Introduction

There is no more important right a citizen of a democracy has than the right to vote in elections that determine who will govern the locality, the state, and the nation. It is thus fitting and illuminating that since 2008 the American Bar Association (ABA) has published a series of volumes entitled America Votes!, which explore issues of concern and problems that threaten the security and fairness of the American electoral system.

It was just three years ago, in 2016, that the ABA published the third edition of America Votes! Challenges to Modern Election Law and Voting Rights. That volume, also edited by attorney Benjamin E. Griffith, who among many other distinctions served as co-chair of the ABA Section of International Law’s Task Force on International Election Law, was divided into three sections and 17 chapters. They delved into election administration and technology; challenges to voting rights; and concerns about redistricting.

It is indicative of the current high level of concern about the security and fairness of the electoral system in the United States that this all-new fourth edition, America Votes! Challenges to Modern Voting Rights and Election Law, addresses both new and recurring issues about elections in America. This expanded edition contains five sections and 21 chapters. They address voter qualifications and participation; the voting process itself including the use of early voting; cyber threats to election security; the impact of claims of voter fraud and vote-stealing on confidence in the electoral system; voting rights litigation and the ongoing impact of the U.S. Supreme Court’s decision in Shelby County v. Holder, which gutted the Voting Rights Act of 1965; and continuing concerns about partisan gerrymandering of election districts.

Today, concerns about the security of our electoral system have been given greater weight in light of the revelations in the Mueller report about Russian interference in the 2016 U.S. presidential election. In 2018, the ABA’s Paris Sessions hosted a panel discussion entitled Cybersecurity Best Practices in Elections that Ben Griffith organized, which included two of the authors who are represented in this edition: Lucy Thompson and Jack Young, the latter also serving as co-editor of this fourth edition of America Votes! The panel concluded that more resources must be invested and a greater commitment made by local, state, and national governments...
to insure the security of our elections. Nothing has been done since then to change that conclusion.

In fact, the 21 chapters in this edition of America Votes! make for very sober reading. There is much that needs to be done across a whole host of issues to restore confidence in the fairness, equity, and security of the voting process in communities across America. This volume describes in detail what these issues are. Whether we as a people and a nation have the confidence and the will to reach a consensus on how to address these issues, and then to address them, remains to be seen. In fact, how partisan gerrymandering should be addressed has become more complicated in light of the Supreme Court’s recent decision in Rucho v. Common Cause, that partisan gerrymandering claims present political questions that are beyond the reach of the federal courts.

This fourth edition of America Votes! is a necessary and outstanding source of information and insight, presented by a brilliant group of experts in their fields. It will be of value not just to lawyers, but also to all who are concerned about the security and fairness of our electoral process and want to know what can be done to address these problems and improve our system.

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