

Index

Abramoff scandal, 34-36, 144-148, 154-159 anti-majoritarian design, supermajority rule absentee balloting and, 121-128 apolitical design timing of elections and, 184-188 American populism and, 20-21 U.S. political regulation and, 30-32 voting anonymity violated by, 44-45 characteristics of, 28 accessibility, inequality in, 138-143 coherence and consistency issues in, accountability. See also electoral accountability citizen institutions and role of, 81-85 conflict of interest laws and, 148-154 popular sovereignty and, 10-12 democratic distortion and, 147 democratic imperative and, 10-12, 23-25 transparency and, 41-44 Ackerman, Bruce, 47–48 insulation of policy-making in, 25-29 adaptive mitigation, Electoral College and, material corruption and, 162-169 110-113 pluralism and, 10-12 administrative inoculation political ethics and, 144-148 apolitical design and, 23-25 political patronage and system permeability, conflict of interest laws and, 148-154 159-162 too much democracy question and, 204-210 reform and, 6-7 apportionment, Electoral College agency actions freedom of information laws and, 63-67 inconsistencies concerning, 110-113 representation and, 7-10 Arizona aggregation of resources, "too little democracy" citizen institutions in, 81-85 problem and, 198-204 redistricting in, 125-131 American "exceptionalism," political reform "as if" citizenship, interest group pluralism and, and, 12-13 American political system, reform pluralism asset divestment, conflict of interest laws and, 148-154 anonymous donors, protection of, 47-48 Associated Milk Producers of America, anonymous voting, absentee ballots as threat to, 144-148 association rights, donor information disclosure 44-45 anti-corruption measures and, 48-51 impact of public information disclosure on, at-large districting systems, reform cycles and, political ethics and, 144-148 Austin v. Michigan Chamber of Commerce, "too little democracy" problem and, 198-204 Australia, electoral fairness in, 124

> 236 Index autonomous citizenship premise Bush, George W., 123, 137-138 absentee balloting as threat to, 44-45 Bush v. Gore, 170-173, 182, 198-204 privacy and, 67 business PACs, influence and spending by, Ayers, Ian, 47-48 138-143 Bagley-Keene open meeting law, 58-63 California Baker v. Carr, 125-131, 162-169, 198-204 Citizen Initiated Recall and Referendum in, ballot design conflict of interest laws in, 148-154 election administration and, 184-188 constitutional convention in, 5-6 racial bias and Voting Rights Act and, 188-192 U.S. political regulation and, 30-32 lottery government in, 78-81 ballot initiatives nonpartisanship in state government in, 108-110 political reform and, 36-37 voter and donor information disclosure for, open meeting laws in, 58-63 participatory budgeting (PB) systems in, ballot security issues, voter identification and eligibility and, 178-184 popular initiatives in, 85-87 basic democratic requirements, too little Proposition 8 in, 85–87 democracy question and, 14-15 Proposition 13 in, 87-90 Bay Area Council, 78-81 Proposition 16 ballot in, 48-51 behavior Proposition 31 ballot in, 81-85 political ethics and, 144-148 supermajority rule in, 136-137 voting rights protections and, 170-173 term limits in, 108-110 benign inconsistencies in reform cycle, 108-110 California Democratic Party v. Jones, 95-97 election administration and, 192-193 California Redistricting Commission (CRC), Bennett, Robert, 7-10 125-131 Berry, Christopher, 70-78 campaign finance reform bicameral system, supermajority rule and, coherence and consistency issues in, 39-40 corruption confusion and, 162-169 bipartisanship, redistricting and, 125-131 fair representation and, 138-143 blended constitutional design, reform pluralism hydraulic effect of, 166-167 and, 20-21 interest group and lobbying influence and, blended reform agenda, proposals for, 194-216 interest group pluralism and, 25-29 bold populism, pluralism and, 25-29 Brennan Center, 1-2, 173-178 intermediary and media information bribed voting debate, voter information and, collection and disclosure concerning, 47 45-46 judicialization of, 32-34 Briffault, Richard, 51-54 patched-based approach to, 106-113 Broken: American Political Dysfunction And political ethics and, 147-148 What To Do About It (Garfinkle), 2 populist assumptions concerning, 7–10 Brown, Jerry, 153-154 public disclosure of contributions and, 46-47 Brown Act (California), 58-63 racial bias and Voting Rights Act and, Buckley v. Valeo, 32-34, 51-54, 162-169 188-192 Supreme Court interpretations concerning, budgeting policies, popular initiatives and, 87-90 bureaucratic discretion 12-13, 32-34 patronage politics and, 159-162 "too little democracy" problem and, racial bias and Voting Rights Act and, 198-204 unintended consequences of, 167-168 188-192 reform cycles and, 97-102 voter identification and eligibility and, U.S. political regulation and, 30-32 178-184 voter eligibility requirements and, 173-178 Campaign Legal Center, 1-2



Index

237

campaign targeting practices, voter	Citizens United v. FEC, 32-34, 51-54, 162-169
demographics and, 46	city government, recall elections and, 70–78
Canada, citizen assemblies in, 78–85	civil rights movement
candidates, disclosure of public information on,	redistricting issues and, 125–131
54-57	reform cycles and, 97–102
caucus systems, nomination rule changes and,	civil servants, conflict of interest laws and,
95–97	148–154
census data	civil service
on elected officials, 70–78	reform of, 159–162
public disclosure of, 45–46	in U.S., 37–38
Center for Voting and Democracy, 1–2	class issues, reform cycles and, 102–106
checks and balances	Clinton, Bill, 54–57, 161–162
patterns of reform and, 93–106	Clinton, Hilary, 95–97, 161–162
popular initiatives and, 85–90	cloture votes, supermajority rule and, 131–138
transparency and, 41–44	cognitive fallibility, citizenship and, 7–10
Chicago Convention of 1968, 95–97	coherence, reform agendas and, 210–215
church affiliations, public disclosure of, 54–57	Coleman, Gary, 5–6
citizen caucus, 78–81	commission model for redistricting, 125–131
Citizen Initiated Recall and Referendum, 70–78	Common Cause, 1–2, 5, 125–131
citizen initiatives and institutions	competition
challenges facing, 81–85	in elections, 78–81
participation paradox and, 68–70, 78–85	between intermediaries, pluralism and,
populism and, 10–12, 195	25–29
reform pluralism and, 20–21	in policy making, 138–143
selecting with electing in, 78–81	compulsory voting model of citizen
structural tensions in, 110–113	participation, 81–85
citizen participation. See also direct democracy;	conflict of interest. See also revolving door issue
initiative petitions	disclosure rules, 30–32
benefits of voter registration data for,	open meeting laws and regulation of, 58-63
48–51	outsourced regulation of, 37–38
boundaries to, 90–91	political ethics and, 144–148
campaign targeting practices and, 46	reform cycles and, 106–113
fair representation and, 118–121	regulations against, 148–154
freedom of information and, 63–67	Congress
government transparency and, 57–58	barriers to structural political reform and,
paradoxes of, 68–91	34–36
popular initiative approach and, 85–90	conflict of interest laws and, 148–154
populist promise of, 22–23	demise of constitutional review and, 114-117
reform pluralism and, 196–198	freedom of information laws and, 63-67
transparency vs. privacy and, 44–54	negative opinion of, 1–2
citizen redistricting commissions, 37–38,	political ethics and, 144–148
78–85	racial bias and Voting Rights Act and,
Citizen's Assemblies, 81–85	188–192
citizenship	reform cycles and, 102–106
apolitical inoculation reform and, 23–25	revolving door problem and, 154–159
capacity and competence issues, 20-21,	supermajority rule and, 131–138
22–23, 173–178	consensus
cognitive fallibility and, 7–10, 25–29	bargaining to, in redistricting, 125–131
too much democracy question and shirking	patronage politics and, 159–162
by, 204–210	supermajority rule and, 131–138
voting as duty of, 51–54	consistency, fair representation and, 118-121



238 Index

Constitution (US) reform cycles and, 102-106 Article 1 election provisions, 30-32 "too little democracy problem" and, 198–204 Article 5 and constitutional amendments, criminal conviction, voter eligibility and, 34-36, 114-117 173-178 election administration and clauses of, Cunningham, Randall Duke, 146-147 170-173 cyclical reform initiatives, 106-113 political reform and, 12-13 redistricting mandates and, 121-131 Davis, Gray, 70-78 veto bypassing and, 34-36 declarant alien voting, voter eligibility and, constitutional amendments 173-178 demise of constitutional review and, 114-117 de facto reform pluralism, 92-93 political reform and, 12-13, 20-21, 34-36 delegated power, freedom of information and, popular initiatives and, 85-87 63-67 problematic vs. benign inconsistencies and, delegate model of representation, 131-138 delegation paradox reform cycles and barriers to, 97-102 campaign finance reform and, 166-167 sovereignty of representative government citizen institutions and role of, 81-85 citizen mistrust of government and, 20-21 and, 110-113 government disclosure and, 57-58 supermajority rule and, 131-138 too much democracy question and, 204-210 more elections approach and, 70-78 constitutional convention political ethics and, 144-148 demise of, 36-37, 114-117 popular initiatives and, 87-90 populist design and, 22-23 limitations of, 110-113 representative government and, 7-10 constitutional review, reform cycles and demise of, 114-117 too much democracy question and, 204-210 Constitutional Revision Commission deliberative space (California), 5-6 freedom of information laws and, 63-67 contribution limits, U.S. political regulation open meeting laws and, 58-63 and, 30-32 pluralist preservation of, 25-29 convenience voting, fraud potential of, 44-45 too much democracy question and, 204-210 voter eligibility and, 173-178 Cooley, Steve, 58-63 corruption democracy, apolitical design and, 10-12, 23-25 campaign finance reform and confusion Democracy 21, 1-2 democracy index proposal, donor information concerning, 162-169 donor information disclosure and, 51-54 disclosure and, 48-51 electoral accountability and, 14-15 democratic contestation, principle of, 10-12 interest group and lobbying influence and, patterns of reform and, 93-106 138-143 democratic deficit, apolitical inoculation and, political ethics and, 144-148 23-25 reform pluralism and, 168-169 democratic distortion revolving door issue and, 154-159 corruption and, 162-169 "too little democracy" problem and, 198-204 political ethics and, 147 revolving door issue and, 154-159 county government, benign inconsistencies in supermajority rule and, 131-138 reform of, 108-110 court system too much democracy question and, 204-210 apolitical design and, 23-25 democratic imperative. See also electoral judicialization of political regulation and, accountability blended reform agenda and, 194-216 patronage politics and, 159-162 citizen initiated recalls and, 70-78 popular initiatives and, 85-87 participation paradoxes and, 68-91 redistricting and, 125-131 patterns of reform and, 93-106



Index 239

pluralism and, 215-216 district systems, reform cycles and, 97-102 reform cycles and, 95-97 Dole, Bob, 123 reform populism and, 7-10 "do no further harm" principle, reform agendas transparency and, 67 and, 213-215 Democratic Party donor information disclosure of, 44-54 absentee voting and, 184-188 election administration and, 4-6 impact on voter decisions, 48-51 nomination rule changes in, 95-97 protection of, 47-48 primary elections and, 123 dual constituency problem, supermajority rule racial bias and Voting Rights Act and, and, 136-137 188–192 due process, election administration and, reform cycles and, 102-106 170-173 voter eligibility issues and, 173-178 Eagleton, Tom, 54-57 democratic theory question, election administration and, 170-173 early voting, timing of elections and, 184-188 demographic information earmarks, political ethics and, 159-162 citizen institutions and, 81-85 effectiveness and efficiency issues number of elected officials, 70-78 excessive democracy problem and, 15 redistricting and use of, 121-131 patronage politics and, 159-162 targeted contact based on, 46 efficiency norms, balloting system design and, Department of Veteran's Affairs, health records 184-188 of, 63-67 Egypt, apolitical design in government of, 23-25 dependence corruption, 164 elected representatives negative opinion of, 1-2 descriptive representation, conflict of interest laws and, 148-154 popular initiatives and, 87-90 diplomatic embarrassment, freedom of election administration information laws and, 63-67 benign neglect and unfair treatment, 192-193 direct democracy, 20-21 blended reform agenda for, 194-216 perpetual campaigning and, 57-58 growth of, 70-78 participation paradoxes and, 68-70 polarization concerning reform of, 4-6 patterns of reform and, 93-106 policy-making vs., 170-193 popular initiative approach and, 85-90 politics and, 170-173 populist design and, 22-23 racial bias and Voting Rights Act, 188-192 public information disclosure and, 51-54 timing of elections and, 184-188 reform pluralism and, 196-198 "too little democracy problem" and, 198-204 representative government vs., 25-29 too much democracy question and, 204-210 supermajority rule and, 136-137 U.S. political regulation and, 30-32 suspicion of, 78-81 voter identification and eligibility, 178-184 too much democracy question and, 204-210 Election Assistance Commission (EAC), 30-32 direct selection process, presidential political reform and, 37-38 nominations and, 95-97 election cycles, too much democracy question disclosure of public information and, 204-210 conflict of interest laws and, 148-154 election timing conflict of interest regulation and, 58-63 election administration and, 170-173, democratic imperative and, 67 184-188 freedom of information laws and, 63-67 too much democracy question and, in government, 57-58 204-210 electoral accountability open meeting laws, 58-63 for prospective public officials, 54-57 American principles of, 4-6 too much democracy question and, 204-210 benign inconsistencies and, 108-110 voter and donor information, 44-54 citizen initiated recalls and, 70-78



240 Index

interest group and lobbying influence and electoral accountability (cont.) citizen knowledge and participation and, role of, 138-143 patronage politics and, 159-162 15-16 disclosure of personal information and, skepticism concerning, 114-117 54-57 fair representation principle, 118-121 fairness principle freedom of information laws and, 63-67 pluralism and, 25-29, 142-143, 210-215 more elections approach and, 70-78 populism and, 25-29, 210-215 open meeting laws and, 58-63 reform agendas and, 210-215 representation and, 118-143 participation paradoxes and, 68-70 patterns of reform and, 93-106 voter eligibility and, 173-178 pluralism and, 25-29 Fair Political Practices Commission (FPPC) political ethics and, 144-148 (California), 153-154 selection without election and, 78-81 fair representation principle supermajority rule and, 131-138 historical examples of, 118-121 "too little democracy problem" and, 198-204 racial bias and Voting Rights Act and, too much democracy question and, 14-15, 188-192 redistricting and, 121-131 204-210 transparency and, 41-44 supermajority rule, 131-138 Electoral College unequal access and influence and, 138-143 ideal vs. feasible concerning, 12-13 feasibility, ideal and, 12-13 as political intermediation, 25-29 Federal Election Commission (FEC), 37-38, problematic inconsistencies in, 110-113 106-113 conflict of interest laws and, 148-154 proposals for elimination of, 196-198 electoral density federal government measurements of, 70-78 demise of constitutional review and, 114-117 nonpartisanship and, 108-110 disclosure of public information in, 57-58 too much democracy question and, 204-210 excessive democracy problem and, 15 electoral mandate, supermajority rule and, freedom of information laws and, 63-67 137-138 negative public opinion about, 1-2 number of elected officials in, 70-78 electoral opportunity, populist maximization of, 25-20 structural constraints and political regulation electoral overload, participation paradox and, federalism, in American political system, 30 electoral politics, apolitical design as alternative Fifteenth Amendment, racial bias and Voting to, 23-25 Rights Act and, 188-192 enforcement filibuster of open meeting laws, 58-63 reform cycles and, 102-106 supermajority rule and, 131-138 public information disclosure and, 51-54 equality of competence financial holdings, public disclosure of, 54-57 citizen institutions and role of, 81-85 Fiorina hypothesis, reform cycles and, 102-106 Electoral College and, 110-113 fire alarm enforcement equal protection doctrine political reform and, 37-38 election administration and, 170-173 transparency issues and, 41-44 voter eligibility and, 173-178 voter identification and eligibility and, European countries, voter eligibility in, 178-184 173-178 First Amendment excessive democracy problem, 15 campaign finance regulation and, 32-34 ex-felons, voter eligibility for, 173-178 donor information disclosure and, 48-51 revolving door problem and, 154-159 citizen institutions and role of, 81-85 FISA Court, 63-67



Index 241

ideal, feasibility vs., 12-13 fiscal matters, popular initiatives and, 87-90 Fishkin, Jim, 78-81 identity protection, voter information and, "floors" strategy, democratic distortion 51-54 and, 165 immigration Florida 2000 election controversy, U.S. election administration and, 170-173 political regulation and, 30-32, 170-173 racial bias and Voting Rights Act and, Flowers, Gennifer, 54–57 188-102 formal equality, fair representation and, 121 redistricting and, 136-137 founding father premise, constitutional review reform cycles and, 97-106 and, 114-117 voter eligibility issues and, 173-178 Fourteenth Amendment, racial bias and Voting incentive misalignment, conflict of interest Rights Act and, 188-192 laws and, 148–154 franchise restrictions, voter eligibility and income distribution, fair representation and, history of, 173-178 138-143 freedom of information laws, 63-67 inconsistencies in reform cycles, 106-113 too much democracy question and, 204-210 benign inconsistencies, 108-110 frequent voters, targeted contact with, 46 problematic vs. benign inconsistencies, Fund for Constitutional Government, 1-2 incumbency Gaffney v. Cummings, 125-131 conflict of interest laws and, 148-154 Gallup Poll, 1-2 redistricting and, 124, 129-131 independent powers, popular initiatives and, game theory open meeting laws and, 58-63 85-87 patronage politics and, 150-162 independent voters, voter identification and gender-based voting restrictions, history of, eligibility and, 178-184 173-178 indirect popular initiatives, 85-87 Gerken, Heather, 30, 48-51 individual equality principle, 32–34 "too little democracy" problem and, 198–204 Gerson, Jacob, 70-78 Gingles framework, racial bias and Voting individual initiative approach, voter Rights Act and, 188-192 identification and eligibility and, 178-184 Global Integrity Report, 145-146 influence, inequality in, 138-143 Government in the Sunshine Act, 58-63 informal constitution model, supermajority Grofman, Bernard, 124 rule and, 131-138 information asymmetry. See also freedom of hard money system, 7-10 information laws Hart, Gary, 54-57 interest group and lobbying influence and, 138-143 Hasen, Richard, 2-4, 51-54, 178-184 Help Americans Vote Act (HAVA), 30-32 in representative government, 7-10 Hollingsworth v. Virginia, 34-36 transparency and, 41-44 House of Representatives (U.S.), supermajority initiative constitutional amendment (ICA) political regulation and, 32-34 rule and, 131-138 Humphrey, Hubert, 95-97 popular initiatives and, 85-87 hybrid states sovereignty of representative government interest group and lobbying influence and, and, 110-113 state structural reform and, 36-37 138–143 political reform in, 36-37 initiative entrepreneurship, 87-90 popular initiatives and, 87–90 initiative petitions. See also popular initiatives hydraulic effect of campaign finance, 166-167 direct democracy and, 36-37 hyperbole in political reform, 4-6 increase in, 70-78 hyper-change question, political reform and, participation paradoxes and, 68-70 political regulation and, 32-34



242 Index

initiative petitions (cont.) labor PACs, influence and spending by, 138-143 voter and donor information disclosure for, lame duck period, problems of, 110-113 Landrieu, Mary, 159-162 44-54 in-office revolving door problem, 154-159 Latin America, apolitical design in in-person voting, timing of elections and, 184-188 governments of, 23-25 institutional design law enforcement, freedom of information laws conflict of interest laws and, 148-154 and, 63-67 ideal vs. feasible in, 12-13 layered reform, 106-113 reform cycles and inconsistency in, 106-113 League of Women Voters, 1-2, 5, 125-131 rule of two and, 10-12 voter identification and eligibility and, instrumental aspects of voter participation, 51-54 178-184 intelligence information, freedom of legislative power information laws and, 63-67 citizen initiatives vs., 70-78 conflict of interest laws and, 148-154 interest groups, 20-21. See also special interest groups popular initiatives and, 85-87 decline of, 10-12 redistricting and, 121-131 government transparency and, 57-58 reform cycles and, 97-102 participation paradox and, 68-70 supermajority rule and, 131-138 popular initiatives and, 87-90 legislative referendums, participation paradox postwar growth of, 25-29 and, 70-78 reform cycles and, 97-102 Lessig, Lawrence, 2-4, 164 supermajority rule and, 131-138 leveling up/leveling down strategies, voter identification and eligibility and, democratic distortion and, 164-165 178-184 Levinson, Sanford, 110-113, 114-117 intermediaries Lieberman, Joe, 7-10 citizen institutions as response to, 78-81 Lijphart, Arend, 2-4 freedom of information laws and, 63-67 Linz, Juan, 2-4 pluralism and, 25-29 Little Sis, 1-2 publicly disclosed information and, 46 lobbying transparency of government and, 41–44 barriers to structural reform of, 34-36 International Covenant on Civil and Political fairness and, 210-215 Rights, 173-178 fair representation and, 138-143 interest group pluralism and, 25-29 freedom of information and, 63-67 outsourced regulation of, 37-38 reform agenda and role of, 210-215 political ethics and, 144-148 intraparty tensions, supermajority rule and, reform cycles and, 97-102 registration requirements, 30-32 131-138 Issa, Darryl, 74 revolving door problem and, 154-159 rule of two and, 10-12 *Issenberg, 51–54 It's Even Worse Than It Looks: How the supermajority rule and, 131-138 American Constitutional System Collided local government With the New Politics of Extremism (Mann benign inconsistencies in reform of, 108-110 and Ornstein), 2 citizen initiated referenda and, 70-78 conflict of interest laws and, 148-154 electoral density measurements in, 70-78 Jacksonian democracy, reform proposals and, open meeting law enforcement and, 58-63 judicialization of political regulation, 32-34 popular initiatives and, 87-90 racial bias and Voting Rights Act and, jury summons model of citizen participation, 81-85 188–192 reform cycles in, 92-93, 97-102 King, Gary, 124 structural political reform and, 36-37



Index 243

lock-in effect	racial bias and Voting Rights Act and,
problematic vs. benign inconsistencies and,	188–192
110–113	voter eligibility and, 173–178
reform cycles and, 106–113	voter information about, 45-46
logrolling, conflict of interest laws and, 148-154	mismatched interests, in representative
lottery government	government, 7–10
constitutional convention, 5-6	moderate voters, delegation paradox and, 7–10
constitutional review and, 114-117	money
excessive democracy and, 15	dominance in electoral politics of, 2-4
participation paradox and, 68-70, 78-81	interest group pluralism and dominance of,
"Louisiana Purchase" controversy, 159–162	25–29
	more elections approach
Madisonian principles, supermajority rule and,	assessment of, 76–78
131–138	participation paradoxes and, 70–78
mail-in balloting proposals, 184–188	motor voter reforms, 213–215
mal-apportionment problem	
Electoral College and, 110–113	Nader, Ralph, 87–90
supermajority rule and, 131–138	national security
"too little democracy" issue and, 198–204	freedom of information laws and, 63-67
mandated expenditures, popular initiatives and,	transparency and, 41–44
87–90	National Voter Registration Act, 213–215
mandatory voting laws	negotiation, pluralism and, 25–29
impact of, 51–54	neo-pluralism, blended reform agenda and,
proposals for, 173–178	195–196
Mann, Tom, 2–4, 102–106	neo-populism
March Fong Eu v. San Francisco Democratic	freedom of information and, 63–67
Committee, 95–97	reform cycles and, 106–113, 195
Martens, Darnell, 161–162	neo-Progressivism, reform cycles and, 106–113
material political corruption, 144–148	neutral expertise
campaign finance reform and, 162–169	apolitical design strategy and, 20–21, 23–25
conflict of interest laws and, 148–154	patterns of reform and, 93–106
delegation paradox and, 166–167	New Jersey Redistricting Commission, 125–131
democratic distortion and, 147	Nixon, Richard, 95–97, 144–148
revolving door problem and, 154–159	no excuse absentee balloting, 184–188
McCain, John, 123	No Labels, 1–2
McCain-Feingold campaign finance law, 7–10,	nomination process
34–36, 106–113, 166–167, 198–204, 213–215	interest group pluralism and, 25–29 redistriction and, 123
McGovern, George, 95–97 McGovern-Fraser commission, 95–97	
media coverage	supermajority rule and, 131–138 noncitizens, voter eligibility for, 173–178
coverage of political reform by, 41–44	non-electoral institutions, participation paradox
freedom of information requests by, 63–67	and, 68–70
of interest group and lobbying influence,	non-hybrid states, political reform in, 36–37
138–143	non-instrumental aspects of voter participation,
message shaping by, 46	
medical records, public disclosure of, 54–57	51–54 nonpartisanship
micro-targeted voter mobilization, 45–46	patterns of reform and, 93–106
migrant worker voting rights, 173–178	in state and local elections, 108–110
military power, apolitical design and, 23–25	nonprofit 501c4 organizations, 166–167
minority groups	nonprofit issue ads, information disclosure
balloting system design and, 184–188	concerning, 44–54



244 Index

nonprofit reform groups over-inclusion issue, revolving door problem patterns of reform and, 93-106 and, 154-159 proliferation of, 1-2 non-uniformity in U.S. political regulation, parliamentary parties reform cycles and, 102-106 election administration and, 170-173 supermajority rule and, 131-138 nuclear option, supermajority rule and, 131-138 parochialism, conflict of interest laws and, NYU Law Immigrant Voting Project, 173-178 participation paradoxes, 68-91 boundaries to participation and, 90-91 Obama, Barack, 54-57, 63-67, 95-97, 137-138, 159–162, 173–178 citizen institutions approach and, 78-85 objective policy-making, apolitical inoculation more elections approach and, 70-78 reform and, 23-25 popular initiative approach and, 85-90 Off-Center: The Republican Revolution and voter identification and eligibility and, The Erosion of American Democracy 178-184 (Hacker and Pierson), 2 participatory budgeting (PB) systems, 78-85 Office of Technology and Science Policy, too much democracy question and, 204-210 partisanship. See party politics; polarization 63-67 Official Secrets Act (U.K.), 63-67 citizen institutions and role of, 81-85 Ohio 2004 Presidential election controversy, election administration and, 170-173, 170-173 178-184 OMB Watch, 1-2 patterns of reform and, 93-106 one person, one vote principle racial bias and Voting Rights Act and, blended reform agenda and, 194-216 demise of constitutional review and, 114-117 reform cycles and, 102-106 democratic imperative and, 7-10 supermajority rule and, 131-138 fair representation and, 118-121 "too little democracy problem" and, 198-204 information disclosure and, 46-47 voter eligibility issues and, 173-178 populist preference for, 29-38 part-time legislators, conflict of interest laws too little democracy" problem and, 198–204 and, 148-154 open government, US commitment to, 41-44 party conventions, nomination rule changes open meeting laws, 41-44 and, 95-97 disclosure of information and, 58-63 party politics citizen institutions and role of, 81-85 too much democracy question and, 204-210 Open Secrets, 1-2 decentralization of, 102-106 Open the Government, 1-2 interest group pluralism and, 25-29 organizational costs, interest group and nomination rules and, 95-97 lobbying influence and, 138-143 patronage and, 161-162 patterns of reform and, 93-106 Ornstein, Norm, 2-4, 102-106 Our Undemocratic Constitution: Where the primary elections growth and, 70-78 Constitution Goes Wrong and How We the racial bias and Voting Rights Act and, 188-192 People Can Correct It (Levinson), 2 reform cycles and, 102-106 outcome fairness supermajority rule and, 131-138 interest group and lobbying influence and, past voting data, public disclosure of, 45-46 138-143 patched reforms, reform cycles and, 106-113 redistricting and, 125-131 path dependency, voter and donor information outliers, citizen institutions and problem of, disclosure and, 44-54 patronage politics out-of-office revolving door problem, 154-159 political ethics and, 147-148 outsourcing, of political regulation, 37-38, political reform and, 37-38 system permeability and, 159-162



Index 245

pay to play schemes, impact of public	policing issues
information disclosure on, 47–48	transparency and, 41–44
personal information on public officials,	voter identification and eligibility and,
disclosure of, 54–57 Pew Center for Research, 1–2	178–184 policy making
P G and E, Prop 16 ballot in California	election administration and, 170–193
involving, 48–51	electoral density demographics and, 70–78
plebiscitary democracy	interest groups and lobbying impact on,
institutional inconsistencies and, 110–113	138–143
popular initiatives and, 87–90	patronage politics and, 159–162
too much democracy question and, 204–210	perpetual campaigning impact on, 57–58
pluralism	popular initiatives and, 85–87
See also reform pluralism	supermajority rule and, 131–138
American political reform and, 25–29	too much democracy question and, 204-210
blended reform agenda and, 195–196	unequal access and influence and, 138-143
coherence and, 210–215	political action committees (PACs), influence
conflict of interest laws and, 148-154	of, 138–143
democratic distortion and, 147	political appointments, political ethics and,
democratic imperative and, 215–216	159–162
fair representation principle, 118-121, 142-143,	political discovery, freedom of information and,
210–215	63–67
interest group and lobbying influence and,	political ethics
138–143	conflict of interest laws and, 148–154
material corruption and, 162–169	patronage politics and, 159–162
neglect of, 10–12	reform pluralism and, 168–169
political ethics and, 144–148	reform proposals and, 168–169
political patronage and system permeability	revolving door issue and, 154–159
and, 159–162	system permeability and, 159–162
popular initiatives and, 87–90	political intermediation, pluralism and, 25–29
redistricting and, 125–131	political parties
reform populism and, 6–7	delegation paradox and, 7–10
revolving door problem and, 154–159	pluralism and, 10–12, 29–38
structural constraints of, 29–38	political regulation and, 37–38
supermajority rule and, 131–138	proportional representation and, 92–93
"too little democracy problem" and, 198–204	targeted contact with voters from, 46
too much democracy question and, 204–210	"too little democracy" problem and,
US political reform and, 20–21 Plutocracy and Democracy: How Money	198–204
Corrupts Our Politics and Culture	voter eligibility requirements and, 173–178 voter identification and eligibility and,
(Garfinkle), 2	178–184
polarization	"political question" doctrine, political reform
in American politics, 2–4	and, 32–34
barriers to political reform and, 34–36	Political Reform Act (California), 148–154
demise of constitutional review and, 114–117	political regulation in U.S.
election data and, 45–46	coherence and consistency issues in, 39–40
perpetual campaigning and, 57–58	conflict of interest laws and, 148–154
political reform and, 37–38	judicialization of, 32–34
primary elections growth and, 70–78	non-uniform, politicized characteristics of,
redistricting and, 125–131	30-32
reform cycles and, 102–106	partisanship and outsourcing in, 37-38
supermajority rule and, 131–138	political ethics and, 144–148



246 Index

political regulation in U.S. (cont.) presidency structural constraints in American political constitutional amendments concerning, design and, 29-38 97-102 political return data, public disclosure of, 45-46 Electoral College inconsistencies politicization of U.S. political regulation, 30-32 concerning, 110-113 freedom of information laws and, 63-67 election administration and, 170-173 reform cycles and, 97-102 gap between election and assumption of voter eligibility requirements and, 173-178 power and, 110-113 polling data nomination process for election of, 95-97 absentee voting and, 184-188 political ethics and, 144-148 benefits of voters for, 48-51 Presidential Succession Act, 110-113 polling place voting, public information press. See media coverage primary elections concerning, 45-46 Polsby, Nelson, 213-215 growth in U.S. of, 70-78 in OECD countries, 170-173 popular initiatives participation paradox and, 70-78, 85-90 party nomination rules and, 95-97 patterns of reform and, 93-106 redistricting and, 121-131 structural inconsistencies and, 87-90 reform cycles and, 106-113 too much democracy question and, 204-210 principal-agent issues varieties of, 85-87 balloting system design and, 184-188 popular sovereignty freedom of information and, 63-67 democratic imperative and, 7-10 supermajority rule and, 131-138 limits of, 10-12 voter identification and eligibility and, popular vote, ideal vs. feasible concerning, 12-13 178-184 populism, 6-7 prisoner's dilemma dynamic, redistricting and, characteristics of, 22-23, 28 121-131 citizen initiatives and, 195 privacy coherence and, 210-215 democratic imperative and, 67 conflict of interest laws and, 148-154 freedom of information laws and, 63-67 open meeting laws and, 58-63 democratic distortion and, 147 public officials' forfeiture of, 54-57 democratic imperative and, 215-216 election administration and, 170-173 too much democracy question and, 204-210 fair representation principle, 118-121, 210-215 private attorneys, political regulation, 37-38 freedom of information and, 63-67 private sector enforcement material corruption and, 162-169 election administration and, 170-173 political patronage and system permeability political reform and, 37-38 and, 159-162 problematic inconsistencies, reform cycles and, political reform and, 20-21, 93-106 110-113 reform cycles and, 106-113 procedural neutrality, redistricting and, 125-131 revolving door problem and, 154-159 professionalization of politics structural constraints of, 29-38 campaign finance reform and, 166-167 supermajority rule and, 131-138 citizen initiated recalls and, 70-78 "too little democracy problem" and, 198-204 citizen institutions as response to, 78-81 too much democracy question and, 204-210 conflict of interest laws and, 148-154 fairness and, 210-215 U.S. political regulation and, 30-32 Populist Party, 20-21, 70-78 popular initiatives and, 87-90 public information disclosure and, 51-54 reform cycles and, 92-93 post-electoral distortion, supermajority rule reform cycles and, 97-102 and, 131-138 reform pluralism and, 196-198 preference intensity, democratic distortion and, voter identification and eligibility and, 178-184



> Index 247

Progressive Party, 70-78 reactive citizenship civil service reforms and, 159-162 participation paradox and, 68-70 district political machines and, 97-102 political ethics and, 144-148 reform cycles and, 92-93, 106-113 selection bias and, 58-63 property restrictions, voter eligibility and, Reagan, Ronald, 70-78 recall elections 173-178 proportional representation, 92-93 Electoral College inconsistencies trends in, 70-78 concerning, 110-113 recount procedures ideal vs. feasible concerning, 12-13 U.S. political regulation and, 30-32 redistricting and, 121-131 voter identification and eligibility and, prospective public officials recruitment of public officials, disclosure of disclosure of public information on, 54-57 freedom of information laws and, 63-67 public information and, 54-57 provisional balloting, U.S. political regulation recusals conflict of interest laws and, 148-154 and, 30-32 public accountability revolving door problem and, 154-159 apolitical inoculation and, 23-25 redevelopment policies, citizen initiated campaign finance reform and, 162-169 referenda and, 70-78 patronage politics and, 159-162 redistricting public elections funding bargaining to consensus and, 125-131 democratic distortion and, 162-169 citizen redistricting commissions, 37-38, 78-85 U.S. political regulation and, 30-32 Public Integrity Division (PID) (LA County fair representation and, 118-131 District Attorney), open meeting law procedural neutrality and, 125-131 enforcement and, 58-63 reform cycles and, 97-102 public interest policy, apolitical inoculation supermajority rule and, 136-137 and, 23-25 referenda petitions public opinion participation paradox and, 68-70 on constitutional amendments, 114-117 public information disclosure and, 51-54 disclosure of public information and, 54-57 freedom of information laws and, 63-67 reform cycles negative views of government and, 1-2 benign inconsistencies in, 108-110 political ethics and, 144-148 of popular initiatives, 85-87 democratic imperative and, 95-97 reform cycles and, 102-106 public outrage-reactive reform dynamic, 106-113 political ethics and, 144-148 overview of, 92-117 public voucher schemes patterns of reform in, 93-106 democratic distortion and, 165 philosophical ambivalence, 102-106 fairness and coherence and, 210-215 problematic vs. benign inconsistencies, 110-113 race and racism shifting politics and, 97-102 absentee voting and, 184-188 reform pluralism, 20–40. See also pluralism election administration and, 170-173 barriers to structural reform and, 34-36 reform cycles and, 97-106 blended reform agenda and, 195-196 supermajority rule and, 131–138

"too little democracy problem" and, 198-204 voter eligibility and, 173-178

Voting Rights Act and, 188-192

too much democracy question and, 204-210 too much democracy question and, 204-210 demise of constitutional review and, 114-117 layering and institutionalist inconsistency in, corruption and, 168-169 current trends in, 196-198 de facto reform pluralism, 92-93 democratic imperative and, 215-216 fair representation and, 118-121



> 248 Index

> reform pluralism (cont.) future potential for, 213-215 state and local governments and, 36-37 reform populism ascendancy of, 1-19 critiques of, 6-7 current discourse on, 4-6 democratic imperative and, 7-10 fair representation and, 118-121 hyperbole concerning, 4-6 ideal vs. feasible in, 12-13 institutionalization of, 1-2 limitations of, 195 questions concerning, 13-19 relational dependence, interest group and lobbying influence and, 138-143 relative citizenship premise, open meeting laws and, 58-63 rent-seeking behavior campaign finance reform and, 162-169 conflict of interest laws and, 148-154 revolving door issues and, 154-159 "too little democracy" problem and, 198–204 replacement of officials, citizen initiated recalls and, 70-78 representative government apolitical inculation reform and, 23-25 citizen institutions and sovereignty of, 110-113 delegation paradox and, 7-10 disclosure of information and transparency of, 57-58 Electoral College inconsistencies concerning, 110-113 electoral control vs., 15 fair representation and, 118-143 judicialization of reform concerning, 32-34 pluralist preference for, 29-38 popular initiative approach vs., 85-90 populist distrust of, 7-10, 22-23 reform cycles and, 97-102 single member, simple plurality (SMSP) representation, 92-93 structural constraints of, 29-38 Republican Party balloting system design and, 184-188 election administration and, 4-6 ideological slant in, 2-4 primary elections and, 123 racial bias and Voting Rights Act and, 188-192 reform cycles and, 102-106 supermajority rule and, 134-135

Super PACs as threat to, 7-10 tea party and, 102-106 voter eligibility issues and, 173-178 Republic Lost: How Money Corrupts Congress - and a Plan to Stop it (Lessig), 2 resource asymmetry fair representation and, 138-143 in representative government, 7-10 retrospective accountability more elections approach and, 76-78 open meeting laws and, 58-63 participation paradoxes and, 68-70 transparency and, 41-44 revolving door issue. See also conflict of interest fair representation and, 138-143 political ethics and, 154-159 Reynolds v. Sims, 32-34, 114-117, 196-198 Rice, Donna, 54-57 rising expectations, too little democracy question and, 14-15 Romney, Mitt, 54-57 rotation responsiveness, revolving door issues and, 154-159 rule gaming, reform pluralism and, 20-21 rule instability, apolitical inculation reform and, 23-25 rule of two, in democratic design, 10-12 selection bias in citizen institutions, 81-85 reactive citizenship and open meeting laws and, 58-63 self-dealing problem corruption and, 162-169 revolving door issues and deferral of, 154-159 self-enrichment, conflict of interest laws and, 148-154 semi-disclosure of donor information, proposals for, 48-54 semi-proportional districting, reform cycles and, 97-102 Senate (U.S.) reform proposals for, 196-198 supermajority rule and, 131-138 senatorial holds, supermajority rule and,



Index 249

patronage politics and, 159-162 Speech Now v. FEC, 102-106 patterns of reform and, 93-106 state courts popular initiatives and, 85-90 direct democracy and, 36-37 redistricting and, 121-131 reform cycles and, 97-102 transparency and, 41-44 state government Seventeenth Amendment (U.S. Constitution), absentee voting administration and, 184-188 benign inconsistencies in reform of, 108-110 25-29 shaming citizen initiated referenda and, 70-78 donor identity disclosure and, 48-51 conflict of interest laws and, 148-154 demise of constitutional review and, 114-117 revolving door problem and, 154-159 voting behavior and, 51–54 election administration and, 170-173 Shelby v. Holder, 188-192 electoral density measurements in, 70-78 short-term political calculations partisanship and outsourcing of political freedom of information and, 63-67 reform and, 37-38 redistricting and, 121-131 political reform and role of, 34-36 in reform discourse, 4-6 popular initiative approach and, 85-90 supermajority rule and, 131-138 populist design and, 22-23 voter eligibility and, 173-178 racial bias and Voting Rights Act and, side payments principle, open meeting laws 188-102 and, 58-63 recall of state legislators and, 70-78 signing initiatives, public information redistricting responsibilities of, 125-131 disclosure and, 51-54 reform cycles in, 92-93, 97-102 structural reform and, 36-37, 110-113 simple majority design, supermajority rule and, supermajority rule and, 131-138 131-138 Sinclair, Barbara, 102-106 Tenth Amendment provisions on, 30-32 single-issue politics, constitutional review and, too much democracy question and, 204-210 voter eligibility and, 173-178 114-117 single member, simple plurality (SMSP) voter identification and eligibility and, 178-184 representation, 92-93 statutory measures single subject rule, popular initiatives and, 85-87 popular initiatives and, 85-87 skewed outcomes, democratic distortion and, sovereignty of representative government 147, 164 and, 110-113 Social Security Administration, records of, structural constraints in American political 63-67 design, 29-38 socio-economic conditions barriers to reform and, 34-36 demise of constitutional review and, 114-117 absentee voting and, 184-188 "too little democracy problem" and, 198-204 election administration and, 170-173 popular initiatives and, 87-90 corruption and equity issues of, 51-54 structural incoherence, problematic vs. benign McCain-Feingold campaign finance law inconsistencies and, 110-113 and, 106-113 sunshine laws, disclosure of information and, political reform and, 7-10 58-63 "too little democracy" problem and, 198–204 super-delegates, in convention nomination too much democracy question and, 204-210 system, 95-97 South Australia Electoral Districts Boundaries supermajority rules Commission, 124 demise of constitutional review and, 114-117 special interest groups. See also interest groups fair representation and, 121, 131-138 fair representation and, 138-143 political reform and, 34-36 reform cycles and, 102-106 pluralism and, 25-29 supermajority rule and, 131-138 in state and local reforms, 36-37 "too little democracy" problem and, 198–204 too much democracy question and, 204-210



250 Index

Super-Pacs, 166-167 hyperpartisanship and, 102-106 interest group pluralism and, 25-29 Supreme Court (U.S.) apolitical design in appointments to, 23-25 campaign finance rulings by, 7-10, 12-13, 51-54, 162-169 constitutional amendments involving, 114-117 constitutional interpretations by, 20-21 election administration and rulings of, 170-173, 182 judicial lifetime appointments and, 110-113 material corruption framework and, 162-169 political corruption rulings and, 161-162 racial bias and Voting Rights Act and, redistricting and apportionment rulings by, 121-131, 134-135 term limits rulings by, 97-102 "too little democracy problem" and, 198–204 voting rights issues and, 32-34, 121-131 symmetry rule, redistricting and, 124 tax policy proposals citizen initiated referenda and, 70-78 popular initiatives and, 87-90 supermajority rule and, 136-137 tea party, 102-106 Tea Party, threat to Republican Party, 7-10 technology ballot systems design and, 184-188 freedom of information and, 63-67 redistricting and use of, 121-131 voter and donor information disclosure and, Tenth Amendment, states' rights and, 30-32 term limits benign inconsistencies in, 108-110 conflict of interest laws and, 148-154 enactment in hybrid states, 36-37 populist design and, 22-23 reform cycles and, 97-102 third party groups, voter eligibility requirements and, 173-178 Thomason, Harry, 161-162 Thompson, Dennis, 2-4 Thornburgh v. Gingles, 188-192 "too little democracy problem," reform pluralism and, 198-204 too little democracy question, reform populism

too much democracy question, reform agenda and, 15, 204-210 trade secrets, freedom of information laws and, 63-67 trading practices, patronage politics and, 150-162 transition corruption, revolving door issue and, 154-159 transparency democratic imperative and, 67 freedom of information laws and, 63-67 in government, 57-58 historical trends in, 41-44 open meeting laws, 58-63 personal information on public officials and, political ethics and, 144-148 too much democracy question and, 204-210 voter and donor information disclosure. 44-54 Transparency International corruption index, 145 Travelgate scandal, 161-162 trust, in populist design, 22-23 trustee representation model, 131-138 turnout data participation paradox and, 68-70 primary elections growth and, 70-78 public disclosure of, 45-46 Twentieth Amendment, 110-113 Twenty-seventh amendment, 34-36, 114-117 unequal access and influence, fair representation and, 138-143 unfair treatment, election administration and, 192-193 UN Human Rights Committee, 173-178 unintended consequences, law of campaign finance reform and, 167-168 reform agendas and, 213-215 "too little democracy" problem

representation and, 138–143
unfair treatment, election administration and, 192–193
UN Human Rights Committee, 173–178
unintended consequences, law of
campaign finance reform and, 167–168
reform agendas and, 213–215
"too little democracy" problem
and, 198–204
UN Intergovernmental Panel on Climate
Change, 63–67
United Kingdom
Official Secrets Act in, 63–67
parliamentary structure in, 131–138
single member, simple plurality (SMSP)
representation in, 92–93
United States
apolitical design in government of, 23–25

and, 14-15



> Index 251

single member, simple plurality (SMSP) representation in, 92-93 "unorthodox lawmaking," 102-106 unpledged delegates, nomination reforms and, U.S. Department of Justice, voter information analysis by, 45-46 US PIRG, 1-2 U.S. Privacy Act of 1974, 63-67 U.S. Senate, indirect election of, 25-29 US Term Limits Inc v. Thornton, 97-102 venue shopping, reform cycles and, 110-113 voter eligibility changing criteria for, 173-178 election administration and, 170-173 enrollment and, 178-184 "too little democracy problem" and, 198–204 voter fraud allegations, 170-173 absentee voting and, 184-188 election administration and, 170-173 outsourcing of challenges involving, 47-48 voter identification and eligibility and, 178-184 voter harassment, potential for, 48-51 voter registration barriers to registration, 173-178 benefits for voters of, 48-51 disclosure of data, 44-54 eligibility requirements and, 178-184 equality issues with, 46 instrumental and non-instrumental components, 51-54 redistricting and, 121-131

voter suppression racial bias and Voting Rights Act, 188-192 voter eligibility requirements and, 173-178 Voting Rights Act citizen institutions and, 81-85 election administration and, 170-173 racial bias and, 188-192 redistricting and, 125-131 voting rights issues election administration and, 170-173 judicial role in, 32-34 participation paradoxes and, 68-70 timing of elections and, 184-188 "too little democracy problem" and, 198-204 U.S. voter eligibility laws, 30-32 voter information disclosure and, 45-46 Walker, Scott, 70-78 wave-based reform initiatives, 106-113 wealth distribution, fair representation and, 138-143 and donor information disclosure and, 44-54 reform and, 23-25

web-based information dissemination, voter Weinstein, Rachel, 70-78 welfare maximization, apolitical inculation Westberry v. Sanders, 114-117 Wiki-leaks controversy, 63-67 "will of the majority," fair representation and, Wisconsin Right to Life v. FEC, 102-106 Wright, Rev. Isaiah, 54-57