This book offers a critical reevaluation of three fundamental and interlocking themes in American democracy: the relationship between race and politics, the performance and reform of election systems, and the role of courts in regulating the political process. This edited volume features contributions from some of the leading voices in election law and social science. The authors address the recurring questions for American democracy and identify new challenges for the twenty-first century. They not only consider where current policy and scholarship are headed, but also suggest where they ought to go over the next two decades. The book thus provides intellectual guideposts for future scholarship and policy making in American democracy.


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Recent developments have pushed elections scholarship in new directions. As a result, interdisciplinary work has flourished and political scientists and law professors have developed a more sophisticated sense of the relationship between law and politics. This series seeks to create an intellectual roadmap for the field, one that systematically examines the issues confronting both mature and emerging democracies. It will chart those new intellectual paths to spur interdisciplinary work, to identify productive ways in which scholars’ research agendas connect to policy makers’ reform agendas, and to disseminate this body of work to the growing audience interested in the intersection of law, politics, and democracy.
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Preface

Fair elections are essential to our democracy. It is critical that current safeguards intended to ensure the integrity of the electoral process evolve to meet the challenges posed by rapid social and economic changes – from rising ethnic diversity and economic inequality to the growing scale of campaign funding. To ensure that our democratic institutions satisfy America’s current needs, academic experts and policy practitioners must have a clear understanding of how our elections function, how the obstacles to informed participation are evolving, and how judicial and legislative reform can best foster healthy democracy. *Race, Reform, and Regulation of the Electoral Process* presents the best contemporary research on these questions and charts an agenda for the next generation of scholarship on elections and democracy.

The scholars who contributed to this volume are part of the Tobin Project network of leading academics and policy makers committed to cultivating transformative, interdisciplinary research to address the most important problems for the long-term health, prosperity, and stability of American democracy. This volume is a significant contribution toward that goal, and we are pleased to have played at least a small role in bringing the book to fruition.

The ideas presented here were first shared in February 2009 at a Tobin Project conference: “The Future of Election Law: Policy Challenges and a Research Agenda for Reform.” This meeting brought together an extraordinary group of the leading scholars of democracy and elections across the disciplines of law, political science, public policy, and history; esteemed state and federal judges; senior state officials; and the general counsels for both John McCain’s and Barack Obama’s 2008 presidential campaigns. The research in this book benefited tremendously from the rich exchange of ideas across disciplinary and political boundaries at the conference. The meeting also helped foster the intellectually diverse community necessary to undertake the ambitious research goals laid out herein.

We consider this book to be not the end of a scholarly process, but rather a catalyst for further work and interdisciplinary collaboration. It is our belief that rigorous
research and scholarly consensus on an issue of great public importance – the integrity of our elections and democracy – can be a potent force in framing public dialogue and guiding policy reform. We look forward to the continued efforts of those currently engaged in this project and to further collaboration with those committed to achieving a better understanding of these issues.

We are grateful to the scholars, policy makers, practitioners, and donors who have participated in this project. Special thanks are due to Heather K. Gerken, a member of the Tobin Project’s steering committee, and Guy-Uriel E. Charles, who together chaired the conference and galvanized the stellar group that contributed to *Race, Reform, and Regulation of the Electoral Process*; co-editor Michael S. Kang, who collaborated with Heather and Guy to formulate the intellectual framework of this volume; the American Law Institute for its generous co-sponsorship of this initiative; and Duke University Law School for providing space for the February 2009 meeting.

The Tobin Project
May 2010