

# VOTING RIGHTS AND ELECTION LAW

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# VOTING RIGHTS AND ELECTION LAW

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MATTHEW  BENDER

# *Dedication*

---

To Michael and Steven — with pride, affection, and love  
M.R.D.

To Julie, Eleanor, and Emma  
B.A.S.

To Pat, Jane, and Jimmy  
M.E.S.



# *Preface*

---

The law of politics is one of the most exciting, consequential, and fun subjects in the law-school curriculum. Disputes about political power involve much more than a single controversy; rather, they set the rules for the resolution of future disputes and go a long way toward determining who will resolve those disputes and how those disputes will be resolved. But courts don't (or aren't supposed to) make up these rules themselves; it is the political process itself that sets its own rules. Evaluating the judicial role in overseeing those rules and the process that creates them is a constant theme throughout this text. We hope the subject fascinates you as it fascinates us.

Readers should be aware of certain conventions we have used in editing cases. Footnotes, citations, and section headings have been deleted without indication. Our deletions of text are marked by asterisks. Footnotes appearing in the cases have retained their original numbers; our footnotes are indicated by letters. Paragraph breaks have occasionally been altered.

There are many persons with whom we have shared portions of this book, and whose suggestions have improved the final product. Among those persons, Heather Gerken and Allison Hayward deserve special mention. We are also indebted to others whose scholarship has created a field of election law, and whose work has enriched our understanding of the subject: Rick Hasen, Sam Issacharoff, Pam Karlan, Dan Lowenstein, Rick Pildes, and Dan Tokaji. In addition, we have benefited from several on-line resources, including Hasen's Election Law Blog and listserv, as well as Election Law @ Moritz and Ballot Access News.

We are thankful for the administrative support of Connie Miller, as well as the research assistance of Lisa Bemboom, Bill Cash, Alexander Czebiniak, Jacob Dean, Keely Espinar, Carol Herdman, Joe Holaska, Cecille Lucero, Clarke Madden, Julie Olivas, Justin Swartz, Jesse Unruh, and Shawn-Ryan White.

Dimino wishes to extend additional thanks to Professors Smith and Solimine. They have been delightful co-authors, and it has been a great pleasure to work with both. Their expertise, good humor, and cooperative attitudes have been essential in the more than two years it has taken to write this book, and I am indebted to them. Without their agreement to become part of this book it never would have been written, and without their insights it would not have been as good as it is.

Please contact us with ideas for improving the book in the next edition.

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