

# University of Miami Law Review

---

Volume 75  
Number 2 *SYMPOSIUM: What Swings the Vote?  
The Influence of the U.S. Legal System and the  
Media on Presidential Elections*

---

Article 1

2-19-2021

## Front Matter and Table of Contents

Follow this and additional works at: <https://repository.law.miami.edu/umlr>

---

### Recommended Citation

*Front Matter and Table of Contents*, 75 U. Miami L. Rev. Iss. 2 ()  
Available at: <https://repository.law.miami.edu/umlr/vol75/iss2/1>

This Prefatory Matter is brought to you for free and open access by the Journals at University of Miami School of Law Institutional Repository. It has been accepted for inclusion in University of Miami Law Review by an authorized editor of University of Miami School of Law Institutional Repository. For more information, please contact [library@law.miami.edu](mailto:library@law.miami.edu).

# University of Miami Law Review

---

VOLUME 75

WINTER 2021

NUMBER 2

---

## SYMPOSIUM

WHAT SWINGS THE VOTE? THE INFLUENCE OF THE U.S. LEGAL SYSTEM AND THE  
MEDIA ON PRESIDENTIAL ELECTIONS

## ARTICLES

ANTI-SCIENCE IDEOLOGY	<i>Shi-Ling Hsu</i>	405
PARTISAN GERRYMANDERS: UPHOLDING VOTER SUPPRESSION AND CHOOSING JUDICIAL ABDICATION IN <i>RUCHO V. COMMON CAUSE</i>	<i>Frances R. Hill</i>	459
USING ELECTION FORECASTS TO UNDERSTAND THE POTENTIAL INFLUENCE OF CAMPAIGNS, MEDIA, AND THE LAW IN U.S. PRESIDENTIAL ELECTIONS	<i>Peter K. Enns &amp; Julius Lagodny</i>	509
VIRUS AS FOREIGN INVADER: U.S. VOTERS & THE IMMIGRATION DEBATE	<i>Rebecca Sharpless</i>	547

## NOTES

THE COST OF FREE SPEECH: COMBATING FAKE NEWS OR UPHOLDING THE FIRST AMENDMENT?	<i>Brittany Finnegan</i>	572
POWER TO THE PEOPLE: THE SUPREME COURT'S CONFIRMATION OF STATE POWER IN THE WAKE OF FAITHLESS ELECTORS	<i>Gabrielle Engel</i>	620

# University of Miami Law Review

## ADVISORY BOARD

ROY BLACK	STEVEN MARKS
SCOTT E. BYERS	ADAM MOSKOWITZ
HON. A. JAY CRISTOL	MICHAEL NACHWALTER
JARET L. DAVIS	REBEKAH J. POSTON
FREDDY FUNES	PETER PRIETO
ELIZABETH A. GONZALEZ	JOE SEROTA
CHARLES KLINE	HON. THOMAS E. SCOTT
GUY LEWIS	BRIAN W. TOTH
ALVIN LINSDAY	HARLEY S. TROPIN
JOSEPH MAMOUNAS	

# UNIVERSITY OF MIAMI SCHOOL OF LAW

## ADMINISTRATION

Julio Frenk, M.D., M.P.H., Ph.D., *President of the University*  
Jeffrey Duerk, B.S., M.S., Ph.D., *Provost & Executive Vice President*  
Anthony E. Varona, A.B., J.D., LL.M., *Dean & M. Minnette Massey Professor of Law*  
Caroline M. Bradley, B.A. (Hons), LL.M., *Dean's Distinguished Scholar & Professor of Law and Associate Dean for International and Graduate Programs*  
James M. Bond, B.A., M.A., *Associate Dean, Finance and Budget*  
Andrew B. Dawson, B.A., J.D., *Vice Dean for Academic Affairs, Judge A. Jay Cristol Chair in Bankruptcy Law & Professor of Law*  
Osamudia R. James, B.A., J.D., LL.M., *Dean's Distinguished Scholar & Associate Dean for Diversity, Equity, and Community & Professor of Law*  
Lili Levi, A.B., J.D., *Vice Dean for Intellectual Life, Dean's Distinguished Scholar & Professor of Law*  
Janet E. Stearns, B.A., J.D., *Dean of Students & Lecturer in Law*  
Michael Chiorazzi, B.A., M.L.L., J.D., *Associate Dean for Information Services; Dean's Distinguished Director, Law Library and Lecturer in Law*  
Katrin Hussmann Schroll, B.A., J.D., *Associate Dean for Admissions & Enrollment Management*  
Greg Levy, B.A., J.D., *Associate Dean Law Academic & Student Services and Strategic Initiatives; Director, Entertainment, Arts and Sports Law LL.M.*  
Raquel M. Matas, B.A., J.D., *Associate Dean for Administration & Counsel to the Dean*  
Kele Stewart, B.S., J.D., *Associate Dean, Experiential Learning; Co-Director, Children and Youth Law Clinic; & Professor of Law*  
Georgina Angones, B.A., *Assistant Dean, Law Development & Alumni Relations*  
Marcelyn Cox, B.A., J.D., *Assistant Dean, Career Development Office*  
Marni B. Lennon, B.A., Ms.Ed., J.D., *Assistant Dean, Public Interest & Pro Bono; Director, HOPE Public Interest Resource Center & Lecturer in Law*  
Carmen Perez-Llorca, J.D., LL.M., *Assistant Dean for International and Graduate Programs; Director, International Graduate Law Programs & Lecturer in Law*  
William P. VanderWyden, III, B.A., M.Ed., J.D., *Assistant Dean, Professional Development*

## FACULTY

Anthony V. Alfieri, A.B., J.D., *Dean's Distinguished Scholar; Professor of Law & Director, Center for Ethics & Public Service*  
Bianca Anderson, B.A., M.L.I.S., J.D., *Librarian Associate Professor and Reference Librarian (Foreign/International Law) & Lecturer in Law*  
Paula Arias, J.D., *Director, International Moot Court Program & Lecturer in Law*  
Jill Barton, B.J., B.A., M.S., J.D., *Director, Legal Communication and Research Skills Program and Professor of Legal Writing & Lecturer in Law*  
Ricardo J. Bascuas, B.A., J.D., *Professor of Law*  
Caroline Bettinger-López, B.A., J.D., *Professor of Law & Director, Human Rights Clinic*  
William S. Blatt, A.B., J.D., *Professor of Law*  
William W. Bratton, B.A., J.D., *de la Cruz Mentschikoff Chair in Law and Economics & Senior Lecturer*  
Patricia A. Brown, B.S.F.S., J.D., *Director, Graduate Program in Taxation and Lecturer in Law*

Glenn R. Butterton, A.B., M.A., Ph.D., J.D., *Lecturer in Law*  
Sergio J. Campos, A.B., J.D., *Professor of Law*  
Kathleen Claussen, B.A., M.A., J.D., *Associate Professor of Law*  
Donna K. Coker, B.S.W., M.S.W., J.D., *Dean's Distinguished Scholar & Professor of Law*  
Charlton Copeland, B.A., M.A.R., J.D., *Dean's Distinguished Scholar & Professor of Law*  
Caroline Mala Corbin, B.A., J.D., *Dean's Distinguished Scholar & Professor of Law*  
R. Denisse Córdova Montes, B.A. M.P.H., J.D., *Acting Associate Director, Human Rights Clinic & Lecturer in Law*  
Christine Anne Darias Daniels, B.A., J.D., *Visiting Professor of Legal Writing & Lecturer in Law*  
Michele DeStefano, B.A., J.D., *Professor of Law & Director, LawWithoutWalls*  
Mónica Alexandra Durán, B.A., Ph.D., *Lecturer in Law*  
Scott A. Eichhorn, B.S., J.D., *Practitioner in Residence & Supervising Attorney, Investor Rights Clinic*  
Andrew Elmore, B.A., J.D., *Associate Professor of Law*  
Tamar Ezer, B.A., J.D., LL.M., *Acting Director, Human Rights Clinic and Lecturer in Law*  
Marc A. Fajer, A.B., J.D., *Professor of Law*  
Zanita E. Fenton, A.B., J.D., *Professor of Law*  
Harold A. Flegelman, B.A., J.D., *Director, Graduate Program in Entertainment, Arts and Sports Law; Director, Entertainment Law Track & Lecturer in Law*  
Abigail Leigh Fleming, B.A., J.D., *Fredman Foundation Environmental Justice Clinic, Practitioner-in-Residence and Lecturer in Law*  
Mary Anne Franks, B.A., M.Phil., Ph.D., J.D., *Dean's Distinguished Scholar & Professor of Law*  
Sandra Friedrich, J.D., LL.M., *Director, White & Case International Arbitration LL.M. Graduate Program & Lecturer in Law*  
Christina M. Frohock, B.A., M.A., J.D., *Professor of Legal Writing & Lecturer in Law*  
A. Michael Froomkin, B.A., M.Phil., J.D., *Laurie Silvers and Mitchell Rubenstein Distinguished Professor of Law*  
Patrick O. Gudridge, A.B., J.D., *Professor of Law and Dean's*  
Susan Haack, B.A., M.A., B.Phil., Ph.D., *Distinguished Professor in the Humanities, Cooper Senior Scholar in Arts and Sciences, Professor of Philosophy & Professor of Law*  
Stephen K. Halpert, A.B., J.D., *Professor of Law*  
Frances R. Hill, B.A., M.A., Ph.D., J.D., LL.M., *Dean's Distinguished Scholar for the Profession & Professor of Law*  
Elizabeth M. Iglesias, B.A., J.D., *Professor of Law*  
Jan L. Jacobowitz, B.S., J.D., *Director, Professional Responsibility and Ethics Program & Lecturer in Law*  
D. Marvin Jones, B.S., J.D., *Professor of Law*  
Zubin Munafbhai Kapadia, B.A., J.D., LL.M., *Mysun Foundation Fellow*  
Stanley I. Langbein, A.B., J.D., *Professor of Law*  
Robert Latham, B.A., B.A., J.D., *Clinical Instructor & Practitioner-in-Residence, Children & Youth Law Clinic & Lecturer in Law*  
Tamara Rice Lave, B.A., M.A., Ph.D., J.D., *Professor of Law*  
Romy Lerner, B.A., J.D., *Associate Director, Immigration Clinic & Lecturer in Law*  
Pam Lucken, B.S., M.L.S., J.D., *Head of Reference, Law Library & Lecturer in Law*  
Martha R. Mahoney, B.A., M.A., J.D., *Dean's Distinguished Scholar & Professor of Law*  
Nicholas Mignanelli, B.A., M.L.I.S., J.D., *Librarian Assistant Professor, Reference Librarian (Instructional Services) & Lecturer in Law*

John M. Newman, B.A., J.D., *Associate Professor of Law*  
JoNel Newman, B.A., J.D., *Director, Health Rights Clinic & Professor of Law*  
Jessica Owley, B.A. MLA, M.S., J.D., Ph.D., *Faculty Director for the Environmental Law Program & Professor of Law*  
Bernard H. Oxman, A.B., J.D., *Richard A. Hausler Endowed Chair & Professor of Law*  
Kunal Parker, A.B., M.A., J.D., Ph.D., *Dean's Distinguished Scholar & Professor of Law*  
Shara Kobetz Pelz, B.A., J.D., *Professor of Legal Writing & Lecturer in Law*  
Bernard P. Perlmutter, B.A., J.D., *Co-Director, Children and Youth Law Clinic & Professor of Law*  
Ileana Porras, B.A., M.Phil., J.D., *Senior Lecturer*  
Alejandro Portes, B.A., M.A., Ph.D., *Professor of Sociology & Professor of Law*  
Daniel B. Ravicher, B.S.C.E., J.D., *Director, Startup Practicum & Lecturer in Law*  
Rodney P. Rawls, B.S., J.D., LL.M., *Associate Director, Academic Achievement Program & Lecturer in Law*  
Jarrod F. Reich, B.A., J.D., *Professor of Legal Writing & Lecturer in Law*  
Thomas A. Robinson, B.S., J.D., B.Litt., *Professor of Law*  
Scott L. Rogers, B.S., M.S., J.D., *Director, Mindfulness in Law Program & Lecturer in Law*  
Robert E. Rosen, A.B., M.A., J.D., Ph.D., *Professor of Law*  
Pablo Rueda-Saiz, Ph.D., M.A. J.D., *Associate Professor of Law*  
Andres Sawicki, S.B., J.D., *Professor of Law*  
Robin Schard, B.A., M.L.S., J.D., *Associate Director, Law Library & Lecturer in Law*  
Gabriel Scheffler, A.B., J.D., *Associate Professor of Law*  
Alex Schimel, B.F.A., J.D., *Associate Director, Academic Achievement Program & Lecturer in Law*  
K. Renee Schimkat, B.A., J.D., *Professor of Legal Writing & Lecturer in Law*  
Stephen J. Schnably, A.B., J.D., *Professor of Law*  
Rebecca Sharpless, B.A., M.Phil., J.D., *Director, Immigration Clinic & Professor of Law*  
Sarah C. Slinger, B.A., M.L.I.S., J.D., *Librarian Assistant Professor & Reference Librarian & Lecturer in Law*  
Irwin P. Stotzky, B.A., J.D., *Professor of Law*  
Scott E. Sundby, B.A., J.D., *Dean's Distinguished Scholar & Professor of Law*  
Melissa Gibson Swain, B.A., J.D., *Associate Director, Health Rights Clinic & Clinical Instructor, Health Rights Clinic*  
Jessi Tamayo, B.A., J.D., *Director, Externships Program, Miami Street Law Program & Lecturer in Law*  
Annette Torres, B.A., M.B.A., J.D., *Professor of Legal Writing & Lecturer in Law*  
Craig J. Trocino, B.A., J.D., *Director, Innocence Clinic & Lecturer in Law*  
Stephen K. Urice, B.A., Ph.D., J.D., *Dean's Distinguished Scholar & Professor of Law & Director, Arts Law Track-Graduate Program in Entertainment, Arts and Sports Law LL.M.*  
Francisco Valdes, B.A., J.D., J.S.M., J.S.D., *Professor of Law & Dean's Distinguished Scholar*  
Teresa J. Verges, B.A. J.D., *Director, Investor Rights Clinic & Lecturer in Law*  
Marcia Narine Weldon, B.S., J.D., *Professor of Legal Writing & Lecturer in Law*  
Patricia D. White, B.A., M.A., J.D., *Professor of Law, Dean Emerita, and Co-Director, Sports Law Track-Graduate Program in Entertainment, Arts and Sports Law LL.M.*  
William H. Widen, A.B., J.D., *Professor of Law*  
Cheryl E. Zuckerman, B.A., J.D., *Professor of Legal Writing & Lecturer in Law* ▲

## EMERITI

David Abraham, B.A., J.D., *Professor of Law Emeritus*

Terence J. Anderson, B.A., J.D., *Professor of Law Emeritus*

Kenneth M. Casebeer, A.B., J.D., *Professor of Law Emeritus*

Stephen M. Diamond, J.D., *Professor of Law Emeritus*

Michael H. Graham, B.S.E., J.D., *Dean's Distinguished Scholar for the Profession Emeritus, Professor of Law Emeritus*

Dennis O. Lynch, B.A., J.D., J.S.D., LL.M., *Dean Emeritus & Professor of Law Emeritus*

Elliott Manning, A.B., J.D., *Professor of Law Emeritus*

George Mundstock, B.A., J.D., *Professor of Law Emeritus*

James W. Nickel, B.A., Ph.D., *Professor of Law Emeritus*

Jan Paulsson, A.B., J.D., *Michael Klein Distinguished Scholar Chair Emeritus*

Laurence M. Rose, B.A., J.D., *Professor of Law Emeritus & Director, Litigation Skills Program*

Keith S. Rosenn, B.A., LL.B., *Professor of Law Emeritus*

Edgardo Rotman, LL.M., Ph.D., LL.B., J.D., *Senior Lecturer in International & Comparative Law Emeritus*

Richard L. Williamson, Jr., A.B., M.A., J.D., *Professor of Law Emeritus*

Sally H. Wise, B.A., J.D., M.LL., *Professor of Law Emerita & Director, Law Library Emerita*

## STATEMENT OF EDITORIAL POLICY

The *University of Miami Law Review* (ISSN 0041-9818) is published quarterly, with one issue in the fall, winter, spring, and summer, by University of Miami School of Law students. Periodicals postage paid at Miami, Florida, and additional mailing offices.

**POSTMASTER:** Send all address changes to *University of Miami Law Review*, 1311 Miller Drive, University of Miami School of Law, B-349 Law Library, Coral Gables, Florida 33146.

**SUBSCRIPTIONS:** One year's subscription for four issues (one volume) is \$60.00 for domestic mailing and \$65.00 for international mailing, payable in advance. Single issues are \$15.00. Address your order to *University of Miami Law Review*, 1311 Miller Drive, B-349 Law Library, Coral Gables, Florida 33146. If the *University of Miami Law Review* does not receive notice of termination before the expiration of the subscription, it will be automatically renewed. Because the *University of Miami Law Review* holds back issues at its editorial offices for a limited time only, subscribers should report non-receipt of an issue within six months of its mailing or one month following receipt of a succeeding issue.

**SINGLE AND BACK ISSUES:** Each issue of Volume 75 of the *University of Miami Law Review* can be purchased for \$15.00 from the *University of Miami Law Review*. Back issues of Volumes 1–74 are available through William S. Hein and Company, Inc., 2350 North Forest Road, Getzville, New York, (800) 828-7571. Back issues can also be found in electronic format on HeinOnline (<https://www.heinonline.org>).

**SUBMISSIONS:** The *University of Miami Law Review* invites the submission of unsolicited articles. All submissions should conform to *The Bluebook: A Uniform System of Citation* (21st ed. 2020). In general, the *University of Miami Law Review* follows *The Redbook: A Manual on Legal Style* (4th ed. 2018) on grammar, style, and usage. Authors seeking publication in the *University of Miami Law Review* should submit manuscripts electronically and in Microsoft Word format. For more information, please visit us online at <https://lawreview.law.miami.edu>.

**COPYRIGHT:** Copyright © 2020 by the *University of Miami Law Review*. The author of each article published in the *Law Review* grants permission for copies of that article to be made and used for classroom use, provided that the user identifies the author and the journal, affixes proper notice of copyright to each copy, and sends notice and a description of the use to the *University of Miami Law Review*. In addition, the author of each article grants the *University of Miami Law Review* the right to authorize the publication, reproduction, and distribution of the article in electronic, computerized-retrieval systems, and similar forms, and to transfer such rights. For reprint permission for purposes other than classroom use, please contact the *University of Miami Law Review* at the above address or via email at [lawreview@law.miami.edu](mailto:lawreview@law.miami.edu). Please allow at least one business week for processing.