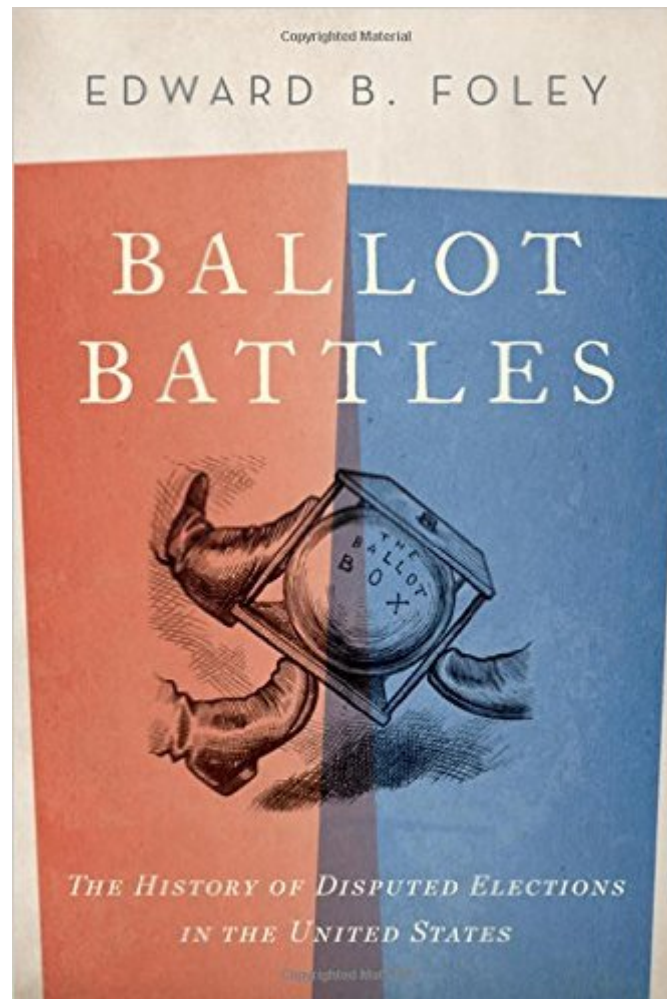


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Ballot Battles: The History Of Disputed Elections In The United States



Synopsis

The 2000 presidential race resulted in the highest-profile ballot battle in over a century. But it is far from the only American election determined by a handful of votes and marred by claims of fraud. Since the founding of the nation, violence frequently erupted as the votes were being counted, and more than a few elections produced manifestly unfair results. Despite America's claim to be the world's greatest democracy, its adherence to the basic tenets of democratic elections—the ability to count ballots accurately and fairly even when the stakes are high—has always been shaky. A rigged gubernatorial election in New York in 1792 nearly ended in calls for another revolution, and an 1899 gubernatorial race even resulted in an assassination. Though acts of violence have decreased in frequency over the past century, fairness and accuracy in ballot counting nonetheless remains a basic problem in American political life. In *Ballot Battles*, Edward Foley presents a sweeping history of election controversies in the United States, tracing how their evolution generated legal precedents that ultimately transformed how we determine who wins and who loses. While weaving a narrative spanning over two centuries, Foley repeatedly returns to an originating event: because the Founding Fathers despised parties and never envisioned the emergence of a party system, they wrote a constitution that did not provide clear solutions for high-stakes and highly-contested elections in which two parties could pool resources against one another. Moreover, in the American political system that actually developed, politicians are beholden to the parties which they represent - and elected officials have typically had an outsized say in determining the outcomes of extremely close elections that involve recounts. This underlying structural problem, more than anything else, explains why intense ballot battles that leave one side feeling aggrieved will continue to occur for the foreseeable future. American democracy has improved dramatically over the last two centuries. But the same cannot be said for the ways in which we determine who wins the very close races. From the founding until today, there has been little progress toward fixing the problem. Indeed, supporters of John Jay in 1792 and opponents of Lyndon Johnson in the 1948 Texas Senate race would find it easy to commiserate with Al Gore after the 2000 election. *Ballot Battles* is not only the first full chronicle of contested elections in the US. It also provides a powerful explanation of why the American election system has been—and remains—so ineffective at deciding the tightest races in a way that all sides will agree is fair.

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Customer Reviews

I have long been a fan of the papers and other writings of Edward B. Foley of the Moritz College of Law. He writes extensively on the issues associated with close elections, how have been decided since the founding of the United States, and how the process might be improved. To me, it was a highly fascinating read that kept my interest through every page. It should be required reading for anyone interested in Election Integrity. As I would define it, Ballot Battles is focused on one component of election integrity, i.e. How close elections have been decided in the U.S., rather than if the vote counting itself was accurate. Foley's work is an important component of election integrity. Further along that vein we could say that Fair Elections go beyond Election Integrity to include fair voter eligibility, access to the polls, candidate access to the ballot, access to the press, and campaign financing etc. Ballot Battles follows close elections and the process for deciding the declared winner from 1781 through 2008. While Presidential races from 1800, 1876, and 2000 are important, many other races for the U.S. Senate, U.S. House, and Governors are just as important to history and the challenges remaining today. Reforms have been attempted after major controversies, yet as Foley shows they have been insufficient, including those after 2000. We remain vulnerable. As summarized at one point in Ballot Battles: the 1960 presidential election must be viewed as a failure of American government to operate as a well-functioning democracy.

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