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Foreword

Jamie Mitchell
jamielynn19@gmail.com

Michael A. Brockland

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FOREWORD

One month before the historic 2008 election, Robin Carnahan, Missouri's Secretary of State, stated simply, "Elections are miracles." And with the record turnouts, voter contribution and historic candidates of the 2008 election, Secretary Carnahan could have been speaking of the miracle of American democracy. However, her proclamation was of a more ominous tone.

Long after this election season winds down and Barack Obama is inaugurated as this country's forty-fourth President, critical issues of how our country conducts its elections will remain. Campaigns must be financed, voters must have access to the polls and Secretaries of State must keep pace with changing law, changing technology and a transforming electorate. In this issue of the *Public Law Review*, several election law scholars address these issues and offer their thoughts and insights on other aspects of election law that go overlooked.

Professor Frances Hill argues that the 2007 *Wisconsin Right to Life* Supreme Court introduces an agenda-setting framework under which corporate entities will experience expanded political speech rights, possibly leading to the overturning of most elements of the Federal Election Campaign Act and related case law. This new framework, Professor Hill argues ties corporate political speech to the First Amendment thus providing a foundation for allowing corporate entities to use their general treasury funds for political speech.

In a response to Professor Hill, Professor Allison Hayward argues that the 2007 *Wisconsin Right to Life* decision did not usher in a new framework under which the Court would analyze campaign finance law, but was more of the same where the Court has refused to unequivocally decide whether advocacy by corporations and labor organizations by the expenditure of their funds pose a corrupting danger to campaigns or elections. Professor Hayward goes on to argue that none of the arguments for limiting the First Amendment rights of corporations and labor congress in political speech justify a banning of express advocacy by corporations and unions.

Professor Kareem Crayton argues against those critics who view preclearance remedy in the Voting Rights Act as a remedy run amok. Instead, Professor Crayton argues, the preclearance remedy, which mandates that state and local governments seek permission before making changes to election rules and practices, has been carefully and deliberately developed by both

Congress and the courts; and its expansion has been limited to specific and narrow areas.

Professor Jocelyn Benson argues that a healthy democracy, and particularly its elections, depends on two values – accuracy and access – and that each State’s Secretary of State plays the pivotal role in overseeing and administering elections in a manner that ensures these values.

The *Saint Louis University Public Law Review* would like to take this opportunity to thank the various authors who shared their invaluable insights and talents with our journal. We would also be remiss if we did not thank the *Public Law Review* board and staff for their tireless efforts and dedication the publication of this issue. Specifically we would like to thank Professor Matthew Bodie for his guidance. Finally, we owe a special thanks to Susie Lee and Lauren Rose. Susie has guided this issue throughout the publication process; without her this issue would not have been possible.

JAMIE MITCHELL
MANAGING EDITOR

MICHAEL A. BROCKLAND
EDITOR-IN-CHIEF