early American Republic</i>

**9/30-10/4: Voting in the 19<sup>th</sup> Century and the Progressive Reforms**

<ul style="list-style-type: none"> <li>• Voting in the 19<sup>th</sup> Century</li> </ul>	Richard F. Bense <i>The American Ballot Box in the Mid-Nineteenth Century</i> . Chapters 1&2
<ul style="list-style-type: none"> <li>• The Progressive Reforms</li> </ul>	Peter H. Argersinger <i>Structure, Process and Party: Essays in American Political History</i> . “From Party Tickets to Secret Ballots” and “A Place on the Ballot: Fusion Politics and Antifusion Laws”

**10/7-10/11: Voter Registration and Ballot Access in the 21<sup>st</sup> Century**

<ul style="list-style-type: none"> <li>• Voter Registration and Voter ID</li> </ul>	<p>Benjamin Highton “Voter Registration and Turnout in the United States” <i>Annual Review of Political Science</i> May 2017.</p> <p>Marjorie Randon Hershey “What We Know about Voter-ID Laws, Registration, and Turnout” <i>PS: Political Science and Politics</i>. January 2009.</p> <p><i>North Carolina vs. North Carolina State Conference of the NAACP, 2015</i>. Read (1) “North Carolina’s Voter ID Law is Dead, For Now” <i>The Atlantic</i> (<a href="https://www.theatlantic.com/politics/archive/2017/05/north-carolinas-voter-id-law-supreme-court-cert/526713/">https://www.theatlantic.com/politics/archive/2017/05/north-carolinas-voter-id-law-supreme-court-cert/526713/</a>) and (2) Chief Justice Roberts commentary respecting denial of writ of certiorari.</p>
---	--

**\*Third Essay Distributed – 10/11\***

**Part IV: Legislative Elections**

**10/14-10/18: Electing Representatives - Why Single-Member Districts?**

<ul style="list-style-type: none"> <li>• The Founding View</li> </ul>	<p>Jay Dow <i>Electing the House</i> Chapter 3</p>
<ul style="list-style-type: none"> <li>• The Contemporary Debate</li> </ul>	<p>Nancy Schwartz <i>The Blue Guitar</i> Ch. 1 Lani Guiner <i>The Tyranny of the Majority</i> Selections from chapters 4&amp;5</p>

**10/21-10/25: Electing Representatives – Apportionment and Equal Vote Value**

<ul style="list-style-type: none"> <li>• Apportionment</li> </ul>	<p>“Congressional Apportionment 2010 Census Briefs” at: <a href="https://www.census.gov/content/dam/Census/library/publications/2011/dec/c2010br-08.pdf">https://www.census.gov/content/dam/Census/library/publications/2011/dec/c2010br-08.pdf</a></p> <p>Watch “The Apportionment Machine” at: <a href="https://www.census.gov/library/video/census_apportionment_machine.html">https://www.census.gov/library/video/census_apportionment_machine.html</a></p> <p>Computing apportionment at: <a href="https://www.census.gov/population/apportionment/about/computing.html">https://www.census.gov/population/apportionment/about/computing.html</a> Skim attached priority values for House seats 2010. Locate and Note Missouri priority values.</p>
<ul style="list-style-type: none"> <li>• Equal Vote Value</li> </ul>	<p><i>Baker v. Carr</i> 369 US 186 (1962) read case summary and listen to 10/9/1961 <b>first</b> oral argument at <a href="https://www.oyez.org/cases/1960/6">https://www.oyez.org/cases/1960/6</a></p> <p><i>Wesbury vs. Sanders</i> 376 US 1 (1964). Read case summary and listen to 11/18/1963 <b>first</b> oral argument at <a href="https://www.oyez.org/cases/1963/22">https://www.oyez.org/cases/1963/22</a></p> <p><i>Evenwel v. Abbott</i> 578 US _ (2016). Read case summary and listen to 12/08/15 oral arguments <b>and</b> 4/16/2016 opinion announcement at <a href="https://www.oyez.org/cases/2015/14-940">https://www.oyez.org/cases/2015/14-940</a></p>

**10/28-11/1: Electing Representatives – Districting I**

<ul style="list-style-type: none"> <li>• Districting and Political Fairness - Overview</li> </ul>	<p>Jay Dow <i>Electing the House</i> Chapter 8</p>
<ul style="list-style-type: none"> <li>• Gerrymandering</li> </ul>	<p>Jessica Ring Amunson “How Redistricting Became a Technological Arms Race” <i>The Atlantic</i> October 28, 2017.</p>

**11/4-11/8: Electing Representatives – Districting II**

<ul style="list-style-type: none"><li>• Gerrymandering</li></ul>	<p><i>Gill v. Whitford</i> 2017. Read case summary and listen to oral arguments at <a href="https://www.oyez.org/cases/2017/16-1161">https://www.oyez.org/cases/2017/16-1161</a></p> <p>Jay Dow “Gerrymandering and Gill in Constitutional Perspective” <i>Starting Points</i> December 11, 2017 (<a href="http://startingpointsjournal.com/author/jay-dow/">http://startingpointsjournal.com/author/jay-dow/</a>)</p> <p><i>Rucho v. Common Cause</i> 2019. Read case summary, majority (Roberts) and dissenting (Kagan) opinions, and listen to oral arguments. <a href="https://www.oyez.org/cases/2018/18-422">https://www.oyez.org/cases/2018/18-422</a></p> <p>Missouri Amendment 1, 2018. <a href="https://ballotpedia.org/Missouri_Amendment_1,_Lobbying,_Campaign_Finance,_and_Redistricting_Initiative_(2018)#Text_of_measure">https://ballotpedia.org/Missouri_Amendment_1,_Lobbying,_Campaign_Finance,_and_Redistricting_Initiative_(2018)#Text_of_measure</a></p>
--	--

**\*Fourth Essay Distributed – 11/8\***



**Part V: United States Elections beyond Single-Member Districts**

**11/11-11/15: US Elections Beyond Single-Member Districts**

<ul style="list-style-type: none"> <li>• Ranked Choice Voting</li> </ul>	<p>San Francisco Voter Instructions for Ranked Choice Voting (<a href="http://sfgov.org/elections/ranked-choice-voting">http://sfgov.org/elections/ranked-choice-voting</a>)</p> <p>Craig M. Burnetta and Vladimir Koganb “Ballot (and voter) “exhaustion” under Instant Runoff Voting: An examination of four ranked-choice elections” <i>Electoral Studies</i> Vol. 37 (March 2017) pp. 41-49.</p> <p>Francis Neely and Jason McDaniel “Overvoting and the Equality of Voice under Instant-Runoff Voting in San Francisco” <i>California Journal of Politics and Policy</i>. 7(4) 2015.</p>
<ul style="list-style-type: none"> <li>• Presidential Elections – Electoral College</li> </ul>	<p>Selections from the <i>Record of the Federal Convention of 1787</i>.</p> <p>Alexander Hamilton Letter to James Wilson 25 January, 1789</p> <p>Gouverneur Morris Letter to President of New York Senate, 25 December, 1802</p> <p>James Madison Letter to George Hay, 23 August, 1823</p> <p>John F. Bibby and Brian F. Schaffner <i>Politics, Parties and Elections In America</i>, pp. 274-284.</p>

**11/18-11/22: Direct Democracy – Initiative, Referenda and Recall**

<ul style="list-style-type: none"> <li>• The Founding Era View</li> </ul>	<p>James Madison <i>Federalist Paper No. 10</i> (reread)</p> <p>Alexander Hamilton Speech at the New York Ratifying Convention. June 21, 1788</p>
<ul style="list-style-type: none"> <li>• Contemporary Application</li> </ul>	<p>Richard J. Ellis <i>Democratic Delusions</i> Chapters 2 &amp; 5</p>
<ul style="list-style-type: none"> <li>• Missouri</li> </ul>	<p>Constitution of the State of Missouri</p> <p>Gregory Casey and Justin Dyer <i>A Guide to the Missouri Constitution</i> pp. 74-75</p>

**11/25-11/29: No Class – Thanksgiving Break**

**12/2-12/4: Class Conclusion - No Readings**

**\*Fifth Essay Distributed – 12/4\***