

Hastings Constitutional Law Quarterly 2018 Symposium

Voting in 2018 and Beyond:

Ensuring Access and Accountability of the Ballot in America

Friday, January 26, 2018

University of California, Hastings College of the Law
San Francisco, CA

Background Reading and Related Information

Recent California Legislation

California Voting for All Act (AB 918): Signed by Governor Brown on Oct. 15, 2017
Allows eligible voters with limited English proficiency to bring laminated translated voting ballots into a private voting booth, instead of having to refer to one posted on a wall.

Voting Modernization Bond Act of 2018 (AB 668): Approved by Assembly on May 31, 2017
Authorizes a \$450 million bond to update aging equipment and improve voting systems.

California Voters Choice Act (SB 450): Signed by Governor Brown on Sept. 29, 2016
Authorizes counties to send every registered voter a mail ballot; drop-off locations will be available up to four weeks before election day, and temporary regional “vote centers” will open 10 days ahead of time to register voters and accept ballots.

Voting Rights Clarification (AB 2466): Signed by Governor Brown on Sept. 28, 2016
Clarifies voter eligibility for residents under mandatory and post-release community supervision.

Recent U.S. Congressional Interest

Secure Elections Act, S.2261 (115th Cong.) (introduced on Dec. 21, 2017)
Would authorize federal money for several cybersecurity measures.

Cybersecurity of Voting Machines: Hearing Before the H. Subcommittee on Information Technology and the H. Subcommittee on Intergovernmental Affairs, 115th Cong. (Nov. 29, 2017)
<https://oversight.house.gov/hearing/cybersecurity-voting-machines>.

PAPER Act, H.R.3751 (115th Cong.) (introduced on Sept. 12, 2017)
Amends the Help America Vote Act of 2002 to direct the Election Assistance Commission to develop best practices for States to use to protect the integrity of elections for federal office.

PROVE Act, S.1783 (115th Cong.) (introduced on Sept. 7, 2017)
Amends the National Voter Registration Act of 1993 to require each State to implement a process to pre-register 16 year olds to vote in elections.

Major Reports

NATIONAL ACADEMIES OF SCIENCES, ENGINEERING, MEDICINE, COMMITTEE ON THE FUTURE OF VOTING: ACCESSIBLE, RELIABLE, VERIFIABLE TECHNOLOGY (2017).
<http://sites.nationalacademies.org/pga/stl/voting/index.htm>

KENNETH MAYOR & MICHAEL DeCRESCENZO, UNIVERSITY OF WISCONSIN-MADISON, ESTIMATING THE EFFECT OF VOTER ID ON NONVOTERS IN WISCONSIN IN THE 2016 PRESIDENTIAL ELECTION (2017).

MEDIA MATTERS FOR AMERICA, VOTING RIGHTS COVERAGE DOMINATED BY TRUMP'S LIES AND IGNORED SYSTEMIC PROBLEMS (2017).

CHARLES STEWART III, MASSACHUSETTS INSTITUTE OF TECHNOLOGY, 2016 SURVEY OF THE PERFORMANCE OF AMERICAN ELECTIONS (2017).

BRENNAN CENTER FOR JUSTICE, SECURING ELECTIONS FROM FOREIGN INTERFERENCE (2017).

General Sources for Voting Rights/Election Law Information

Election Law Blog, [Electionlawblog.org](http://electionlawblog.org)

Verified Voting, <https://thevotingnews.com/news/>

Books and Sections in Books

PIPPA NORRIS, WHY AMERICAN ELECTIONS ARE FLAWED (AND HOW TO FIX THEM) (2017).

ANTHONY J. MCGANN, CHARLES ANTHONY SMITH, MICHAEL LATNER & ALEX KEENA, GERRYMANDERING IN AMERICA, THE HOUSE OF REPRESENTATIVES, THE SUPREME COURT, AND THE FUTURE OF POPULAR SOVEREIGNTY (2016).

ARI BERMAN, GIVE US THE BALLOT: THE MODERN STRUGGLE FOR VOTING RIGHTS IN AMERICA (2016).

DAVID DALEY, RATF**CKED: WHY YOUR VOTE DOESN'T COUNT (2016).

Pamela S. Karlan, *Citizens Deflected: Electoral Integrity and Political Reform*, in *CITIZENS DIVIDED: CAMPAIGN FINANCE REFORM AND THE CONSTITUTION* (Robert C. Post ed. 2014).

RICHARD L. HASEN, THE VOTING WARS: FROM FLORIDA 2000 TO THE NEXT ELECTION MELTDOWN (2013).

LORRAINE C. MINNITE, THE MYTH OF VOTER FRAUD (2010).

Periodicals

Tina Rosenberg, Opinion, *Putting the Voters in Charge of Fair Voting*, N.Y. TIMES, Jan. 23, 2018, <https://www.nytimes.com/2018/01/23/opinion/michigan-gerrymandering-fair-voting.html>.

Christina A. Cassidy, *Trump's Attempts to Show Voter Fraud Appear to Have Stalled*, PBS NEWS HOUR, Jan. 21, 2018, <https://www.pbs.org/newshour/politics/trumps-attempts-to-show-voter-fraud-appear-to-have-stalled>.

Adam Liptak, *A Case for Math, Not 'Gobbledygook,' in Judging Partisan Voting Maps*, N.Y. TIMES, Jan. 15, 2018, <https://www.nytimes.com/2018/01/15/us/politics/gerrymandering-math.html>.

Felicia Fonseca, *Groups Record Voting Rights Abuses Against Native Americans*, WASH. POST, Jan. 11, 2018, https://www.washingtonpost.com/national/groups-record-voting-rights-abuses-against-native-americans/2018/01/11/86d676fa-f6fb-11e7-9af7-a50bc3300042_story.html.

Editorial, *Florida's 1.5 Million Missing Votes*, N.Y. TIMES, Jan. 2, 2018, <https://www.nytimes.com/2018/01/02/opinion/florida-missing-voters.html>.

Patrick Honner, *The Math Behind Gerrymandering and Wasted Votes*, WIRED, Jan. 1, 2018, <https://www.wired.com/story/the-math-behind-gerrymandering-and-wasted-votes/>.

Ari Berman, *Rigged, How Voter Suppression Threw Wisconsin to Trump and Changed the Election*, MOTHER JONES, Nov/Dec 2017.

Ann Ravel, *How the FEC Turned a Blind Eye to Foreign Meddling*, POLITICO MAGAZINE, Sept. 18, 2017, <https://www.politico.com/magazine/story/2017/09/18/fec-foreign-meddling-russia-facebook-215619>.

Michael Chertoff, Opinion, *Congress Can Help Prevent Election Hacking*, WALL STREET J., Sept. 5, 2017, <https://www.wsj.com/articles/congress-can-help-prevent-election-hacking-1504652957>.

Editorial, *On Voting Reforms, Follow Illinois, Not Texas*, N.Y. TIMES, Aug. 31, 2017, <https://www.nytimes.com/2017/08/31/opinion/voting-reform-illinois-texas.html>.

Richard L. Hasen, *Don't Let Our Democracy Collapse*, Opinion, N.Y. TIMES, July 15, 2017, <https://www.nytimes.com/2017/07/15/opinion/sunday/dont-let-our-democracy-collapse.html>.

Law Review Articles

Richard L. Hasen, *The 2016 U.S. Voting Wars: From Bad to Worse*, WM. & MARY BILL RTS. J. (forthcoming 2018).

Christopher S. Elmendorf, *From Educational Adequacy to Representational Adequacy: A New Template for Legal Attacks on Partisan Gerrymanders*, WM. & MARY L. REV. (forthcoming 2018).

Michael S. Kang, *Gerrymandering and the Constitutional Norm Against Government Partisanship*, 116 MICH. L. REV. 351 (2017).

Christopher P. Chambers, Alan D. Miller & Joel Sobel, *Flaws in the Efficiency Gap*, 33 J.L. & Pol. 1 (2017).

Edward B. Foley, *Due Process, Fair Play, and Excessive Partisanship: A New Principle for Judicial Review of Election Laws*, 84 U. CHI. L. REV. 655 (2017).

Derek T. Muller, *Legislative Delegations and the Elections Clause*, 43 FLA. ST. U. L. REV. 717 (2016).

Richard L. Hasen, *Softening Voter ID Laws Through Litigation: Is It Enough?*, 2016 WIS. L. REV. FORWARD 100 (2016).

Christopher S. Elmendorf, Kevin M. Quinn & Marisa A. Abrajano, *Racially Polarized Voting*, 83 U. CHI. L. REV. 587 (2016).

Pamela S. Karlan, *Turnout, Tenuousness, and Getting Results in Section 2 Vote Denial Claims*, 77 OHIO ST. L.J. 763 (2016).

Derek T. Muller, *Perpetuating 'One Person, One Vote' Errors*, 39 HARV. J. L. & POL'Y 371 (2016).

Christopher S. Elmendorf & Spencer M. Douglas, *Administering Section 2 of the Voting Rights Act After Shelby County*, 115 COLUM. L. REV. 2143 (2015).

Joshua A. Douglas, *(Mis)Trusting States to Run Elections*, 92 WASH. U. L. REV. 553 (2015).

Derek T. Muller, *Invisible Federalism and the Electoral College*, 44 ARIZ. ST. L.J. 1237 (2012).

Podcast Episodes

The Gerrymandering Project (several episodes), FIVETHIRTYEIGHT POLITICS, Jan. 4, 2018.

Gerrymandering and American Democracy, WE THE PEOPLE, Jan. 3, 2018.

Who's Gerry and Why Is He So Bad at Drawing Maps?, RADIOLAB PRESENTS: MORE PERFECT, Oct. 2, 2017.