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**CONFORMED COPY  
 ORIGINAL FILED**  
 Superior Court of California  
 County of Los Angeles

**MAY 31 2018**

Sherri R. Carter, Executive Officer/Clerk of Court  
 By: Judi Lara, Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
 FOR THE COUNTY OF LOS ANGELES**

19 PICO NEIGHBORHOOD  
 20 ASSOCIATION and MARIA LOYA,

Plaintiffs,

v.

22 CITY OF SANTA MONICA, and  
 23 DOES 1 through 100, inclusive,

24 Defendants.  
 25

Case No.: BC616804

**DECLARATION OF JUSTIN LEVITT IN  
 SUPPORT OF PLAINTIFFS' OPPOSITION TO  
 DEFENDANT CITY OF SANTA MONICA'S  
 MOTION FOR SUMMARY JUDGMENT**

Date: June 14, 2018  
 Time: 8:45  
 Dept.: 28

*Assigned for all purposes to the Honorable  
 Judge Yvette M. Palazuelos*

1 I, Justin Levitt, declare as follows:

2 1. The facts set forth in this declaration are within my personal knowledge  
3 and, if called as a witness, I could and would competently testify as follows.

4 2. I have been retained by the plaintiffs in this action to, among other things,  
5 evaluate the effectiveness of remedies available to the Court for the City of Santa  
6 Monica's violation of the California Voting Rights Act ("CVRA") — and for purposes of  
7 this declaration, to assess alternatives to the current system that improve Latino voters'  
8 opportunity and demonstrate dilution. The summary below sets out my conclusions  
9 briefly, and the rest of this declaration explains them in more detail.  
10  
11

### 12 **I. Summary**

13 3. The implementation of district-based elections may be effective, depending  
14 on where district lines are drawn, in offering the Latino voters of Santa Monica a more  
15 equitable opportunity to elect candidates of their choice, despite the absence of a  
16 majority-Latino district. For example, the district proposed by David Ely may be  
17 effective in giving Latino voters the equitable opportunity to elect candidates of their  
18 choice.  
19

20 4. At-large remedies such as cumulative voting may also be effective in  
21 offering the Latino voters of Santa Monica a more equitable opportunity to elect  
22 candidates of their choice than the current system. In fact, limited voting, cumulative  
23 voting, and ranked-choice voting systems deployed for the seven seats of the Santa  
24 Monica city council all demonstrate theoretical Latino opportunity to elect candidates of  
25 their choice without any votes from non-Latinos, just as the ability to draw an illustrative  
26 majority-Latino district would demonstrate such theoretical opportunity.  
27  
28

## II. Credentials

1  
2 5. I am a Professor of Law at Loyola Law School, Los Angeles, teaching  
3 constitutional law, criminal procedure, and the law of democracy. Election law is the  
4 focus of my course on the law of democracy, and for more than a decade, my primary  
5 work has concerned the field of election law with particular focus on election  
6 administration and redistricting. I have also served as a visiting faculty member at the  
7 Yale Law School, teaching courses on the law of democracy and the motives of public  
8 actors; at the USC Gould School of Law, teaching constitutional law; and at Caltech,  
9 teaching an introduction to law as a system of social ordering. Most recently, I served as  
10 Deputy Assistant Attorney General in the Civil Rights Division of the U.S. Department  
11 of Justice, under Attorney General Loretta Lynch, helping to run the Division, and  
12 supporting and supervising the Division's work on voting rights and protections against  
13 employment discrimination.

14  
15 6. I am the author or co-author of articles in both top-tier law reviews and  
16 peer-reviewed journals, including the *Harvard Law Review*, the *Yale Law Review*  
17 *Online*, the *Yale Law and Policy Review*, the *N.Y.U. Law Review Online*, the  
18 *Georgetown Law Journal*, the *William & Mary Law Review*, and the *Election Law*  
19 *Journal*. I have also authored multiple monographs, including the *Citizen's Guide to*  
20 *Redistricting*, as well as extensive additional shorter research pieces and commentaries  
21 for a more public audience.

22 7. I have been invited to testify before committees of the U.S. Senate, the U.S.  
23 House of Representatives, the U.S. Civil Rights Commission, several state legislative  
24 bodies, and both federal and state courts. Most relevant to the instant case, I testified for  
25 the plaintiffs in the first and only case under the CVRA to go to a full trial – *Jauregui v.*  
26 *City of Palmdale*, Los Angeles Superior Court Case No. BC 483039. My testimony in  
27 that case was cited by that court in support of its finding that the City of Palmdale had  
28

1 violated the CVRA. My research has also been cited extensively in the media and the  
2 courts, including the U.S. Supreme Court.

3 8. I have served in various capacities for several presidential campaigns,  
4 including as the National Voter Protection Counsel in 2008, helping to run an effort  
5 ensuring that tens of millions of eligible citizens could vote and have those votes  
6 counted.

7 9. Before joining the faculty of Loyola Law School, I was counsel at the  
8 Brennan Center for Justice at NYU School of Law for five years. My experience at the  
9 Brennan Center is also particularly relevant here – specifically, among other work  
10 focused on equitable representation particularly for underserved populations, I advocated  
11 for the availability of cumulative voting as a remedy in Port Chester, New York, in the  
12 federal Voting Rights Act case brought by the United States Department of Justice  
13 against the Village of Port Chester. I have also worked as in-house counsel to the  
14 country's largest independent voter registration and engagement operations, and at  
15 several nonprofit civil rights and civil liberties organizations. I have represented and  
16 advised officials of both major political parties, and those whose partisan affiliation I do  
17 not know, and I have also represented individuals and organizations seeking to compel  
18 officials to comply with their obligations under state and federal law.  
19

20 10. I served as a law clerk to the Honorable Stephen Reinhardt of the U.S.  
21 Court of Appeals for the Ninth Circuit, after graduating *magna cum laude* from Harvard  
22 University with a law degree and a masters degree in public administration. I also  
23 earned a bachelor's degree *magna cum laude* from Harvard College.

24 11. I now focus on research and scholarship, confronting the structure of the  
25 election process while closely observing and rigorously documenting the factual  
26 predicates of that structure. I have analyzed, in detail, the effect of policies and laws that  
27 contribute to the burdens on eligible citizens as they attempt to exercise the franchise, or  
28

1 that limit their ability to achieve meaningful and equitable representation even when they  
2 are able to cast ballots successfully. I attempt to bring reliable data to bear on the effort  
3 to assess the nature and magnitude of the impact of election rules and representational  
4 structures. Sometimes this involves collecting data of my own; sometimes it involves  
5 assembling and assessing data collected by others, evaluating the merit and weight of raw  
6 original sources and sophisticated statistical analyses.

7 12. A copy of my Curriculum Vitae, further detailing my experience and  
8 background, is attached as Exhibit 1.  
9

### 10 **III. Tasks and Sources Utilized**

11  
12 13. I have been asked to provide information regarding the remedies selected  
13 by litigants and courts in cases brought under the CVRA and the federal Voting Rights  
14 Act ("FVRA").  
15

16 14. I have also been asked to evaluate the likely effectiveness of various  
17 remedies that may be implemented by this Court pursuant to Section 14029 of the  
18 CVRA, particularly compared with the current system.

19 15. I find that it is impossible to accurately weigh the effectiveness of any  
20 particular remedy to vote dilution without an understanding of the demographics and  
21 political realities of the jurisdiction at issue. Therefore, in considering the effectiveness  
22 of various remedies to address the City of Santa Monica's violation of the CVRA, at this  
23 preliminary stage of the litigation, I reviewed and relied upon, among other things, the  
24 demographic data and charts in the declaration of Peter Morrison; the maps and  
25 demographic data prepared and gathered by David Ely; the precinct-level election data  
26 gathered by Mr. Ely; and the polarization studies produced by Morgan Kousser.  
27  
28

1           **IV. Remedies Adopted in Other Cases and Utilized in California Cities**

2           16. In the course of my work in election law, I have become familiar with the  
3 remedies adopted by state and federal courts to address vote dilution, as well as the  
4 remedies proposed by litigants and those adopted through settlement agreements and  
5 consent decrees.

6           17. In most CVRA cases and FVRA cases targeting at-large election systems,  
7 the remedies ultimately adopted by the courts have included district-based elections. In  
8 some FVRA cases, at-large systems such as cumulative voting and limited voting have  
9 been adopted where the circumstances warranted those remedies.

10           18. Limited voting limits the number of votes that a voter can cast to fewer than  
11 the number of seats to be filled at the election. For example, in an election to fill the  
12 seven city council seats in Santa Monica, one limited voting system might limit each  
13 voter to voting for just one candidate; another might limit each voter to voting for two  
14 candidates; still another might limit each voter to voting for three, four, five or six -- but  
15 not seven -- candidates. This limit allows the jurisdiction's majority to win at least one  
16 seat, but prevents that same majority from dominating every seat and, thus, provides the  
17 opportunity for a sufficiently large and cohesive minority to win a seat.

18           19. Cumulative voting operates differently but achieves the same effect:  
19 recognition of a majority's preferred candidates while still making room to seat the  
20 preferred candidate of a sufficiently large and cohesive minority. In cumulative voting,  
21 each voter may cast as many votes as there are positions to be filled; a voter may either  
22 vote for one candidate for each of the positions to be filled or may instead cumulate his or  
23 her votes behind those candidates he or she prefers most intensely. For example, in an  
24 election to fill the seven city council seats in Santa Monica, a voter could cast seven votes  
25 for one candidate; three votes for one candidate, and four votes for a second candidate; or  
26 one vote for each of seven candidates (or any other allocation of the seven votes).  
27  
28

1           20.    These alternative at-large election methods have been adopted, and have  
2 been effective, in dozens of jurisdictions. Limited voting has been adopted in several  
3 jurisdictions as a part of judgments and consent decrees in cases brought under the  
4 FVRA. In Alabama alone, limited voting systems have been adopted in at least twenty  
5 (20) jurisdictions to resolve FVRA cases. *See, e.g., Dillard v. Town of Cuba*, 708 F.  
6 Supp. 1244, 1245-46 & n.3 (M.D. Ala. 1988) (upholding settlement of vote dilution  
7 claims against two towns that replaced at-large elections for town councils with limited  
8 voting plans, and noting prior approvals of limited voting settlements in eleven other  
9 jurisdictions and pending limited voting settlements in four more jurisdictions); Judgment  
10 and Order Modifying Consent Decree, *United States v. City of Calera*, No. CV-08-BE-  
11 1982-S (N.D. Ala. Oct. 23, 2009) (approving a limited voting system in a consent  
12 decree). In a study of fourteen of those municipalities, in the first election following the  
13 imposition of limited voting, African-American candidates won election in thirteen of the  
14 towns (and missed election in the fourteenth by a single vote). In the six towns where  
15 these victories were contested, African-Americans constituted 10.2%, 14.6%, 23.5%,  
16 26.3%, 32.2%, and 38.5% of the population. *See* Richard L. Engstrom, *Modified Multi-  
17 Seat Election Systems as Remedies for Minority Vote Dilution*, 21 STETSON L. REV. 743,  
18 758-59 (1992). Limited voting systems have also been adopted beyond Alabama as the  
19 result of FVRA litigation, including in jurisdictions like Lake Park, Florida, *see* Consent  
20 Judgment and Decree, *United States v. Town of Lake Park, Fla.*, No. 9:09-cv-80507 (S.D.  
21 Fla. Oct. 26, 2009); Bladen and Tyrrell Counties, North Carolina, *see* Anita S. Earls et  
22 al., *Voting Rights in North Carolina: 1982-2006*, 17 S. CAL. REV. L. & SOC. JUST. 577,  
23 607, 630 (2008); and Euclid, Ohio, *see* *United States v. Euclid City Sch. Bd.*, 632 F.  
24 Supp. 2d 740 (N.D. Ohio 2009).

25           21.    Cumulative voting has also been adopted in several jurisdictions as part of  
26 judgments and consent decrees in cases brought under the FVRA. In Texas alone,  
27 cumulative voting systems have been adopted to enhance minority representation  
28 (particularly Latino representation) in at least forty-seven (47) jurisdictions after FVRA

1 lawsuits. *See, e.g.*, Robert R. Brischetto & Richard L. Engstrom, *Cumulative Voting and*  
2 *Latino Representation: Exit Surveys in Fifteen Texas Communities*, 78 SOC. SCI. Q. 973,  
3 974 (1997). Similarly, in just Alabama, at least five jurisdictions have adopted  
4 cumulative voting as part of settlements of FVRA cases, and “[d]espite having African  
5 American populations that ranged from only 10.3% to 11.9%, an African American was  
6 elected for the first time to the governing board in each of these jurisdictions under  
7 cumulative voting rules.” *See* Richard L. Engstrom, *supra*, at 756-57. Jurisdictions in  
8 Illinois, New Mexico, New York, and South Dakota, for example, have similarly found  
9 success in resolving FVRA cases by turning to cumulative voting. *See, e.g.*, *Banks v.*  
10 *City of Peoria, Ill.*, No. 2:87-cv-2371 (C.D. Ill.); Richard L. Cole et al., *Cumulative*  
11 *Voting in a Municipal Election: A Note on Voter Reactions and Electoral Consequences*,  
12 43 WESTERN POL. Q. 191 (1990); *United States v. Village of Port Chester*, 704 F. Supp.  
13 2d 411 (S.D.N.Y. 2010); Richard L. Engstrom & Charles J. Barrilleaux, *Native*  
14 *Americans and Cumulative Voting: The Sisseton-Wahpeton Sioux*, 72 SOC. SCI. Q. 388,  
15 389 (1991).

16 22. Ranked-choice voting, sometimes called single transferable voting, is  
17 another election system that, when implemented in its multi-seat election form, combats  
18 vote dilution even in an at-large jurisdiction. In a ranked-choice system, voters can rank  
19 as many candidates as they want in order of their choice; the voter’s single vote is  
20 initially allocated to his/her most preferred candidate and, as the count proceeds and  
21 candidates are either elected or eliminated, the votes for eliminated candidates are  
22 transferred to other candidates according to the voter’s stated preferences. As with the  
23 other alternative forms above, ranked-choice voting in a multi-seat race results in the  
24 election of a majority’s preferred candidates while still making room to seat the preferred  
25 candidate of a sufficiently large and cohesive minority. A form of ranked-choice voting  
26 used for single-seat elections is more common in local American jurisdictions, including  
27 in several jurisdictions in California, but ranked-choice voting is currently used to elect  
28



1 multiple at-large city council members in Cambridge, Massachusetts.  
2  
3

#### 4 **V. Effectiveness of the Illustrative District Plan Developed by David Ely**

5 23. To evaluate the likely effectiveness of a district plan, specifically whether  
6 the district plan is likely to give a minority group a more meaningful opportunity to elect  
7 candidates of its choice or otherwise influence the outcome of elections than the current  
8 system, several factors should be considered.

9 24. First, the ethnic composition of the eligible electorate in each district should  
10 be considered. Here, I understand that the citizen voting-age population in Mr. Ely's  
11 illustrative District #1 is 30% Latino. Indeed, Figure 1 in the declaration of Peter  
12 Morrison shows that the Latino proportion of the electorate in Santa Monica has  
13 increased markedly and fairly consistently, particularly from 2008 to 2013 (the most  
14 recent data in Mr. Morrison's declaration), and the demographic indicators suggest that  
15 trend will continue, particularly in District #1.  
16

17 25. Demographics alone, however, do not determine electoral strength. The  
18 proportion of eligible voters necessary to afford a minority group the equitable  
19 opportunity to elect its preferred candidates in a single-member district depends greatly  
20 on the political behavior and circumstances of the voters in that district. In some  
21 instances, a district will not provide a reliable opportunity to minority voters without a  
22 supermajority of the district's electorate. In other circumstances, minority voters may  
23 comprise less than half of a district's electorate and still demonstrate a reliable  
24 opportunity to elect candidates of their choice. Indeed, the recognition that districted  
25 systems may improve a minority community's ability to elect candidates of their choice  
26 or influence the outcome of those elections even without drawing a majority-minority  
27 district appears to have been a significant factor in the enactment of the CVRA.  
28

1           26. In assessing whether a particular district may improve on the equitable  
2 electoral opportunity afforded to minorities in comparison to the current system, it is  
3 particularly important to consider the political performance of the communities in the  
4 district in question. For example, Mr. Ely reconstructed several elections involving  
5 Latino candidates for the Santa Monica City Council. I understand that Mr. Ely  
6 concludes that Maria Loya, a resident of District #1 and the preferred candidate of the  
7 Latino community, almost certainly received more votes in illustrative District #1 than  
8 any other candidate, though she did not secure a council seat in the existing at-large  
9 election system in 2004. In 2016 there were two candidates residing in District #1 –  
10 Terry O'Day and Oscar de la Torre. Though Mr. de la Torre did not secure a council seat  
11 in the at-large election system in 2016 and Mr. O'Day received the most votes of any  
12 candidate citywide, I understand that Mr. Ely concludes that Mr. de la Torre, the  
13 preferred candidate of the Latino community, almost certainly received more votes in  
14 illustrative District #1 than Mr. O'Day. Moreover, the electoral opportunity provided by  
15 a district like District #1 may be self-reinforcing, with a likelihood that turnout among the  
16 minority population improves as the community comes to understand that it has greater  
17 opportunity to elect candidates of choice.  
18

19           27. The experiences of other California jurisdictions that have recently adopted  
20 district-based elections as a result of CVRA litigation – and jurisdictions elsewhere with  
21 substantial minority populations — also support the view that district-based elections can  
22 provide meaningful equitable opportunity for minority communities even when those  
23 communities do not comprise the majority of a district's electorate. For example, Sergio  
24 Farias, a Latino candidate, ran for a seat on the San Juan Capistrano City Council in  
25 2008, and came in a distant sixth place (last) in an at-large election for two seats. As a  
26 result of CVRA litigation, the City of San Juan Capistrano held its first district-based  
27 election in 2016. I understand that the district with the highest concentration of Latinos  
28

1 among the electorate had a Latino citizen voting-age population of approximately 44%,  
2 and an even lower Latino proportion of registered voters. Sergio Farias prevailed, and is  
3 now the Mayor of San Juan Capistrano.

4  
5  
6 **VI. Cumulative Voting, Limited Voting, and Ranked-Choice Voting Would Also**  
7 **Likely Improve Santa Monica Latinos' Opportunity to Elect Their Preferred**  
8 **Candidates.**

9 28. Distinct from the actual electoral performance that is the focus of CVRA  
10 liability, FVRA liability sets an additional threshold. The FVRA requires plaintiffs to  
11 show that they can draw an illustrative majority-minority district, to demonstrate that the  
12 minority group could win elections without any votes from others, under a set of  
13 theoretical assumptions including perfect cohesion and equal turnout.

14 29. With alternative systems like cumulative voting, limited voting, or ranked-  
15 choice voting, sufficiently sizable minority groups in an at-large multi-member  
16 jurisdiction can similarly demonstrate that they, too, could win elections without any  
17 votes from others, under the same set of theoretical assumptions. And in any multi-  
18 member jurisdiction, the necessary size of the group is far smaller than fifty percent.

19 30. The theoretical size threshold for minority group electoral opportunity in  
20 alternative at-large remedies like cumulative voting, limited voting, and ranked-choice  
21 voting is known as the "threshold of exclusion." If the minority group's citizen voting-  
22 age population within a jurisdiction exceeds the threshold of exclusion, then alternative  
23 at-large remedies like cumulative voting, limited voting, and ranked-choice voting may  
24 give that minority community the ability to elect candidates of their choice, even with no  
25 assistance from the majority group.  
26  
27  
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1           31. The threshold of exclusion is essentially the size of the cohesive voting  
2 population necessary for the minority to win a seat in an election under the most adverse  
3 conditions, with a full slate of opposing candidates and every member of the opposed  
4 voting bloc voting strategically. The threshold of exclusion applicable to cumulative  
5 voting and ranked-choice voting depends only on the number of seats to be filled, and is  
6 calculated by the following equation:  $1/(1+N)$ , where N is the number of seats. As the  
7 number of seats available in a single election is increased, the threshold of exclusion  
8 decreases. For example, where there are seven seats to be filled – the number of seats on  
9 Santa Monica’s city council — then  $N=7$ , and the threshold of exclusion is  $1/(1+7)$ , or  
10 12.5%. That is, under cumulative voting or ranked-choice voting, any cohesive voting  
11 bloc with more than 12.5% of the total votes will necessarily win one of the seats in a  
12 seven-seat election.

13  
14           32. The threshold of exclusion applicable to limited voting depends not only on  
15 the number of seats to be filled, but the number of votes that a voter may cast. The  
16 threshold is calculated by the following equation:  $V/(V+N)$ , where V is the number of  
17 votes a voter may cast and N is the number of seats to be filled. Where there are seven  
18 seats to be filled — the size of Santa Monica’s city council — and each voter is limited to  
19 one vote, then  $N=7$  and  $V=1$ , and the threshold of exclusion is the same as with  
20 cumulative voting:  $1/(1+7)$ , or 12.5%. Any group with more than 12.5% of the vote  
21 would be guaranteed to win a seat.

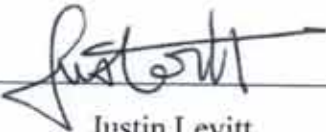
22           33. In any of these alternative voting systems — limited voting, cumulative  
23 voting, and ranked choice voting — as the number of seats available in a single election  
24 increases, the threshold of exclusion decreases. Courts have, accordingly, recognized  
25 that setting simultaneous elections for all of a jurisdiction’s elected officials presents  
26 increased opportunity for cohesive minorities. For example, in *United States v. Village of*  
27 *Port Chester*, 704 F. Supp. 2d 411 (S.D.N.Y. 2010), the court approved a cumulative  
28

1 voting remedy for an FVRA violation after explicitly noting that all six of the governing  
2 board's seats would be elected at the same time in order to reduce the threshold of  
3 exclusion. *Id.* at 444, 447, 450-51 ("The Supreme Court has recognized that staggered  
4 elections may enhance the discriminatory effect of certain voting systems ... The Village  
5 of Port Chester proposes an at-large, cumulative voting scheme with the elimination of  
6 staggered terms."); *see also* Brischetto & Engstrom, *supra*, at 988-89.

7  
8 34. In his declaration, Mr. Morrison states that Latinos comprise 13.2% of the  
9 citizen voting-age population of Santa Monica. (More precisely, he states that Latino  
10 eligible voters "presently" account for 13.2%. Elsewhere in his declaration, he appears to  
11 use the 5-year aggregation of American Community Survey data from 2011-2015 to  
12 identify citizen voting-age population as of 2013; it is not clear whether his citation of  
13 13.2% is based on 2011-2015 data, or more recent data. Because the choice does not  
14 alter my conclusion in this paragraph, I adopt the 13.2% figure, while understanding that  
15 if it represents 2011-2015 figures, that proportion will likely have increased by now.)  
16 Given Santa Monica's seven-seat city council, 13.2% exceeds the threshold of exclusion  
17 for cumulative voting, limited voting (with one vote), or ranked-choice voting: any group  
18 of voters larger than 13.2% of the total would be guaranteed at least one seat in a seven-  
19 seat election. Under the same conditions used by the FVRA to demonstrate opportunity,  
20 Latino voters in Santa Monica using either cumulative voting, limited voting, or ranked-  
21 choice voting could elect candidates of their choice even without any help from non-  
22 Latino voters.

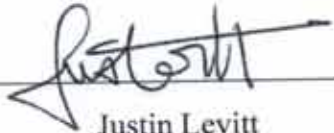
1 I declare under penalty of perjury under the laws of the State of California that the  
2 foregoing is true and correct.

3 Executed on this 24<sup>th</sup> day of May 2018 at Los Angeles, California.  
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6 \_\_\_\_\_  
7 Justin Levitt  
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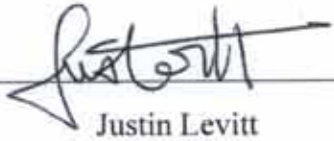
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2 foregoing is true and correct.

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**EXHIBIT 1**

**JUSTIN LEVITT**

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[justin.levitt@lls.edu](mailto:justin.levitt@lls.edu) (213) 736-7417  
<http://ssrn.com/author=698321>

**TEACHING**

---

**Loyola Law School, Los Angeles, CA**

*Associate Dean for Research* (2017–present).

*Professor of Law* (2014–present).

*Associate Professor of Law* (2010–2014).

*Courses:* Constitutional Law, Law of the Political Process, Criminal Procedure

Founder, Practitioner Appellate Moot Program

Co-Chair, Faculty Workshops

Dean's Search Committee, Dean's Advisory Committee

Faculty Advisor, Loyola Law Review, 2014-15

Faculty Advisor, American Constitution Society

Curriculum, Academic Standards/Grading, Web Redesign, Instructional Tech. Committees

Excellence in Teaching Award, 2013-14

**USC Gould School of Law, Los Angeles, CA**

*Visiting Professor of Law* (spring 2015).

*Course:* Constitutional Law

**California Institute of Technology (Caltech), Pasadena, CA**

*Visiting Associate Professor of Law* (spring 2014).

*Courses:* Introduction to Law and Law and Economics

**Yale Law School, New Haven, CT**

*Visiting Associate Professor of Law* (spring 2013).

*Courses:* Law of Democracy, Motives of Public Actors

**New York University School of Law, New York, NY**

*Assistant Adjunct Professor of Clinical Law* (2006–07).

*Course:* Public Policy Advocacy Clinic

**EDUCATION**

---

**Harvard Law School / Harvard Kennedy School**

J.D./M.P.A., *magna cum laude* (June 2002).

HARVARD LAW REVIEW, Articles Editor, vols. 114 and 115

Hewlett Law & Negotiation Fellowship; Jessup Int'l Law Competition, Regional Best Oralist

Teaching Fellow, Harvard College: The American Presidency, Globalization

**Harvard College**

B.A. (Special Concentration), *magna cum laude* (June 1995).

John Harvard Scholar, Harvard National Scholar

**OTHER PROFESSIONAL EXPERIENCE**

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**U.S. Department of Justice**, Washington, DC (2015–17).

*Deputy Assistant Attorney General, Civil Rights Division.*

Reviewed strategic decisions, select case filings, and administrative concerns in supporting and managing hundreds of employees, including civil rights policy staff and sections enforcing federal statutes concerning voting rights and protections against employment discrimination (including protections for LGBT individuals).

**Brennan Center for Justice at NYU School of Law**, New York, NY (2005–08, 2009–10).

*Counsel, Democracy Program.*

Offered legislative and administrative counsel and pursued litigation to promote equitable access to an effective vote.

**Obama Campaign for Change/Democratic National Committee**, Washington, DC (2008).

*National Voter Protection Counsel.*

Co-managed presidential campaign's national voter protection program, directed substantive approach to election administration concerns, edited pleadings and helped direct strategy in election-related litigation, and oversaw recruitment and deployment of volunteer attorneys.

**America Coming Together**, Washington, DC (2004–05).

*In-House Counsel.*

Provided legal support for national voter mobilization operation, focusing on election administration, campaign finance compliance, and employment law.

**Clark for President, Inc.**, Little Rock, AR (2003–04).

*Director of Strategic Targeting.*

Conducted intensive analysis of voter files and directed targeting for voter contact programs; drafted and edited policy and political materials.

**U.S. Court of Appeals for the Ninth Circuit**, Los Angeles, CA (2002–03).

*Law Clerk to the Honorable Stephen Reinhardt.*

**Altshuler, Berzon, Nussbaum, Rubin & Demain**, San Francisco, CA (summer 2001).

*Summer Associate.*

Drafted labor, environmental, and habeas case filings.

**Department of State, Office of War Crimes Issues**, Washington, DC (summer 2000).

*Legal Intern.*

Supported ICC negotiations and ICTY prosecutions.

**McKinsey & Company**, Chicago, IL (1995–97).

*Business Analyst.*

Developed quantitative and qualitative assessments of corporate performance and opportunities, and strategies for driving measurable improvement.

**ARTICLES**

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*Intent is Enough: Invidious Partisanship in Redistricting*, 59 WM. & MARY L. REV. \_\_ (2018).

*Quick and Dirty: The New Misreading of the Voting Rights Act*, 43 FL. ST. U. L. REV. 573 (2016).

*Electoral Integrity: The Confidence Game*, 89 N.Y.U. L. REV. ONLINE 70 (2014).

*The Partisanship Spectrum*, 55 WM. & MARY L. REV. 1787 (2014).

*“Fixing That”: Lines at the Polling Place*, 28 J. L. POL. 465 (2013).

*Section 5 As Simulacrum*, 123 YALE L. J. ONLINE 151 (2013).

*You’re Gonna Need a Thicker Veil*, 65 FLA. L. REV. F. (2013).

*Democracy on the High Wire: Citizen Commission Implementation of the Voting Rights Act*, 46 U.C. DAVIS L. REV. 1041 (2013).

*The New Wave of Election Regulation: Burden without Benefit*, 6 ADVANCE 39 (2012).

*Resolving Election Error: The Dynamic Assessment of Materiality*, 54 WM. & MARY L. REV. 83 (2012) (also edited for inclusion in LEGAL WORKSHOP, OCT. 30, 2012).

*Election Deform: The Pursuit of Unwarranted Electoral Regulation*, 11 ELECTION L.J. 97 (2012).

*Fault and the Murkowski Voter: A Reply to Flanders*, 28 ALASKA L. REV. 41 (2011).

*Weighing the Potential of Citizen Redistricting*, 44 LOYOLA L.A. L. REV. 513 (2011).

*Confronting the Impact of Citizens United*, 29 YALE L. & POL’Y REV. 217 (2010).

*Long Lines at the Courthouse: Pre-Election Litigation of Election Day Burdens*, 9 ELECTION L.J. 19 (2010) (peer-reviewed).

*Seeing Double Voting: An Extension of the Birthday Problem*, 7 ELECTION L.J. 111 (2008) (co-authored with Michael P. McDonald) (peer-reviewed).

*Taking the “Re” Out of Redistrictingx: State Constitutional Provisions on Redistricting Timing*, 95 GEO. L.J. 1247 (2007) (co-authored with Michael P. McDonald).

*Developments in the Law—International Criminal Law (pt. 2): The Promises of International Prosecution*, 114 HARV. L. REV. 1957 (2001).

## MULTIMEDIA RESEARCH

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*All About Redistricting*, a comprehensive website tracking the status of decennial redistricting, explaining the process state-by-state, and following redistricting litigation start to finish.

## MONOGRAPHS AND BOOK CHAPTERS

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*The Role of State Attorneys General in Federal and State Redistricting in 2020* (2017) (co-authored with James E. Tierney).

*LULAC v. Perry: The Frumious Gerry-Mander, Rampant*, in *ELECTION LAW STORIES* (Foundation Press, 2016).

*Voter Identification in the Courts*, in *THE BOOK OF THE STATES* (Council of State Governments 2015).

*Novel (and Not-so-Novel) Alternatives to Legislative Redistricting*, in *AMERICA VOTES! A GUIDE TO MODERN ELECTION LAW AND VOTING RIGHTS* (Benjamin E. Griffith ed., 2d ed. 2012).

*Redistricting and the West: The Legal Context*, in *REDISTRICTING AND REAPPORTIONMENT IN THE WEST* (Gary F. Moncrief ed., 2011).

*A CITIZEN'S GUIDE TO REDISTRICTING* (2d ed., Brennan Center for Justice 2010).

*Guarantee Clause*, in *ENCYCLOPEDIA OF THE U.S. CONSTITUTION* (David Schultz ed., 2009).

*How Data is [sic] Used by Advocates*, in *DATA FOR DEMOCRACY* (Paul Gronke & Michael Caudell-Feagan eds., 2008).

*A CITIZEN'S GUIDE TO REDISTRICTING* (1st ed., Brennan Center for Justice 2008).

*THE TRUTH ABOUT VOTER FRAUD* (Brennan Center for Justice 2007).

*Introduction*, in *MAKING EVERY VOTE COUNT: FEDERAL ELECTION LEGISLATION IN THE STATES* (Andrew Rachlin ed., 2006).

*MAKING THE LIST: DATABASE MATCHING AND VERIFICATION PROCESSES FOR VOTER REGISTRATION* (Brennan Center for Justice 2006) (co-authored with Wendy R. Weiser and Ana Muñoz).

## WORKS IN PROGRESS

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*Problems of Public Purpose*

*Second-Order Statutory Interpretation*

## ADDITIONAL RESEARCH

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### **Fulbright Scholarship**

Universität zu Köln, Germany (1997–98).  
Research on organizational and employee loyalty.

## TESTIMONY AND REGULATORY COMMENT

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**U.S. Senate:** *From Selma to Shelby County: Working Together to Restore the Protections of the Voting Rights Act: Hearing Before the S. Comm. on Judiciary*, 113th Cong. (July 17, 2013) ([video](#), [statement](#)).

**U.S. Senate:** *New State Voting Laws: Barriers to the Ballot?: Hearing Before the S. Comm. on Judiciary, Subcomm. on Constitution, Civil Rights & Human Rights*, 112th Cong. (Sept. 8, 2011) ([video](#), [statement](#)).

**U.S. Senate:** *In Person Voter Fraud: Myth and Trigger for Disenfranchisement?: Hearing Before the S. Comm. on Rules & Admin.*, 110th Cong. (Mar. 12, 2008) ([transcript](#), [statement](#)).

**U.S. Senate:** *Protecting Voters at Home and at the Polls: Limiting Abusive Robocalls and Vote Caging Practices: Hearing Before the S. Comm. on Rules & Admin.*, 110th Cong. (Feb. 27, 2008) ([statement](#)).

**U.S. Comm'n on Civil Rights:** *Redistricting and the 2010 Census: Enforcing Section 5 of the VRA: Hearing Before the U.S. Comm'n on Civil Rights* (Feb. 3, 2012) ([statement](#)).

**U.S. Comm'n on Civil Rights** (Alaska Advisory Comm.): *Alaska Native Voting Rights: Hearing Before the Alaska Advisory Comm. to the U.S. Comm'n on Civil Rights* (Aug. 23, 2017).

**U.S. Census Bureau:** *Comment on Census Residence Rule and Residence Situations: People in Correctional Facilities*, July 20, 2015, response to 80 Fed. Reg. 28,950 (May 20, 2015).

**Fed. Court:** *Democratic National Committee v. Republican National Committee*, No. 81-3876 (D.N.J. May 6, 2009) ([opinion](#)).

**State Court:** *Jauregui v. Palmdale*, No. BC483039 (Cal. Super. Ct., Los Angeles County May 2013).

**Ill. Senate:** *Proposals for Changing the Current Redistricting Process in Illinois: Hearing Before the S. Redistricting Comm.*, 96th Leg. (Ill. Oct. 13, 2009) ([statement](#)).

**TESTIMONY** (continued)

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- Ind. Joint Comm:** *Hearing Before the Interim Study Comm. on Redistricting*, 117th Gen. Assem. (Ind. Oct. 7, 2011); *Hearing Before the Census Data Advisory Committee*, 116th Leg. (Ind. Sept. 29, 2009) ([statement](#)).
- Mich. House:** *Hearing on H.B. 5914 Before the H. Judiciary Comm.*, 95th Leg. (Mich. Apr. 13, 2010) (with Myrna Pérez) ([statement](#)).
- Nev. Joint Comm.:** *National Overview of Reapportionment and Redistricting: J. Meeting Assemb. Comm. Legis. Operations & Elections & S. Comm. Legis. Operations & Elections*, 76th Reg. Sess. (Nev. Mar. 10, 2011) ([presentation](#)).
- N.Y. Assembly:** *Redistricting: Hearing on A.624, A.2056, and A.6287-a Before Assemb. Standing Comm. on Gov't Operations* (N.Y. Oct. 17, 2006) (with Kahlil Williams) ([statement](#))
- Ore. Joint Comm.:** *Communities of Interest: An Overview of the Law: Hearing Before the S. Comm. on Redistricting & the H. Comm. on Redistricting* (Ore. Feb. 25, 2011); *What is Redistricting? A Citizen's Guide to Redistricting: Hearing Before the S. Comm. on Redistricting & the H. Comm. on Redistricting* (Ore. Feb. 4, 2011) ([audio](#)).
- Tex. House:** *Hearing on S.B. 14 Before the H. Select Comm. on Voter Identification and Voter Fraud*, 82d Leg. (Tex. Mar. 1, 2011) ([video @ 4:47:00](#)); *Hearing on S.B. 362 Before the H. Comm. on Elections*, 81st Leg. (Tex. Apr. 6, 2009) ([video @ 2:29:00](#), [statement](#)); *Hearing Before the H. Comm. on Elections*, 80th Leg. (Tex. Jan. 25, 2008) ([video @ 3:26:40](#)).
- Wash. Joint Comm.:** *Hearing on Issues Involving Potential Litigation Over State Voting Rights Acts Before the S. Gov'tal Ops. Comm. & the L. & Justice Comm.* (Wash. May 7, 2015).
- Wis. Joint Comm.:** *Hearing on A.B. 895 and 892, and S.B. 640 and 645, Before the Ass. Comm. on Elections & Campaign Reform & the S. Comm. on Labor, Elections & Urban Affairs* (Wis. Mar. 31, 2010) ([statement](#)).
- L.A. County:** *Report on the Legal Standards Pertaining to the Los Angeles County Redistricting Process: Hearing Before the L.A. County Board of Supervisors* (L.A. County Aug. 9, 2011) ([video](#)).
- City of Dallas:** *Hearing Before the Dallas Charter Review Comm'n re Redistricting* (Dallas, Mar. 25, 2014) ([video](#)).

## SELECTED PRESENTATIONS

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Panelist, Voting Rights Institute, ACS 2017 National Convention, Washington, DC (June 2017).

Keynote Speaker, Legislatures, Courts and Voting Rights: Developments since the 2013 Shelby County v. Holder Decision, U. Pittsburgh School of Law, Pittsburgh, PA (Apr. 2017).

Keynote Speaker, The Future of National Election and Political Reform Efforts, The Future of Democracy, Election Law@Boalt, Berkeley Law School, Berkeley, CA (Apr. 2017).

Participant, Political Parties and Republican Government, Liberty Fund Colloquium, Cato Institute, Washington, DC (Apr. 2017).

Panelist, The Supreme Court and 2020 Round, William & Mary Law Review 2020 Redistricting Symposium, William & Mary Law School, Williamsburg, VA (Feb. 2017).

Panelist, Voting Rights and the Unfinished Business of Selma, Equal Justice Under Law: Celebrating the Legacy of Judge Constance Baker Motley, Just the Beginning – A Pipeline Organization, New York, NY (Sept. 2016).

Presenter, Vote As If Your Life Depends on It, NDRN 2016 P&A/CAP Annual Conference, Baltimore, MD (June 2016).

Panelist, Voting Rights Institute, ACS 2016 National Convention, Washington, DC (June 2016).

Opening Remarks, Summit on Language Access in Elections, Election Assistance Commission, College Park, MD (June 2016).

Panelist, Government Plenary, ABA Section of Labor and Employment Law, National Conference on Equal Employment Opportunity Law, Austin, TX (Mar. 2016).

Opening Remarks, Securing the Election in the 21<sup>st</sup> Century, Election Verification Network Conference, Washington, DC (Mar. 2016).

Panelist, Protecting Voters and Best Practices for State, County, and Local Officials, Roundtable, Joint Center for Political and Economic Studies, GW Law, Washington, DC (Dec. 2015).

Panelist, Ensuring Fair Elections 50 Years After the Voting Rights Act, U. Conn. School of Law, Hartford, CT (Nov. 2015).

Panelist, The Voting Rights Act — 50 Years Later, Southern District of California Judicial Conference: Is Justice Blind?, Temecula, CA (Mar. 2015).

Panelist, Closing Plenary, Looking Forward to an Expanded Electorate, Future of California Elections 2015 Conference, Sacramento, CA (Feb. 2015).



**SELECTED PRESENTATIONS** (continued)

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- Panelist, *The Voting Rights Act at 50: The Past, Present, and Future of the Right to Vote*, LSU Law Center, Baton Rouge, LA (Jan. 2015).
- Guest Lecture, *Legislative and Administrative Testimony*, Brennan Center Public Policy Advocacy Clinic, NYU School of Law, New York, NY (Nov. 2014).
- Panelist, *Got ID? Recent Trends in Voter Identification Requirements*, 2014 U.S. Election Program, International Foundation for Electoral Systems, Washington, DC (Nov. 2014).
- Kickoff Speaker, *American Constitution Society – Inaugural SoCal Regional Conference*, Southwestern Law School, Los Angeles, CA (Oct. 2014).
- Presenter, *Voting Rights in the 2014 Elections*, Federal Bar Association — Inland Empire Chapter, Riverside, CA (Oct. 2014).
- Presenter, *U.S. Redistricting, in Texas and Beyond*, Workshop Derecho Electoral Comparado, Tribunal Electoral del Poder Judicial de la Federación, Mexico City, Mexico (Sept. 2014).
- Panelist, *The End of Political Gerrymandering?*, National Constitution Center, Philadelphia, PA (May 2014).
- Presenter, *Democracy Held Captive: Felon Voting Rights and Prison-Based Gerrymandering*, 44th Annual Cal State Fullerton Philosophy Symposium, *Rethinking Mass Incarceration: Gender, Race, and the Prison Industrial Complex*, Cal. State University, Fullerton, CA (Apr. 2014).
- Presenter, *The Partisanship Spectrum, The Jurisprudence of Voting Rights*, Midwest Political Science Association, Chicago, IL (Apr. 2014).
- Panelist, *Voting Rights Post-Shelby: A Perspective One Year Out*, American Constitution Society, Georgetown University Law Center, Washington, DC (Apr. 2014).
- Presenter, *The Partisanship Spectrum, Elections, Law & Democracy*, Southern California Law and Social Science Forum, Whittier Law School, Costa Mesa, CA (Mar. 2014).
- Presenter, *40 Years after Watergate and 4 Years after Citizens United*, American Constitution Society, Southwestern Law School, Los Angeles, CA (Mar. 2014).
- Panelist, *Voting Rights: Challenges and Opportunities for Cause Lawyers in the 21st Century*, 2014 La Verne Law Review Symposium, *Brown v. Board of Education at 60: Cause Lawyering for a New Generation*, University of La Verne College of Law, La Verne, CA (Feb. 2014).
- Panelist, *Has the United States Supreme Court Killed California's Initiative Process or Helped Check Its Abuses?*, Federalist Society 2014 Annual Western Chapters Conference, Ronald Reagan Presidential Library, Simi Valley, CA (Jan. 2014).

**SELECTED PRESENTATIONS** (continued)

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- Participant, *Scholars' Convening on Voting Rights*, George Washington University School of Law, Washington, DC (Dec. 2013).
- Participant, *Redistricting 2020: Preparing for Action*, Pew Charitable Trusts, Washington, DC (Dec. 2013).
- Panelist, *What's at Stake for Immigrant Communities and Other Communities of Color in the New Battle Over Voting Rights*, 2013 Advancing Justice Conference, Los Angeles, CA (Nov. 2013).
- Panelist, *Shelby County v. Holder: Election Law's Impact on the Asian Pacific American Community*, U.C. Irvine School of Law, Irvine, CA (Nov. 2013).
- Speaker, *Exploring the Post-Shelby Voting Rights Act Framework*, American Constitution Society, UCLA, Los Angeles, CA (Oct. 2013).
- Speaker, *The Future of Voting Rights after Shelby County v. Holder*, Public Policy Lecture Series, Reed College, Portland, OR (Oct. 2013).
- Presenter, *The Partisanship Spectrum*, Junior Faculty Workshop, University of Toronto School of Law, Toronto, Canada (Oct. 2013).
- Speaker, *Voting Rights After Shelby County v. Holder: What Now?*, American Constitution Society, University of La Verne College of Law, La Verne, CA (Oct. 2013).
- Presenter, *The Partisanship Spectrum*, Fall 2013 Southern California Junior Faculty Workshop, Southwestern Law School, Los Angeles, CA (Sept. 2013).
- Panelist, *Long Voting Lines - Causes and Cures and Precinct Management*, National Ass'n of State Election Directors Summer Meeting, Anchorage, AK (July 2013).
- Panelist, *How to Fix That: Modernizing Our Elections*, Netroots Nation 2013, San Jose, CA (June 2013).
- Panelist, *Campaign Finance After Citizens United*, Federalist Society, Yale Law School, New Haven, CT (Apr. 2013).
- Panelist, *Politics, Disease Prevention, and the Polling Place: Lessons from Vote & Vax*, Clinton Global Initiative U., Washington University in St. Louis, St. Louis, MO (Apr. 2013).
- Symposium Participant, *The Voting Wars: Election Day and Beyond*, University of Virginia School of Law, Charlottesville, VA (Mar. 2013).

**SELECTED PRESENTATIONS** (continued)

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- Speaker, *Gerrymandering, Voter Suppression, and the Voting Rights Act*, Rogers School of Law, Tucson, AZ (Mar. 2013).
- Panelist, *The Future of the Voting Rights Act*, Yale Law School, New Haven, CT (Mar. 2013).
- Panelist, *Voting Rights at Large and at Small: Perspectives on Local Election Administration and How People Really Vote*, RebLaw 2013, Yale Law School, New Haven, CT (Feb. 2013).
- Speaker, *The California Voting Rights Act*, City of Anaheim, Citizens Advisory Committee on Elections and Community Involvement, Anaheim, CA (Dec. 2012) ([video](#)).
- Panelist, *Law and Democracy: A Symposium on the Law Governing Our Democratic Process*, George Washington University School of Law, Washington, DC (Nov. 2012).
- Panelist, *American Ideal: The Right to Vote*, Beverly Hills Bar Ass'n, Los Angeles, CA (Oct. 2012).
- Panelist, *To Vote or Not to Vote: Turnout Challenges for 2012*, Pat Brown Institute of Public Affairs, Los Angeles, CA (Sept. 2012).
- Speaker, *The Initiative Process and Constitutional Change*, U. Minnesota School of Law, Minneapolis, MN (Sept. 2012).
- Panelist, *Are We Ready to Run Our Elections?*, Bipartisan Policy Center / Humphrey School of Public Policy, Washington, DC (Sept. 2012).
- Panelist, *Foxes, Henhouses, and Commissions: Assessing the Nonpartisan Model in Election Administration, Redistricting, and Campaign Finance*, U.C. Irvine School of Law, Irvine, CA (Sept. 2012).
- Moderator, *From Austin to Albany: Redistricting in Texas and New York in 2010 and Redistricting 2012 Legal Panel*, 2012 NCSL Legislative Summit, Chicago, IL (Aug. 2012).
- Moderator, *What's at Stake: Examining Voting Rights in the 21<sup>st</sup> Century*, 2012 ACS National Convention: Democracy at Stake, Washington, DC (June 2012).
- Panelist, *Redistricting Litigation*, Federalist Society Civil Rights Practice Group Podcast (Apr. 2012).
- Speaker, *Voting ID Laws: Integrity at the Ballot Box?*, American Constitution Society, UCLA Law School, Los Angeles, CA (Apr. 2012).
- Presenter, *Municipal Redistricting and Minority Representation: Democracy Outside the Box*, The Politics of Race and Place Workshop, U.C. San Diego (Feb. 2012).

**SELECTED PRESENTATIONS** (continued)

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- Panelist, *Blocking the Vote: Voter Suppression Tactics and Responses on the Eve of the 2012 Elections*, NAACP LDF Civil Rights Training Institute, Airlie Conference Center, Warrenton, VA (Oct. 2011).
- Panelist, *A Brave New World? California's Redistricting Experiment*, Institute of Governmental Studies, U.C. Berkeley, Berkeley, CA (Sept. 2011).
- Panelist, *Redistricting Roundtable: Law and Politics in the New Decade*, 2011 American Political Science Association Annual Meeting, Seattle, WA (Sept. 2011).
- Presenter, *Election Errors and the Dynamic Nature of Materiality*, SEALS Conference, Hilton Head, SC (July 2011).
- Speaker, *Emerging/Unresolved Issues in Case Law, Reapportionment and Redistricting in Idaho and the West*, Boise State University, Boise, ID (Apr. 2011).
- Discussant, *Eligibility to Vote: Bush v. Gore, 10 Years Later*, University of California-Irvine, Laguna Beach, CA (Apr. 2011).
- Speaker, *Redistricting 101: What You Need to Know to Get Involved*, Arizona State University, Phoenix, AZ (Apr. 2011).
- Discussant, *Citizen Competence in Direct Democracy*, 2011 Midwest Political Science Association Annual Meeting, Chicago, IL (Mar. 2011).
- Panelist, *Citizens United: One Year Later*, American Constitution Society, UCLA Law School (Mar. 2011).
- Panelist, *Partisan Gerrymandering: The Legal Limitations and Lack Thereof*, NCSL National Redistricting Seminar, National Harbor, MD (Jan. 2011).
- Kickoff Speaker, *Redistricting Basics and Terminology*, NCSL National Redistricting Seminar, National Harbor, MD (Jan. 2011).
- Speaker, *Redistricting 101: Legal Concepts That Apply to the Work of California's Citizens Redistricting Commission*, California State Auditor, Sacramento, CA (Dec. 2010).
- Panelist, *Registration and Eligibility Issues*, Pew Pre-Election Journalists' Forum, San Francisco, CA (Oct. 2010).
- Panelist, *Redistricting Decisions of the Last Decade*, NCSL National Redistricting Seminar, Providence, RI (Sept. 2010).
- Guest Lecture, *The Voting Rights Act and Election Administration*, University of Chicago School of Law, Chicago, IL (May 2010).

**SELECTED PRESENTATIONS** (continued)

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- Panelist, *Symposium 2010 - Helping America Vote: The Past, Present, and Future of Election Administration*, NYU Journal of Legislation and Public Policy, NYU School of Law, New York, NY (Mar. 2010).
- Speaker, *Redistricting 101: Legal Concepts That Apply to the Work of California's Citizens Redistricting Commission*, California State Auditor, Applicant Review Panel, Sacramento, CA (Feb. 2010).
- Panelist, *The State Legislature and the State Constitution. Focus on the Legislature: Reform and Renewal*, New York State Bar Association, Comm. on Attorneys in Public Service, New York, NY (Jan. 2010).
- Speaker, *Redistricting: Embracing Lines in the Public Interest*, Women in Government, 16<sup>th</sup> Annual State Directors' Conference, Dana Point, CA (Jan. 2010).
- Speaker, *Hot Voting Rights Topics for Municipalities: Pre-litigation Use of Alternative Voting Systems and Redistricting Consequences of Incarceration*, International Municipal Lawyers Association, Columbia, SC (Dec. 2009).
- Speaker, *Redistricting 101—An Overview and a Timeline for Success*, National Conference of State Legislatures, Chicago, IL (Oct. 2009).
- Speaker, *Census 2010: Be Counted, Be Heard*, National Latino/a Law Students' Conference, Chicago, IL (Sept. 2009).
- Panelist, *Repairing our Democracy: Voter Registration Modernization and other Solutions*, Netroots Nation, Pittsburgh, PA (Aug. 2009).
- Speaker, *Redistricting and the Census*, National Civic Summit, Minneapolis, MN (July 2009).
- Speaker, *Political Participation: Problems and Promise*, American Constitution Society, UCLA School of Law, Los Angeles, CA (Feb. 2008).
- Panelist, *Can Legislation Bring Democracy to America's Capital?*, American Constitution Society, Columbia Law School, New York, NY (Feb. 2007).
- Discussant, *Making Every Vote Count: Federal Election Legislation in the States*, Policy Research Institute for the Region, Princeton University, Princeton, NJ (Apr. 2006).
- Speaker, *Youth Voter Mobilization and Civic Engagement*, American Democracy Institute, Philadelphia, PA (Feb. 2006).

**SELECTED MEDIA APPEARANCES**

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*Gerrymandering: A New Documentary Film*, Green Film Company (2010).

*Voter Fraud Allegations Threaten Election Integrity*, Fox News (Oct. 2014).

*So What Are Voter ID Laws Even For?*, All In With Chris Hayes, MSNBC (Aug. 2014).

*Supreme Court civil rights decisions*, TAVIS SMILEY, PBS (June 2013).

*Affordable Care Act cases*, KTLA 5 TV (June 2012).

*Voter ID*, Planet America, Australian Broadcast TV (Apr. 2012).

*Gerrymandering: America's Most Dangerous Maps?*, 1A, NPR (Apr. 2017).

*Justice Department Voting Rights Unit Adapts After Supreme Court Ruling*, NPR (Mar. 2016).

*Court Sides With President Over Congress In 'Jerusalem' Passport Dispute*, NPR (June 2015).

*The Voting Wars: Who's Winning? Who's Losing?*, KCRW (Oct. 2014).

*A.G. Eric Holder on Collision Course with Texas On Voting Rights*, To the Point, NPR (July 2013).

*California Initiative Process Might Face New Scrutiny After Prop. 8 Ruling*, KQED (June 2013).

*Election Integrity or Voter Suppression*, American Constitution Society Podcast (Oct. 2012).

*Fronteras Vote 2012*, NPR (May 2012).

*Controversies in Election Law*, Bloomberg Law (Apr. 2012).

*Voter ID Debate Ramping Up Again For 2012*, Talk of the Nation, NPR (May 2011).

*Electioneering at the Polls*, KPCC (Nov. 2010).

Cited as election law expert by more than 285 different publications, TV and radio stations, and news services, including Fox News, MSNBC, CNN, CBS, NPR and its local affiliates, the Associated Press, Reuters, Bloomberg, New York Times, Wall St. Journal, Washington Post, New Yorker, USA Today, Huffington Post, The Hill, The Nation, The Atlantic, National Journal, Politico, Vox, Salon, Slate, Time, Los Angeles Times, Sacramento Bee, Miami Herald, Kansas City Star, Houston Chronicle, Chicago Tribune, Palm Beach Post, Milwaukee Journal-Sentinel, Minneapolis Star-Tribune, and Atlanta Journal-Constitution.

Also cited as election expert by Samantha Bee, Stephen Colbert, Seth Meyers, and John Oliver.

**SELECTED OPINION**

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*Intent is Enough*, SCOTUSBLOG, Aug. 9, 2017.

*All Your Voter Data Are Belong to Us*, TAKE CARE BLOG, July 2, 2017.

*The Voting Rights Act Turns 50. And Also 40.*, CAL. FORWARD, Aug. 6, 2015 (with Dean Logan).

*A Sleeper SCOTUS Sequel*, DAILY J., Oct. 6, 2014.

*A Comprehensive Investigation of Voter Impersonation Finds 31 Credible Incidents Out of One Billion Ballots Cast*, WASH. POST WONKBLOG, Aug. 6, 2014.

*Why McCutcheon is Bad News for Millionaires*, POLITICO, Apr. 2, 2014.

*A Broken Election System Becomes a Teenager*, PACIFIC STANDARD, Dec. 12, 2013.

*Voter ID Update: the Diversity in the Details*, CONSTITUTION DAILY, Oct. 30, 2013.

*Aggregate Limits and the Fight Over Frame*, SCOTUSBLOG, Aug. 16, 2013.

*Shadowboxing and Unintended Consequences*, SCOTUSBLOG, June 25, 2013.

*Bringing Sweats to the Court*, ACSBLOG, Feb. 26, 2013.

*The Danger of Voter Fraud Vigilantes*, N.Y. TIMES (CAMPAIGN STOPS), Oct. 29, 2012.

*Supreme Court Messes With Texas. Voting Rights*, MILLER-MCCUNE, Jan. 9, 2012.

*Ten Lawyers Leaping: A New Year's Redistricting Review*, HUFFINGTON POST, Jan. 3, 2012.

*The Real Victims of Election ID Laws*, POLITICO, June 14, 2011.

*Karl Rove Is Right About Importance of Local Elections*, ROLL CALL, Mar. 23, 2010.

*The Voting Rights Act, Through the Looking Glass*, ACSBLOG, June 9, 2009.

*The Hanging Chad of 2008*, HUFFINGTON POST, July 3, 2008.

*When Prosecutors Get Political*, THE NATION (web), June 6, 2007.

*The Myth of Voter Fraud*, WASH. POST, Mar. 29, 2007 (with Michael Waldman).

*Tuesday's Intrepid Voters*, TOMPAINE.COM, Nov. 10, 2006.

*Raising the Dead Voter Hoax*, TOMPAINE.COM, Oct. 31, 2006.

Regular contributions to Summary Judgments, the Election Law Blog, and the Brennan Center for Justice blog.

**SELECTED PROFESSIONAL SERVICE**

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Advisory Board, Access Democracy

Advisory Committee, Los Angeles County Voting Systems Assessment Project

Advisory Group, Proteus Fund Race & Redistricting 2021 Program (through August 2015)

Advisory Board, Prison Policy Initiative (through August 2015)

Pro Bono Counsel, NAACP LDF et al., Amicus Brief, *Gill v. Whitford*, Case No. 16-1161 (U.S. Sept. 1, 2017).

Pro Bono Counsel, Scholars and Historians of Congressional Redistricting, Amicus Brief, *Ariz. State Legis. v. Ariz. Ind. Redistricting Comm'n*, Case No. 13-1314 (U.S. Jan. 23, 2015).

Pro Bono Counsel, Current and Former Election Officials, Amicus Brief, *Arcia v. Detzner*, Case No. 12-15738-EE (11th Cir. 2012).

Peer Reviewer, Election Law Journal; Politics and Governance Journal

**BAR ADMISSIONS**

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California State Bar

New Jersey State Bar

New York State Bar

Washington, DC Bar (*Inactive*)

U.S. District Court for the Central District of California

U.S. Court of Appeals for the Fourth Circuit

U.S. Court of Appeals for the Ninth Circuit

U.S. Court of Appeals for the Eleventh Circuit

Supreme Court of the United States