

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

Common Cause Florida, FairDistricts Now,
Dorothy Inman-Johnson, Brenda Holt,
Leo R. Stoney, Myrna Young, and Nancy
Ratzan,

Plaintiffs,

Michael Arteaga, et al.,

Intervenor Plaintiffs,

v.

Laurel M. Lee, in her official capacity as
Florida Secretary of State,

Defendant.

Case No.: 4:22-cv-109-AW-MAF

**PLAINTIFFS' SUPPLEMENTAL MEMORANDUM REGARDING
PROPOSED COURT-APPOINTED EXPERTS**

In accordance with this Court's Order dated April 4, 2022 (ECF No. 64), Plaintiffs Common Cause Florida, FairDistricts Now, Dorothy Inman-Johnson, Brenda Holt, Leo R. Stoney, Myrna Young, and Nancy Ratzan (together, the "Plaintiffs"), file this supplemental memorandum on potential experts for Court appointment to assist the Court in evaluating and/or preparing a Congressional map, if that becomes necessary.

As provided in the Joint Report (ECF No. 61), Plaintiffs respectfully suggest the Court appoint Dr. Nathaniel Persily. Defendant proposes Sean Trende, and

Intervenor Plaintiffs (who do not oppose Dr. Persily's appointment) propose Dr. Michael P. McDonald. For the reasons set forth below, Plaintiffs submit that Dr. Persily is the preferable choice due to his breadth of experience assisting similarly situated courts in a non-partisan capacity. Accordingly, Plaintiffs provide the Court with the following information regarding the qualifications and experiences of Dr. Persily, Mr. Trende, and Dr. McDonald:

I. Dr. Nathaniel Persily

Plaintiffs respectfully suggest the Court appoint Dr. Persily as the Court-appointed expert. He is one of the Nation's leading, non-partisan redistricting experts, can interpret federal and state constitutional redistricting requirements, and has more experience assisting courts with remedial map drawing than Mr. Trende and Dr. McDonald combined. Plaintiffs asked Dr. Persily whether he would be willing to serve as a court-appointed expert in this case and he responded that he would be willing to have his name put forward only by Common Cause, a non-partisan organization, and its co-plaintiffs.

Dr. Persily is the James B. McClatchy Professor of Law at Stanford Law School, where he teaches Election Administration and Redistricting among other courses. Prior to his academic appointment at Stanford, he taught law at Columbia Law School and the University of Pennsylvania Law School. He received a J.D., with distinction, from Stanford Law School as well as an M.A. and Ph.D. in Political

Science from U.C. Berkeley. He also has a B.A. and M.A. in Political Science from Yale University.

Dr. Persily has extensive experience serving as a Special Master or court-appointed expert in numerous federal and state redistricting cases, including in multiple cases concerning remedial Congressional districts, such as:

- Connecticut: *In Re Petition of Reapportionment Commission, Ex. Rel.*, No. SC 20661 (Conn. Sup. Ct. 2022).
- Pennsylvania: *League of Women Voters v. Commonwealth*, 645 Pa. 1, 178 A.3d 737 (Pa. 2018).
- New York: *Favors v. Cuomo*, No. 11-CV-5632, 2012 U.S. Dist. LEXIS 36910 (E.D.N.Y. March 19, 2012).
- Connecticut: *In Re Petition of Reapportionment Commission, Ex. Rel.*, 303 Conn. 798, 36 A.3d 661 (Ct. Sup. Ct. 2012).
- New York: *Rodriguez v. Pataki*, 2002 U.S. Dist. LEXIS 9272 (S.D.N.Y. May 23, 2002).

Dr. Persily's work as a court-appointed expert has been heavily relied upon and regarded favorably by many courts across the country. In particular and pertinent to this matter, Dr. Persily was recommended by the Republican-led Florida Senate as a "Court-Appointed Consultant to Draw the Senate Map" when a legislative

impasse failed to produce a Florida Senate map in 2015.¹ The Florida Senate argued that the appointment of a consultant, for which Dr. Persily was their first choice, would “eliminate any suspicion that the adopted map was laden with improper intent.”²

In 2019, a North Carolina state court three-judge panel, which utilized Dr. Persily to review and develop remedial Legislative districts, concluded that “Professor Persily has also consulted about election matters on a bipartisan basis [and] has no apparent conflicts of interest.” Order at 3, *Common Cause v. Lewis*, 18 CVS 014001 (N.C. Super. Ct. Sept. 13, 2019).³ And Dr. Persily was lauded in *Favors v. Cuomo* for completing all the work necessary to “ensure that every aspect of the [redistricting] plan received thorough and careful consideration” despite a “punishing schedule” set by the court.⁴ In that case, “[s]everal parties urged and no party opposed Dr. Persily’s retention” by the court.⁵

In addition to this experience, Dr. Persily has published extensively on election law and redistricting and provided Congressional and other testimony on

¹ Mot. for Appointment of a Court-Appointed Consultant to Draw the Senate Map, *League of Women Voters of Florida v. Detzner*, 2015 WL 13920208 (Fla. Cir. Ct. 2015).

² *Id.* at 1–2.

³ Order available at: <https://www.brennancenter.org/sites/default/files/legal-work/2019-09-13-Order.pdf>.

⁴ 2012 WL 928223, at *15 (E.D.N.Y. March 19, 2012).

⁵ *Id.* at *2 n.10.

these topics. A complete listing of Dr. Persily's service as a Special Master or court-appointed expert, other relevant redistricting experience, and scholarly publications is available in the Curriculum Vitae appended to this submission as **Exhibit 1**.

In light of the above, Plaintiffs respectfully submit that Dr. Persily is the best choice to serve as the Court-appointed expert in this matter.

II. Mr. Sean Trende

Plaintiffs oppose the appointment of Mr. Trende to assist the Court in evaluating and/or preparing a map. Mr. Trende lacks Dr. Persily's bipartisan track record and reputation. Indeed, Defendants at the status conference on April 4, 2022, called Mr. Trende the Republican choice. This statement, coupled with his professional experience, raises serious questions about Mr. Trende's neutrality.

Mr. Trende is a Senior Elections Analyst with RealClearPolitics, a political analysis website based in Washington, D.C. RealClearPolitics, founded in 2000, is "one of the most heavily trafficked political websites in the world," is "recognized as a pioneer in the field of poll aggregation," and "produces original content, including both data analysis and traditional reporting."⁶ RealClearPolitics was founded as a site for self-styled political junkies, but has shifted in recent years to

⁶ Affidavit of Sean Trende, *Harper v. Hall*, 21 CVS 015426 (N.C. Super. Ct. 2021) at ¶ 6. Available at <https://www.nccourts.gov/assets/inline-files/LDTX106%20Expert%20Report%20of%20Mr.%20Sean%20Trende.pdf?msclkid=bd744577b53411ecafde7ff28218509f>.

become a more partisan outlet, including spreading unverified and misleading information concerning the results of the 2020 presidential election.⁷ Mr. Trende’s work for RealClearPolitics focuses primarily on “tracking, analyzing, and writing about elections.”⁸

In contrast to Dr. Persily’s long history of serving as a Special Master or court-appointed expert in redistricting cases, Mr. Trende has only served as a Special Master or court-appointed expert in one such matter. That case arose in 2021, when Mr. Trende was appointed as one of two Special Masters by the Supreme Court of Virginia to assist in the redistricting process after the Virginia Redistricting Commission failed to produce a map.⁹ Of note, Mr. Trende was appointed pursuant to Virginia Code § 30-399(F), which instructs the Supreme Court of Virginia to “appoint *two* special masters to assist the Court in the establishment of districts” in the event of a failure by the Commission to produce or the Virginia legislature to approve a map.¹⁰

⁷ Jeremy W. Peters, *A Popular Political Site Made a Sharp Right Turn. What Steered It?*, N.Y. TIMES (Nov. 17, 2020), <https://www.nytimes.com/2020/11/17/us/politics/real-clear-politics.html>.

⁸ Affidavit of Sean Trende, *supra*, at ¶ 7.

⁹ Redistricting Appointment Order, In re: Decennial Redistricting Pursuant to the Constitution of Virginia, art. II, §§ 6 to 6-A, and the Virginia Code § 30-399 (Nov. 19, 2021). Available at https://www.wric.com/wp-content/uploads/sites/74/2021/11/redistricting_appointment_order_2021_1119.pdf.

¹⁰ Va. Code § 30-399(F) (emphasis added).

Mr. Trende was appointed alongside Dr. Bernard Grofman, a highly experienced redistricting expert who has served as a Special Master in a multitude of redistricting cases. Dr. Grofman was submitted by the Democratic leadership,¹¹ and Mr. Trende was submitted by the Republican leadership.¹² The Supreme Court of Virginia referenced that Dr. Grofman and Mr. Trende “each was nominated by legislative leaders of a particular political party” in its November 19, 2021 Order appointing them as Special Masters.¹³ This single appointment forms the sum total of Mr. Trende’s experience as a Special Master or court-appointed expert in redistricting cases.

Additionally, while Mr. Trende has more experience when the category is broadened to include serving as an expert witness generally—mostly in non-

¹¹ Nov. 1, 2021 Submission of Eileen Filler-Corn, Speaker of the House of Delegates, available at https://www.vacourts.gov/courts/scv/districting/special_masters_nominations_speaker_filler_corn.pdf; Nov. 1, 2021 Submission of Richard L. Saslaw, Senate Majority Leader, available at https://www.vacourts.gov/courts/scv/districting/special_masters_nominations_senator_saslaw.pdf.

¹² Additional Republican Nominees Pursuant to November 12, 2021, Supreme Court Order, available at https://www.vacourts.gov/courts/scv/districting/additional_republican_nominees.pdf.

¹³ Redistricting Appointment Order, In re: Decennial Redistricting Pursuant to the Constitution of Virginia, art. II, §§ 6 to 6-A, and the Virginia Code § 30-399 (Nov. 19, 2021). Available at https://www.wric.com/wp-content/uploads/sites/74/2021/11/redistricting_appointment_order_2021_1119.pdf.

redistricting voting rights cases¹⁴—his work in those cases also counsels against his appointment here for two reasons. First, Mr. Trende’s experience as a non-redistricting voting rights expert is not as relevant as Dr. Persily’s wealth of experience serving as a Special Master and/or court-appointed expert in redistricting matters. Second, Mr. Trende has not worked on a bipartisan basis, but rather has served as an expert witness exclusively on behalf of Republican interests.¹⁵ This stands in sharp contrast to Dr. Persily’s bipartisan and non-partisan work in the field.

For these reasons, the Court should reject Defendant’s proposal to appoint Mr. Trende.

III. Dr. Michael P. McDonald

Plaintiffs agree that Dr. McDonald is well-qualified by experience and training to assist the Court in evaluating and/or preparing a Congressional map if that becomes necessary. However, Plaintiffs submit that Dr. Persily’s well-established non-partisan credentials and greater experience as a court-appointed expert or Special Master make him the preferred choice.

Dr. McDonald is a Professor of Political Science at the University of Florida. His research interests include the areas of elections and methodology, and he teaches

¹⁴ Affidavit of Sean Trende, *supra*, at ¶¶ 16–24.

¹⁵ *Id.*

a variety of classes related to elections and American politics.¹⁶ Dr. McDonald is a co-principal investigator on the Public Mapping Project, which encourages public participation in redistricting.¹⁷

Unlike Dr. Persily, Dr. McDonald has only once assisted a redistricting commission with map drawing at the behest of the state supreme court. And unlike Dr. Persily, who has on numerous occasions performed his work single-handedly, Dr. McDonald worked with the assistance of another expert on this occasion. Specifically, this past March, Dr. McDonald served as *one of two* independent map drawers to assist the Ohio Redistricting Commission in the state legislative map-drawing process.¹⁸ Although he is not identified as a partisan expert in the same way as Mr. Trende, Dr. McDonald was proposed and selected by the Democratic Commissioners in the Ohio matter, and therefore does not share Dr. Persily's non-partisan reputation.¹⁹

CONCLUSION

¹⁶ Dr. Michael P. McDonald, "Vita," United States Election Projects. Available at <http://www.electproject.org/mcdonald-cv>.

¹⁷ *Id.*

¹⁸ Tr. of Mar. 21, 2022 Ohio Redistricting Comm'n Hrg., at 14, <https://www.redistricting.ohio.gov/assets/organizations/redistricting-commission/events/commission-meeting-march-21st-257/transcript-1381.pdf> (emphasis added).

¹⁹ *Id.* at 1–2.

Plaintiffs submit that Dr. Persily is the superior choice to aid this Court in its important work as the Court-appointed expert. While Plaintiffs believe the selection of Dr. Persily alone will best serve the Court, in the alternative, if the Court has a preference for two experts, Dr. Persily should be the Court's first choice.

Date: April 7, 2022

Respectfully submitted,

SOUTHERN COALITION FOR SOCIAL JUSTICE

By: /s/ Katelin Kaiser

Katelin Kaiser (*pro hac vice*)
SOUTHERN COALITION FOR SOCIAL
JUSTICE
1415 W. Highway 54, Suite 101
Durham, NC 27707
919-323-3909
katelin@scsj.org

-and-

Gregory L. Diskant (*pro hac vice*)
H. Gregory Baker (*pro hac vice*)
Peter A. Nelson (*pro hac vice*)
Catherine J. Djang (*pro hac vice*)
Jacob Tuttle Newman (*pro hac vice*)
Ariel Rudofsky (*pro hac vice*)
PATTERSON BELKNAP WEBB & TYLER
LLP
1133 Avenue of the Americas
New York, NY 10036
(212) 336-2000
gldiskant@pbwt.com
hbaker@pbwt.com
pnelson@pbwt.com

cdjang@pbwt.com
jtuttlenewman@pbwt.com
arudofsky@pbwt.com

Henry M. Coxe III (FBN 0155193)
Michael E. Lockamy (FBN 69626)
BEDELL, DITTMAR, DEVAULT, PILLANS &
COXE
The Bedell Building
101 East Adams Street
Jacksonville, Florida 32202
(904) 353-0211
hmc@bedellfirm.com
mel@bedellfirm.com

Counsel for Plaintiffs

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LOCAL RULE 7.1(F) CERTIFICATION

Undersigned counsel certifies that this memorandum contains 1,758 words, excluding the case style and certifications.

/s/ Katelin Kaiser
Katelin Kaiser

CERTIFICATE OF SERVICE

I hereby certify that on April 7, 2022, I electronically filed the foregoing with the Clerk of Court by using CM/ECF, which automatically serves all counsel of record for the parties who have appeared.

/s/ Katelin Kaiser
Katelin Kaiser

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NATHANIEL PERSILY

*Stanford Law School
559 Nathan Abbott Way
Stanford, CA 94305-8610*

Phone: (917) 570-3223
Fax: (650) 725-0253

Email: npersily@stanford.edu
Web: <http://www.persily.com/>

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).

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- *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

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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).

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Redistricting of New York Congressional Districts	Feb.-Mar. 2012 New York, NY
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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
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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
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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
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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
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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
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Consultant to Redistricting Commission and Council of Prince George's County	2011 & 2021 Upper Marlboro, MD
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Consultant to the Chief Justice of Puerto Rico	2011 & 2022
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1/27/2022

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

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

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.

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- 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>

Moderating with the Mob: Evaluating the Efficacy of Real-Time Crowdsourced Fact-Checking, 1 JOURNAL OF ONLINE TRUST AND SAFETY (2021) (with William Godel, Zeve Sanderson, Kevin Aslett, Jonathan Nagler, Richard Bonneau & Joshua A. Tucker), <https://doi.org/10.54501/jots.v1i1.15>

The Miracle and Tragedy of the 2020 U.S. Election, 32 JOURNAL OF DEMOCRACY 159 (2021).

The Virus and the Vote: How to Prevent the Infection of Our Election, 16 OHIO STATE TECHNOLOGY LAW JOURNAL 473 (2020).

SOCIAL MEDIA AND DEMOCRACY: THE STATE OF THE FIELD AND PROSPECTS FOR REFORM, (eds. Nathaniel Persily & Joshua Tucker, Cambridge U. Press, 2020).

Math on trial, SCIENCE, Aug. 9, 2019.

A New Model for Industry-Academic Partnerships, PS: POLITICAL SCIENCE AND POLITICS, 1-7, Sept. 2019 (with Gary King).

THE INTERNET'S CHALLENGE TO DEMOCRACY: FRAMING THE PROBLEM AND ASSESSING REFORMS (Kofi Annan Foundation, 2019).

CAMPAIGN FINANCE IN THE UNITED STATES: ASSESSING AN ERA OF FUNDAMENTAL CHANGE (Bipartisan Policy Center, 2018)

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).

1/27/2022

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).

When is a Legislature Not a Legislature? When Voters Regulate Elections Through Direct Democracy?, 77 OHIO STATE LAW JOURNAL 689 (2016) (with Samuel Byker, William Evans, and Alon Sachar).

The Campaign Revolution Will Not Be Televised, 11 AMERICAN INTEREST 33 (2015).

Testing Shaw v. Reno: Do Majority-Minority Districts Cause Expressive Harms, 90 NYU LAW REVIEW 1041 (2015) (with Stephen Ansolabehere).

SOLUTIONS TO POLITICAL POLARIZATION IN AMERICA (Nathaniel Persily ed., Cambridge University Press, 2015).

The Meaning of Equal Protection, 31 GPSOLO 13 (Nov/Dec 2014).

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).

Shelby County v. Holder and the Future of the Voting Rights Act, GOVERNANCE STUDIES AT BROOKINGS, Aug. 2013 (with Thomas Mann).

THE HEALTH CARE CASE: THE SUPREME COURT'S DECISION AND ITS IMPLICATIONS (Oxford University Press, 2013) (edited with Gillian Metzger & Trevor Morrison).

Regional Differences in Racial Polarization in the 2012 Presidential Election: Implications for the Constitutionality of Section 5 of the Voting Rights Act, 126 HARVARD. LAW REVIEW FORUM 205 (2013) (with Stephen Ansolabehere & Charles Stewart III).

Drawing Lines in Shifting Sands: The DOJ, the VRA, and the 2011 Redistricting Process, 23 STANFORD LAW AND POLICY REVIEW 345 (2012).

Profiling Originalism, 111 COLUMBIA LAW REVIEW 356 (2011) (with Jamal Greene and Stephen Ansolabehere).

Foreword: The Legacy of Bush v. Gore in Public Opinion and American Law, 23 SAINT THOMAS LAW REVIEW 325 (2011).

The Law of the Census: How to Count, What to Count, Whom to Count, and Where to Count Them, 32 CARDOZO LAW REVIEW 755 (2011).

Foreword: The Legacy of Bush v. Gore in Public Opinion and American Law, 23 ST. THOMAS LAW REVIEW 325 (2011).

"Celebrating" the Tenth Anniversary of the 2000 Election Controversy: What the World Can Learn from the Recent History of Election Dysfunction in the United States, 44 INDIANA LAW REVIEW 85 (2010).

Measuring Election System Performance, 13 NYU JOURNAL OF LAW AND POLITICS 445 (2010) (with Stephen Ansolabehere).

1/27/2022

Partisanship, Public Opinion, and Redistricting, in 9 ELECTION LAW JOURNAL 325 (2010); reprinted in RACE, REFORM, AND REGULATION OF THE ELECTORAL PROCESS: RECURRING PUZZLES IN AMERICAN DEMOCRACY (Heather Gerken, et al. eds.) (2011) (with Joshua Fougere and Stephen Ansolabehere).

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).

Court Decisions and Trends in Support for Same-Sex Marriage (with Patrick J. Egan), POLLING REPORT, Aug. 17, 2009.

Fig Leaves and Tea Leaves in the Supreme Court's Recent Election Law Decisions, 2008 SUPREME COURT REVIEW 89 (2009).

Defacing Democracy?: The Changing Nature and Rising Importance of As-Applied Challenges in the Supreme Court's Recent Election Law Decisions, 93 MINNESOTA LAW REVIEW 1644 (2009) (with Jennifer Rosenberg).

The Constitutional Relevance of Alleged Legislative Dysfunction, 117 YALE LAW JOURNAL POCKET PART 256 (2008).

Vote Fraud in the Eye of the Beholder: The Role of Public Opinion in the Challenge to Voter Identification Requirements, 121 HARVARD LAW REVIEW 1737 (2008) (with Stephen Ansolabehere).

PUBLIC OPINION AND CONSTITUTIONAL CONTROVERSY (Oxford University Press, 2008) (edited with Jack Citrin & Patrick Egan).

Eat Dessert First, 5 THE FORUM (2007)

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

Political Questions and Political Cases: The Evolving Justifications for Judicial Involvement in Politics, in Nada Mourtada-Sabbah & Bruce E. Cain, THE POLITICAL QUESTION DOCTRINE AND THE SUPREME COURT OF THE UNITED STATES (Rowman & Littlefield, 2007).

Strict in Theory, Loopy in Fact, 105 MICHIGAN LAW REVIEW FIRST IMPRESSIONS 43 (2006).

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Forty Years in the Political Thicket: Evaluating Judicial Oversight of Redistricting Since Reynolds v. Sims, in Thomas Mann & Bruce E. Cain eds., PARTY LINES: COMPETITION, PARTISANSHIP, AND CONGRESSIONAL REDISTRICTING (Brookings Inst. Press, 2005).

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

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Soft Parties and Strong Money, 3 ELECTION LAW JOURNAL 315 (2004).

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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).

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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).

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

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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).

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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,

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- 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*

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- 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.

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- *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.

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- *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.

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- *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

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- 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,

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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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