

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

In Case No. 2022-0184, Theresa Norelli & a. v. Secretary of State, the court on April 11, 2022, issued the following order:

Pursuant to our constitutional, statutory, and common-law obligations and authority, see N.H. CONST. pt. II, art. 73-a; RSA 490:4 (2010); Boody v. Watson, 64 N.H. 162, 169-73 (1886), we invoke our supervisory jurisdiction and order the Clerk of Hillsborough County Superior Court South to transfer to this court the record of the superior court proceedings in docket no. 226-2022-CV-00126, Theresa Norelli et al. v. David M. Scanlon [sic] in his official capacity as the New Hampshire Secretary of State. Pending further order of this court, jurisdiction over the case shall be vested exclusively in the supreme court. All further pleadings and filings shall refer to supreme court case no. 2022-0184, Theresa Norelli & a. v. Secretary of State. See Sup. Ct. R. 28(2), (3).

We take this supervisory action because the case is one in which “the parties desire[,] and the public need requires[,] a speedy determination of the important issues in controversy.” Monier v. Gallen, 122 N.H. 474, 476 (1982) (quotation omitted); see also Appeal of McDonough, 149 N.H. 105, 109-10 (2003); Petition of Mone, 143 N.H. 128, 132 (1998). Our exercise of original jurisdiction here is consistent with prior redistricting and election cases. See, e.g., Petition of Below, 151 N.H. 135, 138-39 (2004) (Below II); Appeal of McDonough, 149 N.H. at 109-10; Burling v. Speaker of the House, 148 N.H. 143, 145 (2002); Below v. Secretary of State, 148 N.H. 1, 4 (2002) (Below I); Monier, 122 N.H. at 476.

The statutory filing period for declarations of congressional candidacy runs from June 1 through June 10, 2022, see RSA 655:14 (2016), absent any extension of that filing period by the Secretary of State, see RSA 655:14-c (2016). The primary election will take place on September 13, 2022. See RSA 653:8 (2016); RSA 652:5 (2016). Accordingly, we must take certain preliminary steps in this case now so that, in the event that the legislative process fails to produce a fully enacted congressional redistricting plan, we will be prepared to resolve the case in a thorough and efficient manner.

Our invocation of jurisdiction over this case in no way precludes the legislature from enacting a redistricting plan. See Monier, 122 N.H. at 476 (explaining that judicial relief becomes appropriate only when a legislature fails to reapportion according to constitutional requirements after the legislature has had an adequate opportunity to do). We will terminate this proceeding if a congressional reapportionment plan is validly enacted at any time prior to the

close of this case. See Below I, 148 N.H. at 30-31 (reproducing court’s order dated May 24, 2002); see also Below II, 151 N.H. at 149-51.

In addition to the superior court plaintiffs and the Secretary of State, the following shall be considered parties in this court if they so choose by filing a brief in response to this order: the Speaker of the New Hampshire House of Representatives; the House of Representatives; the President of the New Hampshire Senate; the Senate; and the Governor. A copy of this order shall be provided by the clerk’s office to each of them.

On or before April 25, 2022, interested parties and any person seeking to participate as an intervenor or amicus curiae shall file simultaneous briefs, not to exceed 14,000 words, addressing each of the preliminary issues set forth in section V below. Sections I through IV provide context for those issues.

I. Constitutionality of the Existing Congressional Districts

Article I, Section 2 of the United States Constitution provides that the United States House of Representatives “shall be composed of Members chosen every second Year by the People of the several States.” According to the United States Supreme Court, that provision “means that, as nearly as is practicable, one [person’s] vote in a congressional election is to be worth as much as another’s.” Wesberry v. Sanders, 376 U.S. 1, 7-8 (1964). In cases involving redistricting of the New Hampshire Senate and the New Hampshire House, we have interpreted Part I, Article 11 of the New Hampshire Constitution as guaranteeing that each citizen’s vote will have equal weight. See Below I, 148 N.H. at 5 (Senate); Burling, 148 N.H. at 146 (House).

The plaintiffs’ complaint alleges that the existing congressional districts, which were established by the legislature in 2012 following the 2010 decennial census, see RSA 662:1 (2016), no longer comply with those constitutional requirements of one person/one vote as a result of uneven population growth within the state, as shown by the 2020 census. In particular, the plaintiffs allege that the population of the First Congressional District is 17,945 greater than the population of the Second Congressional District, which they assert is a malapportionment that unconstitutionally dilutes their votes.

II. Time Frame for Judicial Relief, if Necessary

The plaintiffs contend that judicial intervention is appropriate now because there is no realistic possibility that the legislature will validly enact a congressional redistricting plan in time for declarations of candidacy to be filed in accordance with RSA 655:14.

In prior cases, this court did not assume actual redistricting responsibility until after the legislature had recessed without having enacted a redistricting plan. See Below I, 148 N.H. at 4; Burling, 148 N.H. at 146. Those cases recognized, however, that the court’s schedule also needed to account for the Secretary of State’s schedule, including the time required for him to prepare, print, and distribute ballots. See Below I, 148 N.H. at 30-31 (reproducing court’s order dated May 24, 2002); Burling, 148 N.H. at 182-83 (reproducing court’s order dated May 23, 2002).

III. Criteria for Redistricting by the Court

In Below I, we took on the “unwelcome obligation” of redrawing state senate districts in 2002 because the redistricting plan (SB 1) passed by the legislature was vetoed by the Governor, the veto was not overridden, and no other redistricting plan was validly enacted. Below I, 148 N.H. at 4-5 (quotation omitted). In determining which map to use as the starting point for the court-drawn plan in 2002, we expressly “decline[d] to use SB 1 as our template” because, “[e]ven though SB 1 was passed by the legislature, it did not become law.” Id. at 12. “Only fully enacted plans,” we explained, “have the virtue of political legitimacy” to warrant judicial deference. Id. at 13 (quotation omitted).

Having determined that each of the parties’ proposed redistricting plans in Below I had “calculated partisan political consequences,” and having identified “no principled way” to choose among the partisan political plans, we “devised a redistricting plan consistent with neutral State and federal constitutional principles.” Id. (quotation and brackets omitted). We explained our approach as follows:

The goal of the court’s plan is to remedy the constitutional deficiencies in the existing senate districts. In devising the plan, we are guided primarily by the State and federal constitutional principles of one person/one vote. Also, we use as our benchmark the existing senate districts because the senate districting plan enacted in 1992 is the last validly enacted plan and is the “clearest expression of the legislature’s intent.” Colleton County Council v. McConnell, 201 F. Supp. 2d 618, 649 (D.S.C. 2002)]. We consider the 1992 senate plan to be the best evidence of State redistricting policy. In addition, by using the existing senate districts, we are able to ensure, to the greatest extent practicable, that each senatorial district contains roughly the same constituents as the last validly enacted plan. And, we adhere to the New Hampshire constitutional requirements that each senate district be a single-member district comprised of contiguous towns, city wards and unincorporated places and that each town, city ward and

unincorporated place not be divided. N.H. CONST., pt. II, art. 26.

With these principles in mind, we have determined that to remedy the population deviations in existing districts, it is preferable that the core of those districts be maintained, while contiguous populations are added or subtracted as necessary to correct the population deviations.

Id. (emphasis in original).

The redistricting approach adopted in Below I is a “least change” approach. See id. at 14 (“Further, unlike the plans submitted by the parties, the court’s plan imposes the least change for New Hampshire citizens in that it changes the senate districts for only 18.82% of the State’s population (232,565 citizens).”); id. at 28 (explaining that the court’s amended plan, which was developed in response to a motion to reconsider the court’s June 24, 2002 opinion, “furthers the court’s goal of imposing the least change for New Hampshire citizens in that it changes the senate districts for even fewer people than the court’s June 24 plan”); see also Johnson v. Wisconsin Elections Comm’n, 2021 WI 87, ¶73, 967 N.W.2d 469, 490 (Wis. 2021) (citing Below I as one of “numerous cases during the last two redistricting cycles” that applied the “least change” approach), subsequent opinion at 2022 WI 14, ¶¶11-51, 2022 WL 621082, at *4-11 (Wis. 2022) (applying the “least change” approach to congressional redistricting and state legislature redistricting), rev’d in part on other grounds sub nom. Wisconsin Legislature v. Wisconsin Elections Commission, 595 U.S. ___, 2022 WL 851720 (decided March 23, 2022) (per curiam) (reversing the 2022 decision of the Wisconsin Supreme Court as to state legislature redistricting, but not as to congressional redistricting).

IV. Appointment of Special Master

We anticipate that the evaluation of proposed plans against the redistricting criteria that we will establish (if necessary), as well as the selection or drawing of congressional district maps pursuant to those criteria, will involve fact finding and technological expertise. RSA 490:8 (2010) provides that “[q]uestions of fact pending before the [supreme] court may be heard and determined by one or more justices, or by a master or referee as the court may order.” The court intends to appoint Professor Nathaniel Persily, of Stanford Law School, to serve as special master in this case. A copy of his curriculum vitae is attached to this order.

In evaluating the suitability of Professor Persily or some other person to serve as special master, the parties should understand that a special master appointed by the court acts as a judicial officer with the attendant obligation of impartiality. See Tuftonboro v. Willard, 89 N.H. 253, 260-61 (1938) (stating

that the impartiality obligation of Part I, Article 35 of the New Hampshire Constitution applies to court-appointed masters, referees, and auditors); see also N.H. Sup. Ct. R. 38 (definition of “judge” in the Code of Judicial Conduct includes “a referee or other master”). Accordingly, ex parte communications with a special master are prohibited. See N.H. Sup. Ct. R. 38 (Rule 2.9 of the Code); N.H. R. Prof. Cond. 3.5. As a judicial officer, neither the special master nor staff members acting at his or her direction may be subjected to cross-examination, and all confidential computer and other confidential files prepared by or for the special master in connection with this case are entitled to the same level of protection from production or disclosure as are the confidential materials of the court itself. Cf. Below I, 148 N.H. at 33-34 (reproducing court’s order dated June 7, 2002, which appointed a “technical advisor”); Burling, 148 N.H. at 186-87 (reproducing court’s order dated June 7, 2002, which appointed a “technical advisor”).

V. Briefing and Hearing Schedule

On or before April 20, 2022, the Secretary of State shall submit a statement identifying which, if any, of the material facts alleged in the plaintiffs’ complaint are disputed by him.

On or before April 25, 2022, interested parties and any person seeking to participate as an intervenor or amicus shall file briefs addressing each of the following preliminary questions:

1. Would use of the existing congressional districts, see RSA 662:1, for the 2022 election be unconstitutional either as a violation of one person/one vote or as otherwise alleged in the complaint?
2. To determine the time frame for any judicial relief,
 - A. What is the last date by which the court will have assurance that a congressional reapportionment plan will be validly enacted in time for the 2022 primary election for the purpose of nominating candidates for the United States House of Representatives? See Below I, 148 N.H. at 30 (reproducing court’s order dated May 17, 2002); Burling, 148 N.H. at 181 (reproducing court’s order dated May 17, 2002).
 - B. And, from the Secretary of State, what amount of time does he believe is required to prepare, print, and distribute ballots in advance of the primary election?

3. If we conclude that use of the existing congressional districts for the 2022 election would be unconstitutional,
 - A. Should we apply the “least change” approach to congressional redistricting in this case, as we did for state senate redistricting in Below I?
 - B. If “least change” is the correct approach, what measurement or factors should we use to assess “least change?”
 - C. If “least change” is not the correct approach, what approach should we take for congressional redistricting in this case, and what measurement or factors should we use to assess that approach?
4. Regarding the appointment of a special master,
 - A. Does the party, intervenor, or amicus object to the appointment of Professor Nathaniel Persily as special master? If so, what are the specific grounds for the objection?
 - B. Does the party, intervenor, or amicus propose the appointment of someone else as special master? If so, who (name and contact information) should be appointed instead, and what are that person’s qualifications to serve as special master?
 - C. And, from the Secretary of State and any other interested party that is a State body or State official, is there a New Hampshire Maptitude license to make available for the special master to use for his or her work on this case, or, instead, might it be necessary for the special master to purchase a New Hampshire Maptitude license for this case if the special master does not already have one?

Oral argument on one or more of the preliminary issues will be held before the justices of the supreme court on May 4, 2022, at 1:00 p.m.

Depending on the court’s resolution of those issues, and subject to the scheduling availability of the special master, a hearing before the special master will be held on May 19, 2022, at 1:00 p.m.

Oral argument on the special master's report and recommendation will be held before the justices of the supreme court on May 24, 2022, at 1:00 p.m.

MacDonald, C.J., and Hicks, Bassett, Hantz Marconi, and Donovan, JJ., concurred.

**Timothy A. Gudas,
Clerk**

Distribution:

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ACADEMIC APPOINTMENTS

STANFORD LAW SCHOOL	STANFORD, CA
JAMES B. MCCLATCHY PROFESSOR OF LAW	2013 – present
SENIOR FELLOW, FREEMAN SPOGLI INSTITUTE FOR INTERNATIONAL STUDIES	2019 – present
CO-DIRECTOR, STANFORD-MIT HEALTHY ELECTIONS PROJECT	2020 – present
CO-DIRECTOR, STANFORD CYBER POLICY CENTER	2019 – present
CO-DIRECTOR, PROJECT ON DEMOCRACY AND THE INTERNET	2017 – present

- *Courtesy Appointments:* Departments of Communication and Political Science.
- *Courses:* The Law of Democracy; Regulation of the Political Process; Constitutional Law, First Amendment, Free Speech, Democracy and the Internet; Political Campaigning in the Internet Age, Contemporary Issues in Law and Politics; Policy Practicums on Campaign Finance, Absentee Voting, Election Administration, Healthy Elections, the Facebook Oversight Board, and Redistricting.
- *Service:* Appointments Committee (Chair 2017-18); Careers in Teaching Committee; Workshops Chair.
- *Selected Awards and Fellowships:* Member, American Academy of Arts and Sciences (Elected 2019); Fellow at Center for Advanced Study in the Behavioral Sciences (2017-2019); Guggenheim Fellowship (2020-2021), Andrew Carnegie Fellowship (2016-17).
- *Commissioner,* Kofi Annan Commission on Elections and Democracy in the Digital Age (2019).

COLUMBIA LAW SCHOOL	NEW YORK, NY
CHARLES KELLER BEEKMAN PROFESSOR OF LAW AND PROFESSOR OF POLITICAL SCIENCE	2008 – 2013
PROFESSOR OF LAW	2007 – 2008

- *Courtesy Appointment:* Department of Political Science (2007– 2013).

4/11/2022

- *Courses:* Constitutional Law; Advanced Constitutional Law: The Political Process; Freedom of Expression; Contemporary Issues in Law and Politics; Redistricting and Gerrymandering.
- *Service:* Lateral Appointments Committee Chair (2010-2012), Curriculum Committee Chair (2009-2010), Advisory Committee Chair (2008-2009), Intellectual Life Committee; Resources and Development Committee, Committee on Professional Development.
- *Center for Law and Politics:* Founding Director.
- *DrawCongress.org:* Founder.
- Instructor in University of Amsterdam Summer Program, July 2011.

UNIVERSITY OF PENNSYLVANIA LAW SCHOOL	PHILADELPHIA, PA
PROFESSOR OF LAW	2005 – 2007
ASSISTANT PROFESSOR OF LAW	2001 – 2005

- *Secondary Appointment:* Department of Political Science (2003-2007).
- *Courses:* Law and the Political Process; Contemporary Issues in Law and Politics; Constitutional Law, First Amendment.
- *Service:* Tenure and Promotion Committee, Judicial Clerkship Committee, Nominations Committee, Committee on Academic Standing; Coordinator of Faculty Retreat and Legal Studies Workshop.
- *Teaching Award:* Winner of the Robert A. Gorman Award for Excellence in Teaching.

VISITING PROFESSORSHIPS

UNIVERSITY OF MELBOURNE LAW SCHOOL	August 2014
PRINCETON UNIVERSITY Law and Public Affairs Fellow Woodrow Wilson School	2012-2013
UNIVERSITY OF AMSTERDAM (COLUMBIA LAW PROGRAM)	Summer 2010
HARVARD LAW SCHOOL SIDLEY AUSTIN VISITING PROFESSOR	Fall 2007
STANFORD LAW SCHOOL	Spring 2006
NEW YORK UNIVERSITY LAW SCHOOL	Fall 2004

OTHER WORK EXPERIENCE

SOCIAL SCIENCE ONE
Co-Chair

April 2018 – July 2020

With funding from nine different foundations, established a commission of 85 academics from around the world to facilitate access to Facebook data for social scientists studying the impact of social media on democracy – www.socialscience.one .

PRESIDENTIAL COMMISSION ON ELECTION ADMINISTRATION June 2013 - Jan. 2014
Senior Research Director

Conducted research and wrote report on “The American Voting Experience,” available at <http://web.mit.edu/supportthevoter/www/>.

SPECIAL MASTER OR COURT-APPOINTED EXPERT

Special Master for Redistricting of
Connecticut Congressional Districts

Dec. 2021 - Jan. 2022
Hartford, CT

Appointed by Supreme Court of Connecticut to draw state’s Congressional districts, pursuant to *In Re Petition of Reapportionment Commission, Ex. Rel.*, SC 20661 (2022).

Redistricting of North Carolina
Legislative Districts

Sept. 2019
Wake County, NC

Appointed by Superior Court of North Carolina as referee to advise, and if necessary, redraw the state’s legislative districts, pursuant to *Common Cause v. Lewis*, 18-CVS-014001, (N.C. Super. Ct., Sept 13, 2019).

Redistricting of Pennsylvania
Congressional Districts

Feb. 2018
Pittsburgh, PA

Appointed by Supreme Court of Pennsylvania as advisor to assist the Court in drawing Congressional district map pursuant to *League of Women Voters v. Commonwealth*, 178 A.3d 737 (S. Ct. Pa. 2018).

Special Master for Redistricting of North Carolina
State Legislative Districts

Nov.-Dec. 2017
Greensboro, NC

Appointed Special Master by U.S. District Court for the Middle District of North Carolina to draw remedial state legislative redistricting plan pursuant to *Covington v. North Carolina*, 283 F. Supp.3d 410 (MDNC 2018).

Redistricting of New York Congressional Districts Feb.-Mar. 2012
New York, NY

Appointed by U.S. District Court for the Eastern District of New York to assist Magistrate Judge in drawing state's Congressional districts pursuant to *Favors v. Cuomo*, 2012 WL 928223 (EDNY 2012). Plan adopted on March 19, 2012,

Special Master for Redistricting of Connecticut Congressional Districts Jan.-Feb. 2012
Hartford, CT

Appointed by Supreme Court of Connecticut to draw state's Congressional districts, pursuant to *In Re Petition of Reapportionment Commission, Ex. Rel.*, 36 A.3d 661 (Ct. Sup. Ct. 2012). Plan adopted Feb. 12, 2012.

Redistricting of Georgia General Assembly Feb.-March 2004
Atlanta, GA

Appointed by U.S. District Court for the Northern District of Georgia to draw districts for Georgia House of Representatives and Senate. Plan adopted in *Larios v. Cox*, 314 F.Supp.2d 1357 (N.D. Ga., 2004).

Redistricting of Maryland State Legislative Districts June 2002
Annapolis, MD

Appointed by Maryland Court of Appeals to draw Court plan, currently in effect, for 2002 state legislative districts. Plan adopted in *In re Legislative Redistricting of State*, 805 A.2d 292 (Md. 2002).

Redistricting of New York Congressional Districts May-June 2002
New York, NY

Pursuant to *Rodriguez v. Pataki*, 2002 WL 1058054 (S.D.N.Y. 2002), appointed by Special Master, Judge Frederick B. Lacey, to draw plan for New York State's congressional districts, later superseded by state legislature's plan.

REDISTRICTING CONSULTANT

Consultant to Maryland Citizens Redistricting Commission 2021-22
Annapolis, MD
Report available at <https://tinyurl.com/PersilyMarylandReport>

Consultant to Utah Independent Redistricting Commission 2011
San Juan, PR

Consultant to Redistricting Commission and Council of Prince George's County 2011 & 2021
Upper Marlboro, MD

Consultant to the Chief Justice of Puerto Rico 2011 & 2022

to evaluate House and Senate redistricting criteria San Juan, PR

EXPERT WITNESS

California State Senate 2002-2003
Redistricting Litigation Sacramento, CA

Served as an expert to evaluate the 2002 California Senate and Congressional redistricting plans concerning those plans' compliance with state constitutional provisions requiring respect for political subdivisions and geographic regions.

OUTSIDE COUNSEL

Bethlehem Area Unified School District 2008
Bethlehem, PA

Consultant to school district in settlement concerning lawsuit alleging vote dilution in school district boundaries.

Miami-Dade County Attorneys Office 2002
Miami, Florida

Consultant to Miami-Dade County in litigation involving the 2000 redistricting process and challenges to the structure of local government.

ASSOCIATE COUNSEL

Brennan Center for Justice at NYU School of Law 1999-2001
New York, NY

LAW CLERK

The Honorable David S. Tatel 1998-1999
U.S. Court of Appeals, D.C. Circuit Washington, DC

LEGAL EXTERN

The Honorable John T. Noonan June-August 1996
U.S. Court of Appeals, Ninth Circuit San Francisco, CA

GRADUATE STUDENT INSTRUCTOR &

RESEARCH ASSISTANT 1994-1995
Professor Nelson Polsby Berkeley, CA
Institute of Governmental Studies, U.C. Berkeley

EDUCATION

STANFORD LAW SCHOOL, J.D. with Distinction, 1998

- President, Volume 50, *Stanford Law Review*.

U.C. BERKELEY, M.A., 1994; Ph.D. in Political Science, 2002

- Recipient of the Edith Pence and Jacob Javits Scholarships.

4/11/2022

- Thesis Title: *When Political Parties Go to Court*.
- Thesis Committee: Nelson Polsby, Bruce Cain, Raymond Wolfinger, Robert Post.

HEBREW UNIVERSITY OF JERUSALEM, 1992-1993

Raoul Wallenberg & Rotary Foundation Scholar.

YALE UNIVERSITY, B.A. & M.A. in Political Science, 1992

Phi Beta Kappa, Magna Cum Laude, Distinction in the Major, Recipient of the Haas Prize, Richard Sewall Cup, and Frank M. Patterson Prize for the finest senior project in American Politics.

PUBLICATIONS

A Proposal for Researcher Access to Platform Data: The Platform Transparency and Accountability Act, 1 JOURNAL OF ONLINE TRUST AND SAFETY (2021), <https://doi.org/10.54501/jots.v1i1.22>

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Can Democracy Survive the Internet?, 28 JOURNAL OF DEMOCRACY 63 (2017).

Who Counts for One Person, One Vote?, 50 U.C. DAVIS LAW REVIEW 1395 (2017)

THE LAW OF DEMOCRACY: LEGAL STRUCTURE OF THE POLITICAL PROCESS (5th ed., Foundation Press, 2016) (with Samuel Issacharoff, Pamela Karlan & Richard Pildes).

Revisiting Public Opinion on Voter Identification and Voter Fraud in an Era of Increasing Partisan Polarization, 68 STANFORD LAW REVIEW 1455 (2016) (with Charles Stewart III and Stephen Ansolabehere).

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Bush v. Gore in the American Mind: Reflections and Survey Results on the Tenth Anniversary of the Decision Ending the 2000 Election Controversy (with Amy Semet and Stephen Ansolabehere) in Michael Alvarez and Bernard Grofman eds., ELECTION ADMINISTRATION IN THE UNITED STATES: THE STATE OF REFORM AFTER BUSH V. GORE (2014).

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Race, Region, and Vote Choice in the 2008 Election: Implications for the Future of the Voting Rights Act, 123 HARVARD LAW REVIEW 1385 (2010) (with Stephen Ansolabehere and Charles Stewart).

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The Promise and Pitfalls of the New Voting Rights Act, 117 YALE LAW JOURNAL 174 (2007).

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Options and Strategies for Renewal of the Section Five of the Voting Rights Act, in THE FUTURE OF THE VOTING RIGHTS ACT 255, 257 (David L. Epstein, et al. eds., 2006); reprinted and revised in, 49 HOWARD LAW JOURNAL 717 (2006).

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The Law of American Party Finance, in Keith Ewing & Samuel Issacharoff, PARTY FUNDING AND CAMPAIGN FINANCING IN COMPARATIVE PERSPECTIVE (Hart, 2005).

When Judges Carve Democracies: A Primer on Court-Drawn Redistricting Plans, 73 GEORGE WASHINGTON UNIVERSITY LAW REVIEW 1131 (2005).

Regulating Democracy through Democracy: The Use of Direct Legislation in Election Law Reform, 78 SOUTHERN CALIFORNIA LAW REVIEW 997 (2005) (with Melissa Cully Anderson).

Perceptions of Corruption and Campaign Finance: When Public Opinion Determines Constitutional Law, 153 UNIVERSITY OF PENNSYLVANIA LAW REVIEW 119 (2004) (with Kelli Lammie).

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In Defense of Foxes Guarding Henhouses: The Case for Judicial Acquiescence to Incumbent-Protecting Gerrymanders, 115 HARVARD LAW REVIEW 593 (2002).

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The Complicated Impact of One Person One Vote on Political Competition and Representation, 80 NORTH CAROLINA LAW REVIEW 1299 (2002) (with Thad Kousser & Patrick Egan).

The Blanket Primary in the Courts: The History and Precedent of California Democratic Party v. Jones, in VOTING AT THE POLITICAL FAULT LINE: CALIFORNIA'S EXPERIMENT WITH THE BLANKET PRIMARY (Bruce E. Cain & Elisabeth Gerber eds.) (University of California Press, 2002).

Candidates v. Parties: The Constitutional Constraints on Primary Ballot Access Laws, 88 GEORGETOWN LAW JOURNAL 2181 (2001).

Toward a Functional Defense of Political Party Autonomy, 76 N.Y.U. LAW REVIEW 750 (2001).

The Right to Be Counted, 53 STANFORD LAW REVIEW 1077 (2001) (reviewing PETER SKERRY, COUNTING ON THE CENSUS? (2000)).

Color by Numbers: Race, Redistricting, and the 2000 Census, 85 MINNESOTA LAW REVIEW 899 (2001).

THE REAL Y2K PROBLEM: CENSUS 2000 DATA AND REDISTRICTING TECHNOLOGY (Brennan Center 2000) (Editor and Contributor).

The Legal Status of Political Parties: A Reassessment of Competing Paradigms, 100 COLUMBIA LAW REVIEW 775 (2000) (with Bruce Cain).

The Right to Bail in International Extradition Proceedings, 34 STANFORD JOURNAL OF INTERNATIONAL LAW 407 (1998).

The Peculiar Geography of Direct Democracy: Why the Initiative, Referendum and Recall Developed in the American West, 2 MICHIGAN LAW & POLICY REVIEW 11 (1997).

The Parliamentary Option for California Government, in CONSTITUTIONAL REFORM IN CALIFORNIA: MAKING STATE GOVERNMENT MORE EFFECTIVE AND RESPONSIVE (Bruce E. Cain & Roger G. Noll eds.) (IGS Press 1995) (with Bruce Cain).

CONGRESSIONAL AND OTHER TESTIMONY

The Promise and Challenges of Evolving Technologies for American Democracy, Committee on Science, Technology, and Law, National Academy of Sciences, Washington, DC (Oct. 21, 2015).

New and Necessary Innovations to Improve Voter Participation and Registration, Hearing Before Senate Select Committee on Science, Innovation and Public Policy, California State Senate (March 11, 2014).

Redistricting and the 2010 Census: Enforcing Section 5 of the VRA, United States Commission on Civil Rights (Feb. 3, 2010).

United States v. Stevens: The Supreme Court's Decision Invalidating the Crush Video Statute, Hearing before the Subcommittee on Crime, Terrorism, and Homeland Security of the U.S. House Committee on the Judiciary, 111th Cong. (May 26, 2010).

Voter Registration: Assessing Current Problems, Hearing before the United States Senate Committee on Rules and Administration, 111th Cong. (March 11, 2009).

Understanding the Benefits and Costs of Section 5 Preclearance, Hearing before the United States Senate Committee on the Judiciary, 110th Cong. (May 17, 2006).

The States' Choice of Voting Systems Act: Hearing on H.R. 1173 before the Subcommittee on the Constitution of the House Committee on the Judiciary, 106th Cong. (Sept. 23, 1999).

U.S. SUPREME COURT AMICUS BRIEFS

Brief of Nathaniel Persily, et al., *Evenwel v. Abbott* (No. 14-940).

Brief of Nathaniel Persily, et al., *Arizona State Legislature v. Arizona Independent Redistricting Commission*, (No. 13-1314).

Brief for Nathaniel Persily, et al., *Northwest Austin Municipal Utility District Number One v. Holder*, 129 S.Ct. 2504 (2009) (No. 08-322).

Brief for Nathaniel Persily et al., *Bartlett v. Strickland*, 556 U.S. 1 (2009) (No. 07-689).

Brief Amicus Curiae of Brennan Center for Justice at NYU School of Law in Support of Appellees, *Utah v. Evans*, 536 U.S. 452 (2002) (No. 01-714).

Brief Amicus Curiae of Brennan Center for Justice at NYU School of Law in Support of Respondents, *Bush v. Gore*, 531 U.S. 98 (2000) (No. 00-949).

BAR, EDITORIAL BOARD, AND PROFESSIONAL ASSOCIATION MEMBERSHIPS

- Co-Chair, Social Science One (the Facebook Election Research Commission).
- Member, American Academy of Arts and Sciences.
- Commissioner, Kofi Annan Commission on Elections and Democracy in the Digital Age.
- Member, National Academy of Sciences Committee on *The Future of Voting*.
- Advisory Board, Monkey Cage Blog at the *Washington Post*.
- Editorial Board, *Election Law Journal* and *The Forum*.
- Social Science Research Council, Advisor to Anxieties of Democracy Project.
- American Law Institute, Member and Advisor, Principles of Election Law Project.
- American Political Science Association, Advisory Committee to Law and Political Process Study Group.
- Hewlett Foundation, Consultant and Academic Advisor.
- Advisory Committee, Electoral Institute, Veracruz, Mexico.
- Member of the New York and United States Supreme Court Bars.

RECENT SPEECHES AND PAPER PRESENTATIONS

- *Can Democracy Survive the Internet?* American Academy of Arts and Sciences Chapter Meeting, Stanford, CA, Dec. 2, 2019; University of Zurich, Zurich, Switzerland, Sept. 25, 2019; NYU Law School, Sept. 17, 2019; Knowledge Future, Stanford, CA, Aug. 24, 2019; Davenport College, Yale, New Haven, CT, Oct. 4, 2018; American Bar Foundation, Chicago, IL, Oct. 3, 2018; National Taiwan University, Taipei, Taiwan, Sept. 3, 2018; I CON conference, Hong Kong, June 25, 2018; 2 Sigma, New York, NY, May 1, 2018, Aspen Ideas Festival, Aspen, CO, June 27, 2017; Stanford in the Wild, Lake Tahoe, CA, Apr. 28, 2017; Wisconsin Law School Faculty Workshop, Madison Wisconsin, Apr. 26, 2017; Stanford Center, Florence, Italy, Apr. 18, 2017.
- *Democracy in the Digital Age*, Meeting of the Trilateral Commission, Stanford CA, Nov. 16, 2018.
- *Does Disinformation Threaten Democracy?* National Constitution Center, Stanford, CA May 3, 2018.
- *Report on Research of Campaign Finance Task Force*, National Institute on Money in State Politics, Bigfork, MT, June 3, 2017.
- *Redistricting and Representation in American Law*, Conference on “The Law and Lives of Democracies,” O.P. Jindal Global University, Delhi, India, Mar. 30, 2017.
- *Coming to Grips with the 2016 Election* Indian Law Institute, Delhi, India, Oct. 26, 2016; Dean’s Advisory Council, Stanford Law School, Stanford, CA, Oct. 20, 2016; Stanford Los Angeles Alumni Event, Los Angeles,

- Oct. 13, 2016; Stanford Directors College, Stanford, CA, June 19, 2016; Stanford Alumni Event, Washington, DC, June 9, 2016.
- *The Costs and Benefits of the Right to Information*, Conference on Deliberative Democracy, O.P. Jindal Global University, Delhi, India, Oct. 24, 2016.
 - *Voting Rights, Election Law, and the 2016 Campaign*
Public Interest Law Lunch, Stanford, CA, Oct. 20, 2016; Stanford Alumni Weekend, Stanford, CA, Oct. 21, 2016; San Francisco Legal Aid Society, San Francisco, CA, July 12, 2016.
 - *The Campaign Revolution Will Not Be Televised*
UCLA Law School Faculty Workshop, Oct. 14, 2016; Public Policy Lecture, Reed College, Sept. 26, 2016; Board of Overseers, Stanford Law School, Stanford, CA, April 15, 2016; Ohio State Law School, Nov. 20, 2015; The Central Valley Foundation/James B. McClatchy Lecture on the First Amendment, U.C. Davis Law School, Oct. 29, 2015; Constitutional Conversation, Stanford Law School, Oct. 27, 2015; Berkeley Law School Public Law Workshop & Institute of Governmental Studies Harris Seminar, Berkeley, CA, Sept. 29, 2015; Conference on Online Political Advertising, Bipartisan Policy Center, Stanford Law School, Sept. 18, 2015; Stanford Law School Faculty Workshop, August 12, 2015.
 - *Roundtable of Campaign Finance*, American Political Science Association Annual Meeting, Philadelphia, PA, Sept. 3, 2016.
 - *Anxieties of Democracy*, American Political Science Association Annual Meeting, Philadelphia, PA, Sept. 1, 2016.
 - *Redistricting Law After Evenwel v. Abbott*, American Political Science Association Annual Meeting, Philadelphia, PA, Sept. 3, 2016.
 - *Does Democracy Need to Be Fixed?*, Penn Law School Symposium on “Is Government Broken?”, Phil., PA, March 24, 2016.
 - *Solutions to Political Polarization*
Southern California Law and Social Sciences Forum Keynote, San Diego, CA, Mar. 18, 2016; Democracy Studies Event, Ohio State University, Moritz College of Law, Columbus, OH, March 12, 2015; Columbia Law School Faculty Workshop, New York, NY, Nov. 6, 2014; University of Melbourne Law School Legal Studies Workshop, Melbourne, Australia, Aug. 7, 2014; University of New South Wales Law School Faculty Workshop, Sydney, Australia, August 4, 2014; Stanford Law School Faculty Workshop, Stanford, CA, July 16, 2014; SSRC Presents – Anxieties of Democracy: Why Is America So Polarized?, Roosevelt House, New York, NY, Feb. 18, 2014.
 - *Contemporary Controversies in the American Law of Democracy*, Conference on Democracy and Its Discontents, Central European University, Budapest, Hungary, Oct. 9, 2015.
 - *The Law of the 2012 Election*, Stanford Alumni Dean’s Circle Event, Newseum, Washington, DC, Nov. 13, 2014.
 - *Caught Between the Rock of the Constitution and the Hard Place of the Voting Rights Act*, University of Chicago Legal Forum Symposium, Chicago, IL, Nov. 7, 2014.
 - *Testing Shaw v. Reno: Do Majority-Minority Districts Cause Expressive Harms?*, Symposium on Empirical Studies of Constitutional Law, University of Chicago Law School, Oct. 23, 2014.
 - *Political Parties and Campaign Finance*, Bipartisan Policy Center, Washington, DC, Oct. 16, 2014.
 - *Redistricting Reform: People, Principles and Processes*, Ohio State University, Apr. 18, 2014.
 - *The American Voting Experience: Report of the Presidential Commission on Election Administration*

- Australian Election Network, University of Melbourne, Aug. 6, 2014.
Stanford Law School Faculty Workshop, Feb. 19, 2014
National Association of State Election Directors, San Francisco, CA, Aug. 22, 2014.
George Washington Law School, Jan. 22, 2014.
- *Evaluating Redistricting Reforms*, Bauman Foundation, Washington, DC, Dec. 9, 2013.
 - *The Law of the 2012 Election*, Columbia Alumni Clubs of Sarasota and Tampa, Apr. 4-5, 2012.
 - *The Law of Democracy in American Constitutional Law*, Dean Alfange Jr. Distinguished Lecture, U. Mass Amherst, Amherst, MA, Mar. 26, 2012
 - *Politics as Bloodsport: Redistricting Controversies Past and Present*, Columbia Law Washington Program and Alumni Presentation, Washington, DC, Feb. 29, 2012.
 - *The Law of Redistricting*, CSPAN: American History TV, Columbia Law School, Feb. 27, 2012.
 - *Citizens United, the Media, and the Medium*, Stanford Department of Communications, Stanford, CA, Feb. 23, 2012.
 - *Drawing Lines in Shifting Sands*, Stanford Law and Policy Review Symposium, Stanford, CA, Jan. 28, 2012.
 - *Judges and Redistricting*, Yale Law and Policy Review Symposium, Yale Law School, New Haven, CT, Oct. 22, 2011.
 - *Redistricting New York 2012: Issues and Controversies*, The Center for Electoral Politics and Democracy at Fordham University, New York, NY, Oct. 5, 2011.
 - *Bush v Gore, 10 Years Later: Election Administration in the United States*, Center for the Study of Democracy, University of California, Irvine, Cal Tech/MIT Voting Technology Project, Laguna Beach, CA, April 16-17, 2011.
 - *Race, Party and Community Representation in the Redistricting Process*, Yale Law School, New Haven, CT, Feb. 25, 2011.
 - *The Causes of Party Polarization in Congress*, HARVARD JOURNAL OF LEGISLATION Symposium, Harvard Law School, Cambridge, MA, Feb. 24, 2011.
 - *Politics and the Roberts Court*, EMORY LAW JOURNAL Thrower Symposium, Emory Law School, Atlanta, GA, Feb. 10, 2011.
 - *The 2010 Census and Election*, Columbia Law School Federalist Society, Feb 9, 2011.
 - *The Shifting Sands of Redistricting Law: Unanswered Questions for the 2010 Cycle*, National Conference of State Legislatures, National Harbor, MD, Jan 23, 2011.
 - *The Constitutional Politics of the Tea Party Movement*, Association of American Law Schools Annual Meeting, San Francisco, CA, Jan. 6, 2011.
 - *Profiling Originalism*, Law, Economics, and Organization Workshop, Yale Law School, New Haven, CT, Dec. 9, 2010; University of Chicago Law School Faculty Workshop, Chicago, IL, Nov. 11, 2010; George Washington University Law School Faculty Workshop, Washington, DC, Sept. 21, 2010.
 - *The Tenth Anniversary of Bush v. Gore*, Columbia Law School Alumni Breakfast Series, Greenberg Traurig, New York, NY, Dec. 2, 2010.
 - *Bush v. Gore: A Decade Later*, ST. THOMAS LAW REVIEW Symposium, Miami, FL, Nov. 12-13, 2010.
 - *Redistricting 2011: Decisions of a Decade*, Council of State Governments Intergovernmental Affairs Committee, Providence, RI, Dec. 5, 2010.
 - *Expert Witnesses in Redistricting*, NAACP Legal Defense and Education Fund, Airlie Conference Center, Warrenton, VA Oct. 9, 2010.
 - *Citizens United*, UNC First Amendment Law Review, University of North Carolina, Chapel Hill, NC, Oct. 8, 2010.

- *Redistricting Cases Since the Last Census*, National Conference of State Legislatures, Redistricting Task Force, Providence, RI, Sept. 26, 2010.
- *American Law Institute Conference on Election Law*, Philadelphia, PA, June 10, 2010.
- “*United We Stand, United We Fall?*”, Panel Discussion on Citizens’ United v. FEC, Stanford Law School Alumni Event, Waldorf Astoria, May 4, 2010.
- *Voting and Democratic Participation*, Conference on “Acknowledging Race in a ‘Post-Racial’ Era,” Cardozo Law School, New York, NY. Apr. 30, 2010.
- *The Law of Democracy in the Age of Obama and Roberts*, Columbia Law Alumni Association, Ropes and Gray, LLP, Boston, MA, April 13, 2010.
- *The Law of the Census*, Indiana Law Review Conference on the Law of Democracy, Indiana Law School, Indianapolis, IN, April 9, 2010.
- *A Closer Look at Key Decisions Since 2000*, National Conference of State Legislatures Redistricting Task Force, Austin, TX, Mar. 26, 2010.
- *Race and the Law in the Age of Obama and Roberts*, 2010 Edward Brodsky Legal Conference, Anti Defamation League, New York Times Building, March 4, 2010 (moderator).
- *Taking Politics as Markets (Too) Seriously, The Past Present and Future of Election Law: A Symposium Honoring the Work of Daniel Lowenstein*, UCLA Law School, Los Angeles, CA, Jan. 29, 2010.
- *The Redistricting Experience – Tales from the Field*, Redistricting Reform & Voting Rights - Identifying Common Ground and Challenges, Warren Institute, UCDC, Washington, DC, Nov. 10, 2010.
- “*Democracia Electoral, Hacia Una Nueva Agenda*,” Electoral Institute of Veracruz, Veracruz, Mexico, October 15-16, 2009.
- *Election Law in the Age of Obama and Roberts*, Stone Agers Luncheon, St. Regis Hotel, New York, NY, Sept. 30, 2009.
- *Race, Region and Vote Choice in the 2008 Election*, The Ohio State Moritz College of Law Faculty Workshop, Columbus, OH, Sept. 23, 2009.
- *Originalism in the American Mind*, James Goold Cutler Lecture, William and Mary Law School, Williamsburg, VA, Sept. 17, 2009.
- *Gay Marriage, the Courts and Direct Democracy*, Roundtable at American Political Science Association Annual Meeting, Toronto, Canada, Sept. 4, 2009.
- *Reflections on the Supreme Court’s Recent Voting Rights Cases*, New America Foundation, Washington, DC, June 30, 2009
- *New Developments in the Meaning of the Voting Rights Act*, National Conference of State Legislatures Redistricting Task Force, San Francisco, CA, June 14, 2009.
- *Voter Registration Reform*, AEI-Brookings Election Reform Project, Washington, DC, June 2, 2009.
- *The Meaning of the Voting Rights Act in the Age of Obama*, Stanford Law School Faculty Workshop, Stanford, CA, Mar. 18, 2009.
- *Election 2008: Looking Back and Moving Forward*, American Friends of the Hebrew University, New York, NY, Mar. 17, 2009; Columbia Law Alumni and Admittee Event, Washington, DC Mar. 17, 2009.
- *Election Administration Issues in the 2008 Election*, Tobin Project/ALI Elections Scholarship Conference, Duke Law School, Durham, NC, Feb. 27, 2009.
- *The Associational Rights of Political Parties: Recent Cases and Reform Efforts*, New York Bar Association, Election Law Committee, New York, NY, March 26, 2009.

- *Fig Leaves and Tea Leaves in the Supreme Court's Recent Election Law Decisions*, University of Miami Law Review Symposium, Miami, FL, Jan. 4, 2009; University of Minnesota Law School Public Law Workshop, Minneapolis, MN, Jan. 6, 2009.
- *Redistricting War Stories*, American Mathematics Society, Washington, DC, Jan. 8, 2009.
- *Everything You Ever Wanted to Know About Election Law*, Ezra Stiles College Master's Tea and Fellows Dinner, Yale University, New Haven CT, Oct. 30, 2008.
- *Litigation in the 2008 Election*, New York State Bar Association Committee on Minorities in the Profession, New York, NY, Oct. 28, 2008.
- *The Crawford Decision and the Future of Voter Identification*, University of Maryland, Baltimore, MD, Oct. 16, 2008.
- *Reforming the Presidential Nomination Process*, Stanford Law School, Stanford, CA, Oct. 3, 2008.
- *Defacing Democracy: The Rising Importance and Salience of As-Applied Challenges in the Roberts Court*, Rutgers-Camden Law School, Camden, NJ, Sept., 22, 2008; Minnesota Law School, Minneapolis, MN, Oct. 17, 2008.
- *The Law and Politics of the 2008 Election*, Columbia Alumni Association of the District of Columbia, Washington, DC, Oct. 15, 2008; New York Alumni Event, New York, NY, Oct. 7, 2008.
- *Litigating the 2008 Election*, Connecticut Bar Association, District of Connecticut Bench-Bar Conference, Sept. 19, 2009.
- *Improving our Elections: Future Research and Reform*, Carnegie Foundation, New York, NY, Sept. 18, 2008.
- *Legal Issues in the 2008 Election*, Cardozo Law School, Mar. 26, 2008.
- *Voting Rights, Voter Fraud and Election Administration*, Harvard Journal on Legislation conference on "Voices on Voting: Election Law in 2008," Cambridge, MA, Mar. 6, 2008.
- *Vote Fraud in the Eye of the Beholder*, Columbia Law School, Feb. 26, 2008; University of Chicago Law School, Mar. 4, 2008.
- *The New Voting Rights Act*, Journal of Law and Politics, University of Virginia Law School, Charlottesville, VA, Feb. 23, 2008.
- *Redistricting in Democratic Theory*, Byron White Center Symposium on Reapportioning Colorado, Old Supreme Court Chambers, Colorado State Capitol, Denver, CO, Jan. 25, 2008.
- *Preview of the 2008 Election Campaign*, Election Law Society, Harvard Law School, Cambridge, MA, Oct. 10, 2007; Columbia Law School Alumni Association, Nov. 8, 2007.
- *Preliminary Results from the 2006 Cooperative Congressional Election Survey* (with Stephen Ansolabehere), Stanford Law School, Stanford, CA Apr. 6, 2007.
- *The Implications of the 2003 Texas Redistricting Controversy*, Symposium on *Lines in the Sand*, University of Texas Law School, Austin, TX, March 2, 2007.
- *Public Opinion and Constitutional Controversy*, Symposium on Positive Approaches to Constitutional Law and Theory, University of Pennsylvania Law School, Philadelphia, PA, Feb. 24, 2007.
- *The Implications of the 2006 Elections for Legal Debates over Partisan Gerrymandering*, NYU Annals of American Law Conference, New York University Law School, New York, NY, Feb. 23, 2007.
- *The Promises and Pitfalls of the New Voting Rights Act*, Faculty Workshop, Columbia Law School, New York, NY, Jan. 11, 2007; USC Center on Law and Politics, Los Angeles, CA, Apr. 10, 2007; Northwestern Law School, Chicago, IL, Apr. 17, 2007; Harvard Law School, Cambridge, MA, Oct. 4, 2007.

- *Nonpartisanship, Competition and Minority Voting Rights*, UNC Center for Civil Rights, Chapel Hill, NC, Feb. 3, 2006; Humphrey Inst., University of Minnesota, Minneapolis, MN, Apr. 25, 2006.
- *The Constitutionality of the Voting Rights Act*, Congressional Black Caucus Foundation, Washington, DC, Mar. 9, 2006.
- *The Place of Competition in American Election Law*, Cato Institute, Washington, DC, Mar. 9, 2006.
- *Public Funding of Election Campaigns: Options for Reform and Questions for Research*, University of Wisconsin, Madison, WI, Jan. 28, 2006.
- *Gay Marriage, Public Opinion and the Courts*, American Political Science Association Annual Meeting, Sept. 1, 2005; Emory Law School Faculty Workshop, Sept. 21, 2005; University of Michigan Law School Faculty Workshop, Nov. 16, 2005; Hebrew University of Jerusalem, Jan. 2, 2006; Bar Ilan Law School, Jan. 3, 2006; Tel Aviv Law School, Jan. 5, 2006; Williams Institute at UCLA Law School, Feb. 24, 2006, Stanford Law School Faculty Workshop, March 22, 2006; Columbia Law School Faculty Workshop, June 13, 2006; Northwestern Law School, April 17, 2007.
- *Options and Strategies for Renewal of Section Five of the Voting Rights Act*, Conference on “Lessons From the Past, Prospects for the Future: Honoring the 40th Anniversary of the Voting Rights Act of 1965,” Yale University, April 23, 2005; Russell Sage Foundation, New York, NY, June 24, 2006; Howard Law School, Branton Symposium, Oct. 28, 2005.
- *New Politics*, Conference on “The Constitution in 2020,” American Constitution Society, Yale Law School, Apr. 9, 2005.
- *Constitutional Issues in the Terry Schiavo Case*, Penn Law School, Mar. 29, 2005.
- *Regulating Democracy Through Democracy*, Conference on “The Impact of Direct Democracy,” Initiative and Referendum Institute, U.C. Irvine, Irvine, CA, Jan. 15, 2005.
- *Conflicts of Interest in Comparative Perspective*, University of Trento, Trento, Italy, Sept. 17, 2004.
- *Partisan Gerrymandering after Vieth v. Jubelirer and The Constitutionality of Counting the Overseas Population*, National Conference of State Legislatures, Salt Lake City, UT, July 20-21, 2004.
- *Money, Elections and Political Equality: Campaign Finance After McConnell*, American Constitution Society, Washington, DC, June 19, 2004.
- *Homeland Security and Civil Liberties*, Joint Conference Sponsored by U.S. Army War College and Penn Law School, June 18, 2004 (conference organizer).
- *Understanding McConnell v. FEC*, Program in Law and Public Affairs, Princeton University, May 27, 2004.
- *Redistricting Georgia*, Ad Hoc Workshop, Penn Law School, April 22, 2004.
- *Forty Years in the Political Thicket: Evaluating Judicial Oversight of Redistricting Since Baker v. Carr*, The Brookings Institution, Apr. 16, 2004.
- *American Election Law*, The Moscow School for Political Studies, National Constitution Center, March 26, 2004.
- *The Constitutional Law of American Elections*, Fels School of Government, University of Pennsylvania, March 11, 2004.
- *American Election Law*, Penn Law Board of Overseers, Penn Club of New York, March 12, 2004.
- *The Law of the Census: How to Count, What to Count, Whom to Count, and Where to Count Them*, U.S. Census Bureau, March 4, 2004.
- *Perceptions of Corruption and Campaign Finance*, Southwestern Law School, Feb. 23, 2004; American Political Science Association, Chicago, IL, Sept. 3, 2004, Boalt Hall School of

- Law, Berkeley, CA, Sept. 7, 2004, Seton Hall Law School, Oct. 29, 2004, NYU Law School, Nov. 15, 2004.
- *The Law of Democracy*, Conference Organizer and Panelist, Penn Law Review, Feb. 6-7, 2004.
 - *Redistricting Controversies*, Dianne Rehm Show, National Public Radio, Dec. 4, 2003.
 - *Judging in the Current Era*, American Constitution Society, Penn Law School, Nov. 18, 2003 (moderated panel of four federal judges).
 - *Panel on Appointment of Federal Judges*, Penn Law Public Interest Program, Oct. 29, 2003.
 - *Recent Supreme Court Decisions*, Chestnut Hill Academy, Sept. 2003.
 - *McConnell v. FEC: Understanding the Decision and Its Implications*, Penn Law, May 15, 2003 (conference organizer and speaker).
 - *The Law and Technology of the Redistricting Process*, Columbia Law School, Feb. 6, 2003; NYU School of Law, Sept. 30, 2002.
 - *The Effect of the BCRA on State Political Parties*, National Conference of State Legislatures, Washington, DC, Dec. 12, 2002.
 - *American Election Law*, Speech to visiting election officials from China, Taiwan, and Hong Kong. Sponsored by the Carter Center, National Committee on U.S. Chinese Relations, Women’s Campaign International. Fels School of Government, Nov. 3, 2002.
 - *In Defense of Foxes Guarding Henhouses: The Case for Judicial Acquiescence to Incumbent-Protecting Gerrymanders*, National Conference of State Legislatures (Washington, DC, Dec. 12, 2002); University of Miami Law School, (Oct. 25, 2002); University of Pennsylvania Department of Political Science (Oct. 10, 2002); Rutgers-Camden Law School (Sept. 9, 2002); University of Pennsylvania Law School (Aug. 15, 2002).
 - *Parties, Money and Corruption*, “The Funding of Political Parties Workshop,” Institute of Advanced Legal Studies, University of London, July 5-6, 2002.
 - *Redistricting New York*, University of Pennsylvania Law School Ad Hoc workshop, Summer 2002.
 - *The Law and Technology of the 2000 Redistricting Process*, Harvard Law School, Apr. 22, 2002.
 - *Strategies for Election Reform and their Legal Consequences*, Georgetown Journal on Poverty Law and Policy, Georgetown University Law Center, Feb. 25, 2002.
 - *The Political Impact of One Person, One Vote*, Symposium on Baker v. Carr, University of North Carolina Law School, Chapel Hill, NC, Nov. 2-4, 2001.
 - *Understanding and Complying with Bush v. Gore*, Election Law Task Force of the National Conference of State Legislatures, National Press Club, May 9, 2001.
 - *Multiraciality and the 2000 Census*, Brennan Center at NYU Law School, May 4, 2001.
 - *Latino Representation and the 2000 Redistricting Process*, National Meeting of the Latino Law Students Association, Columbia Law School, Mar. 2, 2001.
 - *The Law, Politics, and Technology of the 2000 Redistricting Process*, Eagleton Institute of Public Affairs, Rutgers University, Dec. 18, 2000.
 - *The Legal Regulation of Party Primaries*, Annual Meeting of the American Political Science Association, Washington, DC, Sept. 1, 2000.

Selected Media Appearances and Interviews

- *Television*: NBC, ABC, CBS, CNN, MSNBC, FoxNews, Bloomberg, CNNfn.
- *Radio*: NPR, CBS Radio, ABC Radio, BBC Radio, Voice of America.
- *Newspapers and Wire Services*: New York Times, Washington Post, Wall Street Journal, Los Angeles Times, San Francisco Chronicle, Philadelphia Inquirer, Washington Times, Houston Chronicle, Christian Science Monitor, Dallas Morning News, Miami Herald,

4/11/2022

Atlanta Journal Constitution, Detroit Free Press, Baltimore Sun, the Guardian, McClatchy, Knight Ridder, Gannett, Associated Press, United Press International.

- *Other periodicals:* The New Yorker, The New Republic, Congressional Quarterly, Roll Call.

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