

Election laws regulate who votes, when and how they vote, for whom they can vote, how campaigns are conducted, and how votes are recorded, counted, and allocated. The Fifteenth Amendment to the U.S. Constitution (1870) prohibits discrimination on the basis of race, and the Nineteenth (1920), on the basis of gender. Congress has set uniform dates for congressional, senatorial, and presidential elections, and it requires all members of Congress to be elected from contiguous, single-member districts. In three major federal laws, the Tillman Act (1907), the Federal Election Campaign Act (1971, 1974), and the McCain-Feingold Act (2002), Congress sought to reduce fraud and curb the influence of rich interest groups. Loopholes in these laws, often created or widened by court decisions, have diminished their effectiveness. By contrast, the Voting Rights Act of 1965, inspired by the Civil Rights Movement and pushed through Congress by President Lyndon Johnson, quickly eliminated remaining racial discrimination in voting qualifications and gradually reduced discrimination in electoral practices such as redistricting. Decisions of the Supreme Court in the 1990s, however, severely undercut the Act and threatened its constitutionality.

But most elections take place at the state and local levels, and most election laws are passed by state and local governments. Americans elect more officials at more different times, in more overlapping districts, and with more complicated ballots than citizens of any other country. For a century, most municipal officials have run in nonpartisan contests held at different times than national elections to draw attention to local issues. States and municipalities regulate campaign finances with widely varying expenditure and contribution limits and publicity requirements, and some provide public subsidies to campaigns. Parties choose candidates in conventions or in closed primaries, where only registered party members may vote, or open primaries, where any citizen can choose a party's nominees. Since 1990, many state and local governments have adopted limits of two or three terms as the maximum anyone can serve in a particular office. In many states, particularly in the West, citizens began in the early 20<sup>th</sup> century to vote directly on issues through initiatives or referenda.

In the November, 2000 presidential election, confusing ballot forms, physically faulty ballots, and vague recount laws in Florida, as well as the unprecedented intervention by a 5-4 majority of the U.S. Supreme Court, cost the popular vote winner, Al Gore, the presidency and reminded the nation of just how important nuances of election law are.

Issacharoff, Samuel, Pamela S. Karlan, and Richard H. Pildes. *The Law of Democracy: Legal Structure of the Political Process*. Westbury, N.Y.: The Foundation Press, 1998.

Lowenstein, Daniel Hays, and Richard L. Hasen. *Election Law: Cases and Materials*. 2<sup>nd</sup> ed., Durham, N.C.: Carolina Academic Press, 2001.