Make Research Great Again
Building Resources and Skills for Researching Election Law

Matt Cooper and Paul Gatz, 2016 ORALL Annual Meeting
No more 'Golden Week' for Ohio voters - again  
The Columbus Dispatch

Appeals court to hear challenge to Virginia’s voter-identification law  
The Washington Post

Supreme Court Rejects Challenge on ‘One Person One Vote’  
The New York Times
Election law encompasses a range of issues

- Election Administration
- Voting Rights
- Redistricting
- Campaign Finance and Lobbying
Federal laws dealing with elections:
Constitution
U.S. Code, Title 52
C.F.R., Title 28
State laws dealing with elections:
Each state has some sort of Election Code:
  Officials
  Voter Qualifications
  Procedures
  Finance
  Ballot Initiatives & Referendums
The federal government has some involvement with the administration of elections:

- Election Assistance Commission
- Federal Election Commission
- Justice Dept., Voting Section of Civil Rights Division
But administration is primarily handled at the state and local level:

Statewide official (e.g., Secretary of State)

Local official (e.g., Franklin County Board of Elections)
Restrictions on who can be a member of the Indiana Election Commission?

National Voter Registration Act litigation on automatic purges of voting rolls?

Last minute false statements about an election opponent in other common law countries?

Operation of these two Missouri election contest statutes?

Ohio Supreme Court procedure for expedited resolution of election law cases?

Legislative history of this 1948 federal Act modifying the timing of federal elections?
Election Law @ Moritz

Election Law Research Guide
The election results in State Senate/Rep District XY are very close. What are the options and procedures for contesting the election or demanding a recount?
Challenge under state statutory procedure?

Federal constitutional law?

Key terms, possible remedies:

- election contest
- automatic recount
- recount
- equal protection
- invalid votes subtracted
- valid votes added
- voiding election
- expedited procedure

Election Law @ Moritz

WEXIS

ELECTION LAW
ELECTION CONTESTS, k510-k589
Where can we go to find out about the political spending and/or lobbying activities of X?

- Kind of spending: Expenditures or contributions?
- Who is doing the spending: Individuals, corporations, or committees?
- Disclosures required by law: FECA, HLOGA, LDA?
Election day results are not “official” until the canvass is complete. How much have vote totals changed in recent elections between the initial returns on election night and the official canvass?
Results in print paper on Thurs. after Election Day:

The New York Times

The Washington Post

The Columbus Dispatch

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
U.S. ELECTORAL COLLEGE

Dave Leip’s Atlas of U.S. Presidential Elections

Office of the Secretary of State

U.S. ELECTIONS
Red Spreads Across the Region's Map as Republicans Pick Up Senate Seats in Indiana, Illinois, Wisconsin and North Dakota

ILLINOIS

The Democratic wave that washed across Illinois two years ago receded on Tuesday, with voters narrowly electing a Republican to the Senate seat vacated by President Obama and at least three Republicans to House seats currently held by Democrats.

The race for governor was still too close to call, with the Democratic incumbent, Pat Quinn, holding a slim lead over Bill Brady, a Republican state senator from downstate. The outcome was also undecided in the Eighth Congressional District race, where Republican Joe Walsh held a narrow edge over the Democratic incumbent, Melissa Bean.

The Senate race held symbolic meaning for both parties because it was for Mr. Obama's former seat. Mark Steven Kirk, a five-term Republican congressman, held a significant fund-raising advantage over Alexi Giannoulias, the Democratic state treasurer. Senator Roland W. Burris, a Democrat who was appointed to the post temporarily, did not run.

Republicans picked up Congressional three Democrats and two Republicans, were re-elected.

SENATE
Grassley (R) ... 714,617 54.5%
100% reporting Colvin (D) .... 469,682 35.2%
Heiderscheit (L) 15,035 1.1%
GOVERNOR
Branstad (R) ... 589,566 53%
100% reporting Culver (D) .... 461,227 43.3%
Other .................. 23,932 3.7%

KANSAS

Kansas sent Sam Brownback to Washington 16 years ago, first as a congressman and then as a senator. Now he will be coming home. On Tuesday, Mr. Brownback blew past his Democratic opponent, Tom Holland, to win the race for governor.

The Senate seat that Mr. Brownback leaves behind did not change parties. Representative Jerry Moran used advantages in name recognition and fund-raising to defeat his Democratic opponent, Lisa Johnston, a college administrator.

In the House races, Republicans won all four seats. In one of the toughest fights, Stephanie Moore — the wife of chairman of the House Armed Services Committee.

"I've told people all along that this district has been fed up and fired up and ready to turn out and vote for us."

NEBRASKA

A heavily Republican state with Republican incumbents made for minimal the administration of President George W. Bush. Defeated Lt. Gov. Lee Fischer, a Democrat. The retirement of Senator George V. Voinovich, a Republican, left the seat open.

Ohio has lost 460,000 jobs since Mr. Strickland won election in 2006, and the dismal economy tilted the environment in favor of Mr. Kasich and other Republicans. Mr. Kasich served in Congress from 1983 through 2000. During the past decade, he worked in an Ohio office of Lehman Brothers and also for the Fox News Channel.

Both candidates made Mr. Obama an issue — Mr. Strickland by supporting the health care overhaul and other administration policies, and Mr. Kasich by attacking them. Mr. Kasich also proposed phasing out Ohio's income tax.

SENATE
Portman (R) ... 1,223,466 57.3%
Fischer (D) ... 1,246,262 48.0%
Other ......... 10,941 3.7%

GOVERNOR
Kasich (R) ... 1,248,132 49.4%
Strickland (D) 1,250,881 48.7%
Other ........ 14,022 3.9%
From Initial Returns to Official Certification:
Swing State Gains in Obama’s Lead

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<tr>
<th>State</th>
<th>Nov. 8 Results*</th>
<th>Official Canvass</th>
<th>Obama’s gain from initial lead to final certification</th>
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*November 8 results are taken from that day’s edition of the Washington Post, p. A43.
**In North Carolina, Romney led both initially and after certification. Therefore, Obama’s “lead” in that state is a negative number. Still, Obama gained ground relative to Romney in the state between the initial returns and the official certification.
Election Protection Hotline: 866-OUR-VOTE (www.866ourvote.org)

ACLU Factsheets (criminal conviction, students, disabilities)

Secretary of State (www.myohiovote.com)