

Syllabus
Federal Election Law
Fall Semester 2003
Professor Bradley Smith

I. Class Times and Attendance

Class meets each Thursday from 6:00 p.m. until 7:50 p.m., in Room 348. Attendance is required.

II. Contacting the Professor Outside of Class

I will not have any regular office hours, but am always happy to meet by appointment or to talk on the phone or by email. To reach me:

E-Mail: bsmith@fec.gov; fudgesmith@msn.com

Phone: Office at Federal Election Commission: 202-694-1011

Home: 540-548-8036. I often work from home so do not hesitate to call me there if I am not at the FEC.

III. Grading

Students will be graded 50% on class preparation and participation, and 50% on a final exam. Class preparation includes a very short (1-3 page), non-research memo submitted before each class, which will be explained at the first class session. Students who do the reading and complete the pre-class memos regularly should receive an "A" for this portion of the final grade. A limited number of students may be allowed the option of writing a short research paper in lieu of the exam. Students interested in this option must receive prior approval for their topic from the professor, and should present a proposed topic to the professor no later than September 25, 2003. The professor may restrict the number of students who may do papers in lieu of the exam. If so, it will be done on a first come, first served basis.

IV. Required Text

Daniel Hays Lowenstein and Richard L. Hasen, Election Law: Cases & Materials (2nd Ed., Carolina Academic Press 2001), and supplement. Students who have purchased the casebook may print copies of the supplement without charge at

<http://www.lis.edu/academics/faculty/pubs/electionlaw-2003update.pdf>

V. Subject Matter and Tentative List of Assignments

Election law is fast growing area that is increasingly difficult to cover in a three credit hour course, let alone a two credit hour course. We will focus on constitutional issues more than on the administrative law aspects of election law, though the latter will receive some coverage. It is increasingly difficult to choose the material for this class; for this

semester, I have decided to place a substantial emphasis - roughly half of the class - on the issue of campaign finance reform, allowing for a more in-depth discussion of that issue. The other major topic area is the Voting Rights Act, including the *Shaw v. Reno* line of cases on racial redistricting. There are many areas we will simply not have time to discuss in class, such as vote fraud, ballot initiatives, judicial elections, and term limits, and other issues, such as the association rights of political parties, that will be treated with relative brevity. Students wishing to explore an area in more depth may do so by choosing the paper option and writing in that area.

The following list of assignments is tentative and subject to change at the capricious whim of the professor. (Assignments are from the required text unless specified; assignments from the supplement are marked "Supp.;" handouts are available from me or the Law School copy center. Assignments from the Supplement should be integrated into the casebook.):

Date	Topic	Assignment
Aug. 21	Courts and Elections: General Considerations	Issacharoff, et al., Law of Democracy (handout), p. 221-248; 1038-46; 1054-58; Lowenstein & Hasen, Supp. p. 1.
Aug. 28	Courts and Elections: <i>Bush v. Gore</i>	p. 73-84; 86-102; 148-162; Supp. p. 4-6; 9.
Sept. 4	Political Markets One Person/One Vote	James C. Miller III, Monopoly Politics (handout) p. 33-73; p. 113-124
Sept. 11	Gerrymandering Introduction to Voting Rights Act	p. 173-197; Supp. p. 14-15. p. 33-36; 201-228; Supp. p. 16-34.
Sept. 18	Voting Rights Act (cont.)	p. 228-281; Supp. p. 35-39
Sep. 25	Racial Gerrymandering	p. 283-354; Supp. p. 41, n. 2.
Oct. 2	OPEN**	
Oct. 9	Regulation of Political Parties	p. 450-59; 483-94; 521-36
Oct. 16	Campaign Finance - Introduction; Enforcement	p. 705-746; Miller (handout), p. 95-101; Bradley A. Smith & Steven Hoersting, <i>A Toothless Anaconda: Innovation, Impotence and Overenforcement at the Federal Election Commission</i> , 1 J. Elec. L. 145 (2002) (handout), 145-162.

Oct. 23***	Contribution & Expenditure Limits	p. 747-82; Miller (handout), p. 88-95
Oct. 30	Contribution & Expenditure Limits (cont.)	p. 923-48; 1018-1027;
Nov. 6	Issue Ads & Soft Money Disclosure	p. 881-922 p. 987-996
Nov. 13	Government Financed Campaigns	p. 963-986; Supp. p. 98; Bradley A. Smith, <i>Some Problems With Taxpayer-Funded Political Campaigns</i> , 148 U. Penn. L. Rev. 591 (1999) (handout), p. 591-608, 624-28.
Nov. 20	The Bipartisan Campaign Reform Act of 2002	Miller, p. 113-127 (handout); Supp. p. 64-96
Dec. 6	Exam (or paper due)	

** Class will meet, with assignment TBD.

*** This class may be rescheduled at another time, as I expect to be travelling on FEC business on this date.