

BACKGROUND

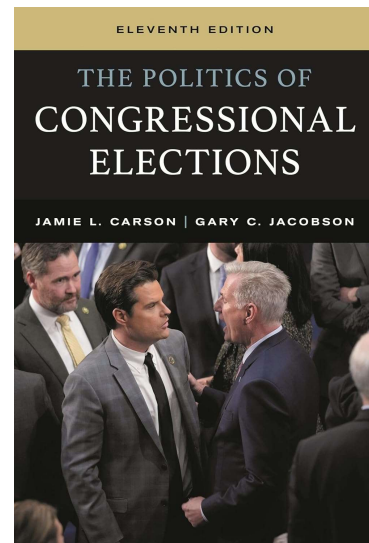
An overview of some of the data related
issues in Political Science

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Reading

- Carson & Jacobson – Chapter 2

You are responsible for all
assigned readings.
Exam and quiz questions based
on reading material, lectures, and
class discussions



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Topics

- US Constitution
 - Institutions
 - Constitutional rules/requirements
- History of voting in the United States
 - Review of the evolution of voting in the United States
 - Voting rights
 - Presidential and midterm elections
- Data used to analyze political science issues

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Background

- Important to know the ideas and institutions of early US history to:
 - Learn where the US has been
 - Understand transformations in US society
- Important to the examples and topics we discuss in future lectures



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What Are Institutions?

- Important distinction between:
 - Formal institutions: codified rules (e.g., the Constitution)
 - Informal institutions: related to how formal institutions are used, distribution of power, and social norms (e.g., relationship between President and Department of Justice)

Do codified rules or informal guidelines determine the relationship between the President and the Department of Justice?
What are recent examples?



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What Are Institutions Intended To Do?

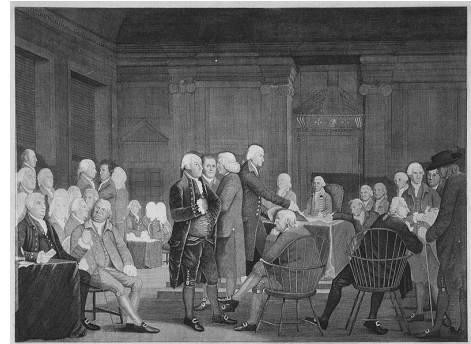
- Establish:
 - Continuity
 - Legitimacy
 - A means of minimizing collective action problems
 - Problems that occur when multiple individuals pursue a goal or a set of goals
- Examples of institutions influential in this course:
 - President, Congress, Supreme Court, redistricting commissions, state legislatures, political parties, political interest groups, etc.

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Early US Institutions

The First Congress:

- Continental Congresses, 1774-1781
 - Council of independent state governments
 - Coordinated state action and attempted to provide national services
 - Post Office
 - Foreign Affairs
 - Etc.



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Early US Institutions

The Second Congress:

- Congress of the Confederation, 1781-1789
 - Authorized under the *Articles of Confederation*
 - Basic structure
 - Equality of states
 - Congress was the “united states in Congress assembled”



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Troubles with Early Institutions

- Many weakness of the Articles:
 - No power to tax
 - No power to compel state contributions to war effort
 - Unanimity required to change Articles
 - No power to regulate commerce
 - Weak floor rules
 - No executive power
 - Weak presiding officer

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The US Constitution

- Adopted September 17, 1787
 - Ratified by states in 1789
- Bicameral legislature
 - Lower chamber (House) representation based on population
 - Direct elections
 - Upper chamber (Senate) representation equal for every state
 - Elections transitioned from state legislatures to popular vote (17th Amendment; 1913)
 - Unitary executive – President has authority over the executive branch



What are some current implications of the unitary executive theory

How has state population data changed the intent of Senate representation?

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Census

- Constitutionally mandated headcount of every person living in the US and its territories
- Conducted every 10 years
- Are We on Track?
 - Go to data.census.gov
 - Pick a state
 - What is the population of the state as of the 2020 census?
 - What is the average population per congressional district?

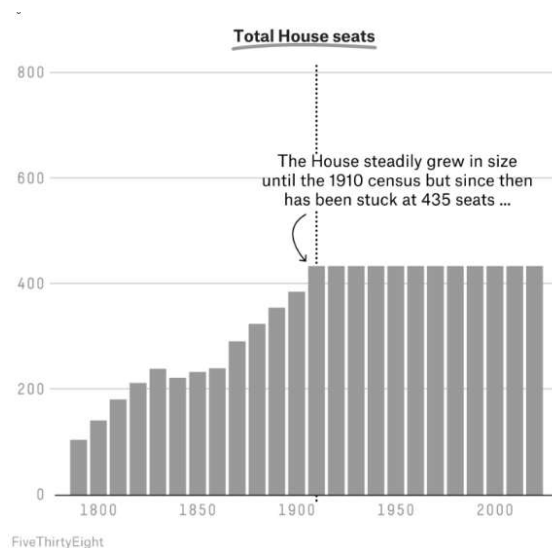
Why are there different measures of population (total, voting age, citizen, or citizen voting age)?

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Congressional Districts

- Initial House membership – 105
- 1 seat per 33,000 inhabitants
- 1910 - Membership fixed at 435
- 1929 – reapportionment following every census

Who are the inhabitants?
Citizens or everyone?



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Representatives per Congressional District

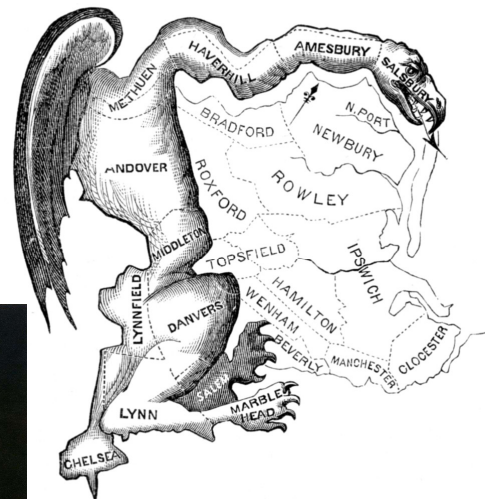
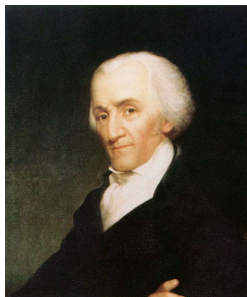
- Initially, federal law only fixed the number of representatives each state could elect
- Until 1842, some states used multi-member districts
- Gradually, rules for districts evolved
 - Single member districts
 - Equal population
 - Contiguity
 - Compactness
- 1964 – Supreme court ruling for population equality

How could states use unequal district population to deviate from one person, one vote?

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What is a Gerrymander?

- Oddly shaped district to accomplish some political goal
- The name refers to a voting district that might resemble a salamander
- Named for Elbridge Gerry, 5th VP of US



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How Gerrymandering Works

- With the same statewide vote share, congressional seat share can vary widely due to districting
- Example – 50 voters, 5 districts

Three different ways to divide 50 people into five districts

50 people	1. Perfect representation	2. Compact, but unfair	3. Neither compact nor fair
60% blue, 40% red	3 blue districts, 2 red districts BLUE WINS	5 blue districts, 0 red districts BLUE WINS	2 blue districts, 3 red districts RED WINS

WASHINGTONPOST.COM/WONKBLOG Adapted from Stephen Nass

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Why is Gerrymandering a Hot Topic?

- Usually features “packing” (grouping categories of voters into a handful of districts) and “cracking” (splitting categories of voters into many districts)
- Occurring since the colonial period
- Used aggressively in 2010, resulting in congressional dysfunction
- Continued after 2020 census

2010 Democratic Redistricting

2012 Republican Redistricting

■ Republican Seats
■ Democratic Seats

Definition from Wikipedia

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Gerrymandering Enabled By

- Mapping software and big data analysis tools (e.g., voter ID analysis)
- Supreme Court decisions
 - Shelby County v. Holder (2013) – struck down parts of the Voting Rights Act, specifically requirements for pre-clearance of voting changes for certain states and regions
 - Rucho v. Common Cause (2019) – ruled that questions of partisan gerrymandering were non-justiciable
 - Louisiana v. Callais (?) – reviewing racial gerrymandering
- Post-2020 state supreme court decisions demonstrated inconsistent results

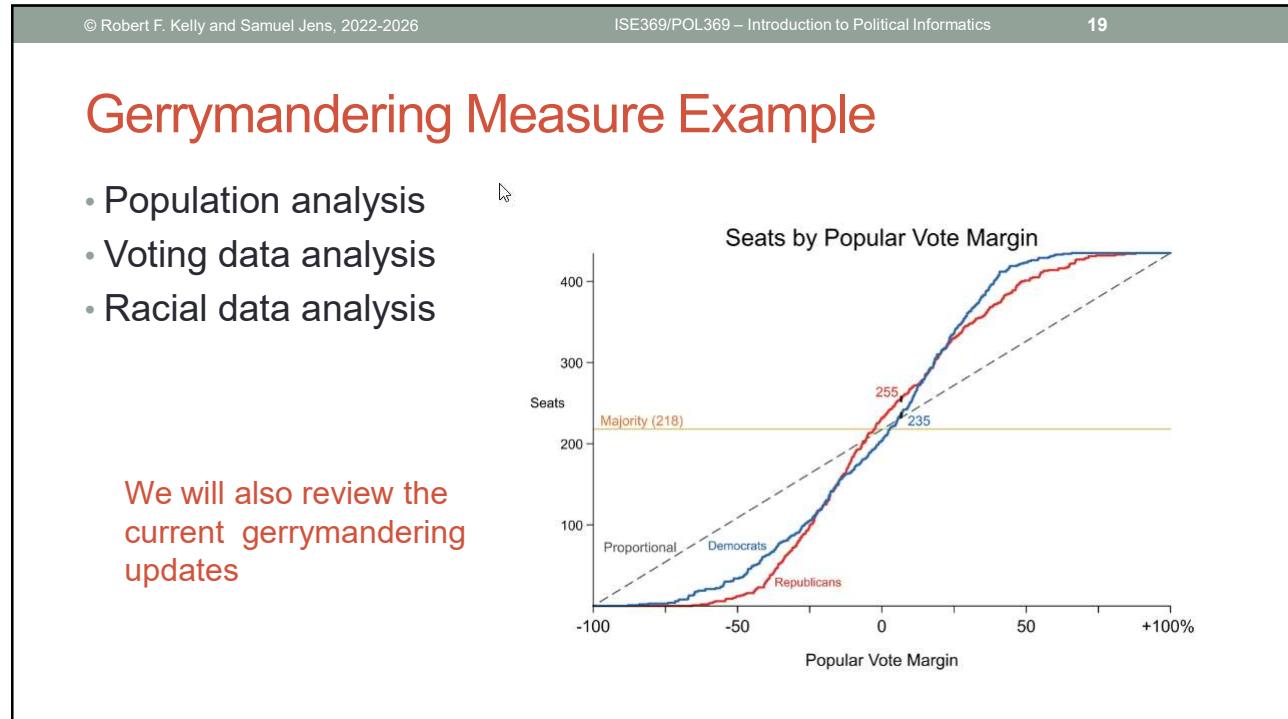
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Consequences of Current Gerrymandering

- Many congressional seats are not competitive (only 36 of 435 races in 2022 decided by a margin of 5% or less)
- Members of congress are more concerned with a primary battle than an election battle
- Primaries tend to emphasize extreme candidates
- Congressional representatives represent their party's position more than the wishes of their constituents
- Extremes of each party dominate, instead of the middle



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History of Voting in the United States

- Right to vote is central idea in US democracy...
 - ... but very limited at start of Republic (1789)
- Voting rights were left for states to decide
 - White males with land; some enforced religious tests – only Christians
 - Slowly, voting rights expanded to White men without land

Article I, Section 4, Clause 1:

The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

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Voting Rights

- What were reasons for limiting voting rights?
 - ... given the *Constitution* states people were created equal.
 - Fear of tyrannous majorities
 - James Madison:
 - “The right of suffrage is a fundamental Article in Republican Constitutions. The regulation of it is, at the same time, a task of peculiar delicacy. Allow the right [to vote] exclusively to property [owners], and the rights of persons may be oppressed... . Extend it equally to all, and the rights of property [owners] ...may be overruled by a majority without property....”



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Civil War Era

- Civil War - 1861-1865
- Prior to the war, enslaved people did not have the right to vote
- War began as a conflict to preserve the Union
- Evolved as a fight over the issue of slavery
- Resulted in the Emancipation Proclamation and the 13th Amendment (1865)



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Reconstruction Era

- North enforces US *Constitution* in the South after the Civil War (1867-1877)
 - African Americans were elected to offices in South (e.g., state senate, town mayors, sheriffs)
 - Racial tensions increased as white southerners formed racist organizations (e.g., KKK)



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Reconstruction & Voting Rights

- 1868: ratification of the 14th Amendment
 - Grants full citizenship rights (e.g., voting) to all men born or naturalized in US
- 1870: ratification of the 15th Amendment
 - Voting could not be denied on the basis of *race**
 - Native Americans, however, were not recognized as full citizens until 1924 with the Snyder Act

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Jim Crow Era

- 1877-1964
- 1877 - North withdrew forces
- Restrictive voter laws passed
 - Revised state constitutions
 - Poll taxes, literacy tests, etc.
- SCOTUS Case: *Plessy v. Ferguson* (1896)
 - “separate but equal”; upheld racial segregation



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Jim Crow Era & Voting Rights

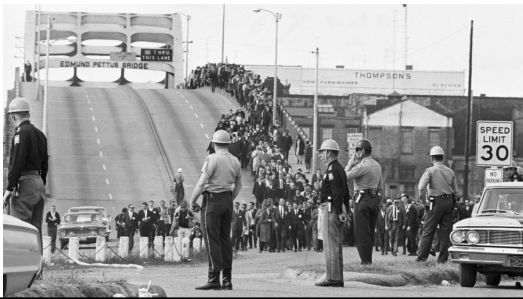
- 1920: ratification of the 19th Amendment
 - Voting cannot be denied on the basis of *gender*
 - Suffragist movement
- 1964: ratification of the 24th Amendment
 - Prohibited poll taxes by Congress / state legislatures
- 1971: ratification of the 26th Amendment
 - Expanded the right to vote to those at least 18



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Civil Rights Movement

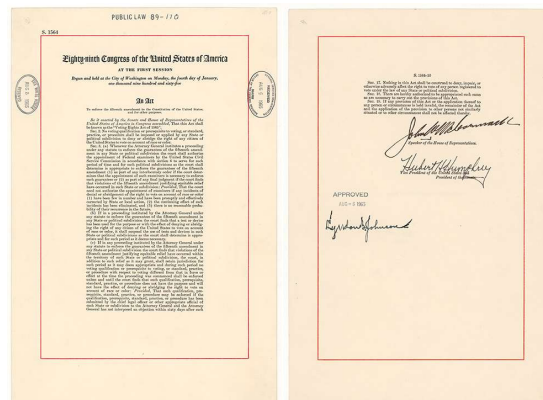
- Occurred during the 1950s and 1960s
- Major inflection point:
 - March 7th, 1965 – march from Selma to Montgomery violently disrupted by Alabama state troopers
 - Violence captured on national television



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Voting Rights Act ...

- Congress passes VRA in 1965
 - Multiple targets:
 - Prohibit states (and local governments) from passing laws to discriminate the right to vote



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...Voting Rights Act ...

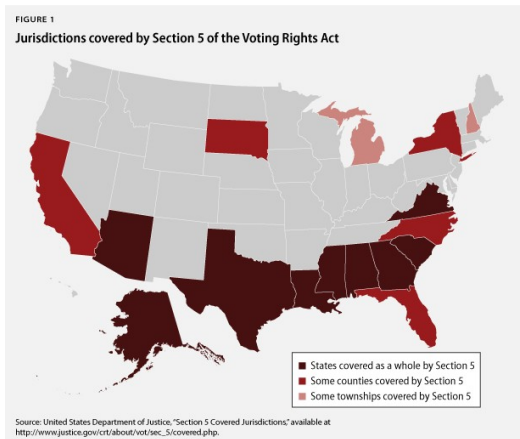
- Major provisions in the bill:
- “AN ACT To enforce the Fifteenth Amendment to the Constitution of the United States, and for other purposes.”
- Section 2: “No voting qualification or prerequisite to voting, or standard, practice, or procedure shall be imposed or applied by any State or political subdivision to deny or abridge the right of any citizen of the United States to vote on account of race or color.”

15th Amendment guaranteed that
no citizen be denied the right to
vote based on race or color

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... Voting Rights Act

- Defined “preclearance” voting regions
 - Section 5: Any changes to election practices (voting laws, redistricting, etc.) need to be approved by DOJ
- VRA expanded three times:
 - 1975: language minorities
 - 1982: voters with disabilities
 - 1993: voter registration at DMV locations



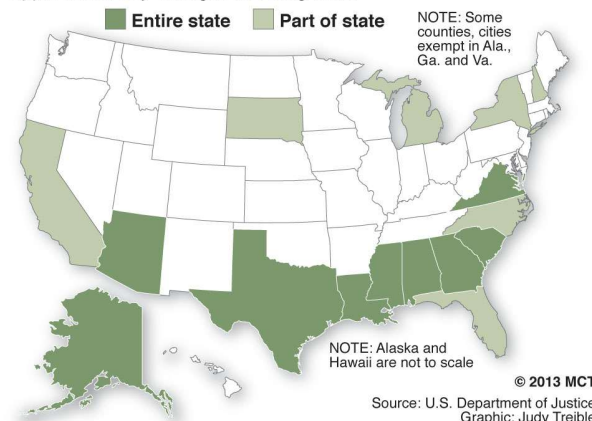
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Shelby County v. Holder, 2013

- Unconstitutional to use “coverage formula in Section 4(b) of the VRA
- (Mostly) Southern states do not need preclearance from the DoJ for new voting changes

Voting Rights Act states

States with a history of discriminatory voting practices that are subject to Section 5 of the Voting Rights Act; states require federal approval for any changes in voting laws.



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Voting Rights Act Today

- Possible gutting of VRA as a result of a current Supreme Court case
- Emphasis on state VRAs



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In The News

- Wall St Journal – 8/18/25
- Wasington Post – 7/16/25

DOJ hits states with broad requests for voter rolls, election data

Election clerks in both parties, already facing harassment and lawsuits over Trump's false 2020 election claims, worry about efforts to examine voting machines.

July 16, 2025

10 min Summary 2,557



Trump Says He Wants to Get Rid of Mail-In Voting

President continues his on-again, off-again battle with mailed ballots in the lead up to tight midterm elections

By John McCormick (Follow) and Victoria Albert (Follow)
Updated Aug. 18, 2025 3:38 pm ET

Share Resize 699 Listen (3 min)



An election worker opening mailed-in ballots last year in Phoenix. PHOTO: PATRICK T. FALLON/AGENCE FRANCE-PRESSE/GETTY IMAGES

President Trump's back-and-forth relationship with mail-in voting has taken its latest turn, with the Republican again lambasting the practice and suggesting he will push to alter balloting decisions traditionally left up to states ahead of next year's midterm

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Voting Process

- Voter registration
- Military and overseas voting
- Early in-person voting
- Mail voting
- In-person voting
- Vote authorization
- Provisional ballots
- Vote count/recount



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Legal Framework

- US Constitution - “The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof.”
- National Voter Registration Act of 1993 –
 - Voter registration standard
 - States must offer mail voter registration
 - States must maintain voter registration lists
- Help America Vote Act (HAVA)
 - Created the Election Assistance Commission (EAC)
 - Replaced punch card and lever systems
 - Set up a mechanism for certification and testing of voting equipment
 - Required statewide voter registration lists
 - Required provisional voting

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Voter Registration ...

- All US states (except North Dakota) require eligible voters to register before they can vote
- Eligibility
 - 18 years of age or older
 - Citizens
- Some states
 - Encourage registration (e.g., opt-out at DMV)
 - Provide optional registration in a political party
- Registration period varies, as some states
 - Allow Election Day registration
 - Have a defined period prior to Election Day

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... Voter Registration

- Felony disenfranchisement
 - Convicted felons cannot register to vote
 - State policies vary (some not at all, others during incarceration, others during parole, others post parole)
 - Factor in 2000 Florida election
- Registration drives – not legal in all states; some limitations
- Poll books
 - List of eligible voters
 - Maintenance policies vary
 - Content varies (e.g., preferred political party)
 - Data is public (with limitations)

You will access some
voter registration data

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Are We On Track

- Access the GUI interface to EAVS data at
<https://www.eac.gov/research-and-data/studies-and-reports/eavs-data-interactive>
- Review the list of states and values of active registrations as a percentage of citizen voting age population
- What are the states with the highest and lowest values?
- Why might a high value be considered good?
- What factors might lead to differences in values?

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Questions?