Summary of Contents

Foreword xi
   JEAN-PIERRE KINGSLEY
Preface xvii
   MYLES V. LYNK
About the Editor xx
   THURGOOD MARSHALL, JR.
About the Authors xxiv
Introduction xxxv
   THURGOOD MARSHALL, JR.

Part One. Electoral Administration and Technology: The New Challenges

Chapter 1
The Work and Responsibilities of the Federal Election Commission 3
   ANN M. RAVEL

Chapter 2
The Election Advisory Commission’s Responsibilities for Enforcing
or Interpreting Federal Election Law 16
   DOUG CHAPIN

Chapter 3
Language Assistance to Voters 21
   TERRY AO MINNIS

Chapter 4
Using Census Data Sources to Prove Citizenship
in Voting Rights Litigation 45
   C. ROBERT HEATH

Chapter 5
The Administrative Challenges for Recounts, Contests,
and Post-Election Audits 58
   RACHEL PROVENCHER AND JOHN HARDIN YOUNG

Part Two. Challenges for Voting Rights

Chapter 6
Early Voting 91
   PAUL GRONKE AND JACOB CANTER
CHAPTER 7
Quick and Dirty: The New Misreading of the Voting Rights Act 109
JUSTIN LEVITT

CHAPTER 8
Section 3 Bail-in 144
PAUL M. WILEY

CHAPTER 9
The Voter Fraud Myth 153
LORRAINE C. MINNITE

CHAPTER 10
Voter ID as a Form of Voter Suppression 174
NICOLE AUSTIN-HILLERY

CHAPTER 11
Voter Suppression Litigation 187
TANYA CLAY HOUSE AND MARCIA JOHNSON-BLANCO

CHAPTER 12
The Impact of Voter Suppression Tactics on Participation and Mobilization of Marginalized Voters 203
TOVA WANG

CHAPTER 13
Immigration, Voting Rights, and Electoral Access 213
NANCY G. ABUDU

CHAPTER 14
Felons, Fraud, Redistricting—and Race 221
ROGER CLEGG

PART THREE. THE CHALLENGES OF ONE PERSON, ONE VOTE IN REDISTRICTING

CHAPTER 15
Partisan Politics, Corporate Districts, and the Voting Rights Act 241
DONALD CAMPBELL

CHAPTER 16
Finding Middle Ground for State Legislative Reapportionment 261
TOMMIE S. CARDIN AND B. PARKER BERRY

CHAPTER 17
Nuts and Bolts of Section 2 Vote Dilution Litigation from the Defense Perspective 275
VINCENT R. FONTANA AND BÉNJAMIN E. GRIFFITH

Table of Cases 326
Index 336
Contents

Foreword xiii
Preface xvii
About the Editor xxii
About the Authors xxiii
Introduction xxxv

PART ONE
Electoral Administration and Technology: The New Challenges

CHAPTER 1
The Work and Responsibilities of the Federal Election Commission 3
ANN M. RAVEL

I. Disclosure of Political Spending: Central to the FEC’s Mission 3
II. The Supreme Court Affirms the Constitutionality of the FECA’s Disclosure Requirements 4
III. The Bipartisan Campaign Reform Act Expands Disclosure 5
IV. The Supreme Court Affirms the Constitutionality of BCRA’s Disclosure Requirements 6
V. The Roberts Court Strikes Down Outside Spending Prohibitions 6
VI. The FEC’s Self-Imposed Limits on Disclosure 7
VII. Van Hollen v. FEC 8
VIII. Citizens United v. FEC 8
IX. McCutcheon v. FEC 10
X. Political Committee Status: Failure to Enforce the Law Is Preventing Adequate Campaign Finance Disclosure 11
XI. Conclusion 12
Notes 12
CHAPTER 2
The Election Advisory Commission’s Responsibilities for Enforcing or Interpreting Federal Election Law
DOUG CHAPIN
Notes

CHAPTER 3
Language Assistance to Voters
TERRY AO MINNIS
I. Enforcement of Federal Laws Protecting Language Minority Voters
II. State and Local Opportunities
III. Conclusion
Notes

CHAPTER 4
Using Census Data Sources to Prove Citizenship in Voting Rights Litigation
C. ROBERT HEATH
I. The Census Long Form and the Sample-Detail File
II. The American Community Survey
III. Sample Size
IV. Sampling Error
V. Non-sampling Error
VI. Can Citizen Voting-Age Population Numbers Be Used to Draw Districts?
VII. Conclusion
Notes

CHAPTER 5
The Administrative Challenges for Recounts, Contests, and Post-Election Audits
RACHEL PROVENCHER
JOHN HARDIN YOUNG
I. Recounts
II. Contests
III. The Search for “Constitutional Standards” in the Post-Bush v. Gore Era
IV. Post-Election Audits
V. Conclusion
Notes
Summary of Contents

Foreword
JEAN-PIERRE KINGSLEY xiii

Preface
MYLES V. LYNK xvii

About the Editor
xxi
About the Authors
xxiii

Introduction
THURGOOD MARSHALL, JR. xxxv

PART ONE. ELECTORAL ADMINISTRATION AND TECHNOLOGY:
THE NEW CHALLENGES

CHAPTER 1
The Work and Responsibilities of the Federal Election Commission 3
ANN M. RAVEL

CHAPTER 2
The Election Advisory Commission’s Responsibilities for Enforcing
or Interpreting Federal Election Law 16
DOUG CHAPIN

CHAPTER 3
Language Assistance to Voters 21
TERRY AO MINNIS

CHAPTER 4
Using Census Data Sources to Prove Citizenship
in Voting Rights Litigation 45
C. ROBERT HEATH

CHAPTER 5
The Administrative Challenges for Recounts, Contests,
and Post-Election Audits 58
RACHEL PROVENCHER AND JOHN HARDIN YOUNG

PART TWO. CHALLENGES FOR VOTING RIGHTS

CHAPTER 6
Early Voting 91
PAUL GRONKE AND JACOB CANTER
PART THREE. THE CHALLENGES OF ONE PERSON, ONE VOTE IN REAPPORTIONMENT

Chapter 15
Partisan Politics, Corporate Districts, and the Voting Rights Act 241
DONALD CAMPBELL

Chapter 16
Finding Middle Ground for State Legislative Reapportionment 261
TOMMIE S. CARDIN AND B. PARKER BERRY

Chapter 17
Nuts and Bolts of Section 2 Vote Dilution Litigation from the Defense Perspective 275
VINCENT R. FONTANA AND BÉNJAMIN E. GRIFFITH

Table of Cases 326
Index 336
Contents

Foreword xiii
Preface xvii
About the Editor xxii
About the Authors xxiii
Introduction xxxv

PART ONE
Electoral Administration and Technology:
The New Challenges

Chapter 1
The Work and Responsibilities of the Federal Election Commission

ANN M. RAVEL

I. Disclosure of Political Spending: Central to the FEC’s Mission 3
II. The Supreme Court Affirms the Constitutionality of the FECA’s Disclosure Requirements 4
III. The Bipartisan Campaign Reform Act Expands Disclosure 5
IV. The Supreme Court Affirms the Constitutionality of BCRA’s Disclosure Requirements 6
V. The Roberts Court Strikes Down Outside Spending Prohibitions 6
VI. The FEC’s Self-Imposed Limits on Disclosure 7
VII. Van Hollen v. FEC 8
VIII. Citizens United v. FEC 8
IX. McCutcheon v. FEC 10
X. Political Committee Status: Failure to Enforce the Law Is Preventing Adequate Campaign Finance Disclosure 11
XI. Conclusion 12
Notes 12
### Chapter 2
The Election Advisory Commission’s Responsibilities for Enforcing or Interpreting Federal Election Law  
**Doug Chapin**

| Notes | 19 |

### Chapter 3
Language Assistance to Voters  
**Terry Ao Minnis**

I. Enforcement of Federal Laws Protecting Language Minority Voters  
II. State and Local Opportunities  
III. Conclusion  
Notes  
| 23 | 28 | 39 | 40 |

### Chapter 4
Using Census Data Sources to Prove Citizenship in Voting Rights Litigation  
**C. Robert Heath**

I. The Census Long Form and the Sample-Detail File  
II. The American Community Survey  
III. Sample Size  
IV. Sampling Error  
V. Non-sampling Error  
VI. Can Citizen Voting-Age Population Numbers Be Used to Draw Districts?  
VII. Conclusion  
Notes  
| 46 | 47 | 47 | 48 | 49 | 52 | 53 | 54 |

### Chapter 5
The Administrative Challenges for Recounts, Contests, and Post-Election Audits  
**Rachel Provencher**  
**John Hardin Young**

I. Recounts  
II. Contests  
III. The Search for “Constitutional Standards” in the Post-Bush v. Gore Era  
IV. Post-Election Audits  
V. Conclusion  
Notes  
| 59 | 61 | 63 | 70 | 74 | 75 |