Representation and Voting Rights [84-352/84-652] – Elections, Fair Redistricting, Equitable Democracy

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Location: TEP 1101B
Time: Tuesdays and Thursdays 11:50a-1:10p Eastern
Office Hours by appointment (arrange via email)
(CMU Academic Calendar)

(Our Zoom room will be https://bit.ly/representation_voting_rights)
When possible, please keep your camera on for class. Let me know about any difficulties.

Summary: What does it mean to be represented? Who is represented, who is not? What is the nature of that representation? In practice, do the norms of representation result in policy congruence? In this course, we will explore the concept of representation; what does it means in theory to be represented, and how represented are people in practice.

The principal focus will be on addressing these topics in the context of American politics. But democracy and representation are universal values and insights from other systems may be incorporated.

We will explore the theoretical underpinnings of representation from a democratic norms' perspective, the legal and constitutional nature of U.S. institutions. We will then evaluate empirically how well represented the public is. In the United States, legislative elections are held in single-member districts, which require the drawing of district boundaries every decade. Several weeks of the course will be devoted to understanding this process. We will learn to draw electoral maps that are legally compliant. We will also explore the possibility to create manipulated districting schemes that can lead to partisan or racial advantages. Moreover, we will learn to identify features of redistricting plans that exhibit these biases.

Description/Objective: Democracy in the United States is looking a bit rickety. Decades of progress in voting rights are countered by recent efforts to weaken the connection between popular opinion and representational outcomes. This course will address a board set of topics relating to representation, including redistricting, the process of redrawing legislative and congressional lines, which every state will do in 2021. Redistricting can remedy a distorted Census count - or make its effects tenfold worse. We will address how lines can be drawn to enhance fairness and the representation of diverse communities. We will also spend time on the concept of 'one person, one vote', the Electoral College, the structure of federalism (vertical representation) and checks and balances in the branches of government (horizonal representation). Special attention will be given to access to the franchise, both in the historical context modern voting rights.

Key Topics: The electoral connection, the Voting Rights Act, formal, substantive, descriptive, and symbolic representation, gerrymandering, 'One person, one vote', policy congruence

Prerequisite Knowledge: None required. This course will begin with the most basic understanding of democratic processes and attempt to "build the puzzle" of the complex systems that make up our representative democracy. It will be helpful to be comfortable working with probability and statistics. Redistricting will be done on laptop computer running either Dave's Redistricting App. Computer programming is optional.

Learning Objectives: Students will learn to use concepts from law, political science, math, sociology, and computer science to understand the political world as it relates to voting and elections. They will be able to identify the strengths and weaknesses of different electoral systems with respect to representation and

policy outcomes. They will be able to connect voting rights to groups' experiences and opportunities. Students will explore what voting rights mean to different communities, how these differences help inform us about needed areas of improvement, and how institutional design affects incentive structures. This includes how institutions can create disadvantages for minority groups when decisions are made by majority rule. Given the differences in voting rules, students will be able to show how the choice of electoral system can overcome structural discrimination against minority groups.

Students will learn about the US Census and decennial reapportionment. They will develop the necessary skills to design legally compliant political districting maps. They will explore how legislative district lines can differentially affect groups, potentially leading to reduced representation, especially for marginalized groups. Students will learn how to analyze maps using common data techniques. They will be exposed to advanced techniques from computer science and mathematics. Students will create a plan for reducing inequality in voting rights and a more equitable society.

By the end of the course, students will be able to use methods from their own discipline to identify and improve on deficiencies in voting systems, and use methods from other disciplines can enhance approaches to solving problems of democracy.

Course Relevance: Representation is fundamental to modern government. Understanding how governments respond to public opinion, electoral outcomes, and public sentiment more broadly is key to understanding how republics maintain credibility. Though this class will most squarely focus on the United States, other democratic institutional arrangements will be used for comparison. Recent anti-majoritarian outcomes in the United States have led scholars and the public generally to question the elite-mass electoral link. One particularly crucial aspect of this is in the manipulation of legislative districts, better known as *gerrymandering*. We will spend several weeks on the provisions of the U.S. Constitution that require the redrawing of legislative districts every decade, including in 2021-22. Beyond simply learning about this process, we will draw districts using geographic information systems software. The work product produced in this course can be delivered to state and local governments as public input into the redistricting process.

Success in this course has the potential to lead to summer internships. Multiple tracks will be offered for those more interested in the computer science, mathematics, legal, or geographic aspects of redistricting.

In general, submitting assignments on time lets me provide feedback in a more timely and efficient manner. Assignments build on each other, so timely submissions are crucial to your progress in the class. However, sometimes life happens. If you cannot submit an assignment on time, the default will be that you will be eligible for 90% of the grade the first 48 hours that the assignment is late. If you must submit beyond 48 hours past the due date, please contact me cervas@cmu.edu as soon as possible so we can plan.

Course Requirements:

Class Participation 10%
Plan Comparison & Analysis 10% (Due February 16)
Pennsylvania U.S. House Maps (one fair, one pro-Democrat and one pro-Republicans, and write up) 20% (Due March 2)
Argumentative Paper/Op-ed 10% (Due March 16)
Book Review 20% (Due April 11)
Final Project 30% (Due May 10)

Books:

- **NCSL -** Redistricting Law: 2020 (National Conference of State Legislatures) – available free of charge, courtesy of Wendy Underhill and Tim Storey at NCSL (available online)
- **Streb**, Matthew J. 2015. *Rethinking American Electoral Democracy*. Routledge. https://www.taylorfrancis.com/books/9781317519829.
- **Keyssar**, Alexander. 2009. *The Right to Vote: The Contested History of Democracy in the United States*. revised ed. Basic Books. (Part 1)

Assignments:

Plan Comparisons: You will compare alternative plans for Pennsylvania State House of Representatives as proposed for the 2021 round of redistricting. You will find three plans from Legislative Reapportionment Committee web portal submitted by citizens and compare that to the preliminary plan passed by the commission. You should compare it on measure of traditional criteria, and on measures of partisan and racial equity. A very short write-up should accompany your comparisons, not to exceed two pages single-spaced.

Redistricting Plan: You will create three Congressional plans for US House in Pennsylvania. Each plan should consist of 17 districts. The first plan should be one that favors the Republicans, the second one that favors the Democrats, and the third should be evenly balanced. You should then write-up your conclusions about how each it is to draw each of these plans, evaluating whether additional benefit can be given to either party, or what limitations might exist for creating a plan that favors a party. This should not exceed four-single-spaced pages, and should also include maps and tables that compare plans (not included in page count).

Book Review: You will select from the list below, or from a reading of your choice related to representation or voting rights, a book in which you will review. This review will consist of a very short summary of the arguments and evidence from the book, along with your own thoughts about how well the author approached to subject matter, what they did particularly well, and what weaknesses exists. You may also comment on paths for future research, or how the evidence of the book may be applicable to today's political and social world. In total, a book review should not exceed 5 single-spaced pages, but may not take more than 3 single spaced pages in total.

*Optional Books (or another, with approval)***:**

- **Daley**, David. *Unrigged: How Americans are Battling Back to Save Democracy*, (Liveright Publishing, 2020)
- **Putnam**, Robert. *The Upswing: How America Came Together a Century Ago and How We Can Do It Again*, (Simon and Schuster, 2020)
- **Fiorina**, Morris P. *Unstable Majorities: Polarization, Party Sorting, and Political Stalemate*. (Hoover Institution Press Publication, 2017)
- **Rodden**, Jonathan. 2019. *Why Cities Lose*. Basic Books.
- **Hasen**, Richard L. 2022. *Cheap Speech: How Disinformation Poisons Our Politics--And How to Cure It*. Yale University Press. https://books.google.com/books?id=5KuOzgEACAAJ.
- **Hasen**, Richard L. 2020. *Election Meltdown: Dirty Tricks, Distrust, and the Threat to American Democracy*. New Haven: Yale University Press. https://www.amazon.com/Election-Meltdown-Distrust-American-Democracy/dp/0300248199 (July 5, 2020).
- **Starr**, Paul. 2019. *Entrenchment: Wealth, Power, and the Constitution of Democratic Societies*. Yale University Press.
- **Trounstine**, Jessica. (2018). *Segregation by Design: Local Politics and Inequality in American Cities*. Cambridge: Cambridge University Press. (LINK)
- **Rothstein, R.** 2017. *The Color of the Law: A Forgotten History of How Our Government Segregated America*. Norton. https://wwnorton.com/books/the-color-of-law/

Argumentative Paper: Prepare a short essay advocating for (or against) changes to the constitution or state/federal law regarding the rights surrounding voting, including but not limited to a constitutional amendment affirmatively granting the right to vote, a ban on gerrymandering, protections against retrogression, election day as a national holiday, universal mail-in ballots, or another related topic. The idea is that you will write something that can be submitted to a newspaper or internet blog. There is a strict 1,250-word limit. Concise arguments made for a more general audience are the goal of this assignment; something your parents can read and understand. The use of data and visualizations is strongly encouraged.

Final Project: You will choose from one of (4) tracks: Law, Statistics, Computer Science, or Theory. In this final project, you will either:

Law: write a legal brief supporting or opposing a judiciable standard for partisan political gerrymandering. You will cite to relevant legal precedent, along with a logical and theoretical justification for your argument. It should be between 15 and 20 pages.
Statistics: You will conduct a series of statistical analyses on a relevant empirical topic relating to representation. You may choose your topic, which can range from prison gerrymandering to malapportionment, to vote dilution, turnout differences, questions taken from political polls, etc. It should be 10 to 15 pages.
Computer Science: You will conduct an ensemble analysis of a particular state to compare enacted or proposed redistricting plans. In addition to the algorithm, you should have a short 5-to-10-page write-up explaining your findings.
Theory: For this choice, you will write a 15-to-20-page theoretical argument about a proposed reform. You will draw on logic and tradition/norms to establish why the reform would be beneficial, whom it might help, and whom it might harm. No empirical evidence is needed for this, but your evidence should be justified by referencing logical statements grounded in common knowledge.

Important Dates:

January 18	First day of class
February 16	Plan comparison due
March 2	Maps and analysis due
March 16	Argumentative paper due
April 11	Book Review due
April 28	Final day of class
May 10	Final Project due

Course Structure: This provides an outline of the course, including topics and a reading schedule. Topics are subject to change (1) because of the virtual nature of the course and (2) democracy often gives us more urgent topics to address. This is not a history course, and we are living in a time when redistricting will be taking place. I hope to capitalize on this opportunity during the class, as we potentially can impact the process while we learn about it.

CLASS SCHEDULE

Week 1 - Introductions and General Discussion – Creating a Model of Electoral Democracy

Jan 18 – First Class, introductions & syllabus

Jan 20 – Guest Lecture, Bernard Grofman (UCI) on democratic theory and representation

- ✓ Executive Summary in NCSL (pg. xiiv-xxi)
- ✓ **Streb,** Chapter 1

PART I – Redistricting

The first part of the class, approximately one month, will be devoted to the topic of legislative redistricting. I am playing an active part of this process in Pennsylvania, so I hope I can add additional context through my role as a consultant.

Week 2 – Counting the people

Jan 25 – The U.S. Census

- ✓ NCSL Chapter 1 – Census

Optional Readings:

- ✓ Wang, Samuel S.-H., and Jonathan Cervas. 2021. "The GOP Scared Latinos from the Census. Now That May Cost the Party Red Seats." Washington Post. https://www.washingtonpost.com/outlook/2021/05/01/hispanics-census-undercount-house-seats/

Jan 27 – Malapportionment

- ✓ NCSL Chapter 2 – Equal Population

Optional Readings:

- ✓ Cervas, Jonathan, and Bernard Grofman. 2020. "Legal, Political Science, and Economics Approaches to Measuring Malapportionment: The U.S. House, Senate, and Electoral College 1790–2010." *Social Science Quarterly* 101(6): 2238–56. https://doi.org/10.1111/ssqu.12871.

Week 3 – Principles, criteria, and who draws the lines

Feb 1 – Criteria for districting, from traditional principles to more expansive principles

- ✓ NCSL Chapter 4 – Redistricting Principles and Criteria

Feb 3 – Intro to DRA, Redistricting Maine - Additional criteria of districting

- ✓ NCSL Chapter 5 - Redistricting Commissions

Week 4 – Racial and Partisan Gerrymandering

Feb 8 – Racial Minorities and the Voting Rights Act

- ✓ NCSL Chapter 3 – Racial and Language Minorities
- ✓ A Voting Rights Battle in a School Board 'Coup'

Feb 10 – Partisan Gerrymandering

- ✓ The Great Gerrymander of 2012 by Sam Wang (available online)
- ✓ NCSL Chapter 6 – Partisan Redistricting

Optional Readings:

- ✓ NCSL Chapter 8 – Federalism and Redistricting (optional)
- ✓ NCSL Chapter 9 – Redistricting for Local Jurisdictions, Courts, and other state entities (optional)
- ✓ Wang, S. S.-H. (2016). Three Tests for Practical Evaluation of Partisan Gerrymandering. Stanford Law Review, 68, 1263–1321.
- ✓ Tufte, The Relationship between Seats and Votes in Two-Party Systems, 1973, *American Political Science Review*

Week 5 – Measuring gerrymandering

Feb 15 – Fair Districting/Pennsylvania 2018 Court Case

- ✓ **Kagan**, E. Dissent in Rucho v. Common Cause 588 U.S. ___ (2019)
- ✓ **Cervas & Grofman**, Tools for identifying partisan gerrymandering with an application to congressional districting in Pennsylvania. 2020, *Political Geography*

Optional Reading:
- ✓ Grofman, B., & Cervas, J. R. (2018). Can State Courts Cure Partisan Gerrymandering: Lessons from League of Women Voters v. Commonwealth of Pennsylvania (2018). Election Law Journal: Rules, Politics, and Policy, 17(4), 264–285. https://doi.org/10.1089/elj.2018.0496

Feb 17 – Automated Redistricting

- ✓ **Becker, A., Solomon, J**. Redistricting Algorithms. https://arxiv.org/abs/2011.09504

Optional Readings:
- ✓ Duchin, Moon. 2018. Outlier analysis for Pennsylvania congressional districting, February 15, 2018 (optional)
- ✓ Chikina & Pegden, Assessing significance in a Markov chain without mixing, 2018, *PNAS* (optional)

> Parliament is not a *congress* of ambassadors from different and hostile interests; which interests each must maintain, as an agent and advocate, against other agents and advocates; but parliament is a *deliberative* assembly of *one* nation, with *one* interest, that of the whole; where, not local purposes, not local prejudices, ought to guide, but the general good, resulting from the general reason of the whole. You choose a member indeed; but when you have chosen him, he is not member of Bristol, but he is a member of *parliament*. If the local constituent should have an interest, or should form an hasty opinion, evidently opposite to the real good of the rest of the community, the member for that place ought to be as far, as any other, from any endeavour to give it effect. – Edmund Burke

PART II – Representation
The section part of the class we will deal with representation more broadly. The vast majority of the reading will be from Streb's book, but I will introduce other topics during lecture/discussion.

Week 6 – Rethinking the Costs of Voting

Feb 22 – Turnout

- ✓ **Putnam,** What's Past is Prologue (Chapter 1, available online)
- ✓ **Streb**, Chapter 2
- ✓ **Hasen**, Richard L. "Race or Party? How Courts Should Think About Republican Efforts to Make it Harder to Vote in North Carolina and Elsewhere," *Harvard Law Review Forum* January 7, 2014 (available online)

Feb 24 – The offices we elect/direct democracy

- ✓ **Streb**, Chapter 3 and 4

Week 7 – Rethinking the Mechanics of Voting/ Voting Machines

March 1 – Ballot Laws/Voting Machines

- ✓ **Streb**, Chapter 5
- ✓ **Streb**, Chapter 6

March 3 – Presidential Primaries

- ✓ **Streb**, Chapter 8

SPRING BREAK MARCH 7-11

Week 8 – Rethinking National Elections

March 15 – The Electoral College

- ✓ **Streb**, Chapter 9

Optional Readings:

- ✓ Cervas, Jonathan R., and Bernard Grofman. 2019. "Are Presidential Inversions Inevitable? Comparing Eight Counterfactual Rules for Electing the U.S. President." *Social Science Quarterly* 100(4): 1322–42. https://onlinelibrary.wiley.com/doi/abs/10.1111/ssqu.12634.
- ✓ Cervas, Jonathan R., and Bernard Grofman. 2017. "Why Noncompetitive States Are so Important for Understanding the Outcomes of Competitive Elections: The Electoral College 1868–2016." Public Choice 173(3–4): 251–65. http://link.springer.com/10.1007/s11127-017-0474-4 (March 13, 2019).

March 17 – Campaign Finance/ Moving Towards a Model Electoral Democracy

- ✓ **Streb**, Chapter 10 and 11

Week 9 – Polarization and Sorting

March 22 – Polarization

- ✓ **Fiorina**, M. 2016. Has The American Public Polarized?. https://www.hoover.org/research/has-american-public-polarized

March 24 – Party Sorting and Democratic Politics

- ✓ **Fiorina**, M. 2016. Party Sorting And Democratic Politics. https://www.hoover.org/research/party-sorting-and-democratic-politics

PART III – Voting Rights

The final part of the class will be dedicated to voting rights. This part is use Keyssar's class work on the history of voting rights in the United States. This appreciation for history can allow us to better understand the current context.

Week 10 – The Road to Partial Democracy

March 29 – Democracy on ascend

- ✓ **Keyssar**, Introduction, Chapter 1 and 2

March 31 – Backsliding

- ✓ **Keyssar**, Chapter 3

Week 11 – Narrowing the Portals

April 5 – America after civil war

- ✓ **Keyssar**, Chapter 4, 5, and 6

April 7 – **(NO CLASS CMU)**

Week 12 – Towards Universal Suffrage – and Beyond

April 12 – World Wars and civil rights

- ✓ **Keyssar**, Chapter 7, and 8

April 14 – Democracy in the 21st century

- ✓ **Keyssar**, conclusion
- ✓ How The Frost Belt And Sun Belt Illustrate The Complexity Of America's Urban-Rural Divide (available online)

Week 13 – Democracy in limbo

April 19 – The Majority-Minority Myth

- ✓ **Fiorina**, M. 2021. The Majority-Minority Myth. https://www.hoover.org/research/majority-minority-myth (page 90-95)
- ✓ Immigration and Voting Rights (Tucker Carlson clip)

April 21 – The Future of the Republican party

- ✓ **Brady**, D., Fiorina, M., Rivers, D. 2021. The Future Of The Republican Party: 2022, 2024, And Beyond. https://www.hoover.org/research/future-republican-party-2022-2024-and-beyond.

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Like American democracy itself, this syllabus is subject to amendment. The process of amendment is as follows: (1) all students and the professor get one vote; (2) a simple majority of voters agree to a change; (2) a student's vote is weighted as 1/n where n=number of students and a professor has a vote weighted as n+1. All amendments will be announced publicly and no student shall be injured by changes. *You might notice that this clause creates uneven voting power. Basically, I'm a dictator; but I am benevolent, and I want you to succeed, so I will listen to all requests.*

Additional reading if you're inclined:

- The Concept of Representation, Hanna Pitkin. University of California Press, 1972.
- Patterns of Democracy, Arend Lijphard. Yale University Press, 1999.
- An Economic Theory of Democracy, Anthony Downs. Harper and row, 1957.
- The Righteous Mind: Why Good People Are Divided by Politics and Religion, Haidt, Jonathan
- Why We're Polarized, Klein, Ezra
- (MATH and CS majors only) Warrington, G. S. (2018). Quantifying Gerrymandering Using the Vote Distribution. *Election Law Journal: Rules, Politics, and Policy*, *17*(1), 39–57. https://doi.org/10.1089/elj.2017.0447
-
- (MATH and CS majors only) Liu, Y. Y., Cho, W. K. T., & Wang, S. (2016). PEAR: a massively parallel evolutionary computation approach for political redistricting optimization and analysis. *Swarm and Evolutionary Computation*, *30*, 78–92. https://doi.org/10.1016/J.SWEVO.2016.04.004
- Terminology of Districting, Bernard Grofman and Jonathan Cervas
- Tufte, E. R. (1973). The Relationship between Seats and Votes in Two-Party Systems. *American Political Science Review*, *67*(2), 540–554. https://doi.org/10.2307/1958782

- Wang, S. S.-H. (2016). Three Tests for Practical Evaluation of Partisan Gerrymandering. Stanford Law Review, 68, 1263–1321.
- (MATH and CS majors only) Duchin, M., Gladkova, T., Henninger-Voss, E., Klingensmith, B., Newman, H., & Wheelen, H. (2019). Locating the Representational Baseline: Republicans in Massachusetts. *Election Law Journal: Rules, Politics, and Policy*, *18*(4), 388–401. https://doi.org/10.1089/elj.2018.0537
- Wang, S. S.-H., Ober Jr., R. F., & Williams, B. (2019). Laboratories of Democracy Reform: State Constitutions and Partisan Gerrymandering. *Journal of Constitutional Law*, *22*(1), 203–290.
- Stephanopoulos, N. O. (2012). Redistricting and the territorial community. *University of Pennsylvania Law Review*, *160*(5), 1379–1477.
- (MATH and CS majors only) Cho, W. K. T., & Liu, Y. Y. (2018). Sampling from complicated and unknown distributions. *Physica A: Statistical Mechanics and Its Applications*, *506*, 170–178. https://doi.org/10.1016/j.physa.2018.03.096
- Cervas, J. R., & Grofman, B. (2020). Tools for identifying partisan gerrymandering with an application to congressional districting in Pennsylvania. *Political Geography*, *76*, 102069. https://doi.org/10.1016/j.polgeo.2019.102069
- (MATH and CS majors only) Bernstein, M., & Duchin, M. (2017). A Formula Goes to Court: Partisan Gerrymandering and the Efficiency Gap. *Notices of the American Mathematical Society*, *64*(09), 1020–1024. https://doi.org/10.1090/noti1573
- (MATH and CS majors only) Chikina, M., Frieze, A., & Pegden, W. (2017). Assessing significance in a Markov chain without mixing. *Proceedings of the National Academy of Sciences of the United States of America*, *114*(11), 2860–2864. https://doi.org/10.1073/pnas.1617540114

ACADEMIC INTEGRITY:
Academic Integrity is a core CMU value, and as a member of the CMU community, it is important that the work you turn in for this class is wholly your own. As your instructor, I will strive to ensure that you develop the necessary knowledge and skills to meet the learning objectives for this class, just as it is your task to put in the effort to complete the work and ask for help if you need it. In this hybrid/remote environment for Spring 2021, you might have questions about what is and is not acceptable. I do not like when politicians steal power from some voters, and likewise I do not like when students steal other's intellectual property. Do not do it, it is not worth it. I have created a course that everyone can be, and should be, successful in.

As a reminder all students should follow CMU's Academic Integrity Policy.

ACCOMMODATIONS FOR STUDENTS WITH DISABILITIES:
If you have a disability and have an accommodations letter from the Disability Resources office, I encourage you to discuss your accommodations and needs with me as early in the semester as possible. I will work with you to ensure that accommodations are provided as appropriate. If you suspect that you may have a disability and would benefit from accommodations but are not yet registered with the Office of Disability Resources, I encourage you to contact them at access@andrew.cmu.edu.

STUDENT WELLNESS:
As a student, you may experience a range of challenges that can interfere with learning, such as strained relationships, increased anxiety, substance use, feeling down, difficulty concentrating and/or lack of motivation. These mental health concerns or stressful events may diminish your academic performance and/or reduce your ability to participate in daily activities. CMU services are available, and treatment does work. You can learn more about confidential mental health services available on campus at: http://www.cmu.edu/counseling/. Support is always available (24/7) from Counseling and Psychological Services: 412-268-2922

DIVERSITY STATEMENT:
It is my intent that students from all diverse backgrounds and perspectives be well served by this course, that students' learning needs be addressed both in and out of class, and that the diversity that students bring to this class be viewed as a resource, strength and benefit. It is my intent to present materials and activities that are respectful of diversity: gender, sexuality, disability, age, socioeconomic status, ethnicity, race, and culture. Your suggestions are encouraged and appreciated. Please let me know ways to improve the effectiveness of the course for you personally or for other students or student groups. In addition, if any of our class meetings conflict with your religious events, please let me know so that we can plan accordingly.