

## **Christopher S. Elmendorf**

UC Davis School of Law  
400 Mrak Hall Drive  
Davis, CA 95616  
cselmendorf@ucdavis.edu  
530-752-5756 (office); 415-385-5781 (cell); 530-754-5311 (fax)

---

### **Academic and Related Appointments**

**University of California, Davis, School of Law.** Professor of Law (July 2007 - present); Acting Professor of Law (Jan. 2004 - June 2007).

**University of California, Berkeley.** Faculty affiliate, Center for Study of Law and Society & Institute for Governmental Studies, June 2013-July 2014.

**UC Hastings College of the Law,** Visiting Professor, Fall 2011 (lateral offer declined).

**Judge Guido Calabresi, United States Court of Appeals for the Second Circuit.** Law Clerk, 2002-03.

**Political Economy Research Center & National Wildlife Federation.** Joint Research Fellow, 2001-02.

### **Education**

**Postgraduate Training in Empirical Methods.** During my 2013-14 sabbatical, I audited and completed all problem sets for the following graduate courses at UC Berkeley.

- Stat. 239A/Pol.Sci. 236A: Statistics of Causal Inference (Sekhon)
- Pol.Sci. 236B: Quantitative Methodology in Social Sciences Seminar (Sekhon)
- Pol.Sci. 231A: Quantitative Analysis in Political Research (Gailmard)
- Law 209.32: Intermediate Statistics (Quinn)

**Yale Law School.** JD, 2001.

- Yale Law Journal
- Coker Teaching Fellow
- Olin Fellow in Law and Economics

**Oberlin College.** BA with Highest Honors in Economics, 1994.

- Majors: Economics and Environmental Studies
- GPA: 3.95
- Distinctions: Joel Deal Award (for the top graduating student in economics); Phi Beta Kappa (junior-year inductee); Wilkens Scholarship (for the top social science student in the junior class); Jesse Phillips Prize (for the top economics student in the junior class); Harry S. Truman Scholarship (\$30,000 award for students who plan a career in public service).

**Academic Publications** [available online at <http://ssrn.com/author=345940>]

*Racially Polarized Voting*, 83 U. CHI. L. REV. (forthcoming 2016) (with Kevin Quinn & Marisa Abrajano)

*Administering Section 2 of the VRA After Shelby County*, 115 COLUM. L. REV. (forthcoming 2015) (with Douglas M. Spencer)

*Lost in Space? Information Shortcuts, Spatial Voting, and Local Government Representation*. 68 POL. RES. Q. (forthcoming 2015) (with Cheryl Boudreau and Scott MacKenzie).

*Advisory Rulemaking and the Future of the Voting Rights Act*, 14 ELECTION L.J. (forthcoming 2015).

*Informing Electorates Via Election Law: An Experimental Study of Partisan Endorsements and Nonpartisan Voter Guides in Local Elections*, 14 ELECTION L.J. 2 (2015) (with Cheryl Boudreau & Scott MacKenzie)

*The Geography of Racial Stereotyping: Evidence and Implications for VRA Preclearance After Shelby County*, 102 CAL. L. REV. 1123 (2014) (with Douglas M. Spencer)

*Are Ballot Titles Biased? Partisanship in California's Supervision of Direct Democracy*, 3 U.C. IRVINE L. REV. 511 (2013) (with Douglas M. Spencer)

*Informing Consent: Voter Ignorance, Political Parties, and Election Law*, 2013 U. ILL. L. REV. 363 (with David Schleicher)

*Districting for a Low-Information Electorate*, 121 YALE L. J. 1846 (2012) (with David Schleicher).

*What Kind of Discrimination Does the Voting Rights Act Target?*, 160 U. PA. L. REV. PENNUMBRA 357 (2012), <http://www.pennumbra.com/responses/04-2012/Elmendorf.pdf>.

*Making Sense of Section 2: Of Biased Votes, Unconstitutional Elections, and Common Law Statutes*, 160 U. PA. L. REV. 377 (2012).

*Why Party Democrats Need Popular Democracy and Popular Democrats Need Parties*, 100 CAL. L. REV. 69 (2012) (with Ethan J. Leib).

*Empirical Legitimacy and Election Law, in RACE, REFORM, AND REGULATORY INSTITUTIONS: RECURRING PUZZLES IN AMERICAN DEMOCRACY* (Heather K. Gerken, Guy-Uriel E. Charles, & Michael S. Kang eds. 2011)

*Refining the Democracy Canon*, 95 CORNELL L. REV. 1051 (2010).

*Gatekeeping vs. Balancing in the Constitutional Law of Elections: Methodological Uncertainty on the High Court*, 17 WILLIAM & MARY BILL RTS. J. 507 (2008) (with Edward B. Foley) (symposium on "How We Vote").

*Undue Burdens on Voter Participation: New Pressures for a Structural Theory of the Right to Vote?*, 35 HASTINGS CONST. L. Q. 643 (2008) (symposium on "Frontiers of Democracy").

*Structuring Judicial Review of Electoral Mechanics: Explanations and Opportunities*, 156 U. PA. L. REV. 313 (2007).

*N.Y. State Bd. of Elections v. Torres: Is the Right to Vote a Constitutional Constraint on Party Nominating Conventions?*, 6 ELECTION L. J. 399 (2007).

*Advisory Counterparts to Constitutional Courts*, 56 DUKE L. J. 953 (2007). Paper selected for the 2006 Stanford-Yale Junior Faculty Forum.

*Election Commissions and Electoral Reform: An Overview*, 5 ELECTION L. J. 425 (2006).

*Representation Reinforcement Through Advisory Commissions: The Case of Election Law*, 80 N.Y.U. L. REV. 1366 (2005).

*Securing Ecological Investments on Other People's Land: A Transaction-Costs Perspective*, 44 NAT. RESOURCES J. 529 (2004) (symposium on "Private Lands Conservation: Institutions and Instruments").

*Ideas, Incentives, Gifts, and Governance: Toward Conservation Stewardship of Private Land, In Cultural and Psychological Perspective*, 2003 U. ILL. L. REV. 423.

*State Courts, Citizen Suits, and the Enforcement of Federal Environmental Law by Non-Article III Plaintiffs*, 110 YALE L. J. 1003 (2001).

## **Other Writings**

*Judge Easterbrook on the Voting Rights Act: Asking Good Questions, Making Bad Law*, Election Law @ Moritz, Oct. 8, 2014, <http://moritzlaw.osu.edu/election-law/article/?article=12965>.

*Last Week's Affirmative Action Setback Could Be a Boost to Voting Rights* (with Douglas M. Spencer), THE NEW REPUBLIC, Apr. 29, 2014, <http://www.newrepublic.com/article/117552/supreme-courts-affirmative-action-setback-could-boost-voting-rights> (with Douglas M. Spencer).

*How to Save the Voting Rights Act*, SLATE, July 17, 2013, [http://www.slate.com/articles/news\\_and\\_politics/jurisprudence/2013/07/voting\\_rights\\_act\\_how\\_congress\\_can\\_save\\_it.html](http://www.slate.com/articles/news_and_politics/jurisprudence/2013/07/voting_rights_act_how_congress_can_save_it.html) (with Douglas M. Spencer).

*Googling the Future of the Voting Rights Act*, JURIST - Forum, June 29, 2012, <http://jurist.org/forum/2012/06/christopher-elmendorf-voting-future.php>.

*The Voting Rights Act: Limiting Partisan Barriers to Voter Participation*, JURIST - Forum, May 24, 2012, <http://jurist.org/forum/2012/05/chris-elmendorf-voting-rights.php>.

*Let Californians Vote on Two Budgets - One Red, One Blue*, S.F. CHRONICLE, Mar. 11, 2011 (with Ethan J. Leib)

*Voter Confusion and the Single-Subject Rule: Proposition 26 as a Test Case*, DAILY JOURNAL (San Francisco and Los Angeles), Dec. 29, 2010.

*Voter Confusion and the Single-Subject Rule: Prop. 26 as a Test Case in Waiting, Part II of a Two-Part Series*, FindLaw.com, Dec. 17, 2010.

*Voter Confusion and the Single-Subject Rule: Prop. 26 as a Test Case in Waiting, Part I of a Two-Part Series*, FindLaw.com, Dec. 16, 2010.

*Making Democracy Work in San Francisco*, S.F. CHRONICLE, Feb. 28, 2010 (with David Schleicher).

*Budgets by the People, for the People*, N.Y. TIMES, July 27, 2009 (with Ethan J. Leib).

Brief of Amici Curiae Professors Christopher S. Elmendorf and Daniel P. Tokaji in Support of Petitioners, *Crawford v. Marion County Election Board*, 128 S.Ct. 1610 (2008).

## **Invited Talks and Scholarly Presentations (last 5 years)**

“Machine Learning vs. MRP: Estimating Public Opinion in Small Geographic Units.” Annual Meeting of the American Political Science Association. San Francisco. Sept. 2015.

“Voting Rights Law and Research on Turnout.” Annual Meeting of the American Political Science Association. San Francisco. Sept. 2015.

“Racial or Spatial? Effects of Ethnic Interest Group Endorsements in Low Information Elections.” APSA Pre-Conference on Experiments in State Politics, UC Berkeley. Sept. 2015.

“Salvaging Section 2 of the VRA: The Role for DOJ.” Panel on the Voting Rights Act at 50, AALS Annual Meeting. Washington, D.C. Jan. 2015.

“After *Shelby County*: Getting Section 2 of the VRA to Do the Work of Section 5.” Conference on Empirical Legal Studies. Berkeley. Nov. 2014.

“Using Experiments to Estimate Geographic Variation in Racially Polarized Voting.” Conference on Empirical Legal Studies. Berkeley. Nov. 2014.

“Racially Polarized Voting.” UC Davis School of Law (Faculty Workshop). Sept. 2014.

“Words v. Pictures: How Should We Represent Race and Ethnicity in Experiments on Voter Discrimination?” Annual Meeting of the American Political Science Association. Washington, D.C. Sept. 2014.

“Using Experiments to Estimate Geographic Variation in Racially Polarized Voting.” UC Berkeley Center for the Study of Law and Society. Berkeley. Apr. 2014.

“Using Experiments to Estimate Geographic Variation in Racially Polarized Voting.” Conference of the Midwest Political Science Association. Chicago. Apr. 2014.

“After *Shelby County*: Getting Section 2 of the VRA to Do the Work of Section 5.” Conference of the Midwest Political Science Association. Chicago. Apr. 2014.

“The Geography of Racial Stereotyping: Evidence and Implications for VRA Preclearance After *Shelby County*.” University of Chicago Law School (Public Law and Legal Theory Colloquium). Chicago. Oct. 2013.

“The Geography of Racial Stereotyping: Evidence and Implications for VRA Preclearance After *Shelby County*.” Emory Law School (Faculty Workshop). Atlanta. Oct. 2013.

“The Geography of Racial Stereotyping: Evidence and Implications for VRA Preclearance After *Shelby County*.” UC Berkeley Center for the Study of Law and Society (summer workshop series). Berkeley. Aug. 2013.

“The Voting Rights Act After *Shelby County*.” UC Hastings Law School. San Francisco. Sept. 2013.

“VRA Preclearance After *Shelby County*.” American Constitution Society. San Francisco. July 2013.

“The Geography of Discrimination in Voting: MRP Meets the VRA.” UC Davis School of Law (summer workshop). June 2013.

“Legal Interventions in the Market for Political Information: Lessons from Survey Experiments in Local Elections.” NYU School of Law (conference on Deliberative Democracy). April 2013.

“The Geography of Discrimination in Voting: MRP Meets the VRA.” Conference of the Midwest Political Science Association. Chicago. April 2013.

“Causal Inference and the Voting Rights Act.” University of Colorado, Boulder, Department of Political Science (faculty workshop). Nov. 2012.

“Lost in Space? Shortcuts and Spatial Voting in Low-Information Elections.” Conference on Empirical Legal Studies, Stanford Law School. Nov. 2012.

“Are Ballot Titles Biased? Partisanship in California’s Supervision of Direct Democracy.” UC Irvine School of Law (law review symposium). Sept. 2012.

“The Law of Districted Elections,” UC Hastings College of the Law (conference on “Redistricting San Francisco”). Jan. 2012.

“Informing Consent: Voter Ignorance and Election Law.” UC Hastings College of the Law (faculty workshop). Oct. 2011.

“*McCommish v. Bennett* and the Future of Public Financing of Political Campaigns.” UC Davis School of Law (summer workshop). July 2011.

“The Known Unknowing: On Voter Ignorance, Political Parties, and Party Substitutes.” Duke Law School (faculty workshop). Jan. 2011.

“Why Sensible Judicial Enforcement of the Amendment/Judicial Distinction Requires Constitutional Reform,” Loyola Los Angeles School of Law (conference on “Rebooting California: Initiatives, Conventions, and Government Reform”). Sept. 2010.

Moderator and Discussant, *Citizens United v. FEC* (workshop sponsored by the American Constitution Society Bay Area Lawyer Chapter). April 2010.

“‘The Politics of First Best’: Depolarization by Design and the Voting Rights Act.” University of Georgia Law School (faculty workshop). April 2010.

Panelist, Independent Election Administration (conference on Helping America Vote, New York University School of Law). April 2010.

## **Grants**

Small Grant in Aid of Research, UC Davis (\$2000), 2014-15.

Small Grant in Aid of Research, UC Davis (\$2000), 2013-14.

Interdisciplinary Research Grant, UC Davis (\$24,971), 2012-13 (with Cheryl Boudreau and Scott MacKenzie)

Small Grant in Aid of Research, UC Davis (\$2000), 2012-13

Faculty Research Grant, UC Hastings College of the Law (\$3000), 2011

Small Grant in Aid of Research, UC Davis (\$2000), 2007-08

Small Grant in Aid of Research, UC Davis (\$2000), 2006-07

Small Grant in Aid of Research, UC Davis (\$2000), 2005-06

Small Grant in Aid of Research, UC Davis (\$2000), 2004-05

## **Teaching**

Law of the Political Process, Administrative Law, Statutory Interpretation, Property, Legal Theory Workshop

## **Service**

### UC Davis Service

Chair, Intellectual Enrichment Committee, UC Davis School of Law (2015-present).

Member, Intellectual Enrichment Committee, UC Davis School of Law (2014-present).

Chair, Committee on Academic Freedom (2014-present)

Member, Committee on Academic Freedom (2012-present)

Member, Faculty Appointments Committee, UC Davis School of Law (2012-13)

Member, King Hall Alums in Teaching Committee, UC Davis School of Law (2011-12)

Member, Search Committee for Director of Academic Support, UC Davis School of Law (fall 2010).

Member, Judicial Clerkships Committee, UC Davis School of Law (2009-12)

Member, Educational Policy Committee, UC Davis School of Law (2009-10)

Member, Admissions Committee, UC Davis School of Law (2008-09).

Member, Faculty Appointments Committee, UC Davis School of Law (2006-07).

Member, Affirmative Action and Diversity Committee, UC Davis (2005-07).

Faculty Advisor, *U.C. Davis Law Review* (2005-08).

Faculty Advisory, Environmental Law Society, UC Davis School of Law (2004-present).

Member, Libraries Committee, UC Davis School of Law (2004-05).

### External Service

Peer reviews conducted for *Election Law Journal*, *Harvard Law Review*, *Yale Law Journal*, University of Chicago Press, and Routledge Press.

External member of dissertation committees for Matt Lesenye (UC Davis, political science), Justin Levitt (UC San Diego, political science) and Samrat Sinha (University of Delaware, political science).

Pro-bono services provided to Repair California, a coalition advocating for a constitutional convention to revise California's constitution (2009).

## **Bar Admission**

California