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SIREN SONG: THE CASE FOR REPEALING THE 17TH AMENDMENT

In the famous Greek story THE ODYSSY, Ulysses had himself tied to the mast of his ship so that he could not be enticed by the irresistible song of the legendary Sirens, who called from the shore. Professor Jay Bybee in 1997 related this to the 17th Amendment when he said

QUOTE: “During the debates over the proposed amendment, Elihu Root, New York Senator, former Secretary of State and War, and future Nobel Peace Prize winner, recognized the folly of this act. He said that in the original mode of selecting senators the people were as Ulysses, heroically bound to the mast that "he might not yield to the song of the siren .... [S]o the American democracy has bound itself... and made it practically impossible that the impulse, the prejudice, the excitement, the frenzy of the moment shall carry our democracy into those excesses which have wrecked all our prototypes in history.”[[1]](#footnote-1) UNQUOTE

Sadly, Senator Root was right. The 17th Amendment has in several ways shipwrecked our democracy. Please join us in affirming: That federal election law should be significantly reformed in the United States.

OBSERVATION 1. Our DEFINITIONS

Election Law:

Oklahoma City University Law School, last updated 26 June 2013. LAW LIBRARY LIBGUIDES “Election Law” <http://law.okcu.libguides.com/content.php?pid=114175>

“Election law is defined as the body of law that controls how voters choose a candidate on the local, state, or national level. This includes all of the statutes, regulations, and case law cover who can run for office, who can vote, where and why elections are held, and how electoral campaigns are financed. “

**Significant**: “ having or likely to have influence or effect “ *(Merriam-Webster Online Dictionary 2013.* [*http://www.merriam-webster.com/dictionary/significant*](http://www.merriam-webster.com/dictionary/significant))

**Reform**: “make changes in (something, especially an institution or practice) in order to improve it:” *(Oxford University Press 2013.* [*http://oxforddictionaries.com/definition/english/reform?q=reform*](http://oxforddictionaries.com/definition/english/reform?q=reform)*)*

OBSERVATION 2. INHERENCY. Two quotes from the US Constitution about how US Senators are elected. They used to be elected by State Legislatures. Now, they’re elected directly by the voters.

QUOTE 1. The way it used to be.

Article 1 Section 3 <http://www.senate.gov/civics/constitution_item/constitution.htm>

The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years; and each Senator shall have one Vote.

QUOTE 2. The way it is now under the 17th Amendment.

17th Amendment. <http://www.senate.gov/civics/constitution_item/constitution.htm#amdt_17_(1913>)

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote.

OBSERVATION 3. HARMS. What’s wrong with direct election of Senators? We give you 3 HARMS:

HARM 1. Unfunded mandates.

Sub-point A. The Link: The 17th enables the federal government to impose unfunded mandates on the States

Prof. Todd Zywicki 2010. (George Mason University Professor of Law) 15 Nov 2010 NATIONAL REVIEW, “Repeal the Seventeenth Amendment “ <http://www.nationalreview.com/articles/252825/repeal-seventeenth-amendment-todd-zywicki>

Before the Seventeenth Amendment, the now-widespread Washington practice of commandeering the states for federal ends — through such actions as “unfunded mandates,” laws requiring states to implement voter-registration policies that enable fraud (such as the “Motor Voter” law signed by Bill Clinton), and the provisions of Obamacare that override state policy decisions — would have been unthinkable. Instead, senators today act all but identically to House members, treating federalism as a matter of political expediency rather than constitutional principle.

Sub-point B. The Impact: Hurts state education. Tennessee Senator Lamar Alexander in 2013 explains how unfunded federal mandates cost his state’s taxpayers and hurt their state’s educational system:

Sen. Lamar Alexander 2013. (R-Tennessee) Alexander Says Unfunded Mandates Cost State Government 9 Jan 2013 <http://www.chattanoogan.com/2013/1/9/241870/Alexander-Says-Unfunded-Mandates-Cost.aspx>

And over thirty years, it’s just gotten worse. It especially hurts our colleges, our universities and our schools. Because with less state support, the quality of our universities and colleges is not as good as it could be. And the tuitions are higher than they should be. Then, 30 years ago, the state paid 70 percent of the cost if you were a Tennessee student, and the student paid 30 percent. Today, it’s the reverse. Mandates are the main reason for that change. The governor’s budget office last year said that unfunded federal mandates imposed over the last 25 years cost the state of Tennessee $371 million dollars a year. $371 million is about one half cent on the state sales tax. With $371 million dollars this year, you could increase appropriations for higher education by 50 percent. You could reduce tuition at every college by 25 percent and at every community college by 35 percent.

HARM 2. Rise of the Special Interest State

Sub-point A. The Link: The 17th Amendment laid the foundation for the modern Special Interest State by eliminating a check against interest group influence in Congress

Prof. Todd Zywicki 2010. (George Mason University Professor of Law) 15 Nov 2010 NATIONAL REVIEW, “Repeal the Seventeenth Amendment “ <http://www.nationalreview.com/articles/252825/repeal-seventeenth-amendment-todd-zywicki> (ellipses in original)

Just as important as its role in securing federalism, the Senate as originally conceived was essential to the system of separation of powers. Bicameralism — the division of the legislature into two houses elected by different constituencies — was designed to frustrate special-interest factions. Madison noted in Federalist 62 that basing the House and Senate on different constituent foundations would provide an “additional impediment . . . against improper acts of legislation” by requiring the concurrence of a majority of the people with a majority of the state governments before a law could enacted. By resting both houses of Congress on the same constituency base — the people — the Seventeenth Amendment substantially watered down bicameralism as a check on interest-group rent-seeking, laying the foundation for the modern special-interest state.

Sub-Point B. The Impact: Legislation for special interests hurts the interests of society at large. A minority benefit at the expense of the majority

Chris Edwards 2010. (director of tax policy studies at Cato; former senior economist on the congressional Joint Economic Committee; M.A. in economics; was a member of the Fiscal Future Commission of the National Academy of Sciences) 3 Mar 2010 Six Reasons to Downsize the Federal Government <http://www.cato.org/blog/six-reasons-downsize-federal-government>

**Federal programs often benefit special interest groups while harming the broader interests of the general public**. How is that possible in a democracy? The answer is that logrolling or horse-trading in Congress allows programs to be enacted even though they are only favored by minorities of legislators and voters.

HARM 3. Lost Federalism. The 17th Amendment has hurt the American system of Federalism - that is, we’ve lost respect for the powers of the States and for limits on the powers of the federal government. We see this in 2 sub-points:

Sub-Point A. The Link: 17th Amendment weakens the States. The 17th Amendment had enormous effects in reducing the power of the States and losing control of the federal government

Prof. Jay S. Bybee 1997. (Associate Professor of Law, Louisiana State Univ.) ULYSSES AT THE MAST: DEMOCRACY, FEDERALISM, AND THE SIRENS' SONG OF THE SEVENTEENTH AMENDMENT , Northwestern University Law Review, Vol 91 No. 2 <http://scholars.law.unlv.edu/cgi/viewcontent.cgi?article=1365&context=facpub>

It has made the Senate less responsive to the states and the people, contributed to longer Senate terms, and changed the calculus of the Senate's constitutional functions. I conclude that the actual effect of the Amendment has been greatly understated and that its role in reducing the constitutional position of the states has been enormous. Almost inadvertently, the Seventeenth Amendment altered constitutional politics, further insulating states from sharing in the control of the government they united to create.

Sub-point B. The Impact: Federalism preserves individual liberty and economic growth

Art Macomber 2001. (attorney; J.D. from Univ of California Hastings College of the Law) Federalism: Guardian of Individual Liberty 27 Oct 2001 <http://macomberlaw.com/index.php/home/writin/federalism-guardian/>

Individual liberty is safeguarded under Federalism because when power is decentralized individuals can escape unfavorable policies by moving to a more preferable jurisdiction. Thus the monopoly governmental entities must meet real needs or people and capital flee. This is true consumer sovereignty. Moreover, mobility of people and capital are significant checks on centralized power. As experimentation flowers, choices for the mobility increase. Freedom of mobility for capital means government has a harder job expropriating wealth and thereby undermining economic growth. The smaller the political entity, right down to the individual, the more the threat of exit can cause changes in governmental policy.

OBSERVATION 4. We have a simple PLAN

1. Congress passes and the States ratify a constitutional amendment to repeal the 17th Amendment
2. Enforcement through the federal courts and the Sergeant-at-Arms of the Senate.
3. Funding through existing budgets
4. Plan is enacted immediately upon an Affirmative ballot and is implemented starting with the next Senate elections after ratification.
5. All Affirmative speeches may clarify the Plan as needed.

OBSERVATION 5. ADVANTAGES

ADVANTAGE 1. Prevent unfunded mandates. Repealing the 17th would prevent unfunded mandates and other expansion of the federal government at the expense of the states.

Georgia State Representatives Cooke, Dutton, Clark, Dudgeon, Brockway and Hightower in 2013. (members of the Georgia State House of Representatives: Kevin Cooke, Delvis Dutton, Josh Clark, Mike Dudgeon, Buzz Brockway, and Dustin Hightower) Text of HR273, a bill introduced in the Georgia state House of Rep. in Feb 2013 <http://www.legis.ga.gov/Legislation/20132014/130476.pdf>

WHEREAS, since the ratification of the Seventeenth Amendment in 1913, the size and scope of the federal government has grown exponentially and severely weakened the powers held by the individual states and the people as acknowledged by the Tenth Amendment to the United States Constitution; and WHEREAS, the United States Senate was designed to protect the rights and interests of the individual states, and the repeal of the Seventeenth Amendment would help to prevent the many unfunded mandates and unconstitutional laws passed onto those states by the federal government. NOW, THEREFORE, BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA that the members of this body request the United States Congress to repeal the Seventeenth Amendment to the United States Constitution.

ADVANTAGE 2. Restore Federalism and…  
ADVANTAGE 3. Frustrate special interests. Both of these come from:

Prof. Todd Zywicki 2010. (George Mason University Professor of Law) 15 Nov 2010 NATIONAL REVIEW, “Repeal the Seventeenth Amendment “ <http://www.nationalreview.com/articles/252825/repeal-seventeenth-amendment-todd-zywicki>

Joe Miller, Alaska’s Republican nominee for the United States Senate, recently expressed support for an idea that is rapidly gaining steam in Tea Party circles: the repeal of the Seventeenth Amendment. Miller subsequently backtracked from his statement, but he shouldn’t have: Repealing the Seventeenth Amendment would go a long way toward restoring federalism and frustrating special-interest influence over Washington.

HOW MUCH IS THAT CONGRESSMAN IN THE WINDOW: THE CASE FOR REVERSING CITIZENS UNITED

Supreme Court Justice John Paul Stevens said it best in 2010, when he wrote in his dissent in the case of Citizens United versus FEC

QUOTE: “The Court’s ruling threatens to undermine the integrity of elected institutions across the Nation.“[[2]](#footnote-2) UNQUOTE.

Please join us in understanding and reversing the dangers Justice Stevens warned about by affirming with us: That federal election law should be significantly reformed in the United States.

OBSERVATION 1. Our DEFINITIONS

**Election Law:** “The more general term "election law" includes federal, state, and local laws relating to the financing and conduct of elections at every level of government.”

(Lawrence E. Gold, David A. Levitt, Rosemary E. Fei 2010. (all 3 are attorneys) “The Rules of the Game – A Guide to Election-Related Activities for 501c(3) Organizations,” 2nd Edition, (ethical disclosure about the date: the article is undated but internally references events in 2010, indicating it was written that year.) <http://gosw.org/files/misc/Advocacy%20Resource%20-%20The%20Rules%20of%20the%20Game%20-%20A%20Guide%20to%20Election-Related%20Activities%20for%20501c3%20Organizations.PDF>

**Significant:** “ having or likely to have influence or effect “ *(Merriam-Webster Online Dictionary 2013.* http://www.merriam-webster.com/dictionary/significant)

**Reform**: “make changes in (something, especially an institution or practice) in order to improve it:” *(Oxford University Press 2013.* [*http://oxforddictionaries.com/definition/english/reform?q=reform*](http://oxforddictionaries.com/definition/english/reform?q=reform)*)*

OBSERVATION 2. INHERENCY. Some key FACTS about the Status Quo

FACT 1. The Landmark Decision. *Citizens United v. Federal Election* *Commission* is a landmark Supreme Court decision that canceled limits on corporate money in election campaigns, and declared corporations to be “persons” for the purpose of the First Amendment

Prof. Joseph F. Morrisey 2013. (Professor of Law, Stetson University College of Law with J.D. from Columbia Univ School of Law) A CONTRACTARIAN CRITIQUE OF CITIZENS UNITED, Univ. of Pennsylvania JOURNAL OF CONSTITUTIONAL LAW, Jan 2013 <https://www.law.upenn.edu/live/files/1769-morrissey15upajconstl7652013>

The most recent catalyst that renewed this battle over whether and when to regulate corporations was Citizens United v. Federal Election Commission, decided in January 2010. That case has quickly become a landmark case on an issue that is at the crossroads of three distinct doctrinal areas of law: contract, corporate, and constitutional law. In Citizens United, a 5-4 majority overturned a congressional enactment that placed specific limits on a corporation’s ability to use corporate money to advocate for or against politicians during election seasons. According to the Citizens United majority, the political campaign context is an area where corporations are entitled to the same First Amendment protection as natural persons.

FACT 2. What was overturned. The Supreme Court overturned key provisions in campaign finance reform:

Prof. Joseph F. Morrisey 2013. (Professor of Law, Stetson University College of Law with J.D. from Columbia Univ School of Law) A CONTRACTARIAN CRITIQUE OF CITIZENS UNITED, Univ. of Pennsylvania JOURNAL OF CONSTITUTIONAL LAW, Jan 2013 <https://www.law.upenn.edu/live/files/1769-morrissey15upajconstl7652013>

The regulation at stake in Citizens United is the Bipartisan Campaign Reform Act of 2002 (“BCRA”). That Act amended previous election finance regulations to prohibit corporations from spending any of their treasury funds on electioneering communications, and also to impose certain disclosure and reporting requirements for permitted electioneering communications. The term “electioneering communications” is defined by federal statute and regulation as: “any broadcast, cable, or satellite communication that refers to a clearly identified candidate for Federal Office and is made within 30 days of a primary or 60 days of a general election” and that is “publicly distributed.”

FACT 3. Unlimited corporate and union spending. After *Citizens United*, corporations and unions can spend as much as they want on advertising for or against specific candidates

Supreme Court Justice John Paul Stevens 2010. (opinion dissenting in part and concurring in part in Citizens United v. Federal Election Commission) 21 Jan 2010 <http://supreme.justia.com/cases/federal/us/558/08-205/cdinpart.html>

Going forward, corporations and unions will be free to spend as much general treasury money as they wish on ads that support or attack specific candidates, whereas national parties will not be able to spend a dime of soft money on ads of any kind. The Court’s ruling thus dramatically enhances the role of corporations and unions—and the narrow interests they represent—vis-à-vis the role of political parties—and the broad coalitions they represent—in determining who will hold public office.

OBSERVATION 4. The PLAN

1. Congress passes and the states ratify a constitutional amendment that reverses *Citizens United* by declaring that the protections of the First Amendment in regard to contributions and expenditures to influence the outcome of public elections belong only to natural persons.
2. Congress re-enacts the corporate spending limits that were overturned in Citizens United, and the Supreme Court upholds them against all legal challenges.
3. Enforcement through the federal courts, the Federal Elections Commission, and the Justice Department. Penalties for violation will be the same as those under BCRA before it was reversed
4. Funding through existing budget for the Federal Elections Commission.
5. Plan takes effect January 1 of the year following an Affirmative ballot.
6. All Affirmative speeches may clarify the Plan as needed.

OBSERVATION 5. The JUSTIFICATIONS. We will give you 4 reasons why you should vote to overturn the Citizens United ruling.

JUSTIFICATION 1. Corruption worse than Watergate.

Prof. Richard L. Hasen 2012. (professor of law and political science at the U.C. Irvine School of Law) Worse Than Watergate, 19 July 2012, SLATE <http://www.slate.com/articles/news_and_politics/jurisprudence/2012/07/campaign_finance_after_citizens_united_is_worse_than_watergate_.html>

Corporations as well as individuals have plenty of legal ways to throw their money around. Back in the Watergate days, American Airlines funneled secret money to the Nixon campaign through Beirut. It was complicated, shady, and illegal. These days, as the New York Times has explained, corporations can give millions legally to party conventions, getting special perks. And thanks to Citizens United and the FEC, corporations have the same leeway as individuals to give to super PACs, the U.S. Chamber, and other groups. In Watergate, illegal donations bought tremendous influence, but at a risk. Lifting the cloud of illegality has simply emboldened big donors.

Prof. Hasen then goes on to say later in the same context:

“But even with better disclosure laws, we’d still be in worse shape now than we were at the time of Watergate. Increasingly, large sums contributed by the wealthy affect who wins elections and what the winners do once in office. Even well-meaning officials who won’t want to bend to the Sheldon Adelsons of the world have to find other friends with cash so that they can fight back. Those friends will want their own special access, and the people they help elect have every incentive to give it to them. The new campaign finance order isn’t held up by paper bags full of cash. That’s the old way. When corruption is conveniently legal, you can pay by check or credit card.”

JUSTIFICATION 2. Restore democracy. We see this in 2 sub-points

A. The Problem: Citizens United took a sledgehammer to democracy. When the court majority overturned the law without sufficient constitutional grounds, just because they didn’t like it, they overruled the legislature and short-circuited the democratic process.

Supreme Court Justice John Paul Stevens 2010. (opinion dissenting in part and concurring in part in Citizens United v. Federal Election Commission) 21 Jan 2010 <http://supreme.justia.com/cases/federal/us/558/08-205/cdinpart.html> (brackets in original)

This is not merely a technical defect in the Court’s decision. The unnecessary resort to a facial inquiry “run[s] contrary to the fundamental principle of judicial restraint that courts should neither anticipate a question of constitutional law in advance of the necessity of deciding it nor formulate a rule of constitutional law broader than is required by the precise facts to which it is to be applied.” Washington State Grange, 552 U. S., at 450 (internal quotation marks omitted). Scanting that principle “threaten[s] to short circuit the democratic process by preventing laws embodying the will of the people from being implemented in a manner consistent with the Constitution.” Id., at 451. These concerns are heightened when judges overrule settled doctrine upon which the legislature has relied. The Court operates with a sledge hammer rather than a scalpel when it strikes down one of Congress’ most significant efforts to regulate the role that corporations and unions play in electoral politics. It compounds the offense by implicitly striking down a great many state laws as well.

B. The Solution: Overturning Citizens United upholds the will of the American people

Caitlin MacNeal 2013. (journalist) HUFFINGTON POST 19 June 2013 “Citizens United Constitutional Amendments Introduced In The Senate” <http://www.huffingtonpost.com/2013/06/19/citizens-united-constitutional-amendment_n_3465636.html>

"We must reverse Citizens United and ensure that people, not corporations, govern in America and that the nation lives up to its fundamental promise of political equality for all," John Bonifaz, executive director of Free Speech for People, said of the two amendments in a press release. "They reflect the growing support across the country for overturning Citizens United and restoring democracy to the people." In a January 2012 poll commissioned by Democracy Corps and Public Campaign, 62 percent of Americans said they opposed the Citizens United ruling, and eight in 10 voters supported limits on campaign spending. Some states have also taken action on this issue. Fifteen states -- including California, Hawaii, Massachusetts, New Jersey, New Mexico, Rhode Island, Vermont, Maryland, Connecticut, Montana, Colorado, West Virginia, Maine, Illinois and Delaware -- have passed resolutions that call for a constitutional amendment overturning Citizens United.

JUSTIFICATION 3. Accountability to the People. Citizens United deepens the problem of Congress being accountable to the tiny percent who fund their campaigns, instead of the people they were supposed to represent.

Prof. Lawrence Lessig 2012. (Professor of Law and Leadership at Harvard Law School) 24 July 2012 testimony before the SENATE JUDICIARY COMMITTEE,SUBCOMMITTEE ON THE CONSTITUTION,CIVIL RIGHTS AND HUMAN RIGHTS <http://www.judiciary.senate.gov/pdf/12-7-24LessigTestimony.pdf>

We have up-sourced the funding of your campaigns to the tiniest fraction of the 1%; America has grown cynical in response. Citizens United has only made this problem worse, as it has further and predictably concentrated funding in an even smaller slice of America. In the current presidential election cycle, .000063% of America — that’s 196 citizens — have funded 80% of Super PAC spending. 22 Americans — that’s 7 one-millionths of 1% — account for 50% of that funding. Citizens United has thus further shifted the sources of campaign funding toward an ever shrinking few. This, Senators, is corruption. Not “corruption” in the criminal sense. I am not talking about bribery or quid pro quo influence peddling. It is instead “corruption” in a sense that our Framers would certainly and easily have recognized: They architected a government that in this branch at least was to be, as Federalist 52 puts it, “dependent upon the People alone.” You have evolved a government that is not dependent upon the People alone, but that is also dependent upon the Funders. That different and conflicting dependence is a corruption of our Framers’ design, now made radically worse by the errors of Citizens United.

JUSTIFICATION 4. Threats and coercion. Citizens United creates a political protection racket

Prof. Lawrence Lessig 2012. (Professor of Law and Leadership at Harvard Law School) 24 July 2012 testimony before SENATE JUDICIARY COMMITTEE,SUBCOMMITTEE ON THE CONSTITUTION,CIVIL RIGHTS AND HUMAN RIGHTS <http://www.judiciary.senate.gov/pdf/12-7-24LessigTestimony.pdf> (brackets added, ellipses in original)

I had the privilege, for example, of participating on a panel with Senator Evan Bayh, conducted by Senator Arlen Specter, discussing Citizens United. Senator Bayh explained quite clearly the dynamic that Citizens United has produced: As he put it, the biggest fear an incumbent has now is that 30 days before an election, some Super PAC [political action committee] will drop a $1 million in attack ads on the other side. If that happens, the incumbent can’t simply turn to his or her largest contributors, for by definition, they have already maxed out in the campaign. So instead, the incumbent must, in effect, buy (what we could call) “Super PAC insurance”: the assurance that if a Super PAC attacks, there will be another Super PAC on the incumbent’s side to defend. But as with any insurance, premiums must be paid in advance — which in this case means the incumbent must behave in a way that gives Super PACs on his or her side a reason to defend the incumbent. (“We’d like to support you Senator, but we have a rule that forbids us from supporting anyone with less than a 90% grade on our report card…”). The Senator thus has a target. And long before even a dollar is spent by anyone, that threat has the potential to change the incumbent’s behavior. This is the economy of a protection racket.

LET THERE BE LIGHT: THE CASE FOR THE DISCLOSE ACT

**Jacob Dunning contributed some of the research for this case**

The great Greek philosopher Aristotle said it best over twenty-three hundred years ago when he said

QUOTE: “in evaluating any utterance or action one must take into account not just the moral qualities of what is actually done or said, but also the identity of the agent or speaker” [[3]](#footnote-3) UNQUOTE.

This timeless truth guides us today to the comparative advantages of affirming: That federal election law should be significantly reformed in the United States.

OBSERVATION 1. Our DEFINITIONS

Election Law:

Oklahoma City University Law School, last updated 26 June 2013. LAW LIBRARY LIBGUIDES “Election Law” <http://law.okcu.libguides.com/content.php?pid=114175>

“Election law is defined as the body of law that controls how voters choose a candidate on the local, state, or national level. This includes all of the statutes, regulations, and case law cover who can run for office, who can vote, where and why elections are held, and how electoral campaigns are financed. “

**Significant**: “ having or likely to have influence or effect “ *(Merriam-Webster Online Dictionary 2013.* <http://www.merriam-webster.com/dictionary/significant>)

**Reform**: “make changes in (something, especially an institution or practice) in order to improve it:” (*Oxford University Press 2013.* [*http://oxforddictionaries.com/definition/english/reform?q=reform*](http://oxforddictionaries.com/definition/english/reform?q=reform)*)*

DISCLOSE Act

Lisa Rosenberg 2012. (Government Affairs Consultant for Sunlight Foundation, a nonpartisan nonprofit advocacy group for government transparency; former Legislative Assistant for Sen. John Kerry; former Counsel for the Senate Governmental Affairs Committee's Special Investigation into campaign finance irregularities) “What You Should Know about the DISCLOSE Act Part 1: What is the DISCLOSE Act?,” 12 July 2012 <http://sunlightfoundation.com/blog/2012/07/12/what-you-should-know-about-the-disclose-act-part-1-what-is-the-disclose-act/>

If enacted, the DISCLOSE Act would require corporations, unions, super PACs and other secretive nonprofits to report within 24 hours of making a campaign expenditure of $10,000 or more. The names of donors who give $10,000 or more to the organization would be made public, but donors could remain anonymous by specifying that their donations to the organization were not to be used for campaign purposes.

OBSERVATION 2. INHERENCY, the state of the Status Quo. 3 important FACTS:

FACT 1. Unrestricted spending. The rules have been relaxed, and spending hits record levels

Peter Overby 2012. (journalist with National Public Radio) 5 Nov 2012 Any Way You Describe It, 2012 Campaign Spending Is Historic <http://www.npr.org/blogs/itsallpolitics/2012/11/05/164207894/any-way-you-describe-it-2012-campaign-spending-is-historic>

A report by the Center for Responsive Politics places the total cost of the 2012 elections at an estimated $6 billion, which would make it the most expensive election in U.S. history. President Obama and Republican presidential nominee Mitt Romney both rejected federal public financing — another first — and each of them collected nearly as much as the entire field in 2004. That's largely because many of the Watergate-era laws limiting campaign money have been nullified or circumvented. The 2012 presidential election cycle marks the first since Citizens United, the Supreme Court ruling that swept away key restrictions on money from corporations and the wealthy.

FACT 2. Dark Spending. One third of federal election campaign spending comes from undisclosed sources

Ciara Torres-Spelliscy 2011. (JD from Columbia Law School; attorney, Counsel for the Democracy Program at the Brennan Center; testified before Congress about responses to Citizens United. Before joining the Brennan Center, she worked as an associate at the law firm of Arnold & Porter LLP and was a staff member of Senator Richard Durbin) Transparent Elections after Citizens United <http://www.brennancenter.org/sites/default/files/legacy/Disclosure%20in%20the%20States.pdf>

Leading up to the 2010 general election, news articles chronicled how little disclosure there was of independent spending in the federal election. One report found more than one-third of the spending in the federal race was “dark.” Much of this undisclosed spending in the federal election was done through social welfare organizations (501(c)(4)s) and trade associations (501(c)(6)s). (These two types of tax-exempt nonprofits are allowed to do a certain amount of partisan politicking, unlike 501(c)(3)s which are not permitted to do any partisan politicking).

OBSERVATION 3. These Facts lead to weaknesses or FAILURES of the Status Quo

FAILURE 1. Voters misled. Lack of transparency deprives voters of crucial information

Blair Bowie and Adam Lioz 2012. (Bowie, Democracy Advocate for U.S. Public Interest Research Group, a non-profit advocacy group; has given briefings on Capitol Hill to Congressional offices. Lioz – attorney, formerly with PennPIRG/PennEnvironment; J.D. from Yale Law School) “DISTORTED DEMOCRACY: POST-ELECTION SPENDING ANALYSIS,” 12 Nov 2012 <http://www.uspirg.org/sites/pirg/files/reports/post%20election%20megaphones%20FINAL.pdf>

Americans across the political spectrum have long held transparency in campaign funding to be crucial. When citizens can’t follow the money voters can’t judge the credibility of political communications and corporations and other special interests can fund misleading advertisements without facing accountability.

FAILURE 2. Corruption enabled. Lack of disclosure means we lack a key tool that would promote accountability and fight corruption

Liz Kennedy 2012 (attorney for Demos working on money in politics, voting rights, and corporate accountability; formerly an Attorney in the Democracy Program at the Brennan Center for Justice at NYU School of Law; worked as a litigation associate at Cravath, Swaine & Moore LLP; J.D. from NYU School of Law) “TESTIMONY IN SUPPORT OF THE DISCLOSE ACT, UNITED STATES SENATE COMMITTEE ON RULES AND ADMINISTRATION,” 29 Mar 2012, <http://www.demos.org/publication/testimony-support-disclose-act-united-states-senate-committee-rules-and-administration>

The need for transparency in political spending to inform voters and prevent corruption has been uncontroversial, nonpartisan, and widely recognized for decades. In Citizens United v. FEC the Supreme Court relied on the assumption that the true sources of political spending would be disclosed to support its decision to allow unlimited corporate money into the political process. Justice Kennedy wrote that disclosure “enables the electorate to make informed decisions and give proper weight to different speakers and messages.” Unfortunately, the disclosure rules that Justice Kennedy thought would ensure transparency and accountability are not in place. Voters lack the tools to exercise informed judgment to evaluate the content of political messages and to hold accountable those who choose to engage in political spending, and the candidates who accept their financial support.

FAILURE 3. Funding your foes. While the Bible instructs us to love our enemies, we aren’t required to give them money to pay them to oppose us. But that’s exactly what happens without corporate disclosure.

Susan Liss, Ciara Torres-Spelliscy, Mimi Marziani, Angela Migally 2010. (Liss - Democracy Program Director, Brennan Center for Justice at NYU School of Law. Spelliscy , Marziani and Migally – attorneys with Brennan Center for Justice at NYU School of Law)- Testimony of The Brennan Center for Justice at NYU School of Law Before the Committee on House Administration, U.S. House of Representatives 11 May 2010 <http://www.brennancenter.org/analysis/testimony-disclose-act-house-admin-committee#_ftn1> (brackets in original)

Today voters and shareholders often know very little about the beneficiaries of corporate political expenditures. This matter is particularly problematic for publicly traded companies which are currently under no legal duty to disclose political spending directly to shareholders. Accordingly, as one legal scholar has explained, “[p]olitical contributions are generally not disclosed to the board or shareholders, nor are political expenditures generally subject to oversight as part of a corporation’s internal controls.” An average shareholder thus has little hope of fully understanding the scope of the companies’ political expenditures. Even worse, shareholders may unwittingly fund political spending at odds with their own political philosophies.

OBSERVATION 3. We change this with our PLAN

1. Congress enacts H.R. 148, the DISCLOSE 2013 Act.
2. The Supreme Court will uphold the plan against any constitutional challenges
3. Enforcement through the Federal Election Commission, the Justice Department and federal courts.
4. Plan is enacted immediately upon an Affirmative ballot and is implemented at the next Congressional election.
5. Funding through existing budgets of existing federal agencies through general revenues.
6. Affirmative speeches may clarify the Plan as needed.

OBSERVATION 4. The comparative ADVANTAGES

ADVANTAGE 1. Voter enlightenment. DISCLOSE Act would reveal vital information to voters

Kelly Ngo 2012 ( legislative assistant with Public Citizen’s Congress Watch division) “Pass the DISCLOSE Act! Why the Senate Needs to Unmask Secret Political Donors,” July 16, 2012, Published by AlterNet, <http://www.alternet.org/story/156341/pass_the_disclose_act!_why_the_senate_needs_to_unmask_secret_political_donors>

Our convoluted campaign finance system is in dire need of some accountability. Loopholes and cheap tricks plague the system and keep voters in the dark about who is really funding the messages that flood their TV screens. Corporations and billionaires use our political system like a playground, and a lack of disclosure means they often spend free of scrutiny. The DISCLOSE Act would go a long way to ensuring voters know the whole story behind every ad. After all, the messenger is often as important as the message. U.S. Supreme Court Justice Antonin Scalia once wrote, “Requiring people to stand up in public for their political acts fosters civic courage, without which democracy is doomed.”

ADVANTAGE 2. Shareholder enlightenment. DISCLOSE Act gives shareholders the information they need about corporate campaign spending

Susan M. Liss, Ciara Torres-Spelliscy, Mimi Marziani, Angela Migally 2010. (Liss - Democracy Program Director, Brennan Center for Justice at NYU School of Law. Spelliscy , Marziani and Migally – attorneys with Brennan Center for Justice at NYU School of Law)- Testimony of The Brennan Center for Justice at NYU School of Law Before the Committee on House Administration, U.S. House of Representatives 11 May 2010 <http://www.brennancenter.org/analysis/testimony-disclose-act-house-admin-committee#_ftn1> (brackets in original)

More robust disclosure from corporate spenders is needed to remedy this lack of information between a corporation, its shareholders, and the voting public. Shareholders need periodic disclosure of where corporate money is being spent during elections, including the names of candidates supported or opposed, party affiliation and office sought and it should be reported directly to shareholders and members. And, this is precisely what Section 327 of the DISCLOSE Act would do.

ADVANTAGE 3. Deter Corruption. Disclosure requirements deter corruption caused by secret spending

Liz Kennedy 2012 (attorney for Demos working on money in politics, voting rights, and corporate accountability; formerly an Attorney in the Democracy Program at the Brennan Center for Justice at NYU School of Law; worked as a litigation associate at Cravath, Swaine & Moore LLP; J.D. from NYU School of Law) “TESTIMONY IN SUPPORT OF THE DISCLOSE ACT, UNITED STATES SENATE COMMITTEE ON RULES AND ADMINISTRATION,” 29 Mar 2012, <http://www.demos.org/publication/testimony-support-disclose-act-united-states-senate-committee-rules-and-administration> (brackets in original)

When secret spending is directed through these conduits voters are denied the information they need “to make informed decisions and give proper weight to different speakers and messages.” Moreover, secret political spending breeds unaccountable political favoritism, undermining the health of a representative democracy, whereas disclosure requirements can deter corruption. The Supreme Court recognized in the seminal campaign finance case Buckley v. Valeo that “[a] public armed with information about a candidate’s most generous supporters is better able to detect any post-election special favors that may be given in return.”

FULL HOUSE: THE CASE FOR D.C. REPRESENTATION

Supreme Court Justice Hugo Black put it best in 1964, when he wrote

QUOTE: “No right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live. Other rights, even the most basic, are illusory if the right to vote is undermined.”[[4]](#footnote-4) UNQUOTE.

Of all places on earth, American citizens who live in our nation’s capital should not be denied this fundamental right. Please join us as we affirm: That federal election law should be significantly reformed in the United States.

OBSERVATION 1. Our DEFINITIONS

Election Law:

Oklahoma City University Law School, last updated 26 June 2013. LAW LIBRARY LIBGUIDES “Election Law” <http://law.okcu.libguides.com/content.php?pid=114175>

“Election law is defined as the body of law that controls how voters choose a candidate on the local, state, or national level. This includes all of the statutes, regulations, and case law cover who can run for office, who can vote, where and why elections are held, and how electoral campaigns are financed. “

**Significant**: “ having or likely to have influence or effect “ *(Merriam-Webster Online Dictionary 2013.* <http://www.merriam-webster.com/dictionary/significant>)

Reform:

Oxford University Press 2013. <http://oxforddictionaries.com/definition/english/reform?q=reform>

“make changes in (something, especially an institution or practice) in order to improve it:”

OBSERVATION 2. INHERENCY, the state of the Status Quo. Two important FACTS:

FACT 1. Not Represented. District of Columbia residents have no voting representation in Congress

District of Columbia Delegate Eleanor Holmes Norton 2013. (DC’s non-voting delegate in the US House of Representatives) 23 Jan 2013 CONGRESSIONAL RECORD <http://beta.congress.gov/congressional-record/2013/01/23/extensions-of-remarks-section/article/E56-4>

Mr. Speaker, I rise today to introduce two bills that provide different approaches for obtaining voting representation for the more than 600,000 American citizens who reside in the nation's capital and pay the full array of federal taxes that support the government of the United States, but have no voting representation in Congress. These bills are the District of Columbia Equal Representation Act and the District of Columbia House Voting Rights Act.

FACT 2. Historical Accident. The denial of DC voting rights appears to be an historical mistake

Sen. Joe Lieberman 2007. (I-Connecticut) 18 Sept 2007 CONGRESSIONAL RECORD – SENATE, Vol 153 Pt 18 <http://www.gpo.gov/fdsys/pkg/CREC-2007-09-18/html/CREC-2007-09-18-pt1-PgS11626.htm>

It helps to take a look back in history to locate the original source of this inequity. In 1800, when the nation's capital was established as the District of Columbia, an apparent oversight left the area's residents without Congressional representation. Maryland and Virginia ceded land for the capital in 1788 and 1789 respectively, but it took another 11 years for Congress to establish the District. In the interim, residents continued to vote either in Maryland or Virginia, but Congress withdrew those voting rights once the District was established. Apparently by omission, Congress neglected to establish new voting rights for the citizens of the new District. Whatever the reason for this oversight, it has no relevance to reality or national principles today. To have your voice heard by your government is central to a functioning democracy and fundamental to a free society.

OBSERVATION 3. HARMS

HARM 1. Rights Denied. The most precious of all rights is denied to citizens of the District

Kenneth Starr and Patricia Wald 2006. (Starr - dean of Pepperdine Law School, is a former independent counsel and U.S. solicitor general. Wald - a retired chief judge of the U.S. Court of Appeals for the D.C. Circuit.) 17 Sept 2006 WASHINGTON POST “Congress Has the Authority to Do Right By DC” <http://www.washingtonpost.com/wp-dyn/content/article/2006/09/15/AR2006091500935.html>

More than 40 years ago, the Supreme Court declared that "no right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live." And yet, for more than 200 years the citizens of the District have been denied this right because they have no voting representation in Congress.

HARM 2. Taxation without representation. This was something bad enough for Americans to risk losing everything by declaring independence from Britain.

Sen. Edward Kennedy 2007. (D-Massachusetts) 18 Sept 2007 CONGRESSIONAL RECORD – SENATE, Vol 153 Pt 18 <http://www.gpo.gov/fdsys/pkg/CREC-2007-09-18/html/CREC-2007-09-18-pt1-PgS11626.htm>

Since the Revolutionary War, ``No taxation without representation'' has been a fundamental American principle. It is a famous phrase in our history. James Otis said it first in a historic speech in Massachusetts in 1763, and it was so inspiring that John Adams later said, ``Then and there, the child `independence' was born.'' Yet more than two centuries later, citizens who live in the Nation's Capital still bear the unfair burden of taxation without representation. The more than half a million District of Columbia residents pay significant Federal taxes each year. In fact, DC residents have the second-highest per capita tax burden in the Nation. Yet they have no say in how Federal taxes are spent, and they have no role in writing the Nation's tax laws.

HARM 3. Matters of Life and Death. It’s unconscionable that we send DC residents off to war and don’t let them vote on our nation’s military and foreign policy.

Sen. Edward Kennedy 2007. (D-Massachusetts) 18 Sept 2007 CONGRESSIONAL RECORD – SENATE, Vol 153 Pt 18 <http://www.gpo.gov/fdsys/pkg/CREC-2007-09-18/html/CREC-2007-09-18-pt1-PgS11626.htm>

Citizens of the District of Columbia have no voice when Congress considers whether to go to war. The brave soldiers from the Nation's Capital have no representation in Congress when the votes are counted on funding levels for our troops and other issues relating to the war. When Congress debates assistance to war veterans or considers how to improve conditions at Walter Reed Hospital, the patriotic veterans who live in this city have no vote. It is unconscionable. If we are for democracy in Iraq and Afghanistan, we should certainly be for democracy in the District of Columbia as well.

HARM 4. Violates Democracy. American citizens are the only ones in any democracy in the world who are denied voting rights in their own nation’s capital.

Sen. Joe Lieberman 2007. (I-Connecticut) 18 Sept 2007 CONGRESSIONAL RECORD – SENATE, Vol 153 Pt 18 <http://www.gpo.gov/fdsys/pkg/CREC-2007-09-18/html/CREC-2007-09-18-pt1-PgS11626.htm>

The fact that District residents have been without voting representation in Congress since the District was formed more than 200 years ago is not only a national embarrassment, it is a grave injustice and at complete odds with the democratic principles on which our great nation was founded. America is the only democracy in the world that denies the citizens of its capital city this most essential right.

HARM 5. Empowers dictators. Lack of democracy in America’s capital, bad enough in itself, also gives ammunition to dictators

Tom Davis 2009. (former Republican member of the House of Representatives from Virginia) 27 Jan 2009 Opening Statement of Former Rep. Tom Davis Subcommittee on the Constitution, Civil Rights, and Civil Liberties Hearing on H.R. 157, the “District of Columbia House Voting Rights Act of 2009” <http://judiciary.house.gov/hearings/pdf/Davis090127.pdf>

How can you argue with a straight face that the Nation’s Capital shouldn’t have a voting Member of Congress? For more than two centuries, D.C. residents have fought in 10 wars and paid billions of dollars in federal taxes. They have sacrificed and shed blood to bring democratic freedoms to people in distant lands. Today, American men and women continue fighting for democracy in Baghdad, but here in the Nation’s Capital, residents lack the most basic democratic right of all. What possible purpose does this denial of rights serve? It doesn’t make the federal district stronger. It doesn’t reinforce or reaffirm congressional authority over D.C. affairs. In fact, it undermines it and offers political ammunition to tyrants around the world to fire our way.

OBSERVATION 3. We change this with our PLAN

1. Congress enacts H.R. 363, the District of Columbia House Voting Rights Act of 2013. The key provisions are that the current non-voting delegate from the District of Columbia will be replaced by a full voting member whose seat will be added to the House of Representatives, increasing it to 436 members.
2. Enforcement through the federal courts. The Supreme Court will uphold the plan against any constitutional challenges
3. Plan is enacted immediately upon an Affirmative ballot and is implemented at the next Congressional election.
4. Funding through existing budgets of existing federal agencies through general revenues.
5. Affirmative speeches may clarify the Plan as needed.

OBSERVATION 4. The BENEFITS of the Plan.

BENEFIT 1. Equality for all. We correct a “constitutional stupidity” by giving equal voting rights to all

Prof. Richard L. Hasen 2009. ( professor of law and political science at the U.C. Irvine School of Law) 28 Jan 2009 SLATE, Let Them Into the House <http://www.slate.com/articles/news_and_politics/jurisprudence/2009/01/let_them_into_the_house.single.html>

The lack of voting rights for residents of Washington, D.C., is an example of what law professors call "constitutional stupidities." Given this country's commitment to equal voting rights for all, there's no legitimate policy reason to deny congressional representation to the District's residents.

BENEFIT 2. Guarantee other rights. Voting Rights guarantee other rights.

Senator Chris Dodd 2007. (D-Connecticut) 18 Sept 2007 CONGRESSIONAL RECORD – SENATE, Vol 153 Pt 18 <http://www.gpo.gov/fdsys/pkg/CREC-2007-09-18/html/CREC-2007-09-18-pt1-PgS11626.htm>

There is nothing more fundamental to the vitality and endurance of a democracy of the people, by the people, and for the people than the people’s right to vote. In the words of Thomas Paine: “The right of voting for representatives is the primary right by which other rights are protected.” It is, in fact, the right on which all others in our democracy depend. The Constitution guarantees it, and the U.S. Supreme Court has repeatedly underscored that it is one of our most precious and fundamental rights as citizens. Although not all Americans were entitled to vote in the early days of the Republic, virtually all legal restrictions on the franchise have since been eliminated, including those based on race, sex, wealth, property ownership, and marital status. Americans living in the Nation’s Capital also deserve to have voting representation in the body that makes their laws, taxes them, and can even call them to war.

BENEFIT 3. DC residents deserve it. We shouldn’t even have to debate it: DC residents deserve representation because they fulfill all the duties of citizenship

Senator Chris Dodd 2007. (D-Connecticut) 18 Sept 2007 CONGRESSIONAL RECORD – SENATE, Vol 153 Pt 18 <http://www.gpo.gov/fdsys/pkg/CREC-2007-09-18/html/CREC-2007-09-18-pt1-PgS11626.htm>

Mr. President, as my colleague Senator Hatch has observed, there are really two fundamental questions here for the Senate to consider. The first is the constitutional question about whether Congress may enact legislation to address this issue. The second is an essentially political question about whether we should enact such legislation. I have briefly addressed the first. On the second, I think there really should not be much of a debate. Citizens of the District, a majority of them African-Americans, who fulfill all of the duties of citizenship, ought to have the right to vote and be represented in Congress as decisions are made about their taxes, about war and peace, or about any of the myriad other questions that Congress faces every day.

VOX POPULI: THE CASE FOR ABOLISHING THE ELECTORAL COLLEGE

The quill pen, the horse-drawn buggy, and men’s white powdered wigs. They’re all things we would laugh at now if we saw someone using them, because they’re obsolete relics of a bygone age. Unfortunately one additional relic of that age persists with us in federal election law, despite its racist and anti-democratic intentions when it was written down with a quill pen by slave-owners wearing white wigs. Please join us as we affirm: That federal election law should be significantly reformed in the United States.

OBSERVATION 1. Our DEFINITIONS

Federal:

Oxford University Press 2013. <http://oxforddictionaries.com/definition/english/federal?q=federal>

“2 relating to or denoting the central government as distinguished from the separate units constituting a federation”

Election Law:

Oklahoma City University School of Law, last updated in 2013. Law Library LIBGUIDES, “Election Law” last updated 26 June 2013 <http://law.okcu.libguides.com/content.php?pid=114175>

Election law is defined as the body of law that controls how voters choose a candidate on the local, state, or national level.

Reform:

Oxford University Press 2013. <http://oxforddictionaries.com/definition/english/reform?q=reform>

“make changes in (something, especially an institution or practice) in order to improve it:”

OBSERVATION 2. INHERENCY, the state of the Status Quo. One simple fact: Presidents and Vice-Presidents of the United States are elected indirectly by the Electoral College, not by national popular vote.

US National Archives & Records Administration 2012. “What is the Electoral College?” <http://www.archives.gov/federal-register/electoral-college/about.html>

The Electoral College is a process, not a place. The founding fathers established it in the Constitution as a compromise between election of the President by a vote in Congress and election of the President by a popular vote of qualified citizens. The Electoral College process consists of the selection of the electors, the meeting of the electors where they vote for President and Vice President, and the counting of the electoral votes by Congress. The Electoral College consists of 538 electors. A majority of 270 electoral votes is required to elect the President. Your state’s entitled allotment of electors equals the number of members in its Congressional delegation: one for each member in the House of Representatives plus two for your Senators. Read more about the allocation of electoral votes. Under the 23rd Amendment of the Constitution, the District of Columbia is allocated 3 electors and treated like a state for purposes of the Electoral College. For this reason, in the following discussion, the word “state” also refers to the District of Columbia. Each candidate running for President in your state has his or her own group of electors. The electors are generally chosen by the candidate’s political party, but state laws vary on how the electors are selected and what their responsibilities are. Read more about the qualifications of the Electors and restrictions on who the Electors may vote for. The presidential election is held every four years on the Tuesday after the first Monday in November. You help choose your state’s electors when you vote for President because when you vote for your candidate you are actually voting for your candidate’s electors. Most states have a “winner-take-all” system that awards all electors to the winning presidential candidate.

OBSERVATION 3. We change this with our PLAN

1. A constitutional amendment abolishing the Electoral College. The President and Vice-President will be elected by winning a plurality of the nationwide popular vote in the states and the District of Columbia.
2. Enforcement through the federal courts.
3. Plan takes effect at the next Presidential election
4. Affirmative speeches may clarify the Plan as needed.

OBSERVATION 4. We offer multiple JUSTIFICATIONS for reform.

JUSTIFICATION 1. Racist origins. The Electoral College was originally intended to help slave-holding states increase their power without letting blacks vote.

Prof. Victor Williams 2012. (assistant professor of law at Catholic University of America Columbus School of Law) A Dangerous Intersection: The Electoral College and the Fiscal Cliff <http://jurist.org/forum/2012/11/victor-williams-electoral-college.php>

The standard tour of the Electoral College usually skips the institution's uglier history — it is a direct vestige of slavery. It was one of several pro-slavery victories won by southern states in 1787 while drafting the Constitution (a document that never uses the term "slave" or "slavery"). The framers capitulated to southern demands that Congress not be permitted for twenty years (until 1808) to ban the importation of slaves — a guarantee writ in stone by a "never amend" provision. The Convention further appeased southern states by counting each of their slaves as "three-fifths" of a free person for House apportionment representation. Next, the Constitution links the number of a state's presidential electors to the size of the state's congressional representation. The slaves' three-fifths apportionment status, combined with the Electoral College mechanism, gave southern slave owners a functional — if fractional — presidential proxy vote for their slaves.

JUSTIFICATION 2. Voters disenfranchised

Dr. John R. Koza, Barry Fadem, Mark Grueskin, Michael S. Mandell, Robert Richie, and Joseph F. Zimmerman 2013. (Koza -Ph.D. in computer science from the University of Michigan . Fadem - partner in the law firm of Fadem & Associates in Lafayette, California; specializes in campaign and election law . Grueskin – attorney with Isaacson Rosenbaum P.C. in Denver, practices federal, state, and local election law. Mandell – former associate with the law firm of Perkins Coie Brown & Bain in Phoenix, currently the general counsel to the Arizona State Senate. Richie - executive director of FairVote—The Center for Voting and Democracy, a non-profit organization dedicated to advancing fair elections . Zimmerman - Professor of Political Science at the State University of New York at Albany ) EVERY VOTE EQUAL:A State-Based Plan For Electing The President By National Popular Vote <http://www.every-vote-equal.com/pdf/4/EVE-4th-Ed-Ch1-web-v1.pdf>

Voters Are Effectively Disenfranchised in Four-Fifths of the States in Presidential Elections. One of the consequences of the statewide winner-take-all rule (i.e., awarding all of a state’s electoral votes to the presidential candidate who receives the most popular votes in each separate state) is that presidential candidates do not campaign in states in which they are comfortably ahead or hopelessly behind. Presidential candidates ignore such states because they do not receive additional or fewer electoral votes based on the margin by which they win or lose those states. The result is that presidential candidates concentrate their public appearances, organizational efforts, advertising, polling, and policy attention on states where the outcome of the popular vote is not a foregone conclusion. In practical political terms, a vote matters in presidential politics only if it is cast in a closely divided battleground state.

JUSTIFICATION 3. Losers win and winners lose. The candidate supported by fewer Americans can win the Presidency over the one more people voted for.

Dr. John R. Koza, Barry Fadem, Mark Grueskin, Michael S. Mandell, Robert Richie, and Joseph F. Zimmerman 2013. (Koza -Ph.D. in computer science from the University of Michigan . Fadem - partner in the law firm of Fadem & Associates in Lafayette, California; specializes in campaign and election law . Grueskin – attorney with Isaacson Rosenbaum P.C. in Denver, practices federal, state, and local election law. Mandell – former associate with the law firm of Perkins Coie Brown & Bain in Phoenix, currently the general counsel to the Arizona State Senate. Richie - executive director of FairVote—The Center for Voting and Democracy, a non-profit organization dedicated to advancing fair elections . Zimmerman - Professor of Political Science at the State University of New York at Albany ) EVERY VOTE EQUAL:A State-Based Plan For Electing The President By National Popular Vote <http://www.every-vote-equal.com/pdf/4/EVE-4th-Ed-Ch1-web-v1.pdf>

The Current System Does Not Reliably Reflect the Nationwide Popular Vote. The statewide winner-take-all rule makes it possible for a candidate to win the presidency without winning the most popular votes nationwide. This has occurred in four of the nation’s 56 presidential elections—1 in 14 (as detailed in section 1.2.2). In the past six decades, there have been six presidential elections in which a shift of a relatively small number of votes in one or two states would have elected (and, of course, in 2000, did elect) a presidential candidate who lost the popular vote nationwide

JUSTIFICATION 4. Better Campaigns

Dr. Jack Rakove 2012. (PhD; Professor of History and American Studies, Stanford Univ.) “Why do we still let the Electoral College pick our president?” STANFORD NEWS 20 Aug 2012 <http://news.stanford.edu/news/2012/august/rakove-electoral-college-082012.html>

The second problem is the whole battleground state issue. Once we’re past the primaries, presidential campaigns are wholly preoccupied with the relatively small number of states that are actually competitive. But their competitiveness is just a demographic accident. There’s nothing special about them except that their populations happen to be fairly evenly divided from a sociological standpoint. This problem would disappear if we had a truly national election with one electorate and votes counting the same wherever they were cast. Then the candidates would have to think more creatively about how to mobilize a national electorate, rather than pouring money into the televised advertisements that must drive voters in the battleground states completely bonkers. The parties would have the incentive to attract voters throughout the country, which is now a matter of complete indifference to them.

JUSTIFICATION 5. Better Social Behavior. We see this in 2 sub-points:

A. The Link: Faith Undermined. The Electoral College undermines our belief that elections are fair

Prof. Danny Oppenheimer and Mike Edwards 2012. (Oppenheimer - associate prof. at UCLA Anderson School of Management; Ph.D. from Stanford Univ, B.A. from Rice Univ. Edwards - master’s degree in political science from UC San Diego) “Eliminate the Electoral College” November 27 2012 accessed June 26, 2013, <http://www.huffingtonpost.com/mike-edwards/electoral-college-votes_b_1917826.html>

“The Electoral College undermines our belief that the electoral process is fair. Every time that a candidate wins the popular vote but fails to win the presidency (which has happened three times so far in American history), it has caused the people to question whether the system is broken and the wrong person became president. Combined with the widespread understanding that most votes in most states simply have virtually no chance of affecting the outcome of the presidential election, the effect is to erode our collective belief that our most important political office is actually chosen democratically.”

B. The Impact: Better functioning society

Prof. Danny Oppenheimer and Mike Edwards 2012. (Oppenheimer - associate professor at UCLA Anderson School of Management. P Ph.D. from Stanford University, B.A. from Rice University. Edwards - master’s degree in political science from UC San Diego) “Eliminate the Electoral College” November 27 2012 accessed June 26, 2013, <http://www.huffingtonpost.com/mike-edwards/electoral-college-votes_b_1917826.html>

“And that is exactly why the Electoral College is so dangerous. Social scientists have demonstrated that people are happier and more efficient when they believe that they are living and working under a fair set of rules. In addition, people are more likely to follow the laws or rules voluntarily when they believe that their voices are being heard, which can reduce corruption and helps society run more smoothly. Studies have even shown that people will voluntarily conserve scarce resources when they feel that they have input into the way policy is created. This so-called procedural justice is a huge boon to democracy; our active participation in the political process encourages us all to be productive and law-abiding citizens. In short, one of the most important catalysts for successful democracy is our communal belief that we can all make a difference by participating in the system--our belief that every vote matters. And the Electoral College actively violates that belief. The Electoral College ensures that some votes matter more than others. It is past time that we got rid it.”

COUNT ME OUT: THE CASE FOR THE FAIR AND ACCURATE REPRESENTATION ACT (FARA)

It ought to be obvious that members of Congress are elected to represent American citizens in the districts where they live. The Founding Fathers would spin in their graves if they knew that we allow foreign citizens breaking the laws of this country to not only be represented in Congress, but to actually determine the apportionment of the House of Representatives! This shocking reality makes it urgent that you join us in affirming: That federal election law should be significantly reformed in the United States.

OBSERVATION 1. Our DEFINITIONS

Election Law:

Oklahoma City University Law School, last updated 26 June 2013. LAW LIBRARY LIBGUIDES “Election Law” <http://law.okcu.libguides.com/content.php?pid=114175>

“Election law is defined as the body of law that controls how voters choose a candidate on the local, state, or national level. This includes all of the statutes, regulations, and case law cover who can run for office, who can vote, where and why elections are held, and how electoral campaigns are financed. “

**Significant**: “ having or likely to have influence or effect “ *(Merriam-Webster Online Dictionary 2013.* <http://www.merriam-webster.com/dictionary/significant>)

Reform:

Oxford University Press 2013. <http://oxforddictionaries.com/definition/english/reform?q=reform>

“make changes in (something, especially an institution or practice) in order to improve it:”

**FARA**: Fair and Accurate Representation Act, a bill proposed by Sen. Conrad Burns and Sen. David Vitter in 2007 but never passed by Congress.

OBSERVATION 2. Our CRITERION for changing the Status Quo.

We will justify an Affirmative ballot today on the criterion of Justice -- that is, fairness and equitable treatment. If you find that the Affirmative plan offers a policy that significantly better upholds the value of justice, then an Affirmative ballot will be justified. We define justice specifically in the context of apportionment in the US House of Representatives as follows:

State of Louisiana and its Attorney General James D. Caldwell 2011. Brief filed with the US Supreme Court in the case of State of Louisiana and James D. Caldwell v. John Bryson, Robert Groves and Karen Lehman Haas, <http://sblog.s3.amazonaws.com/wp-content/uploads/2011/11/Louisiana_v_Bryson.pdf>

Representatives are chosen “by the People of the several States,” U.S. Const. art. I, § 2, cl. 1, a phrase which this Court has interpreted to require that, “as nearly as is practicable, one man’s vote in a congressional election is to be worth as much as another’s.” Wesberry v. Sanders, 376 U.S. 1, 7-8 (1964). This requirement is satisfied when congressional districts contain, as nearly as possible, the same number of voters.

OBSERVATION 3. INHERENCY, or the conditions of the Status Quo. Two key facts

FACT 1. Millions of individuals wrongly counted

State of Louisiana and its Attorney General James D. Caldwell 2011. Brief filed with the US Supreme Court in the case of State of Louisiana and James D. Caldwell v. John Bryson, Robert Groves and Karen Lehman Haas, <http://sblog.s3.amazonaws.com/wp-content/uploads/2011/11/Louisiana_v_Bryson.pdf>

The Census form, and other Census instruments used for apportionment purposes, contain no means to identify a person’s status as a citizen or lawful permanent resident of the United States. 13. As a result of Defendants’ decision to count all “residents,” regardless of citizenship or immigration status, the 2010 Census apportionment figures include millions of individuals who are nonimmigrant foreign nationals and who are not, as a matter of federal law, permanent residents of any State.

FACT 2. A dozen House seats are affected

Richard Greener and George Kenney 2010. (Greener - former broadcast industry executive . Kenney - diplomat during the George H.W. Bush (senior) administration) 29 May 2010 "Census nonsense" LOS ANGELES TIMES, <http://articles.latimes.com/2010/may/29/opinion/la-oe-adv-kenney-census-20100529>

The reapportionment of today's static 435 seats according to census results would be a respectable example of representative democracy if each individual included in the count had a vote. But, just as in 1790, the system remains badly fractured and fundamentally unfair. Worse yet, to the extent that the census accurately counts illegal immigrants, the greater the disproportionate representation accruing to states with large illegal communities, which cannot vote. Estimates vary, but a 2007 study by the Connecticut Data Center found that the 2010 census may affect the allocation of a dozen congressional seats on the basis of some states' illegal immigrant populations.

OBSERVATION 4. JUSTICE VIOLATIONS. We justify change by showing that our criterion of Justice is violated in 4 ways:

VIOLATION 1. Equal Representation lost.

John S. Baker and Elliott Stonecipher 2009. (teaches constitutional law at Louisiana State University) and Elliott Stonecipher (Louisiana pollster and demographic analyst) 9 Aug 2009, "Our Unconstitutional Census" WALL STREET JOURNAL, (brackets in original) <http://online.wsj.com/article/NA_WSJ_PUB:SB10001424052970204908604574332950796281832.html>

The census has drifted far from its constitutional roots, and the 2010 enumeration will result in a malapportionment of Congress. In the 1964 case of *Wesberry v. Sanders*, the Supreme Court said, “The House of Representatives, the [Constitutional] Convention agreed, was to represent the people as individuals and on a basis of complete equality for each voter.” It ruled that Georgia had violated the equal-vote principle because House districts within the state did not contain roughly the same number of voting citizens. Justice Hugo Black wrote in his majority opinion that “one man’s vote in a congressional election is to be worth as much as another’s.” The same principle is being violated now on a national basis because of our faulty census.

**VIOLATION 2: Diluting the voice of legitimate voters**

Mike Swift 2007. (journalist), 2 Oct 2007, SAN JOSE MERCURY NEWS, "Immigrants tipping congressional scales," [www.mercurynews.com/news/ci\_7059830](http://www.mercurynews.com/news/ci_7059830) (brackets added)

The dilution of the principle that every voter has an equal voice in the nation's political life is one ramification of the immigration issue, say [Orlando] Rodriguez [author of a Univ. of Connecticut study on the Census] and immigration experts. "That does raise pronounced fairness and democracy questions," said Steven Camarota, research director of the Center for Immigration Studies in Washington, D.C., which favors reductions in immigration. "Politics in this way is a zero-sum game, and you can argue that legal immigrants should be represented, but it's tougher to say that illegal immigrants should be represented. Most people in the country, I think, would say that is unfair."

VIOLATION 3: Excessive workloads on some Congressmen

Prof. James G. Gimpel and James R. Edwards Jr 2005 (Gimpel - associate professor of government at the Univ. of Maryland. Edwards - adjunct fellow of the Hudson Institute), Winter 2005-2006, "Immigration Dilutes the Voting Rights of Citizens," SOCIAL CONTRACT JOURNAL, [www.thesocialcontract.com/artman2/publish/tsc1602/article\_1366.shtml](http://www.thesocialcontract.com/artman2/publish/tsc1602/article_1366.shtml)

While it may be true that noncitizens and nonvoters contact congressional offices, too, they don't do so nearly as frequently as citizens. Hence, even granting the concession that members of Congress have to respond to noncitizen requests for assistance, the workloads will still be unequal. Again, it is a fundamental issue of fairness. One member of the U.S. House should not have to spread his staff more thinly to cover his constituents' demands than another because of the presence of noncitizens. It is citizens of this nation who are being cheated.

VIOLATION 4. Severe damage to democratic representation. The risks of harm from this problem jeopardize the very future of the Republic.

Richard Greener and George Kenney 2010. (Greener - former broadcast industry executive . Kenney - diplomat during the George H.W. Bush (senior) administration) 29 May 2010 "Census nonsense" LOS ANGELES TIMES, <http://articles.latimes.com/2010/may/29/opinion/la-oe-adv-kenney-census-20100529>

To be prudent, we should also consider a not implausible, worst-case scenario. Suppose that the Mexican government collapses, sending hundreds of thousands of refugees across the border. Those who manage to stay will be counted in a future census. Using current procedures, their presence would result in the shift of many congressional seats. States composed of mostly citizen populations would lose representation and quite rightly feel cheated. The present potential for disaster, for severe damage to the principles of democratic representation and for the future of the republic itself should be a paramount concern for all Americans.

OBSERVATION 5. We have a PLAN

1. Congress passes FARA. The Secretary of Commerce will be directed to adjust the Census population figures used for determining Congressional representation by subtracting the number of illegal aliens in each state.
2. The Supreme Court will uphold FARA against any challenges.
3. Enforcement through the federal courts and normal administrative means under the direction of the Secretary of Commerce.
4. Funding through existing budget for the Census Bureau and general federal revenues
5. Plan is enacted immediately upon an Affirmative ballot and is implemented starting with the 2020 Census.
6. All Affirmative speeches may clarify the Plan as needed.

OBSERVATION 6, The Plan SOLVES.

SOLUTION 1. FARA stops illegal aliens from counting for Congressional apportionment. The key sentence in FARA reads as follows, from the 2007 text of the bill:

Fair And Accurate Representation Act 2007. Text of S619, a bill introduced in the US Senate in 2007. <http://www.govtrack.us/congress/bills/110/s619/text>

The Secretary shall make such adjustments in total population figures as may be necessary, using such methods and procedures as the Secretary determines feasible and appropriate, in order that aliens who are in the United States in violation of the immigration laws of the United States are not counted in tabulating population under subsection (b) for the purposes of apportionment of Representatives in Congress among the several States.

SOLUTION 2: Not counting illegal aliens better upholds the rights of US citizens

Prof. James G. Gimpel and James R. Edwards Jr 2005 (Gimpel - associate professor of government at the Univ. of Maryland. Edwards - adjunct fellow of the Hudson Institute), Winter 2005-2006, "Immigration Dilutes the Voting Rights of Citizens," SOCIAL CONTRACT JOURNAL, [www.thesocialcontract.com/artman2/publish/tsc1602/article\_1366.shtml](http://www.thesocialcontract.com/artman2/publish/tsc1602/article_1366.shtml) (brackets added)

[9th Circuit Court of Appeals Judge Alex] Kozinski concluded, "If, as I suggest, one person one vote protects a right uniquely held by citizens, it would be a dilution of that right to allow noncitizens to share therein." Kozinski's opinion in this case is consistent with the cord that only citizens may vote as a benefit of citizenship, and therefore only citizens' residence should count in apportioning political representation. At a minimum, illegal aliens should not count in apportioning representation.

FREE AT LAST: THE CASE FOR FELON RE-ENFRANCHISEMENT

Florida Governor Charlie Crist said it best in 2007

QUOTE: “Dignity, justice, honor; at what point do the punished have the right to a simple chance to come back to society.“ [[5]](#footnote-5) UNQUOTE.

Our case today will be about dignity, justice and honor as we affirm: That federal election law should be significantly reformed in the United States.

OBSERVATION 1. Our DEFINITIONS

Election Law:

Oklahoma City University Law School, last updated 26 June 2013. LAW LIBRARY LIBGUIDES “Election Law” <http://law.okcu.libguides.com/content.php?pid=114175>

“Election law is defined as the body of law that controls how voters choose a candidate on the local, state, or national level. This includes all of the statutes, regulations, and case law cover who can run for office, who can vote, where and why elections are held, and how electoral campaigns are financed. “

**Significant**: “ having or likely to have influence or effect “ *(Merriam-Webster Online Dictionary 2013.* <http://www.merriam-webster.com/dictionary/significant>)

**Reform**: “make changes in (something, especially an institution or practice) in order to improve it:” (*Oxford University Press 2013.* [*http://oxforddictionaries.com/definition/english/reform?q=reform*](http://oxforddictionaries.com/definition/english/reform?q=reform)*)*

Democracy Restoration Act / DRA

Myrna Pérez, Lee Rowland 2012. (Perez – attorney with Brennan Center for Justice at NYU School of Law; former Civil Rights Fellow at Relman & Dane, a civil rights law firm in Washington; masters degree in public policy from Harvard University's Kennedy School of Government. Rowland – attorney; counsel for the Brennan Center for Justice’s Democracy Program ) Democracy Restoration Act Would Restore Voting Rights to Millions 25 Apr 2012 <http://www.brennancenter.org/analysis/democracy-restoration-act-would-restore-voting-rights-millions>

Introduced by Senator Ben Cardin from Maryland and Representative John Conyers from Michigan, the Democracy Restoration Act is legislation that would restore voting rights in federal elections to Americans disenfranchised because of past criminal convictions.

OBSERVATION 2. INHERENCY, or the current conditions of the Status Quo. One simple fact: 4 million felons can’t vote

Rep. Robert C. Scott 2010. (D-Virginia) Hearings of the HOUSE COMMITTEE ON THE JUDICIARY, SUBCOMMITTEE ON CONSTITUTION, CIVIL RIGHTS, AND CIVIL LIBERTIES 16 Mar 2010 <http://www.brennancenter.org/sites/default/files/legacy/Democracy/3%2016%2010%20Transcript%20Democracy%20Restoration%20Act%20House%20Hearing%20transcript.pdf>

Today, the subcommittee examines one of the cornerstones of our democracy, the right to vote in a free and fair election. That right is denied an estimated 5.3 million Americans because of felony convictions. As many as four million of these have already completed their sentences.

OBSERVATION 3. The HARMS

HARM 1. African-American communities disenfranchised

Rep. Robert C. Scott 2010. (D-Virginia) Hearings of the HOUSE COMMITTEE ON THE JUDICIARY, SUBCOMMITTEE ON CONSTITUTION, CIVIL RIGHTS, AND CIVIL LIBERTIES 16 Mar 2010 <http://www.brennancenter.org/sites/default/files/legacy/Democracy/3%2016%2010%20Transcript%20Democracy%20Restoration%20Act%20House%20Hearing%20transcript.pdf>

Disenfranchisement of ex-offenders has a disproportionate impact on minority communities. Nationwide, 13 percent of African Americans have lost their right to vote, and that's seven times the national average. In eight states, more than 15 percent of African Americans cannot vote due to felony convictions, and in three of those states, more than 20 percent of the African American voting age population has lost the right to vote. These statistics have consequences far beyond the rights of the disenfranchised individual. It can marginalize the entire community. In fact, many elections are decided by the margin of who is disenfranchised. The voice of these communities and our system of self-government are diminished. The entire community is disenfranchised. And, in fact, they also prevent those who are disenfranchised from having a voice in policies that led to the disenfranchisement. By not being able to vote, they have no voice in democracy.

HARM 2. Confusion and collusion. Confusion at the state level about which felons can or cannot vote leads to errors and partisan game playing that could change the outcome of an election.

Ion Sancho 2010. (Florida state election supervisor for 21 years; J.D. from Florida State University Law School) Hearings of the HOUSE COMMITTEE ON THE JUDICIARY, SUBCOMMITTEE ON CONSTITUTION, CIVIL RIGHTS, AND CIVIL LIBERTIES 16 Mar 2010 <http://www.brennancenter.org/sites/default/files/legacy/Democracy/3%2016%2010%20Transcript%20Democracy%20Restoration%20Act%20House%20Hearing%20transcript.pdf>

Of the five million Americans that are estimated to be barred from voting as a result of committing crimes, almost one out of five of these people reside today in the State of Florida. And the genesis of our current statute did begin following the American Civil War with the Constitution of 1868, the first evidence of a bar to felon voting in our history. No one here can forget the Florida election of 2000, perhaps the most infamous election in our country's history. While most Americans can recall problems with butterfly ballots or pregnant chad, less well-known, but of more significance, is the role played by the flawed felons list distributed to the 67 Florida supervisors of elections in the spring of 2000 by Florida state officials. Pursuant to a consent decree entered into with the NAACP, and then-Florida Secretary of State Kathryn Harris, in 2002, 20,000 legal Florida voters were required to be added back to our rolls, because these were the numbers that the state admitted had been illegally identified as felons, and thus, not allowed to vote on November 7, 2000, in a contest that was decided by a mere 537 votes. Again, in 2004, we were given flawed lists, which fortunately, this time, the media sued to gain access. And once the flaws were known, Governor Jeb Bush was forced to withdraw those lists for our use to declare citizens as ineligible. Even as I'm talking to you now, Florida's current efforts to reform the process of civil rights restoration is not working. Republican Governor Charlie Crist and the Florida cabinet, based upon the need for fundamental fairness in our process, initiated reforms in 2007, allowing for the restoration of voting rights for all non- violent offenders. The Florida legislature, when told that 42 new employees would have to be dealt with to deal with the work load necessary, not only did not provide the 42 workers, they cut the clemency board's existing work staff. And today, the backlog is between one to three years for individuals that the state has said should be brought back into the process of voting, and they cannot, because of the partisan interference at the Florida legislative level. It's time we adopted national and rational standards for federal elections and to stop the partisan game playing which has become the hallmark of American politics today -- not just in Florida, but across the nation.

OBSERVATION 5. We have a PLAN, to be enacted by Congress through any necessary constitutional means including constitutional amendment if needed.

1. Congress passes the Democracy Restoration Act. Citizens with criminal convictions who have been released from prison may not be denied the right to vote in federal elections because of their criminal record.
2. Enforcement through the federal courts and the Justice Department. The Supreme Court will uphold DRA against any challenges.
3. Funding through existing budgets of existing agencies.
4. Plan is enacted immediately upon an Affirmative ballot and first applies to the 2016 elections.
5. All Affirmative speeches may clarify the Plan as needed.

OBSERVATION 6. ADVANTAGES

ADVANTAGE 1. Final Racism Link Eliminated. We eliminate the last vestiges of racism in voting rights

Prof. Burt Neuborne 2010. (professor of civil liberties at New York University School of Law; has served as the legal director of the Brennan Center for Justice at NYU since its founding; served on the New York City Human Rights Commission) Hearings of the HOUSE COMMITTEE ON THE JUDICIARY, SUBCOMMITTEE ON CONSTITUTION, CIVIL RIGHTS, AND CIVIL LIBERTIES 16 Mar 2010 <http://www.brennancenter.org/sites/default/files/legacy/Democracy/3%2016%2010%20Transcript%20Democracy%20Restoration%20Act%20House%20Hearing%20transcript.pdf>

I don't think there's any doubt about the committee's authority. One can argue about the merits of this, and other people will do that much better than I can. But as far as the power of Congress to sever the last link between a history of using devices to prevent the members of racial minorities to vote, I think is, without question, that you have this power. This is the last link. Literacy tests are gone. The durational residence requirements are gone. The property qualifications are gone. The intimidation has finally been stopped. The violence has been stopped -- the last link to the racist past of the felony disenfranchisement laws.

ADVANTAGE 2. Rehabilitation. We see this in 2 sub-points:

A. The Link: DRA is key to successfully reintegrating former felons back into society

Carl Wicklund 2010. (executive director of the American Probation and Parole Association. He has over 37 years of experience in justice and human service fields that includes corrections program development and management) Hearings of the HOUSE COMMITTEE ON THE JUDICIARY, SUBCOMMITTEE ON CONSTITUTION, CIVIL RIGHTS, AND CIVIL LIBERTIES 16 Mar 2010 <http://www.brennancenter.org/sites/default/files/legacy/Democracy/3%2016%2010%20Transcript%20Democracy%20Restoration%20Act%20House%20Hearing%20transcript.pdf>

We believe that civic participation is integral to successful rehabilitation and reintegration. One of the core missions of parole and probation supervision is to support successful transition from prison to the community. Civic participation is an integral part of this transition, because it helps transform one's identity from deviant to law-abiding citizen. For this reason, the Democracy Restoration Act is indispensible -- it's an indispensible part of the reentry process.

B. The Impact: Reduced crime.

Myrna Pérez, Lee Rowland 2012. (Perez – attorney with Brennan Center for Justice at NYU School of Law; former Civil Rights Fellow at Relman & Dane, a civil rights law firm in Washington; masters degree in public policy from Harvard University's Kennedy School of Government. Rowland – attorney; counsel for the Brennan Center for Justice’s Democracy Program ) Democracy Restoration Act Would Restore Voting Rights to Millions 25 Apr 2012 <http://www.brennancenter.org/analysis/democracy-restoration-act-would-restore-voting-rights-millions>

Voting helps transform a former prisoner from an outsider into a law-abiding citizen. Indeed, studies show that those who cast a ballot are less likely to commit another crime. Because the Democracy Restoration Act bolsters public safety, the bill has garnered the support of law enforcement agencies, including the American Probation and Parole Association and the American Correctional Association. Law enforcement and reentry professionals recognize that creating community ties through participatory roles such as voting integrates an individual back into a society after a criminal conviction.

ADVANTAGE 3. Justice. We uphold justice by ending the unfair practice of adding additional punishment to someone who has already paid his debt to society.

Ion Sancho 2010. (Florida state election supervisor for 21 years; J.D. from Florida State University Law School) Hearings of the HOUSE COMMITTEE ON THE JUDICIARY, SUBCOMMITTEE ON CONSTITUTION, CIVIL RIGHTS, AND CIVIL LIBERTIES 16 Mar 2010 <http://www.brennancenter.org/sites/default/files/legacy/Democracy/3%2016%2010%20Transcript%20Democracy%20Restoration%20Act%20House%20Hearing%20transcript.pdf>

But I think we do need reform. I think (ph) that our association has been on record for, in our own state, for adopting a procedure much as this congressional act. As soon as an individual has served his time, that individual should be allowed to register and vote. And in conclusion I'd like to cite Republican Governor Charlie Crist, who in trying to convince the Florida Cabinet -- which he successfully did -- that we needed to make reforms, wrote, justice cries out for us to do what's right. Dignity, justice, honor. And at what point do the punished have the right to do a simple chance to come back to society? Those whose lives we discuss today have served a sentence, as they should have. But what right do we here have to add to that sentence?

PRIMARY COLORS: THE CASE FOR PRESIDENTIAL PRIMARY REFORM

Dr. Terry Madonna and Dr. Michael Young said it best in 2004

QUOTE: “One definition of crazy is to keep doing something that’s never worked, while expecting it will be different this time. That’s a bulls-eye description of the loony system used to nominate candidates for the U.S. Presidency. Every four years, we try again hoping against hope that this time it will work.”[[6]](#footnote-6) UNQUOTE.

Please join us in affirming: That federal election law should be significantly reformed in the United States.

OBSERVATION 1. Our DEFINITIONS

Election Law:

Oklahoma City University Law School, last updated 26 June 2013. LAW LIBRARY LIBGUIDES “Election Law” <http://law.okcu.libguides.com/content.php?pid=114175>

“Election law is defined as the body of law that controls how voters choose a candidate on the local, state, or national level. This includes all of the statutes, regulations, and case law cover who can run for office, who can vote, where and why elections are held, and how electoral campaigns are financed. “

**Significant**: “ having or likely to have influence or effect “ *(Merriam-Webster Online Dictionary 2013.* <http://www.merriam-webster.com/dictionary/significant>)

**Reform**: “make changes in (something, especially an institution or practice) in order to improve it:” *(Oxford University Press 2013.* [*http://oxforddictionaries.com/definition/english/reform?q=reform*](http://oxforddictionaries.com/definition/english/reform?q=reform)*)*

OBSERVATION 2. INHERENCY. Some key FACTS about the current system of nominating US presidential candidates

FACT 1. No rational design. There is no rational design for US presidential nominations

Prof. Caroline J. Tolbert, Prof. David P. Redlawsk, Daniel C. Bowen 2009. (Tolbert - Professor of Political Science at the University of Iowa. Redlawsk – prof. of polit. Sci., Univ of Iowa. Bowen – PhD candidate, Univ of Iowa Dept of Political Sci.) Reforming Presidential Nominations: Rotating State Primaries or a National Primary? Jan 2009 <http://ir.uiowa.edu/cgi/viewcontent.cgi?article=1085&context=polisci_pubs>

The framers of the Constitution were silent on the issue of presidential nominations, for they did not see the rise of political parties. The Electoral College process was designed to make it difficult for any one candidate to get a majority, instead acting as a nominating group that would then forward only the top candidates to the U.S. House of Representatives for election. Once parties developed and began nominating candidates, processes were needed to determine the nominees. The result was a hodgepodge of rules and processes guided largely by the self-interest of individual state legislatures, secretary of states, and state parties who determine the timing of caucuses or primary elections and whether independents can participate in these party events. Institutionally, nominating U.S. presidential candidates was never rationally designed.

FACT 2. Frontloading trend.

David Redlawsk, Caroline Tolbert and Todd Donovan 2011. (Redlawsk – professor of political science at Rutgers Univ. Tolbert – professor of political science at Univ. of Iowa-Iowa City. Donovan – professor of political science at Western Washington Univ) WHY IOWA? <http://books.google.com/books?id=ZC2mB4e_TCIC&pg=PA12&lpg=PA12&dq=Battaglini+Morton+Palfrey+primary&source=bl&ots=LfTdvsPb6i&sig=XYw9mx8ShwBISzIVAthFPiJRMCQ&hl=en&sa=X&ei=4JD5UYGGLaasyAHtkIDAAg&ved=0CHUQ6AEwCQ#v=onepage&q=Battaglini%20Morton%20Palfrey%20primary&f=false>

Frontloading is the trend in which states schedule their primaries and caucuses near the beginning of the delegate selection season to have a greater impact on the process. In 1976, 10% of national convention delegates were chosen by March 2, and the number only grew over the next thirty years. As part of their ongoing efforts to address frontloading and other problems, both the Democratic National Committee (DNC) and Republican National Committee (RNC) revised the schedules and rules in anticipation of the 2008 presidential primary election and caucuses. Even so, 70% of the 2008 delegates were chosen by that same date.

OBSERVATION 3. The FAILURES created by the structure of the Status Quo

FAILURE 1. Voters disengaged. We see this in 3 sub-points

A. The Link: Frontloading abandons voters in later states. Their votes become irrelevant

Prof. Lonna Rae Atkeson and Prof. Cherie D. Maestas 2008. (Atkeson – Professor, Univ of New Mexico Dept of Political Science. Maestas - Associate Professor, Florida State Univ, Dept of Political Science) Racing To the Front: The Effect of Frontloading on Presidential Primary Turnout <http://myweb.uiowa.edu/bhlai/caucus/atkeson.pdf>

In a frontloaded system, these factors are exacerbated. The sheer number of delegates selected early reduces the ability of early state voters to send a meaningful signal to later state voters since the value of the signal deteriorates as the number of remaining delegates dwindles and as candidates winnow. Consequently, as each subsequent election takes place the dynamics of the campaign change: the field is winnowed, candidates cease campaigning one-by-one, the signals from any one state outcome become less important to future state voters, and media attention wanes (Norrander 2000; Haynes and Murray 1998). All this offers an increasing disincentive for voter participation and, consequently, turnout declines. Once the winner of the nomination has been declared, voters in any remaining states no longer have a meaningful choice at the polls. Their votes can only validate or protest an already known outcome.

B. The Impact: Democracy violated. Influence of early voters violates key ideal of democracy

Prof. Brian Knight quoted in 2011 by Brown University press release. (PhD economics, associate prof. of economics at Brown Univ.) Voters have up to five times more influence in early primaries 10 June 2011 <http://news.brown.edu/pressreleases/2011/06/primaries>

“Clearly, the primary calendar plays a key role in the selection of the nominee,” said Knight, associate professor of economics. “Evidence that early voters have a disproportionate influence over the selection of candidates violates ‘one person-one vote’ — a democratic ideal on which our nation is based.”

C. The Magnitude: Millions of voters effectively disenfranchised

Prof. Lonna Rae Atkeson and Prof. Cherie D. Maestas 2008. (Atkeson – Professor, Univ of New Mexico Dept of Political Science. Maestas - Associate Professor, Florida State Univ, Dept of Political Science) Racing To the Front: The Effect of Frontloading on Presidential Primary Turnout <http://myweb.uiowa.edu/bhlai/caucus/atkeson.pdf>

How large is the substantive impact of frontloading on participation? We argue quite large because the “average” state party during this period records turnout of around 20% and a population of 2,375,131. According to our models turnout could drop by 3% to 7.5% depending on where the average state falls in the sequence. If the contest falls toward the earlier part of the sequence the 3% disenfranchisement affects on average 71,255 voters in a state but if it falls at the latter end of the sequence it suppresses turnout on average by 178,134 votes. Thus, if we consider the number of states that hold primaries during this sequence of the campaign the overall vote loss is tremendous reflecting likely millions of potential voters.

FAILURE 2. Compressed campaigns. We see this in 2 sub-points:

A. The Link: Frontloading reduces time for voter consideration of candidates

Prof. William G. Mayer 2004. (assoc. professor of political science, Northeastern Univ.) 14 Jan 2004 FRONT-LOADING THE PRIMARIES: THE WRONG APPROACH TO PRESIDENTIAL POLITICS? <http://www.brookings.edu/~/media/events/2004/1/14elections/20040114.pdf> (the word “difficulty” was misspelled in the original)

And when the primary and caucus schedule looked like it did in 1976, when it started up kind of gradually, that meant that most voters had a couple of months to learn about the major contenders, to watch them perform in the national spotlight before they made their choices. As the system has become more front-loaded, however, the effective length of a contested nomination race has been dramatically reduced. The first event this year, as Ron said earlier, is the Iowa caucuses, which will take place on January 19th. It’s quite possible that the race this year will be over by early February. Given the right set of circumstances, it may linger on until mid March, but I find it very difficult to construct a plausible scenario as to how it could continue into April, much less May or June. So the voters in most states will have only a couple of weeks to learn about the major presidential contenders and as a lot of evidence indicates, voters have a great deal of difficultly [difficulty] learning that much new information in such a short period of time. By the time the race has been effectively decided, most voters still won’t know a whole lot about the nominee, much less his defeated rivals.

B. The Impact: Nation at risk

Prof. William G. Mayer and Prof. Andrew E. Busch 2004. (Mayer - assoc. professor of political science, Northeastern Univ. Busch - *Professor of Government at Claremont McKenna College*) THE FRONT-LOADING PROBLEM IN PRESIDENTIAL NOMINATIONS <http://books.google.co.vi/books?id=hUB_BV90wLAC&printsec=frontcover&hl=fr&source=gbs_atb#v=onepage&q&f=false>

Front-loading has had a variety of undesirable effects on the presidential nomination process. It deprives many early primary voters of deliberate choice and late primary voters of any meaningful choice at all. It degrades campaign quality, gives an unreasonable advantage to front-runners, and substantially reduces the field of viable candidates before a single vote is cast. In short, it makes the presidential nomination process less rational, less flexible, and more chaotic. At a time of domestic challenge and international peril, these are risks the country can ill afford to take.

OBSERVATION 4. We have a PLAN to be implemented by Congress through any necessary constitutional means including constitutional amendment if needed:

1. A single national presidential primary everywhere in the U.S., on the first Tuesday after the first Monday in June of a presidential election year.
2. Enforcement through the Federal Election Commission, the Justice Department, and the Federal courts. The US Supreme Court will uphold the plan against any challenges.
3. Funding through existing budgets
4. Plan is implemented starting with the 2016 elections.
5. All Affirmative speeches may clarify the Plan as needed.

OBSERVATION 5. The SOLUTION. A single national primary solves

Prof. Caroline J. Tolbert 2012. (professor of political science at Univ. of Iowa-Iowa City ) RESOLVED, Political Parties Should Nominate Candidates for President in a National Primary (ethical disclosure about the date: The article bears a copyright date of 2014, but since it was online in August 2013, that is obviously not the correct date. It references internally events being current as of 2012 and we used that date for this citation.) <http://www.cqpress.com/docs/college/Ellis%20Debating%20Reform%202e.pdf>

The selection of presidential candidates, one of the most important decisions that American voters make, should not be determined by a few states with early nominating contests. It is time for a national primary in which the citizens of all fifty states go to the polls on the same day and have equal voice in selecting candidates for president of the United States. A national primary would solve three problems that plague the current system: the chaotic and self-defeating race to be among the first states to hold a nominating contest, abysmally low voter turnout, and the privileged position of Iowa and New Hampshire. A national primary would boost citizen participation while also restoring order and fairness to the way we select our presidential nominees.

A QUESTION OF BALANCE: THE CASE FOR PROPORTIONAL REPRESENTATION

Our system of electing members of the House of Representatives is one we inherited from the British Parliament, and most Americans take it for granted. Lines are drawn in each state and whoever wins a plurality of the votes within each set of lines is elected to the House. It’s called the Single Member District system. What most Americans don’t realize is that it’s not their vote that determines who wins. It’s who draws the lines. This fundamental flaw compels us to affirm: That federal election law should be significantly reformed in the United States.

OBSERVATION 1. Our DEFINITIONS

Election Law:

Oklahoma City University Law School, last updated 26 June 2013. LAW LIBRARY LIBGUIDES “Election Law” <http://law.okcu.libguides.com/content.php?pid=114175>

“Election law is defined as the body of law that controls how voters choose a candidate on the local, state, or national level. This includes all of the statutes, regulations, and case law cover who can run for office, who can vote, where and why elections are held, and how electoral campaigns are financed. “

**Significant**: “ having or likely to have influence or effect “ *(Merriam-Webster Online Dictionary 2013.* <http://www.merriam-webster.com/dictionary/significant>)

**Reform**: “make changes in (something, especially an institution or practice) in order to improve it:” *(Oxford University Press 2013.* [*http://oxforddictionaries.com/definition/english/reform?q=reform*](http://oxforddictionaries.com/definition/english/reform?q=reform)*)*

SMP/ Single Member Plurality system:

Brian O'Neal 1993. (with the Political and Social Affairs Division of the Canadian Library of Parliament) May 1993 ELECTORAL SYSTEMS, <http://www.parl.gc.ca/Content/LOP/researchpublications/bp334-e.htm#1>

Single-member plurality (SMP) systems are commonly found in countries that have inherited elements of the British parliamentary system; it is this kind of electoral system that is most familiar to Canadians. In electoral districts represented by one member in an elected assembly, simple rather than absolute majorities suffice to determine the winner of an electoral contest.(6) Each elector marks a single "X" (or other similar mark) beside the name of the candidate of his or her choice. Although several candidates may compete for the seat, the winner need only attract the largest number of votes cast. For this reason, this kind of electoral system is referred to as a "single-member plurality" or a "first past the post" system.

“PR” or Proportional Representation:

Dr. Jon R. Bond and Dr. Kevin B. Smith 2013. (Bond – PhD from Univ of Illinois; professor of political science, Texas A&M University. Smith – PhD Univ of Wisconsin-Milwaukee; professor of political science, Univ. of Nebraska) ANALYZING AMERICAN DEMOCRACY: POLITICS AND POLITICAL SCIENCE p. 240 <http://books.google.fr/books?id=STCZJpcVvVIC&pg=PR2&lpg=PR2&dq=bond+smith+%22analyzing+american%22&source=bl&ots=gSsvEBgx42&sig=pCGdDdOE4BN6oq75NdLMpZff-DE&hl=en&sa=X&ei=nJLqUc60EcvM0AWtr4GwDg&redir_esc=y>

“proportional representation A method of selecting representatives in which representation is given to political parties based on the proportion of the vote obtained.”

OBSERVATION 2. INHERENCY, Two key FACTS about the conditions of the Status Quo

FACT 1. The Uniform Congressional District Act

Dr. Thomas F. Schaller 2013. (PhD; professor of political science at the Univ of Maryland, Baltimore County21 Mar 2013 Multi-Member Districts: Just a Thing of the Past? <http://www.centerforpolitics.org/crystalball/articles/multi-member-legislative-districts-just-a-thing-of-the-past/>

Finally, in 1967 Congress passed the Uniform Congressional District Act, which remains in force today and mandates the use of discrete, single-member districts for all states with two or more seats, exempting only Hawaii and New Mexico.

FACT 2. Gerrymandering is widespread. Gerrymandering, the strategic drawing of lines to ensure partisan advantage by grouping voters into strangely shaped districts, is widespread in the current system because we don’t use proportional representation.

Dr. Howard Steven Friedman 2013. (statistician and health economist with UN Population Fund and adjunct associate professor at Columbia University; Ph.D. in Biomedical Engineering from Johns Hopkins Univ) Simple Steps to Eliminate Gerrymandering” 24 Jan 2013 <http://www.huffingtonpost.com/howard-steven-friedman/simple-steps-to-eliminate_b_2546929.html>

Gerrymandering congressional borders based on party affiliations, race, or some other criterion in order to maximize your support and minimize your opponent's creates congressional district maps that look like a combination of computer-drawn algorithms and children's crayon art. The idea is to pack the other party's voters into fewer districts, thus limiting the number of districts they can win, or to scatter your opponent's voters among a bunch of districts to deny them a sufficiently large voting bloc in any single district. Gerrymandering is often found in elections where there is a single winner, as opposed to elections where there is proportional representation, and is usually initiated by incumbents tightening their grip on power. The issue is so extreme in the United States that in 2004, election observers from the Office for Democratic Institutions and Human Rights, a part of the Organisation for Security and Cooperation in Europe (OSCE), criticized the congressional redistricting process and the resulting lack of competitiveness in congressional election contests.

OBSERVATION 3. FAILURES. Gerrymandered elections fail to uphold democracy in at least 3 ways:

FAILURE 1. Politicians choose voters, instead of voters choosing politicians. This reversal of democracy happens because it’s the politicians who draw the district boundary lines, so they draw them to put the voters where they want them, and get the results they want.

Leon W. Russell and J. Gerald Hebert 2010. (Russell - *past president and current chairman of the legislative committee of the Florida NAACP. Hebert - executive director of the nonprofit Campaign Legal Center and represented Florida's congressional Democrats in the post-2000 redistricting cycle* ) Put an End to Gerrymandering in Florida, 10 Aug 2010 <http://www.clcblog.org/blog_item-343.html>

Floridians' chance to curb partisan gerrymanders is once again in the hands of the Florida Supreme Court. After decades of partisan abuse of the redistricting process, citizens simply want the chance to vote on two ballot initiatives to end the practice that for decades has enabled politicians to choose their voters instead of voters choosing politicians. But politicians aren't about to give up that advantage without a fight — and that fight is now before the state's highest court. The idea behind gerrymandering is simple. Those in power redraw election districts to benefit themselves and their political party, packing most voters from the opposition into only a few districts. This creates "safe seats" for them and marginalizes the opposition.

FAILURE 2. Losers win. Both political parties use district lines to rig the results so they get a majority of the seats even with a minority of the votes

Dr. Douglas J. Amy 2002. (PhD from Univ of Massachusetts; professor of politics, Mt Holyoke College) How Proportional Representation Would Finally Solve Our Redistricting and Gerrymandering Problems <https://www.mtholyoke.edu/acad/polit/damy/articles/redistricting.htm>

The intended result of partisan gerrymandering is misrepresentation of the public. The party controlling the redistricting artificially inflates the number of seats it gets. In some cases, this distortion of representation is so gross that it allows a party that gets a minority of the votes to win a majority of the seats – a clear violation of the basic principles of democracy and majority rule. In the 2000 elections for the U. S. House of Representatives, for example, gerrymandering in Texas allowed the Democrats to win 57 percent of those seats, even though they received only 47 percent of the vote statewide. Examples of partisan gerrymandering abound in the United States. Indeed, some states, such as California, Texas, and Indiana, have become infamous for their blatant gerrymanders. After one reapportionment, Republican legislators in Indiana did everything they could to use district lines to their advantage. Over the protests of the Democratic minority, the Republicans adopted a plan that took two districts with Democratic incumbents and packed them with additional Democratic voters so that GOP candidates in other districts would have less opposition.

FAILURE 3. Viewpoints unrepresented. Voters are stuck with candidates who don’t represent their views

Leon W. Russell and J. Gerald Hebert 2010. (Russell - *past president and current chairman of the legislative committee of the Florida NAACP. Hebert - executive director of the nonprofit Campaign Legal Center and represented Florida's congressional Democrats in the post-2000 redistricting cycle* ) Put an End to Gerrymandering in Florida, 10 Aug 2010 <http://www.clcblog.org/blog_item-343.html>

Creating districts that lack any meaningful political competition means an officeholder's only challenge will occur in the primary. When the real election becomes who wins the primary, candidates pander to their base. This produces politicians who lean further left or right, shrinking the political middle (where most of us are). Think of the shrinking number of officeholders today who reach across party lines — in Washington or Tallahassee — to work on legislative solutions to very serious problems. This is a direct result of extreme partisan gerrymandering.

OBSERVATION 4. We have a PLAN

1. Congress repeals the Uniform Congressional District Act.
2. Congress requires all states to use proportional representation with open party list and “largest remainder” rule for allocating all House seats in at-large elections.
3. Enforcement through the federal courts and the Sergeant-at-Arms of the House of Representatives. Any representatives not chosen in accordance with the mandates will be denied entry to the House chamber.
4. Funding through existing budgets
5. Plan is implemented starting with the 2018 elections.
6. All Affirmative speeches may clarify the Plan as needed.

OBSERVATION 5. How the PLAN works: Proportional representation would allocate House seats by party based on their percentage of the vote within each state

Dr. Jon R. Bond and Dr. Kevin B. Smith 2013. (Bond – PhD from Univ of Illinois; professor of political science, Texas A&M University. Smith – PhD Univ of Wisconsin-Milwaukee; professor of political science, Univ. of Nebraska) ANALYZING AMERICAN DEMOCRACY: POLITICS AND POLITICAL SCIENCE p. 240 <http://books.google.fr/books?id=STCZJpcVvVIC&pg=PR2&lpg=PR2&dq=bond+smith+%22analyzing+american%22&source=bl&ots=gSsvEBgx42&sig=pCGdDdOE4BN6oq75NdLMpZff-DE&hl=en&sa=X&ei=nJLqUc60EcvM0AWtr4GwDg&redir_esc=y>

To illustrate the electoral implications of these two electoral systems, imagine a state entitled to elect ten members to the House of Representatives. In a multimember constituency system, all ten members would be elected statewide, and all ten would represent the same constituency. With proportional representation, the ten seats would be allocated to parties on the basis of their statewide share of the popular vote: a party that got 20 percent of the vote would get two of the seats, a party that got 40 percent would get four seats, and so on.

OBSERVATION 6. The ADVANTAGES

ADVANTAGE 1. No gerrymandering.

Dr. Douglas J. Amy 2002. (PhD from Univ of Massachusetts; professor of politics, Mt Holyoke College) How Proportional Representation Would Finally Solve Our Redistricting and Gerrymandering Problems <https://www.mtholyoke.edu/acad/polit/damy/articles/redistricting.htm>

Thus the adoption of proportional representation in the United States would in one stroke cut through the Gordian knot of redistricting and gerrymandering. It would eliminate all the partisan brawling, endless and expensive legal challenges, stolen seats, and uncompetitive districts that plague our single-member plurality system. Rarely do we find such a clear and simple solution to such a difficult set of political problems, but in the case of gerrymandering, PR is exactly that. Indeed, this ability to effectively eliminate both intentional and unintentional gerrymandering has been one of PR's main attractions in countries that have adopted it. In these countries, redistricting is a trivial and boring political activity because it has no real political impact. We could certainly use some of that boredom here in the United States.

ADVANTAGE 2. Better responsiveness and representation

Dr. Douglas J. Amy 2002. (PhD from Univ of Massachusetts; professor of politics, Mt Holyoke College) How Proportional Representation Would Finally Solve Our Redistricting and Gerrymandering Problems <https://www.mtholyoke.edu/acad/polit/damy/articles/redistricting.htm>

A hypothetical example may help to illustrate this point. Assume that gerrymandering creates a safe district packed with Democratic voters and the Democratic candidate is elected with 70 percent of the vote to 30 percent for the Republican. Before the next election, however, voter sentiment turns strongly toward the Republican party – with 16 percent of the former Democrats now favoring the GOP. Despite the dramatic change in political opinion, the Democratic candidate will likely continue to represent this district – and be reelected this time by 54 percent to 46 percent. So despite a large change in political preferences by the public, no resulting change of representation takes place in this safe district. The protection of legislators from both parties in this way severely restricts the responsiveness of the political system. Contrast this result with the effect of changing voter sentiments in the multimember districts used in proportional representation. Assuming that ten representatives are elected in a district, a swing of 16 percent from one party to another would result in change of at least one and possibly two seats in favor of the party that is growing in popularity. In this sense, PR elections are much more sensitive to changes in voter preferences, and these changes are much more likely to be reflected in the makeup of legislatures.

SHOW ME THE MONEY: THE CASE FOR PUBLIC FINANCING OF CONGRESSIONAL CAMPAIGNS

The old venerable West Virginia Senator Robert C. Byrd said it simply and said it best in 1997

QUOTE: “"Money! It is money! Money! Money! Not ideas, nor principles, but money that reigns supreme in American politics."[[7]](#footnote-7) UNQUOTE.

Please join us in affirming: That federal election law should be significantly reformed in the United States.

OBSERVATION 1. Our DEFINITIONS

Election Law:

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“Election law is defined as the body of law that controls how voters choose a candidate on the local, state, or national level. This includes all of the statutes, regulations, and case law cover who can run for office, who can vote, where and why elections are held, and how electoral campaigns are financed. “

**Significant**: “ having or likely to have influence or effect “ *(Merriam-Webster Online Dictionary 2013.* <http://www.merriam-webster.com/dictionary/significant>)

**Reform**: “make changes in (something, especially an institution or practice) in order to improve it:” *(Oxford University Press 2013.* [*http://oxforddictionaries.com/definition/english/reform?q=reform*](http://oxforddictionaries.com/definition/english/reform?q=reform)*)*

OBSERVATION 2. INHERENCY, or the conditions of the Status Quo. One simple fact: Money dominates elections.

Adam Skaggs and Fred Wertheimer 2012. (Skaggs – Attorney; Senior Counsel in the Brennan Center’s Democracy program; former litigator at Paul, Weiss, Rifkind, Wharton & Garrison. Wertheimer – attorney; Founder and President of Democracy 21; served as a Fellow at Harvard University’s Shorenstein Center on the Press, Politics and Public Policy, as the J. Skelly Wright Fellow and Visiting Lecturer at Yale Law School) EMPOWERING SMALL DONORS IN FEDERAL ELECTIONS <http://www.brennancenter.org/sites/default/files/legacy/publications/Small_donor_report_FINAL.pdf>

Following the disastrous Citizens United decision, our elections are now dominated by unlimited contributions, secret money, corporate spenders, bundlers, lobbyists, PACs, Super PACs, and other special interest funders. The role played by influence-seeking money in our political system affects almost all aspects of public policy in the country.

OBSERVATION 3. HARMS

HARM 1. Corruption. Special interest campaign money fuels corruption

Adam Skaggs and Fred Wertheimer 2012. (Skaggs – Attorney; Senior Counsel in the Brennan Center’s Democracy program; former litigator at Paul, Weiss, Rifkind, Wharton & Garrison. Wertheimer – attorney; Founder and President of Democracy 21; served as a Fellow at Harvard Univ. Shorenstein Center on the Press, Politics and Public Policy, and Visiting Lecturer at Yale Law School) EMPOWERING SMALL DONORS IN FEDERAL ELECTIONS <http://www.brennancenter.org/sites/default/files/legacy/publications/Small_donor_report_FINAL.pdf>

On the issues that matter most to Americans, Congress often does nothing. And when Congress does act, it is all too often on issues that favor narrow interest groups that funnel millions of dollars to elect our representatives. The surge of unlimited, often secretive spending in the wake of Citizens United threatens to make this situation even worse. Our money-drenched campaign finance system prevents Congress from working in the public interest. Moreover, as history has shown, unlimited and secret money in politics leads to scandal and corruption.

HARM 2. Conflicts of interest: Lawmakers get money from the groups they’re supposed to be regulating

Monica Youn 2011. (J.D. from Yale Law School; Brennan Center Constitutional Fellow at NYU School of Law; former director of the Brennan Center’s Money in Politics program; former law clerk to Judge John T. Noonan, Jr. in the US 9th Circuit Court of Appeals) 12 Apr 2011 testimony before the United States Senate Judiciary Committee Subcommittee on the Constitution, Civil Rights and Human Rights "The Fair Elections Now Act: A Comprehensive Response to Citizens United" <http://www.brennancenter.org/analysis/fair-elections-now-act-comprehensive-response-citizens-united>

Our current campaign finance system is particularly problematic where lawmakers on key committees benefit from campaign spending by the very interests they are charged with regulating. For example, during the passage of the Medicare Prescription Drug, Improvement, and Modernization Act in 2003, Rep. Walter Jones (R-North Carolina) decried the House vote as “political Sodom and Gomorrah night. It was absolutely ugly.” As Members entered the House chamber, lobbyists representing prescription drug companies who had given millions in political contributions stood at the entrance to the chamber, pressuring legislators for their support. In the aftermath of the extremely close vote, allegations of bribery swirled, as one of the deciding votes claimed he had been offered campaign funds in exchange for his support. Congressman Jones, deeply affected by the experience, has been a vocal supporter of Fair Elections: “Let the people, not the special interest groups, control Washington.”

HARM 3. Wasted days and wasted nights. Congressmen spend their time fundraising instead of working on issues

Monica Youn 2011. (J.D. from Yale Law School; Brennan Center Constitutional Fellow at NYU School of Law; former director of the Brennan Center’s Money in Politics program; former law clerk to Judge John T. Noonan, Jr. in the US 9th Circuit Court of Appeals) 12 Apr 2011 testimony before the United States Senate Judiciary Committee Subcommittee on the Constitution, Civil Rights and Human Rights "The Fair Elections Now Act: A Comprehensive Response to Citizens United" <http://www.brennancenter.org/analysis/fair-elections-now-act-comprehensive-response-citizens-united> (brackets in original)

Under the existing system of private campaign contributions, fundraising monopolizes a candidate’s time, with elected officials spending many of their hours “dialing for dollars” or attending closed-door fundraisers. For instance, Representative Chellie Pingree (D-Maine) reported spending nearly 20 hours a day on the phone, trying to coax donations, not from her constituents, but from wealthy out-of-state interests. Senator Tom Harkin (D-Iowa) recently estimated that, “[o]f any free time you have, I would say fifty per cent, maybe even more,” is spent on fundraising. Senator Lamar Alexander (R-Tennessee) has stated that fundraising “sucks up time that a senator ought to be spending getting to know other senators, working on issues.” On average, federal congressional candidates in contested elections report spending about 34 percent of their time raising money.

OBSERVATION 4. We have a PLAN

1. Congress passes the “Fair Elections Now Act” for both House and Senate elections, establishing a voluntary system of public financing for congressional candidates through four-to-one matching federal funds for small campaign contributions.
2. Enforcement through the Attorney General and the Federal Elections Commission. The Supreme Court will uphold the Plan against any challenges.
3. Funding through cutting $2 billion from Head Start.
4. Plan is implemented starting with the 2016 elections.
5. All Affirmative speeches may clarify the Plan as needed.

OBSERVATION 5. SOLVENCY. Fair Elections Now uses the successful New York City program as a model for Congressional campaign funding

Glen Hudson 2012. (JD candidate, Wake Forest Univ. Law School ) Think Small: The Future of Public Financing After Arizona Free Enterprise, WAKE FOREST LAW REVIEW Volume 47 <http://wakeforestlawreview.com/think-small-the-future-of-public-financing-after-arizona-free-enterprise> (brackets and ellipses in original)

The success of the small-donor matching program in New York City has also sparked the proposal of a similar program for congressional elections and a reform of the current presidential public financing program. The bipartisan Fair Elections Now Act, proposed in 2009, would establish, for the first time, public financing for congressional candidates.[154] The supporters of the Act declare that it will: [H]elp[] to reduce the ability to make large campaign contributions as a determinant of a citizen’s influence within the political process by facilitating the expression of support by voters at every level of wealth, encourag[e] political participation, [and] incentiviz[e] participation on the part of Members through the matching of small dollar contributions.[155] Under the proposed bill, the program would offer participating congressional candidates an initial sum of public money and would then match small contributions (of less than one hundred dollars) at a rate of four-to-one (or 400%) throughout the election up to a certain level.[156] Additionally, qualifying contributions would have to come from donors within the candidate’s own state, thus reducing the influence of large donors outside the candidate’s district.

OBSERVATION 6. ADVANTAGES

ADVANTAGE 1. Break the cycle of corruption.

Monica Youn 2011. (J.D. from Yale Law School; Brennan Center Constitutional Fellow at NYU School of Law; former director of the Brennan Center’s Money in Politics program; former law clerk to Judge John T. Noonan, Jr. in the US 9th Circuit Court of Appeals) 12 Apr 2011 testimony before the United States Senate Judiciary Committee Subcommittee on the Constitution, Civil Rights and Human Rights "The Fair Elections Now Act: A Comprehensive Response to Citizens United" <http://www.brennancenter.org/analysis/fair-elections-now-act-comprehensive-response-citizens-united> (brackets in original)

A corporation’s explicit or implied threat to use its general treasury funds as a political war chest places great pressure on legislators and can be expected to distort the decision-making of elected officials in ways that will often be difficult to trace. Public financing can help break this vicious cycle of corruption. When special interest political spending carries less weight, legislation can be considered on its merits rather than by its fundraising consequences. As former Arizona governor Janet Napolitano explained with regard to that state’s prescription drug bill:   
If I had not run [using public financing], I would surely have been paid visits by numerous campaign contributors representing pharmaceutical interests and the like, urging me either to shelve the idea or to create it in their image. All the while, they would be wielding the implied threat to yank their support and shop for an opponent in four years. [Instead,] I was able to create this program based on one and only one variable: the best interests of Arizona’s senior citizens.  
Similarly, the Center for Governmental Studies, which has studied campaign finance programs across the nation, has catalogued numerous other instances (in New Jersey, Maine, Los Angeles and elsewhere) where candidates and legislators endorse public financing for this very reason: Public financing enables elected officials to place their constituents’ interests above special interests.

ADVANTAGE 2. Ending conflicts of interest.

Alan Simpson 2011. (former Republican US Senator from Wyoming) 12 Apr 2011 testimony before the Senate Committee on the Judiciary, Subcommittee on the Constitution, Civil Rights and Human Rights - <http://www.judiciary.senate.gov/pdf/11-04-12%20Simpson%20Testimony.pdf>

Why is it that the same Congress that for years has authorized the Department of Veterans Affairs to negotiate discounts on pharmaceuticals for military families has made it illegal for the government to negotiate such discounts for millions more of our elderly and disabled citizens under Medicare Part D? Why is it that Congress continues to approve multi-billion dollar defense programs the Pentagon never requests, or that public employee pensions often far exceed their private-sector equivalents? Why is it that all of these issues and more, which together account for hundreds of billions in tax expenditures each year, have not factored more strongly into our current budget debate? To end these conflicts of interest once and for all, I urge the Senate to enact a system of small donor public funding of Congressional elections. Under the Fair Elections Now Act, serious and hardworking candidates for U.S. Senate and House who agree to limit donations to $100 apiece would receive matching public funds for every small donation they raise in-state. To qualify for matching funds, candidates would have to show a broad base of constituent support by raising donations of between $5 and $100 each. If they can meet the qualifying threshold, they would have enough money to run a competitive campaign.

ADVANTAGE 3. Better use of time. Legislators spend less time fundraising and more time serving their constituents

Monica Youn 2011. (J.D. from Yale Law School; Brennan Center Constitutional Fellow at NYU School of Law; former director of the Brennan Center’s Money in Politics program; former law clerk to Judge John T. Noonan, Jr. in the US 9th Circuit Court of Appeals) 12 Apr 2011 testimony before the United States Senate Judiciary Committee Subcommittee on the Constitution, Civil Rights and Human Rights "The Fair Elections Now Act: A Comprehensive Response to Citizens United" <http://www.brennancenter.org/analysis/fair-elections-now-act-comprehensive-response-citizens-united>

Crucially, public financing permits candidates to spend less time fundraising, allowing those who are elected officials to spend a greater percentage of their time legislating in their constituents’ interest. Indeed, a 2003 University of Maryland study confirmed that candidates who participate in robust public funding programs spend significantly less time raising money than other candidates. Another study recently concluded that candidates with full public financing are able to devote 10% more of their time to direct engagement with voters compared to traditional candidates.

ADVANTAGE 4. More competitive elections. We see this in 2 sub-points:

A. The Link: Public funding increases competition in elections

Prof. Kenneth R. Mayer, Dr. Timothy Werner, and Amanda Williams 2006. (Mayer – prof. of political science, Univ of Wisconsin. Werner - PhD in political science; lecturer at Univ. of Wisconsin. Williams – political science dept., Univ of Wisconsin ) “Do Public Funding Programs Enhance Electoral Competition?” <http://users.polisci.wisc.edu/kmayer/Professional/Public%20Funding%20and%20Competition.pdf>

—Public funding increases the likelihood that an incumbent will have a competitive race.  
—Public funding has reduced the incumbency reelection rates in Arizona and Maine, although the effects are marginal. We can say with certainty, though, that public funding has not made incumbents safer. Fears that public funding would amount to an incumbency protection act are unfounded.  
—Public funding programs have a threshold effect: if grants sizes and spending limits do not have a realistic connection to what candidates actually need, programs will have no effect. In the end, we conclude that public funding programs—particularly the full “clean elections” systems in Arizona and Maine—increase the competitiveness of state legislative elections.

B. The Impact: Competition is essential to democracy and protection of our rights

Prof. Kenneth R. Mayer, Dr. Timothy Werner, and Amanda Williams 2006. (Mayer – prof. of political science, Univ of Wisconsin. Werner - PhD in political science; lecturer at Univ. of Wisconsin. Williams – political science dept., Univ of Wisconsin ) “Do Public Funding Programs Enhance Electoral Competition?” <http://users.polisci.wisc.edu/kmayer/Professional/Public%20Funding%20and%20Competition.pdf>

Meaningful political competition is the foundation of democratic legitimacy. The ability to freely choose among realistic alternatives, especially at the ballot box, is a prerequisite to the exercise and protection of most other political rights. To create even a token degree of accountability, elections “must occur in circumstances that involve an appropriate degree of genuine competition.” At some point, a minimum level of competition is essential “for legislatures to be responsive to electoral change.”

WHO… ARE YOU: THE CASE FOR VOTER ID

The Commission on Federal Election Reform, co-chaired by Democratic former President Jimmy Carter and Republican former Secretary of State James A. Baker, said it best in 2005

QUOTE: “In the old days and in small towns where everyone knows each other, voters did not need to identify themselves. But in the United States, where 40 million people move each year, and in urban areas where some people do not even know the people living in their own apartment building let alone their precinct, some form of identification is needed.”[[8]](#footnote-8) UNQUOTE

Please join us as we affirm: That federal election law should be significantly reformed in the United States.

OBSERVATION 1. Our DEFINITIONS

**Federal:** “2 relating to or denoting the central government as distinguished from the separate units constituting a federation” *(Oxford University Press 2013.* [*http://oxforddictionaries.com/definition/english/federal?q=federal*](http://oxforddictionaries.com/definition/english/federal?q=federal)*)*

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“Election law is defined as the body of law that controls how voters choose a candidate on the local, state, or national level. This includes all of the statutes, regulations, and case law cover who can run for office, who can vote, where and why elections are held, and how electoral campaigns are financed. “

**Reform**: “make changes in (something, especially an institution or practice) in order to improve it:” (*Oxford University Press 2013.* [*http://oxforddictionaries.com/definition/english/reform?q=reform*](http://oxforddictionaries.com/definition/english/reform?q=reform)*)*

OBSERVATION 2. INHERENCY, or the conditions of the Status Quo

FACT 1. Only 10 states require photo ID to vote

Maya Rhodan 2013. (journalist with Time magazine) “States Eye Voting Obstacles in Wake of High-Court Ruling” 5 July 2013 <http://swampland.time.com/2013/07/05/states-eye-voting-obstacles-in-wake-of-high-court-ruling/>

In last week’s ruling, it threw out the lower court’s decision, giving Texas the opportunity to carry out the strict law, which requires voters to present a driver’s license, handgun license, military ID, a passport or a state-issued “election identification certificate.” Voter-ID laws have been stirring emotions on both sides of the political debate for years; 180 more restrictive bills have been introduced since 2011, including voter-ID laws in 30 states. Ten states have photo-ID laws.

FACT 2. FEIA has been proposed. The Federal Elections Integrity Act would require ID nationwide if it were enacted

Rep. Joe Walsh quoted by journalist Nick Wing 2012. (Walsh – US congressman from Illinois) “Joe Walsh, GOP Congressman, Introduces New Federal Voter ID Bill” 19 June 2012 HUFFINGTON POST <http://www.huffingtonpost.com/2012/06/19/joe-walsh-voter-id_n_1609311.html>

Tea Party-backed Rep. Joe Walsh (R-Ill.) on Tuesday unveiled a new push to enact a national voter ID law ahead of the 2012 elections. His proposed Federal Elections Integrity Act would require voters to present a government-issued photo ID in order to vote in federal elections. “Current federal law requires those voting in federal elections to be American citizens,” Walsh said in a press release. "This long overdue bill simply enforces that requirement and will be a huge step towards combating voter fraud in this country." Walsh said voter fraud was a "real issue" in the country, using an oft-repeated Republican refrain about the supposed prevalence of the problem. "We have seen plenty of examples of people lying about who they are, and convicted felons, dead people, and illegal immigrants voting. This bill is just common sense," he added. "The American people understand that it makes no sense that a photo ID is required to get a library card or board an airplane, but not required to do something as sacred as voting."

OBSERVATION 3. The PLAN

1. Congress passes the Federal Elections Integrity Act (FEIA), requiring voters to present a government-issued photo ID to vote in federal elections.
2. Enforcement through the Justice Department and the Federal Elections Commission.
3. Plan takes effect at the 2016 election.
4. Funding through cutting $5 million from Head Start.
5. Affirmative speeches may clarify the Plan as needed.

OBSERVATION 5. JUSTIFICATIONS, or reasons why our Plan should be adopted.

JUSTIFICATION 1. Voting fraud. We see this in 2 sub-points

A. The Problem: Significant voting fraud

Horace Cooper 2012. (adjunct fellow with the National Center for Public Policy Research, Co-Chairman of the Project 21 National Advisory Board; taught constitutional law at George Mason University and was general counsel to U.S. House Majority Leader Dick Armey) Nov 2012 “The Brennan Center is Wrong: Voter Fraud is a Real Threat to Every Citizen's Constitutional Rights” <http://www.nationalcenter.org/NPA642.html>

**Voter Fraud is Real and Significant** Here's a sample: **Virginia:** The Richmond Times Dispatch reported in early July that convicted felon Sheila Peterson was one of 40 people who have been charged with engaging in voter fraud. Ms. Peterson, along with career criminal Michael Harris and several other felons, was targeted in an investigation that led to prosecutions of the crime of targeting felons for registration heading into the 2008 presidential election. Bonnie Nicholson, a felon living in Louisa County, was charged in mid-July with having used pre-printed forms from the leftist Voter Participation Center to register to vote, and then cast a ballot in the 2008 presidential election. **Texas:** Testimony in the voting rights lawsuit Texas filed against U.S. Department of Justice efforts to block its voter ID program revealed that more than 50,000 dead people are registered to vote in Texas. The state can prove that at least 239 dead people voted in the May election — 213 of them in person. A state senator testified that his long-deceased grandfather is among those recorded as having voted. The Texas State Attorney General's office reported 50 election fraud convictions since 2002 and promises that prosecutions are ongoing. **Arkansas:** In the spring of this year, a special prosecutor was appointed to handle a case involving allegations of voter fraud in Mississippi County in an election held in June of last year. K**entucky:** This year the U.S. Attorney for the Eastern District of Kentucky brought a blockbuster voter fraud case involving drug dealers selling and exchanging marijuana and cocaine in order to manipulate the outcome of local elections. Kerry B. Harvey, the U.S. Attorney, has taken the lead on a number of recent federal prosecutions involving vote-buying schemes in the Eastern District. In the most recent case, drug dealers are accused of having spent nearly $400,000 buying votes at $50 apiece. In the last two years alone more than 20 public officials and others have either been convicted or pleaded guilty in various vote-buying schemes.

B. The Solution: Voter ID eliminates opportunities for election fraud

Peter Nelson & Harry Niska 2012. (Nelson – attorney; director of public policy and associate general counsel at Center of the American Experiment; law degree from the University of Minnesota Law School. Niska – attorney with Ross & Orenstein LLC in Minneapolis, law degree fro Univ of Minnesota Law School ) Debating Voter ID: A Means to Increase Confidence in Elections 14 Aug 2012 BENCH & BAR OF MINNESOTA (brackets and ellipses in original) <http://mnbenchbar.com/2012/08/debating-voter-id-a-means-to-increase-confidence-in-elections/>

Presenting a photo ID when voting would largely eliminate many of the more common and obvious opportunities for fraud, including:  
- voting at multiple sites;  
- impersonating a voter, including a dead voter;  
- voting under a fictitious voter registration;  
- forging absentee ballots; and  
- voting by ineligible felons and noncitizens.  
Because these opportunities for fraud are so obvious to the average voter, it’s no wonder that 64 percent of voters in an April 2012 Rasmussen poll “rate voter fraud at least a somewhat serious problem.” By eliminating these very visible opportunities for fraud, photo ID would increase voters’ confidence in election results. This confidence is critical to America’s representative system of government, regardless of the actual magnitude of voter fraud.

JUSTIFICATION 2. Close Election Integrity. Regardless of how much election fraud occurs, we should require ID because small amounts of fraud could make a difference in a close election

Commission on Federal Election Reform 2005. (co-chaired by former President Jimmy Carter and James A. Baker III, former Secretary of the Treasury and former Secretary of State) Building Confidence in U.S. Elections - Report of the Commission on Federal Election Reform, September 2005 <http://www1.american.edu/ia/cfer/report/report.html>

We rejected the first option — eliminating any requirements — because we believe that citizens should identify themselves as the correct person on the registration list when they vote. While the Commission is divided on the magnitude of voter fraud — with some believing the problem is widespread and others believing that it is minor — there is no doubt that it occurs. The problem, however, is not the magnitude of the fraud. In close or disputed elections, and there are many, a small amount of fraud could make the margin of difference. And second, the perception of possible fraud contributes to low confidence in the system. A good ID system could deter, detect, or eliminate several potential avenues of fraud— such as multiple voting or voting by individuals using the identities of others or those who are deceased — and thus it can enhance confidence.

JUSTIFICATION 3. Voter confidence

A. The Link: Voter ID preserves voter confidence in election integrity

Matt Schultz 2012. (Iowa Secretary of State ; note: in Iowa, the secretary of state is responsible for managing the state’s elections) Testimony to the Senate Judiciary Committee, 19 Dec 2012 <http://www.judiciary.senate.gov/pdf/12-12-19SchultzTestimony.pdf>

We have seen that measures adopted to protect the integrity of elections, such as voter identification laws, have actually led to an increase in voter participation increased. Opponents of these measures frequently claim that laws meant to enhance election integrity are suppressing the vote. Yet they offer no evidence to support their claims, only theories often cloaked in political rhetoric. The truth is that when election officials take steps to secure the integrity and safety of the ballot box, confidence in the outcome rises, and voter participation increases.

B. The Impact: Fulfilling voters’ expectations is key to democracy

Brian O'Neal 1993. (with the Political and Social Affairs Division of the Canadian Library of Parliament) May 1993 ELECTORAL SYSTEMS, <http://www.parl.gc.ca/Content/LOP/researchpublications/bp334-e.htm#1>

Democracy is an ideal, an abstraction which often assumes concrete dimensions for the vast majority of people through the electoral system. For many, an election marks the only occasion of any form of political participation --- it is the only tangible evidence of what it means to be a citizen in a democratic society. It is therefore of utmost importance that electoral systems be seen as fair and as fulfilling public expectations; if not, democracy itself is put at risk.

JUSTIFICATION 4. Uphold the rights of legitimate voters.

Hans von Spakovsky 2013. (law degree from Vanderbilt Univ.; formerly served on the Board of Advisors of the U.S. Election Assistance Commission and on the Fulton County (Ga.) Board of Registrations and Elections; Senior Legal Fellow / Manager, Civil Justice Reform Initiative Edwin Meese III Center for Legal and Judicial Studies, Heritage Foundation) “Requiring Photographic Identification by Voters in North Carolina” 18 July 2013 <http://www.heritage.org/research/lecture/2013/07/requiring-photographic-identification-by-voters-in-north-carolina>

I doubt anyone believes that it would be a good idea for a county to allow worldwide Internet access to the computer it uses in its election headquarters to tabulate ballots and count votes. We are a computer-literate generation that understands allowing such outside access to the software used for counting votes would imperil the integrity of the election. Requiring voters to authenticate their identity at the polling place and when voting absentee is part and parcel of the same kind of security necessary to protect the integrity of elections and access to the voting process. Every illegal vote steals the vote of a legitimate voter. Voter ID can prevent:  
Impersonation fraud at the polls,  
Voting under fictitious voter registrations,  
Double voting by individuals registered in more than one state or locality, and  
Voting by illegal aliens.  
As the Commission on Federal Election Reform headed by President Jimmy Carter and Secretary of State James Baker said in 2005:  
The electoral system cannot inspire public confidence if no safeguards exist to deter or detect fraud or to confirm the identity of voters. Photo IDs currently are needed to board a plane, enter federal buildings, and cash a check. Voting is equally important.

SWEET SIXTEEN: THE CASE FOR LOWERING THE VOTING AGE

There are millions of law-abiding Americans ready, able, and willing to vote, who are blocked by status quo law. Their ability to vote should be presumed and guaranteed, and it should be the Negative’s burden to justify excluding them. We’ll show you why as we affirm: That federal election law should be significantly reformed in the United States.

OBSERVATION 1. Our DEFINITIONS

Election Law:

Oklahoma City University Law School, last updated 26 June 2013. LAW LIBRARY LIBGUIDES “Election Law” <http://law.okcu.libguides.com/content.php?pid=114175>

“Election law is defined as the body of law that controls how voters choose a candidate on the local, state, or national level. This includes all of the statutes, regulations, and case law cover who can run for office, who can vote, where and why elections are held, and how electoral campaigns are financed. “

**Significant**: “ having or likely to have influence or effect “ *(Merriam-Webster Online Dictionary 2013.* <http://www.merriam-webster.com/dictionary/significant>)

**Reform**: “make changes in (something, especially an institution or practice) in order to improve it:” (*Oxford University Press 2013.* [*http://oxforddictionaries.com/definition/english/reform?q=reform*](http://oxforddictionaries.com/definition/english/reform?q=reform)*)*

OBSERVATION 2. INHERENCY, or the current conditions of the Status Quo. One simple fact: The US voting age is 18, but it should be lower

Prof. Vivian Hamilton 2012. (Associate Professor of Law, William & Mary School of Law. J.D. Harvard Law School) “Democratic Inclusion, Cognitive Development, and the Age of Electoral Majority” <http://scholarship.law.wm.edu/cgi/viewcontent.cgi?article=2505&context=facpubs>

The voting age in every U.S. state is eighteen, but the United States is not among the growing number of democracies deliberating the electoral inclusion of some cohort of their younger citizens. It should be.

OBSERVATION 3. The voting CRITERION: Excluding people from voting requires the burden of proof. Normally in a debate round the Affirmative has the burden to prove we should change. However, this round will be unusual. Because of the unique nature of our subject matter, the Negative has the burden to prove why capable law abiding citizens should not be allowed to vote. Writing in the context of discussion about the voting age, Law Professor Vivian Hamilton said in 2012 QUOTE:

Prof. Vivian Hamilton 2012. (Associate Professor of Law, William & Mary School of Law. J.D. Harvard Law School) “Democratic Inclusion, Cognitive Development, and the Age of Electoral Majority” <http://scholarship.law.wm.edu/cgi/viewcontent.cgi?article=2505&context=facpubs>

“For centuries, voting was a privilege limited to few, but democratic norms now require that electoral inclusion be presumed, and exclusion justified.”

UNQUOTE. Our criterion for judging this round is simple: By default, our plan to let them vote should be accepted. To win, the Negative team has the burden of proof to convince you why voters should be excluded.

OBSERVATION 4. We have a PLAN, to be enacted through any necessary constitutional means:

1. Congress enacts a law lowering the minimum voting age in federal elections to 16 years.
2. Enforcement through the federal courts and the Justice Department. The Supreme Court upholds the mandates against any challenges.
3. Funding through existing budgets of existing agencies.
4. Plan is enacted immediately upon an Affirmative ballot and first applies to the 2016 elections.
5. All Affirmative speeches may clarify the Plan as needed.

OBSERVATION 5. SOLVENCY. Congress can set a lower voting age for federal elections

Dr. Sonja C. Grover 2011. (PhD, professor at Lakehead University, Ontario Canada) Young People’s Human Rights and the Politics of Voting Age (parentheses in original) <http://books.google.fr/books?id=QIMjF8oGaW4C&pg=PA114&lpg=PA114&dq=voting+age+federal+elections+%22united+states%22&source=bl&ots=Ql5UR0xDwq&sig=Dj6B2NXhJsvVZS0iukgDoVIThcA&hl=en&sa=X&ei=fnQPUr-7PMWM7QaZ-IBA&redir_esc=y#v=onepage&q=voting%20age%20federal%20elections%20%22united%20states%22&f=false>

The fact that the 26th Amendment stipulates an express prohibition against aged-based discrimination in voting rights for U.S. citizens 18 years and over does not at all imply that discrimination in respect of voting rights against person s under age 18 years is constitutional It merely affirms a right of non-discrimination in the vote for U.S. citizens 18 and over and is silent on the issue in regards to those citizens under age 18. This is evidenced by the fact, for example, that there is no federal constitutional barrier to the U.S. federal and state governments setting a minimum voting age of less than 18 years (i.e. 16 years) in federal and state electoral law respectively.

OBSERVATION 6. JUSTIFICATIONS.

JUSTIFICATION 1. No justification for the Status Quo. This refers back to our voting criterion. Since young people have the necessary competency to vote, there is no justification for denying it.

Prof. Vivian Hamilton 2012. (Associate Professor of Law, William & Mary School of Law. J.D. Harvard Law School) “Democratic Inclusion, Cognitive Development, and the Age of Electoral Majority” <http://scholarship.law.wm.edu/cgi/viewcontent.cgi?article=2505&context=facpubs>

Research in developmental psychology and cognitive and social neuroscience explains not only that adolescents make notoriously bad decisions under certain conditions, but also why it is they do so. This research explains that by midadolescence, when making unpressured, considered decisions—like those required to privately cast a ballot in an election that has unfolded over time—their cognitive competencies are mature. States can thus no longer justify the electoral exclusion of midadolescents by claiming that they lack the relevant competencies. Absent other legitimate bases for their exclusion, the democratic presumption of inclusion obliges the states to adjust downward the age of electoral majority.

JUSTIFICATION 2. Fairness. Those who are able to vote ought to be allowed to vote.

Dr. Daniel Hart 2011. (EdD. from Harvard; Professor of Childhood Studies and Psychology, and Director of the Institute for Effective Education, at Rutgers Univ) 24 Feb 2011 Daniel Hart: Time for American Teens Under 18 to Hit the Polls <http://www.aapss.org/news/2011/02/24/interview-with-daniel-hart-time-for-american-teens-under-18-to-hit-the-polls>

But what we are suggesting is that maybe on initial reactions we might think that sixteen- and seventeen-year-olds are fairly excluded from joining the public and voting, but then when you actually look at the details it is an unprincipled, unfair decision that, in fact, if we think of the qualities that we ordinarily imagine to be important for deciding who gets a vote and who does not, that adolescents who are sixteen and seventeen are in as much possession of those characteristics as are eighteen- and nineteen-year-olds. And so on the principle of fairness and ensuring that everyone who ought to be able to vote is allowed to vote, we are saying that sixteen- and seventeen-year-olds ought to be given that right.

JUSTIFCATION 3. Better government responsiveness. Problems of youth would be better addressed by lawmakers if the voting age were lowered.

Keith Mandell 1999. (attorney, member of the Board of Directors of the National Youth Rights Association) “Proposal to Lower the Voting Age” (ethical disclosure about the date: the article is undated, but contains internal references to an event that occurred in 1999 and future events that would occur in 2000 and 2002; thus, we concluded it was written in ’99) <http://www.youthrights.org/issues/voting-age/proposal-to-lower-the-voting-age/>

A voting age of sixteen would be the most effective way for long ignored problems of both youth and adults to be better addressed. Young people have a strong interest in improving education, reducing poverty, preventing crime and protecting the environment. Young people who work pay social security taxes, yet have no say in how the social security system is preserved so funds will be available for them. Many adults agree with young people on these issues, but their concerns remain unaddressed because of the dominance of special interests in government. Youth advocacy groups, such as the Children’s Defense Fund, make a valiant effort so that government will not neglect these problems. Yet these organizations lack power, because they are inadequately funded and fail to seek input from young people themselves. Thus they are unable to build strong bonds with the people they aim to help. As a result, government programs to aid young people are underfunded and less successful than programs that benefit the elderly. A higher voter turnout brought about by a lower voting age will make it easier for teens and adults to organize and pressure government to more fully address these serious problems.

JUSTIFICATION 4. Better education.

Christopher Gribbin 2004. (Policy Officer with Victorian Electoral Commission, a state government agency in the state of Victoria, Australia) 20 August 2004 “Lowering the Voting Age “ <https://www.vec.vic.gov.au/files/RP-LoweringtheVotingAge.pdf>

From an electoral perspective, there are a number of advantages to lowering the voting age:  
• lowering the voting age to an age when people are still in school would allow more effective education programmes due to them being more relevant to students’ immediate lives;

JUSTIFICATION 5. Adult motivation. Youth voting would reinvigorate democracy by bringing apathetic adults back to the polls

Keith Mandell 1999. (attorney, member of the Board of Directors of the National Youth Rights Association) “Proposal to Lower the Voting Age” (ethical disclosure about the date: the article is undated, but contains internal references to an event that occurred in 1999 and future events that would occur in 2000 and 2002; thus, we concluded it was written in ’99) <http://www.youthrights.org/issues/voting-age/proposal-to-lower-the-voting-age/>

One simple step can greatly improve voter turnout and interest in elections. This step can also increase government responsiveness and help reinvigorate our democracy. In state after state and around the world, allowing young people to vote in elections has had substantial positive effects. The voting age in the District of Columbia should be lowered to sixteen for all elections for two election cycles (until 2002) in order to give this proposal full time to demonstrate its numerous benefits. Lowering the voting age to sixteen would increase interest in politics among both adults and young people. It would help bring apathetic adults back to the polls. Studies have shown that young people who participate in national mock elections, bring their enthusiasm for politics back to their parents, who vote in higher numbers. This “trickle-up effect” has had its greatest impact among parents from lower socio-economic backgrounds. This is especially important in the District, which has a high number of low income families.

JUSTIFICATION 6. Valuable insights. Young people’s perspectives should be valued because they will enhance democracy

Christopher Gribbin 2004. (Policy Officer with Victorian Electoral Commission, a state government agency in the state of Victoria, Australia) 20 August 2004 “Lowering the Voting Age “ <https://www.vec.vic.gov.au/files/RP-LoweringtheVotingAge.pdf>

At any rate, substantial life experience does not seem necessary in order to “understand the nature and significance of enrolment and voting”. Moreover, 16/17 year olds do have experience of aspects of life related to politics (see above) – which may be judged a sufficient level – and, moreover, the experience they have had will be different to that of older people, giving them a valuable insight, the inclusion of which should enhance the level of democracy.

JUSTIFICATION 7. Human dignity.

Dr. Sonja C. Grover 2011. (PhD, professor at Lakehead University, Ontario Canada) Young People’s Human Rights and the Politics of Voting Age <http://books.google.fr/books?id=QIMjF8oGaW4C&pg=PA114&lpg=PA114&dq=voting+age+federal+elections+%22united+states%22&source=bl&ots=Ql5UR0xDwq&sig=Dj6B2NXhJsvVZS0iukgDoVIThcA&hl=en&sa=X&ei=fnQPUr-7PMWM7QaZ-IBA&redir_esc=y#v=onepage&q=voting%20age%20federal%20elections%20%22united%20states%22&f=false>

The appreciation of human rights and human dignity is the stimulus for acts of resistance against oppression. That resistance has existed for time immemorial and ranges from passive resistance (i.e. even just the desire to survive victimization may be regarded as an act of resistance) to overt, active resistance. The struggle for the youth vote by youth is then, at its core, emblematic of the recognition by young people of their human dignity and intrinsic worth as autonomous persons.

WE SHALL OVERCOME: THE CASE FOR REINSTATING THE VOTING RIGHTS ACT

In 1963, Martin Luther King Jr. gave his famous “I Have A Dream” speech as the last speaker of the day during the famous March on Washington. Of all the men who spoke on the platform that day, only 1 is still alive today. His life story included being beaten unconscious by Alabama state police in 1965 during a non-violent march for voting rights. Today, Representative John Lewis is an elderly man who still stands up for voting rights as he represents Georgia in Congress. He said recently in 2013

QUOTE: “Those, who sacrificed everything – their blood and their lives – and generations yet unborn, are all hoping and praying that Congress will rise to the challenge and get it done again. It is my belief that the Voting Rights Act is needed now more than ever before. The burden cannot be on those citizens whose rights were, or will be, violated; it is the duty of Congress to restore the life and soul to the Voting Rights Act. “[[9]](#footnote-9) UNQUOTE.

Please stand with us in this proud tradition of civil rights as we affirm: That federal election law should be significantly reformed in the United States.

OBSERVATION 1. Our DEFINITIONS

Election Law:

Oklahoma City University Law School, last updated 26 June 2013. LAW LIBRARY LIBGUIDES “Election Law” <http://law.okcu.libguides.com/content.php?pid=114175>

“Election law is defined as the body of law that controls how voters choose a candidate on the local, state, or national level. This includes all of the statutes, regulations, and case law cover who can run for office, who can vote, where and why elections are held, and how electoral campaigns are financed. “

**Significant**: “ having or likely to have influence or effect “ *(Merriam-Webster Online Dictionary 2013.* <http://www.merriam-webster.com/dictionary/significant>)

**Reform**: “make changes in (something, especially an institution or practice) in order to improve it:” (*Oxford University Press 2013.* [*http://oxforddictionaries.com/definition/english/reform?q=reform*](http://oxforddictionaries.com/definition/english/reform?q=reform)*)*

OBSERVATION 2. INHERENCY, or the conditions of the Status Quo.

FACT 1. The historical context. The federal Voting Rights Act of 1965 was established to stop racist vote suppression and to block local election laws designed to disenfranchise minorities.

The Economist 2011. (respected British news magazine) 3 Feb 2011 “The preclearance problem” <http://www.economist.com/node/18073323>

The VRA was passed in the wake of the systematic suppression of the black vote across the South, whether by violence or by capriciously complex voting systems, inconvenient polling locations or, most commonly, tests of literacy, constitutional exegesis or “moral character”. Both Mr Kobrovsky and the Shelby County plaintiffs argue that the VRA has served its purpose. They have a point: voting among black Southerners has risen dramatically: in 1965 a mere 6.7% of black voters in Mississippi were registered; by 1988 the proportion was 74.2%. That year in Louisiana, as in Texas and Georgia in 2004, a higher proportion of blacks than whites were registered to vote. And nationally in 2008, more blacks than whites between the ages of 18 and 44 voted. High time, say opponents, to retire a section of the VRA that poses thorny constitutional problems. The section in question, section five, requires jurisdictions that used a “test or device” to bar people from voting, and had a turnout below 50% in the presidential election of 1964, to obtain federal approval for any changes to their election practices, such as redistricting. Part or all of 16 states are covered by the “preclearance” requirement of section five, including nine in the South; they must show that such changes do not deny people the right to vote because of their race or native language.

FACT 2. Supreme Court reversal. A recent Supreme Court decision leaves voting rights in jeopardy by exempting states from the “preclearance” provisions of the VRA.

Lucy Zhou 2013. (Research Associate in the Democracy Program at Brennan Center for Justice at NYU Univ. School of Law; formerly worked for Relman, Dane & Colfax, a civil rights law firm in Washington ) “On 48th Anniversary, Future of Voting Rights Act Uncertain” 6 Aug 2013 <http://www.brennancenter.org/blog/48th-anniversary-future-voting-rights-act-uncertain>

Forty-eight years ago today, President Lyndon Johnson signed the Voting Rights Act of 1965 (VRA) into law, codifying the 15th Amendment’s guarantee of the right to vote free from racial discrimination. The voting landscape looks quite different today than it did nearly five decades ago, in large part due to the effectiveness of the VRA. It is unmistakable that our country has made significant strides toward a more fair and inclusive democracy. And yet with the Supreme Court’s recent Shelby County v. Holder decision, we are, in some ways, right back where we started. The Shelby County decision severely handicapped the VRA, rendering inoperable the formula that determined which states needed to obtain federal approval, or “preclearance,” before enacting any voting changes. While the preclearance provision of the VRA was not the only tool to combat racial discrimination in voting, it was certainly the most effective, singlehandedly blocking 86 proposed voting changes in the past 15 years, and deterring countless more. While a giant question mark now hangs on the future of the VRA, voting rights are already in jeopardy. Immediately following the Supreme Court’s decision, Texas Attorney General Greg Abbott announced that the state would move forward with the voter identification law that had been blocked last year by a federal court, due to its discriminatory effect on poor and minority voters.

OBSERVATION 3. The FAILURES. The suspension of VRA preclearance was a mistake for 2 reasons

FAILURE 1. Racial vote suppression still exists

Rep. John Lewis 2013. (D-Ga.; last living speaker from the day of the Martin Luther King march on Washington in 1963 (“I Have A Dream”), was beaten unconscious by police during a non-violent civil rights march in Selma, Alabama in 1965) 17 July 2013 Testimony of Congressman John Lewis for the US Senate Judiciary Committee Hearing on FROM SELMA TO SHELBY COUNT: WORKING TOGETHER TO RESTORE THE PROTECTIONS OF THE VOTING RIGHTS ACT <http://www.judiciary.senate.gov/pdf/7-17-13LewisTestimony.pdf>

It is true; we have made progress. We have come a great distance, but the deliberate, systematic attempt to make it harder and more difficult for many people to participate in the democratic process still exists to this very day. During the 2006 reauthorization process, Congress’ research discovered that there is not a change in will, simply a change in tactics. No one can deny that progress has been made, but no one – not even the Supreme Court – denies that the efforts to suppress and dilute minority voting rights continue to exist.

FAILURE 2. Harder to stop abuse. It used to be the state’s responsibility to prove they were upholding voting rights. Now every individual has to file, and pay for, his own lawsuit.

Prof. **A.E. Dick Howard** 2013. (*Professor of Law and Public Affairs at the University of Virginia expert on constitutional law and the Supreme Court) “*Voting Rights Act Decision Effectively Ends 'Preclearance,' UVA Law Professor Says” 25 June 2013 <http://www.law.virginia.edu/html/news/2013_sum/scotus_voting_rights.htm>

The court leaves Section 2 of the Voting Rights Act intact. That is the section under which challenges may be lodged against state or local practices that are complained of as abridging the right to vote on account of race or color. But this would require individual lawsuits, with the burden being on the plaintiff (unlike preclearance, which obliges the covered jurisdiction to make its case). Such lawsuits take time and money, proceeding case by case.

OBSERVATION 3. The PLAN

1. Congress replaces the preclearance criterion formula of Section 4 of VRA with an express list of the names of the states and jurisdictions that were covered before the Shelby County v. Holder decision. In plain English, we restore the coverage of the Voting Rights Act back to the way it was before the Supreme Court overturned it.
2. If any challenges occur, the Supreme Court upholds the plan.
3. Enforcement through the Justice Department and the federal courts.
4. Plan takes effect the day after an Affirmative ballot.
5. Funding through existing budgets of existing agencies.
6. Affirmative speeches may clarify the Plan as needed.

OBSERVATION 5. SOLVENCY. Congress can name an express list of jurisdictions in VRA Section 4.

Rep. Sheila Jackson Lee 2013. (D-Texas ) 17 July 2013 “Op-Ed What Should Be DONE? Reviving the Voting Rights Act After Shelby County v. Holder » <http://forwardtimesonline.com/2013/index.php/editorial/item/248-op-ed-what-should-be-done>

The obvious conclusion that can be drawn from this history is that the Congress that drafted the 1965 Voting Rights Act knew exactly what it was doing when it devised the coverage formula of Section 4(b). Congress wanted to protect the right to vote of citizens in the states where it was being abridged on account of race. And it knew precisely which states were abridging that right on account of race. They were the same states targeted by Section 2 of the 14th Amendment. Congress could have identified those states by name in the statute but followed the custom established by the Framers of the Constitution and the 14th Amendment and declined to do so.

OBSERVATION 6. The ADVANTAGES

ADVANTAGE 1. We Prevent backsliding. We see this in 2 sub-points:

A. The Link: VRA prevents backsliding. Even if great progress has been made since the bad old days of segregation, the Supreme Court should respect Congress’ determination that VRA pre-clearance is needed to prevent states from backsliding into those old ways again.

Supreme Court Justice Ruth Bader Ginsberg 2013. Dissenting opinion in the case of Shelby County v. Holder, 25 June 2013 <http://www.supremecourt.gov/opinions/12pdf/12-96_6k47.pdf> (brackets added; “unstinting approbation” means “unhesitating approval”)

Recognizing that large progress has been made, Congress determined, based on a voluminous record, that the scourge of discrimination was not yet extirpated. The question this case presents is who decides whether, as currently operative, §5 remains justifiable, this Court, or a Congress charged with the obligation to enforce the post-Civil War Amendments “by appropriate legislation.” With overwhelming support in both Houses, Congress concluded that, for two prime reasons, §[section]5 should continue in force, unabated. First, continuance would facilitate completion of the impressive gains thus far made; and second, continuance would guard against back­sliding. Those assessments were well within Congress’ province to make and should elicit this Court’s unstinting approbation.

B. The Impact: Rights will be lost. Without VRA, minority citizens will be deprived of voting rights, and the gains of the last generation will be undermined

Supreme Court Justice Ruth Bader Ginsberg 2013. Dissenting opinion in the case of Shelby County v. Holder, 25 June 2013 <http://www.supremecourt.gov/opinions/12pdf/12-96_6k47.pdf> (brackets in original)

After considering the full legislative record, Congress made the following findings: The VRA has directly caused significant progress in eliminating first-generation barriers to ballot access, leading to a marked increase in minority voter registration and turnout and the number of minority elected officials. 2006 Reauthorization §2(b)(1). But despite this progress, “second generation barriers constructed to prevent minority voters from fully participating in the electoral process” continued to exist, as well as racially polarized voting in the covered jurisdictions, which increased the political vulnerability of racial and language minorities in those jurisdictions. §§2(b)(2)–(3), 120 Stat. 577. Extensive “[e]vidence of continued discrimination,” Congress concluded, “clearly show[ed] the continued need for Federal oversight” in covered jurisdictions. §§2(b)(4)–(5), id., at 577–578. The overall record demonstrated to the federal lawmakers that, “without the continuation of the Voting Rights Act of 1965 protections, racial and language minority citizens will be deprived of the opportunity to exercise their right to vote, or will have their votes diluted, undermining the significant gains made by minorities in the last 40 years.” §2(b)(9), id., at 578.

ADVANTAGE 2. Protect democracy. Restoring VRA is key to ensuring fair elections and equality for all

Wendy R. Weiser 2013. (attorney; JD from Yale Law School; directs the Democracy Program at the Brennan Center for Justice at NYU School of Law ) Senate Testimony: Working Together to Restore Protections of the Voting Rights Act, 17 July 2013 <http://www.brennancenter.org/analysis/senate-testimony-working-together-restore-protections-voting-rights-act>

The Voting Rights Act was a remarkable accomplishment for the nation, ushering in the promise of real political equality after centuries of abuse. The Act has taken on an iconic role, reflecting the country’s rejection of the brutality of Jim Crow and embrace of the core constitutional value of political equality. It has simultaneously played a hardworking role, protecting against ongoing discrimination in the voting process. The Supreme Court’s decision in Shelby County gutted the core of the Voting Rights Act. In doing so, it left a gaping hole in American law and demands an immediate response. While Section 5 has been an enormously successful tool in the struggle to eradicate racial discrimination in voting, the struggle is not over. Strong legal protections are crucial to sustaining the core value of our democracy, reflected in the Declaration of Independence, that we all are created equal. We urge Congress to work together again to restore this critical law to ensure our elections remain free, fair, and accessible for all Americans.

1. Prof. Jay S. Bybee 1997. (Associate Professor of Law, Louisiana State Univ.) ULYSSES AT THE MAST: DEMOCRACY, FEDERALISM, AND THE SIRENS' SONG OF THE SEVENTEENTH AMENDMENT , Northwestern University Law Review, Vol 91 No. 2 (brackets and ellipses in original) <http://scholars.law.unlv.edu/cgi/viewcontent.cgi?article=1365&context=facpub> [↑](#footnote-ref-1)
2. Supreme Court Justice John Paul Stevens 2010. (opinion dissenting in part and concurring in part in Citizens United v. Federal Election Commission) 21 Jan 2010 <http://supreme.justia.com/cases/federal/us/558/08-205/cdinpart.html> [↑](#footnote-ref-2)
3. Aristotle quoted by Malcolm Heath “Aristotle on Comedy” <http://www.docstoc.com/docs/71002445/Aristotelian-Comedy> [↑](#footnote-ref-3)
4. Opinion of the Court in Wesberry v. Sanders, 376 US 1, 17 Feb 1964 <http://www.law.cornell.edu/supct/html/historics/USSC_CR_0376_0001_ZO.html> [↑](#footnote-ref-4)
5. Excerpts from Governor Charlie Crist's Clemency Board Notes on the Restoration of Civil Rights, 2007, quoted by Muslima Lewis at <http://www.knowmyrights.org/knowledgebase/publications/florida-voting-rights-report-2009> [↑](#footnote-ref-5)
6. Dr. G. Terry Madonna (Professor of Public Affairs at Franklin & Marshall College) and Dr. Michael Young (former Professor of Politics and Public Affairs at Penn State University and Managing Partner at Michael Young Strategic Research) 23 Jan 2004 “A Crazy System” <http://www.fandm.edu/politics/politically-uncorrected-column/2004-politically-uncorrected/a-crazy-system>  [↑](#footnote-ref-6)
7. Sen. Robert C. Byrd (N.Y. Times, 3/20/97, at A26) quoted by PUBLIC CITIZEN at <http://www.citizen.org/congress/article_redirect.cfm?ID=5723> [↑](#footnote-ref-7)
8. Commission on Federal Election Reform 2005. (co-chaired by former President Jimmy Carter and James A. Baker III, former Secretary of the Treasury and former Secretary of State) Building Confidence in U.S. Elections - Report of the Commission on Federal Election Reform, September 2005 <http://www1.american.edu/ia/cfer/report/report.html> [↑](#footnote-ref-8)
9. Rep. John Lewis 2013. 17 July 2013 Testimony of Congressman John Lewis for the US Senate Judiciary Committee Hearing on FROM SELMA TO SHELBY COUNT: WORKING TOGETHER TO RESTORE THE PROTECTIONS OF THE VOTING RIGHTS ACT <http://www.judiciary.senate.gov/pdf/7-17-13LewisTestimony.pdf> [↑](#footnote-ref-9)