

DANIEL P. TOKAJI

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UNIVERSITY OF WISCONSIN LAW SCHOOL

- Fred W. & Vi Miller Dean and Professor of Law Designate, effective August 1, 2020.

THE OHIO STATE UNIVERSITY MORITZ COLLEGE OF LAW

- Associate Dean for Faculty, 2018-20.
- Charles W. Ebersold & Florence Whitcomb Ebersold Professor of Constitutional Law, 2014-20
- Robert M. Duncan/Jones Day Designated Professor of Law, 2011-14.
- Professor of Law, 2010-20; Associate Professor, 2007-10; Assistant Professor, 2003-07.
- *Election Law @ Moritz* Project: Senior Fellow, 2011-20; Associate Director, 2004-11.
- Courses Taught: Civil Procedure, Civil Rights Lawyering, Election Law, Federal Courts, First Amendment, Fourteenth Amendment, Comparative Constitutional Law, Legislation and Regulation, Legal Analysis and Writing, Money and Politics, U.S. Legal System.
- University of Oxford Summer Law Program: Director, 2009; Instructor, 2009, 2015.
- Upper Level Small Section Professor of the Year, 2011-12.

HONG KONG UNIVERSITY/DUKE UNIVERSITY ASIA-AMERICA INSTITUTE IN TRANSNATIONAL LAW

- Taught summer course on Comparative Election Law, 2016.

HARVARD LAW SCHOOL

- Visiting Professor of Law and Ralph E. Shikes Visiting Fellow, 2008.
- Courses: Federal Courts, Election Law & Administration.

ACLU FOUNDATION OF SOUTHERN CALIFORNIA

- Staff Attorney, 1996-2003.
- George Slaff First Amendment Fellow, 1995-96.

JUDGE STEPHEN REINHARDT, U.S. COURT OF APPEALS FOR THE NINTH CIRCUIT

- Law Clerk, 1994-95.

EDUCATION

YALE LAW SCHOOL

- J.D., 1994
- *Yale Law Journal*
- *Yale Journal of Law & the Humanities*
- Director, Disability Clinic

HARVARD UNIVERSITY

- A.B., 1989, English and American Language and Literature (major), Philosophy (minor)
- Summa Cum Laude
- Phi Beta Kappa

PUBLICATIONS

BOOKS & BOOK-LENGTH REPORTS

ELECTION LAW: CASES AND MATERIALS (6th ed. 2017) (with Daniel Hays Lowenstein, Richard L. Hasen & Nicholas Stephanopoulos), and 2018-20 Supplements (with Hasen and Stephanopoulos).

ELECTION LAW IN A NUTSHELL (2d ed. 2016).

THE NEW SOFT MONEY: OUTSIDE SPENDING IN CONGRESSIONAL ELECTIONS (2014) (with Renata E.B. Strause).

ELECTION LAW IN A NUTSHELL (1st ed. 2013).

ELECTION LAW: CASES AND MATERIALS (5th ed. 2012) (with Daniel Hays Lowenstein & Richard L. Hasen), and 2013-16 Supplements (with Hasen).

FROM REGISTRATION TO RECOUNTS REVISITED: DEVELOPMENTS IN THE ELECTION ECOSYSTEMS OF FIVE MIDWESTERN STATES (2011) (with Stephen F. Huefner, Nathan Cemenska & Edward B. Foley).

ELECTION LAW: CASES AND MATERIALS (4th ed. 2008) (with Daniel Hays Lowenstein & Richard L. Hasen), and 2009-11 Supplements (with Hasen).

FROM REGISTRATION TO RECOUNTS: THE ELECTION ECOSYSTEMS OF FIVE MIDWESTERN STATES (2007) (with Stephen F. Huefner & Edward B. Foley).

ARTICLES & ESSAYS

Voter Registration in a Pandemic, __ UNIVERSITY OF CHICAGO LAW REVIEW ONLINE __ (forthcoming 2020).

Comparative Advantage: The Ends and Means of Campaign Regulation – A Response to Professor Ringhand, 81 OHIO STATE LAW JOURNAL ONLINE 45 (2020).

Truth, Democracy, and the Limits of Law, 64 ST. LOUIS UNIVERSITY LAW JOURNAL 569 (2020).

Denying Systemic Equality: The Last Words of the Kennedy Court, 13 HARVARD LAW AND POLICY REVIEW 539 (2019).

Campaign Finance Regulation in North America: An Institutional Perspective, 14 ELECTION LAW JOURNAL 188 (2018).

Gerrymandering and Association, 59 WILLIAM & MARY LAW REVIEW 2159 (2018).

Vote Dissociation, 127 YALE LAW JOURNAL FORUM 761 (2018).

The Right to Vote in an Age of Discontent, 43 HUMAN RIGHTS, No. 2, at 10 (2018).

Bribery and Campaign Finance: McDonnell's Double-Edged Sword, 14 OHIO STATE JOURNAL OF CRIMINAL LAW AMICI BRIEFS 15 (2017).

Voting Is Association, 43 FLORIDA STATE UNIVERSITY LAW REVIEW 763 (2016).

How Sausage Is Made: A Research Agenda for Campaign Finance and Lobbying, 164 UNIVERSITY OF PENNSYLVANIA LAW REVIEW ONLINE 223 (2016) (with Renata E.B. Strause).

Applying Section 2 to the New Vote Denial, 50 HARVARD CIVIL RIGHTS & CIVIL LIBERTIES LAW REVIEW 439 (2015).

True Threats: Voter Intimidation and the Constitution, 40 N.Y.U. REVIEW OF LAW AND SOCIAL CHANGE, THE HARBINGER 101 (2015).

A Program in Legislation, 65 JOURNAL OF LEGAL EDUCATION 70 (2015) (with Dakota Rudesill & Chris Walker).

Between Access and Influence: Building a Record for the Next Court, 9 DUKE JOURNAL OF CONSTITUTIONAL LAW & PUBLIC POLICY 179 (2014) (with Renata E.B. Strause).

Political Reform and the Courts: On Cain's Egalitarian Pluralism, 4 ELECTION LAW JOURNAL 534 (2014).

Responding to Shelby County: A Grand Election Bargain, 8 HARVARD LAW & POLICY REVIEW 71 (2014).

America's Top Model: Wisconsin's Government Accountability Board, 1 U.C. IRVINE LAW REVIEW 575 (2013).

HAVA in Court: A Summary and Analysis of Litigation, 12 ELECTION LAW JOURNAL 203 (2013).

A Toxic Brew: Judicial Elections in the Age of Big-Money Politics, 60 CLEVELAND STATE LAW REVIEW 497 (2012).

Baker, Bush, and Ballot Boards: The Federalization of Election Administration, 62 CASE WESTERN LAW REVIEW 969 (2012) (with Owen Wolfe).

Teaching Election Administration, 56 ST. LOUIS UNIVERSITY LAW JOURNAL 675 (2012).

The Obliteration of Equality in American Campaign Finance Law: A Trans-Border Comparison, 5 JOURNAL OF PARLIAMENTARY AND POLITICAL LAW 381 (2011).

Public Rights and Private Rights of Action: The Enforcement of Federal Election Laws, 44 INDIANA LAW REVIEW 113 (2010).

Lowenstein Contra Lowenstein: Conflicts of Interest in Election Administration, 9 ELECTION LAW JOURNAL 421 (2010).

The Future of Election Reform: From Rules to Institutions, 28 YALE LAW & POLICY REVIEW 125 (2009).

Desegregation, Discrimination and Democracy: Parents Involved's Disregard for Process, 69 OHIO STATE LAW JOURNAL 847 (2009).

Voter Registration and Institutional Reform: Lessons from a Historic Election, 3 HARVARD LAW & POLICY REVIEW ONLINE (2009).

Voter Registration and Election Reform, 17 WILLIAM & MARY BILL OF RIGHTS JOURNAL 453 (2008).

The Sordid Business of Democracy, 34 OHIO NORTHERN UNIVERSITY LAW REVIEW 341 (2008).

The Justiciability of Eligibility: May Courts Decide Who Can Be President?, 107 MICHIGAN LAW REVIEW FIRST IMPRESSIONS 31 (2008).

An Unsafe Harbor: Recounts, Contests, and the Electoral College, 106 MICHIGAN LAW REVIEW FIRST IMPRESSIONS 84 (2008).

Judicial Review of Election Administration, 156 UNIVERSITY OF PENNSYLVANIA LAW REVIEW PENNUMBRA 379 (2008).

Leave It to the Lower Courts: On Judicial Intervention in Election Administration, 68 OHIO STATE LAW JOURNAL 1065 (2007).

Absentee Voting for People with Disabilities, 39 MCGEORGE LAW REVIEW 1015 (2007) (co-authored with Ruth Colker).

Intent and Its Alternatives: Defending the New Voting Rights Act, 58 ALABAMA LAW REVIEW 349 (2007).

If It's Broke, Fix It: Improving Voting Rights Act Preclearance, 49 HOWARD LAW JOURNAL 785 (2006).

The New Vote Denial: Where Election Reform Meets the Voting Rights Act, 57 SOUTH CAROLINA LAW REVIEW 689 (2006).

Early Returns on Election Reform: Discretion, Disenfranchisement, and the Help America Vote Act, 73 GEORGE WASHINGTON LAW REVIEW 1206 (2005).

The Paperless Chase: Electronic Voting and Democratic Values, 73 FORDHAM LAW REVIEW 1711 (2005).

First Amendment Equal Protection: On Discretion, Inequality and Participation, 101 MICHIGAN LAW REVIEW 2409 (2003).

Promoting Equality by Protecting Local Power: A Neo-Federalist Challenge to State Affirmative Action Bans, 10 STANFORD LAW & POLICY REVIEW 129 (1999) (with Mark D. Rosenbaum).

The Club: Asian Americans and Affirmative Action, 1 NEXUS LAW JOURNAL, No. 2, at 47 (1996).

The Persistence of Prejudice: Process-Based Theory and the Retroactivity of the Civil Rights Act of 1991,

103 YALE LAW JOURNAL 567 (1993).

BOOK CHAPTERS

Comparative Election Administration: A Legal Perspective on Electoral Institutions, in COMPARATIVE ELECTION LAW (Edward Elgar forthcoming).

Beyond Repair: FEC Reform and Deadlock Deference, in DEMOCRACY BY THE PEOPLE (Cambridge Press 2019).

La Réglementation sur le Financement des Campagnes Électorales en Amérique du Nord: Une Perspective Institutionnelle (Campaign Finance Regulation in North America: An Institutional Perspective), in FINANCEMENT ET MORALISATION DE LA VIE POLITIQUE (FINANCE AND MORALIZATION OF POLITICAL LIFE) (2018).

Realizing the Right to Vote: The Story of Thornburg v. Gingles, in ELECTION LAW STORIES (Foundation Press 2016).

Electronic Voting Law in the United States, in E-VOTING CASE LAW: A COMPARATIVE ANALYSIS (Ashgate Publishing 2015).

The Story of Shaw v. Reno: Representation and Raceblindness, in RACE LAW STORIES (Foundation Press 2008).

The Voting Rights of People with Disabilities, in VOTING IN AMERICA (Praeger Perspectives 2008).

Political Equality After Bush v. Gore: A First Amendment Approach to Voting Rights, in FINAL ARBITER: THE CONSEQUENCES OF *BUSH V. GORE* FOR LAW AND POLITICS (SUNY Press 2005).

The Possibility of Dissent in the Age of Terrorism: A First Amendment Problem and a Proposal for Reform, in AMERICAN NATIONAL SECURITY AND CIVIL LIBERTIES IN AN ERA OF TERRORISM (Palsgrave Macmillan 2004).

BOOK REVIEWS

Political Reform and the Courts: On Cain's Egalitarian Pluralism, 13 ELECTION LAW JOURNAL 534 (2014) review of Bruce E. Cain, *Democracy, More or Less: America's Political Reform Quandary*.

Laboratories of Election Reform, 8 ELECTION LAW JOURNAL 267 (2009), review of Bruce E. Cain, Todd Donovan & Caroline J. Tolbert (eds.), *Democracy in the States: Experiments in Election Reform*.

The Birth and Rebirth of Election Administration, 6 ELECTION LAW JOURNAL 118 (2007), review of Roy G. Saltman, *The History and Politics of Voting Technology*.

Review of Peter F. Gaderisi (ed.), *Redistricting in the New Millennium* and Ronald Hayduk, *Gatekeepers of the Franchise: Shaping Election Administration in New York*, 4 PERSPECTIVES ON POLITICS 384 (2006).

Healing the Blind Goddess: Race and Criminal Justice, 98 MICHIGAN LAW REVIEW 1941 (2000) (co-authored with Mark D. Rosenbaum), review of David Cole, *No Equal Justice*.

BLOG POSTS & OTHER COMMENTARY (selected)

[*The Centrifugal Forces of Democracy*](#), BALKINIZATION (2020).

[*How to Win the Partisan Gerrymandering Cases*](#), SCOTUS BLOG (2019)

[*Following the New Soft Money*](#), HARVARD LAW REVIEW BLOG (2018).

[*A Path Through the Thicket – The First Amendment Right of Association*](#), SCOTUS BLOG (2017) (comment on *Gill v. Whitford*).

[*Restricting Race-Conscious Redistricting*](#) (comment on *Cooper v. Harris* and *Bethune-Hill v. Virginia St. Bd. of Elections*), REGULATORY REVIEW (2017) (selected as one of [top regulatory essays of the year](#)).

[*Redistricting Law Refined*](#) (comment on *Harris v. Arizona Independent Redistricting Commission*), REGULATORY REVIEW (2016),

[*Article I, Section 2*](#), National Constitution Center Interactive Constitution (2016) (exchange with Brad Smith).

[*The Role of Judges in Election Law*](#), 159 UNIVERSITY OF PENNSYLVANIA LAW REVIEW PENNUMBRA 273 (2011) (debate with Allison Hayward).

[ACS Blog](#) Posts:

- “The Ohio Partisan Gerrymandering Decision: A Worthy Model for the Supreme Court” (May 20, 2019)
- “A Path through the Thicket – The First Amendment Right of Association” (Sept. 13, 2017)
- “*Evenwel* and the Next Case” (Dec. 3, 2015)
- “*Perez v. Perry*: Not That Big a Deal . . . But Wait” (Jan. 24, 2012).
- “Why Ohio’s Vote Matters” (Nov. 8, 2011).
- “The Right to Vote: Bending Toward Justice, or Backsliding?” (Aug. 21, 2011)
- “Reviving Equality: What the United States Can Learn from Canada” (Jan. 28, 2011)
- “The Persistence of Partisan Election Administration” (Oct. 4, 2010)
- “Two Problems with the New Challenge to Section 5” (April 12, 2010)
- “The Occlusion of Equality in Campaign Finance Law” (Mar. 30, 2010)

[Election Law Blog](#), [Election Law @ Moritz](#), and [Take Care](#) Blog Posts (selected):

- “A Grand Election Bargain That Everyone Should Support” (Nov. 20, 2018)
- “The Nuclear Option and Democratic Deterioration,” (Apr. 10, 2017)
- “Arresting the Deterioration of Democracy” (Mar. 31, 2017)
- “Intimidation, Speech, and the Vote: Some Key States’ Laws” (Nov. 7, 2016)
- “The Supreme Court and the Right to Vote” (Sept. 21, 2016)

- “The Overreaction to *McDonnell*” (June 28, 2016)
- “Ohio’s Confusing Republican Ballot” (Mar. 6, 2016)
- “Is Ted Cruz Eligible to Be President? Let’s Find Out” (Feb. 17, 2016)
- “Could New Voting Restrictions Determine Control of the Senate” (Nov. 4, 2014)
- “An Ominous Supreme Court Decision” (Sept. 30, 2014)
- “Why the Supreme Court Shouldn’t Intervene in Ohio” (Sept. 29, 2014)
- “Context and Pretext: Why the Courts Were Right to Halt Ohio’s Latest Voting Restrictions” (Sept. 25, 2014)
- “What’s the Matter with Kobach” (Aug. 27, 2014)
- “Ohio 2012: What to Watch For” (Nov. 5, 2012)
- “A Poster Child for Dysfunctional Districting,” (Feb. 6, 2012)
- “Ohio’s New Disenfranchisement Bill” (March 21, 2011)
- “Election Day 2010: What We’ll Be Watching” (Nov. 1, 2010)
- “Are We Condemned to Repeat It?” (June 3, 2008)
- “Crawford: It Could Have Been Worse” (April 29, 2008)
- “What Congress Should Be Talking About” (September 18, 2007).
- “Money for Data: Funding the Oldest Unfunded Mandate”(June 5, 2007) (co-authored with Thad Hall)
- “The Politics of Justice” (May 22, 2007)
- “Early Voting in 2008” (March 13, 2007)
- “Congress Turns to Election Administration” (Nov. 28, 2006)
- “Recount Redux? What Might Happen in a Close Election (Oct. 31, 2006)
- “In Praise of Pre-Election Litigation” (Sept. 19, 2006)
- “Thinking About Democracy: Justice Stevens and the Roberts Court” (July 18, 2006)
- “Voting Technology: Beyond HAVA, Beyond Paper” (Mar. 14, 2006)
- “The Moneyball Approach to Election Reform” (Oct. 18, 2005)
- “The Carter-Baker Report: Two Wrongs Don’t Make a Right” (Sept. 20, 2005)
- “Are Election Reforms Increasing the Margin of Litigation?” (June 21, 2005)
- “ID and the Right to Vote” (Apr. 12, 2005)
- “How Did Ohio’s Voting Equipment Fare in 2004?” (Feb. 8, 2005)
- “The Paper Trail” (July 27, 2004)

EDITORIALS

Written while co-editor of ELECTION LAW JOURNAL (2010-13) (with Paul Gronke):

- *The Party Line: Crossing Boundaries*, 12 ELECTION L.J. 353 (2013)
- *The Party Line: Shelby County and Beyond*, 12 ELECTION L.J. 241 (2013)
- *The Party Line: Assessing the Help America Vote Act*, 12 ELECTION L.J. 111 (2013)
- *The Party Line: The Value of Election Observation*, 12 ELECTION L.J. 1 (2013)
- *The Party Line: Dimensions of Redistricting*, 11 ELECTION L.J. 355 (2012)
- *The Party Line: The Shifting Electoral Landscape*, 11 ELECTION L.J. 277 (2012)
- *The Party Line: Election Law Goes Global*, 11 ELECTION L.J.131 (2012)
- *The Party Line: One Year and Counting*, 11 ELECTION L.J. 1 (2012)

- *The Party Line: A Decade of Election Law*, 10 ELECTION L.J. 323 (2011)
- *The Party Line: Looking Backward and Forward*, 10 ELECTION L.J. 185 (2011)
- *The Party Line*, 10 ELECTION LAW JOURNAL 71 (2011)
- *The Party Line*, 10 ELECTION LAW JOURNAL 1 (2011)

FUNDED RESEARCH PROJECTS

The New Soft Money: Outside Spending in Congressional Elections. Principal investigator on research regarding the impact of independent expenditures on decision-making by federal elected officials, funded by Open Society Foundations (with Renata E.B. Strause, 2013-14).

Non-Precinct Voting. Investigator on project to analyze the absentee and early voting laws of all 50 States from 1972 to 2008, funded by Pew Charitable Trusts (with Jonathan Nagler, NYU; Jan Leighley, University of Arizona; Nathan Cemenska, Ohio State University), later updated to include 2012.

Election Day Survey 2008. Principal investigator on subcontract to analyze and write report on the states' and territories' responses to the statutory overview section of the U.S. Election Assistance Commission's 2008 Election Day Survey (with Research Triangle Institute).

Reforming Ohio's Democracy: What's Wrong, What We Can Do About It. Lead author of report on Ohio's election, campaign finance, lobbying, redistricting, and ethics systems, funded by the Joyce Foundation (2006) (with Herb Asher, Catherine Turcer, Peg Rosenfeld & Anne Henkener).

Provisional Voting and Voter ID. Assisted in research and writing reports on the states' implementation of provisional voting and voter identification, funded by the U.S. Election Assistance Commission (2006) (with Rutgers University's Eagleton Institute & Ned Foley).

PRESENTATIONS

(selected)

"The Unrealized Nineteenth Amendment," ACS, University of Cincinnati (Mar. 9, 2020).

"A Matter of Constitutional Interpretation," American Constitution Society & Federalist Society, OSU (Feb. 25, 2020) (with Richard Duncan).

"Leading A Litigation Team," OSU Moritz College of Law, Program on Law and Leadership (Feb. 21, 2020) (with Alexandra Schimmer).

"Enforcing Campaign Speech and Finance Laws: Is Impartiality Possible?," Emory Law Journal Symposium (Feb. 6, 2020).

"Truth and the Limits of Law," St. Louis University Law Journal Symposium (Oct. 10, 2019).

"The Right to Vote in an Age of Discontent," Tribunal Electoral del Poder Judicial de la Federación (Electoral Court of Mexico) (Mexico City, Oct. 4, 2019).

“New Developments in Election Law,” Washington University Law School (Sept. 16, 2019).

“2019 U.S. Supreme Court Term Review,” ACS, Northeast Ohio Chapter (Cleveland, OH, Aug. 14, 2019).

“Voter Disenfranchisement in the United States,” History Talk Podcast (July 31, 2019).

“The Role of States Attorneys General in Immigration,” ACS & National Constitution Center (Philadelphia, PA, July 18, 2019).

“The 2018-2019 Supreme Court Review,” ACS (National Press Club, Washington, DC, June 28, 2019).

“Redistricting Ohio,” Columbus Metropolitan Club (June 26, 2019).

“Money and Politics: Campaign Finance Regulation,” Ohio Association of Election Officials (June 17, 2019).

“Forget the Supreme Court: How Leaders Like You Can Break Money’s Grip on Power,” Unrig Summit (Nashville, TN, Mar. 30, 2019).

“Political Gerrymandering and the U.S. Constitution,” Wayne State University Law School (Detroit, MI, Mar. 22, 2019).

“Voter Registration: Standards, Administration, and Developments,” Ohio Association of Election Officials (Jan. 8, 2019).

“Three Dimensions of the Right to Vote,” ACS, University of Toledo Chapter (Oct. 29, 2018).

“Voting Equipment: Standards, Operation, Maintenance,” Ohio Association of Election Officials (June 18, 2018).

“Partisan Gerrymandering: What Can Be Done,” ACS Columbus Chapter (May 4, 2018).

“Writing the 28th Amendment,” ACS & American Promise (Columbus, OH, Apr. 12, 2018).

“Theories of Constitutional Interpretation – Applied” (with Judge Jeff Sutton & David Goldberger), Chief Justice Thomas J. Moyer American Inns of Court (Columbus, OH, Apr. 11, 2018).

“Gerrymandering and Association,” University of Illinois Constitutional Law Colloquium (Champaign, IL, Apr. 9, 2018).

“How Media Shapes Our Perceptions of Race,” OSU Moritz College of Law (Mar. 27, 2018).

“Voting Rights in Ohio,” U.S. Commission on Civil Rights, Ohio Advisory Commission (Mar. 2, 2018).

“What’s Going on with Our Elections,” ACS, OSU Chapter (Feb. 26, 2018).

“Redistricting Reform,” OSU, Scholars Strategy Network (Feb. 16, 2018).

“Free Speech or Hate Speech?” ACS, OSU Chapter (Feb. 8, 2018).

“What to Do About *Citizens United*,” Unrig Summit (New Orleans, LA, Feb. 3, 2018).

“The Right to Vote,” Columbus Bar Association, Martin Luther King Jr. Symposium (Jan. 26, 2018).

“The Legacy of *Shaw v. Reno*,” AALS Annual Meeting, Election Law Section (San Diego, CA, Jan. 4, 2018).

Keynote Discussion, “The New American Electorate Beyond the Voting Booth: Building an Inclusive Democracy” (with Ari Berman, Anna Sampaio & Wendy Smooth), OSU (Nov. 30, 2017).

“Free Speech and Democracy,” OSU Department of English (Nov. 20, 2017).

“Free Speech and Democracy,” Columbus Public Library (Nov. 7, 2017).

“Vote Dissociation,” University of Wisconsin Law School (Madison, WI, Oct. 7, 2017).

“The Underappreciated Right to Vote,” College of Wooster, Constitution Day (Sept. 18, 2017).

“Voting Rights and Redistricting,” Columbus Bar Association (Aug. 10, 2017).

“Free Speech and Democracy,” Ohio Center for Law Related Education (June 19, 2017).

Keynote, “Rebuilding American Democracy,” Council on American Islamic Relations (Apr. 1, 2017).

“Judge Gorsuch’s Jurisprudence,” ACS & Federalist Society, OSU (Mar. 20, 2017).

“Gerrymandering and Association,” William & Mary Law Review Symposium, *2020 Redistricting* (Williamsburg, VA, Feb. 18, 2017).

“Regulating Attorney Speech: A Debate,” Federalist Society Columbus Chapter (Dec. 7, 2016).

“Federal Redistricting Law,” Columbus Charter Review Committee (Nov. 17, 2016).

“Abandonment, Fragmentation & Stratification: Donald Trump and the Right to Vote,” UCLA Law School Faculty Workshop (Nov. 14, 2016).

“Legal Issues in the 2016 Presidential Election,” U.S. State Department, Washington Foreign Press Center (Columbus, OH, Nov. 3, 2016).

“Campaign Finance Debate” (with Brad Smith), ACS & Federalist Society, OSU (Nov. 2, 2016).

“Campaign Finance Regulation in North America: An Institutional Perspective,” Colloque Transparence, *Financement et Moralisation de la Vie Politique*, Université de Bourgogne (Dijon, France, Oct. 25, 2016).

Keynote, “Legal Issues in the 2016 Presidential Election,” National Asian Pacific American Bar Association, Central Regional Conference (Columbus, OH, Sept. 23, 2016).

“Voting Rights: Past, Present, and Future,” Ohio Judicial Conference (Columbus, OH, Sept. 16, 2016).

“Voter Intimidation,” ACS (Washington, DC, Sept. 12, 2016).

“Three Dimensions of the Right to Vote,” Case Western Reserve Law Review Symposium, *In Honor of Fred Gray: Making Civil Rights Law from Rosa Parks to the Twenty-First Century* (Sept. 3, 2016).

“Voter ID: A Debate,” Federalist Society Teleforum (Aug. 22, 2016).

“Legal Issues in the 2016 U.S. Presidential Election,” Renmin University (Beijing, July 26, 2016).

“Verifying Democracy: Developments in Voter ID and Citizenship Verification Practices,” American Bar Association Webinar (June 23, 2016).

“Who Deserves to Vote? Who Deserves to Be Represented?,” Stanford Law School (May 9, 2016).

Written Testimony on Ohio S.B. 296 (bond requirement for court orders extending polling place hours), Ohio Senate Civil Justice Committee (May 4, 2016)

“Asian Pacific Americans and College Admissions,” Conference of Asian Pacific American Law Faculty, U.C. Davis School of Law (Apr. 8, 2016).

“Gerrymandering and Association,” University of Kentucky Law Journal Symposium (Mar. 25, 2016).

“Sex, Power, and the Constitution,” Women in Democracy Conference, OSU (Mar. 7, 2016).

“Contraction of Democracy,” Urban America Forward (Washington, DC, Mar. 4, 2016; Chicago, IL, Dec. 4, 2015).

“*Buckley v. Valeo* at 40,” Demos (Washington, D.C., Jan. 28, 2016)

“Election Law: Current Issues and Future Trends,” Chief Justice Moyer Inns of Court (Columbus, OH, Jan. 13, 2016).

“Civil Rights Post-*Shelby County*,” Yale Law School (Oct. 24, 2015).

“Realizing the Right to Vote: The Story of *Thornburg v. Gingles*,” University of Wisconsin Law School Faculty Workshop (Sept. 16, 2015).

“How to Create an Effective Sanctioning System,” Global Conference on Money and Politics (Mexico City, Sept. 5, 2015).

“The Financing of Election Campaigns in the American Electoral System,” Tribunal Electoral del Poder Judicial de la Federación (Electoral Court of Mexico) (Mexico City, Sept. 3-4, 2015).

“Judicial Review of Elections in Asia,” Hong Kong University (Hong Kong, July 3, 2015).

Written Testimony on Ohio Sub. H.J.R. 4 (Issue 2, ballot initiatives granting monopolies), Ohio Constitutional Modernization Commission (June 23, 2015).

“Voting as Association,” Florida State University Law Review Symposium, *The Law of Democracy at a Crossroads: Reflecting on Fifty Years of Voting Rights and the Judicial Regulation of the Political Thicket* (Mar. 27, 2015).

“Vote Suppression, the 2014 Elections and Beyond,” AALS Annual Meeting, Civil Rights Section (Washington, DC, Jan. 4, 2015).

“A Voting Rights Act for this Century,” AALS Annual Meeting, Election Law Section (Washington, DC, Jan. 4, 2015).

“A Better Mousetrap: Tiebreaker Enforcement of Political Disclosure Laws” (with Donald Tobin), AALS Annual Meeting, Tax and Nonprofit Section Program (Washington, DC, Jan. 3, 2015).

“A Program in Legislation” (with Dakota Rudesill & Chris Walker), AALS Annual Meeting, Legislation and Law of the Political Process Section Program (Washington, DC, Jan. 3, 2015).

Written Testimony on H.J.R. 11 & H.J.R. 12 (Redistricting Reform Proposals), Ohio House Policy and Legislative Oversight Committee (Nov. 19, 2014).

“From Selma to Montgomery and Beyond: The 1965 Voting Rights Act and the Future Role of the Federal Government in Elections,” International Foundation for Electoral Systems (Washington, DC, Nov. 3, 2014).

“Three Dimensions of the Right to Vote,” Ohio University (Sept. 17, 2014).

“Free Speech in U.S. Elections,” Workshop on U.S./Mexico Election Law, Tribunal Electoral del Poder Judicial de la Federación (Electoral Court of Mexico) (Mexico City, Sept. 5, 2014).

“The Presidential Commission on Election Administration,” American Political Science Association (Washington, D.C., Aug. 30, 2014).

Written Testimony, DISCLOSE Act, U.S. Senate Rules Committee (July 23, 2014).

“The New Soft Money,” George Washington Law School (Washington, DC, June 18, 2015).

Keynote, “The Historic Fight for Voting Rights and Modern Challenges,” League of Women Voters of Ohio, Statehouse Day (Apr. 9, 2014).

“Three Dimensions of the Right to Vote,” University of Akron & Akron Press Club (Feb. 7, 2014).

Testimony in Opposition to SB 238 (Absentee Voting), Ohio House Committee on Policy and Legislative Oversight (Columbus, OH, Dec. 10, 2013).

“The Voting Rights Act . . . Then and Now,” *Ninth Annual Statewide Tribute to Rosa Parks*, Central Ohio Transit Authority, OSU, and Rep. Joyce Beatty (Columbus, OH, Dec. 5, 2013).

“Voting Rights,” PBS Online Panel on *The March @ 50* Documentary (Sept. 4, 2013).

“The Right to Vote: Lessons from the 2012 Election,” Faculty Workshop, University of Nebraska Law School (Apr. 3, 2013).

“Election Administration in the North American System” and “Role of Federal Courts in Development and Regulation of the Political-Electoral System,” Tribunal Electoral del Poder Judicial de la Federación (Electoral Court of Mexico) (Mexico City, Mar. 1-2, 2013).

“Election Administration: Lessons from 2012,” George Washington University, Law and Democracy: A Symposium on the Law Governing Our Democratic Process (Washington, DC, Nov. 16, 2012).

“Debate on Issue 2: Ohio Redistricting Amendment,” City Club of Cleveland (Oct. 26, 2012).

“Barriers to the Ballot? Voter ID and Other Restrictions on Voting,” West Legal Education Center Webcast (June 13, 2012).

“HAVA at 10” Conference, Co-organizer and Panelist (Columbus, OH, May 18, 2012).

Oral and Written Testimony, “New State Voting Laws III: Protecting the Right to Vote in America’s Heartland,” U.S. Senate Judiciary Committee, Subcommittee on the Constitution, Civil Rights, and Human Rights, Field Hearing (Cleveland, OH, May 7, 2012).

“Election Law in the United States,” Tribunal Electoral del Poder Judicial de la Federación (Electoral Court of Mexico) (Mexico City, Mar. 21-23, 2012).

“Crooked Lines: What’s Wrong with Redistricting and How to Fix It,” Robert M. Duncan/Jones Day Designated Professorship Lecture, Moritz College of Law (Mar. 15, 2012).

“Election Law Issues in 2012,” U.S. Department of State, Foreign Press Center (Columbus, OH, Feb. 29, 2012).

“Facing the Challenges of Internet Voting and Other E-Voting Technologies,” American Association of Law Schools Annual Meeting (Washington, DC, January 5, 2012).

“Voter ID and Voter Fraud,” Federalist Society, National Lawyers Convention (Washington, DC, Nov. 11, 2011).

“*Baker, Bush* and Ballot Boards: The Federalization of Election Administration,” Case Western Reserve University School of Law (Nov. 4, 2011).

“Democracy,” ACS Webinar (Oct. 26, 2011).

“The Return of Vote Suppression,” Harvard Law School, ACS (Sept. 15, 2011).

Testimony on State Legislative Redistricting, Ohio Apportionment Board (August 26, 2011).

Voter ID Debate (with Hans von Spakovsky), Republican National Lawyers Association, National Summer Election Law Seminar (Cincinnati, OH, Aug. 13, 2011).

Testimony in Opposition to Ohio H.B. 159 (Voter ID Bill), Ohio Senate Government Oversight and Reform Committee (July 22, 2011).

Testimony on Congressional Redistricting, Ohio House State Government and Elections Subcommittee on Redistricting and Ohio Senate Select Committee on Redistricting (July 20, 2011).

Testimony in Opposition to Ohio Sub H.B. 194 (Absentee Voting and Other Election Law Changes), Ohio House Government and Elections Committee (May 10, 2011).

“*Citizens United v. FEC*,” Debate with Brad Smith, Columbus Inns of Court (Apr. 13, 2011).

“*Citizens United* and the Future of Campaign Finance Reform,” University of Michigan Law School, ACLU (April 1, 2011).

“WikiLeaks and the First Amendment,” Federalist Society (Columbus, OH, February 4, 2011).

“The Future of Election Reform: Promoting Democratic Equality,” Yale Law School (Apr. 15, 2010).

“Public Rights and Private Rights of Action: The Enforcement of Federal Election Laws,” Indiana University Law School, Law of Democracy Symposium (Apr. 8, 2010).

“The Occlusion of Equality in Campaign Finance Law,” Brennan Center for Justice, NYU Law, *Money, Politics & the Constitution: Building a New Jurisprudence* (Mar. 27, 2010).

“Federalism and the Fourteenth Amendment,” Federalist Society, OSU (Oct. 28, 2009).

“*NAMUNDO* and the Future of Voting Rights,” American Constitution Society, University of Michigan Chapter (Oct. 21, 2009).

“Judging the Constitutionality of the Voting Rights Act,” Debate with Abigail Thernstrom, St. John’s Law School (Sept. 17, 2009).

“Judge Sotomayor, the Confirmation Process, and the Future of the Supreme Court,” Debate with Jonathan Adler, Federalist Society, Columbus Lawyers’ Chapter (June 25, 2009).

Keynote, “The Next Civil Rights Movement: Political Equality and Economic Justice,” National Asian Pacific American Pre-Law Conference (Chicago, IL, April 18, 2009).

“Race, Representation and Elections,” University of Iowa College of Law, Critical Race Theory 20 Conference (Apr. 3, 2009).

“Jews and Civil Rights: Law, Action, Ethics ,” OSU Feibel Lecture on Judaism and Law (Mar. 29, 2009).

“Voter Registration and Election Reform,” Harvard Law School, Faculty Workshop (Oct. 16, 2008).

“Campaign Finance Reform: Colliding with the First Amendment or Cleansing Elections?” (debate with Brad Smith), Harvard Law School, Federalist Society (Oct. 9, 2008).

“Election Law: Issues to Watch,” Harvard Law School, ACS (Oct. 2, 2008).

“Lessons Learned from the 2004 Presidential Election,” U.S. House of Representatives, Judiciary Committee, Subcommittee on the Constitution, Civil Rights and Civil Liberties (July 24, 2008).

Keynote, “Expanding the Electorate: The New Election Reform Agenda,” League of Women Voters of Wisconsin, Annual Meeting (Madison, WI, June 7, 2008).

“Voter Registration and Election Reform,” William & Mary School of Law, *How We Vote* Conference (Mar. 14, 2008).

“Desegregation, Discrimination, and Democracy,” Ohio State Law Journal Symposium, *The School Desegregation Cases and the Uncertain Future of Racial Equality* (Feb. 22, 2008).

“From Registration to Recounts: The Election Ecosystems of Five Midwestern States,” AEI-Brookings Election Reform Project (Washington, DC, Dec. 4, 2007).

“Provisional Voting and Election Day Registration,” U.S. House of Representatives, Administration Committee, Subcommittee on Elections (Nov. 9, 2007).

“The New Vote Denial: Voter ID and Other Barriers to Equal Participation,” ACLU Biennial Conference (Seattle, WA. June 14, 2007)

“Asian Pacific American Voting Rights,” Yale Law School, Pacific Islander, Asian, and Native American Students’ Association (Apr. 24, 2007).

“Voter Participation,” Stanford Law School, *Elections and Democracy* Conference (Apr. 6-7, 2007).

“Voting Rights Act Reauthorization” (debate with Roger Clegg), Federalist Society, OSU (Mar. 27, 2007).

“Absentee Voting for People with Disabilities,” ABA Conference on Facilitating Voting as People Age, McGeorge School of Law (Mar. 21-24, 2007).

“Leave It to the Lower Courts: On Judicial Intervention in Election Administration,” Yale Law School, Election Law Workshop (Mar. 14, 2007).

“Voting Access, Integrity & the Trustworthiness of the Democratic Process,” NYU Law School, Annual Survey of American Law Symposium (Feb. 23, 2007).

“Vote Suppression in the 21st Century: What Happens and How to Stop It,” People for the American Way, Senate Russell Office Building (Washington, DC, Feb. 9, 2007).

Opening Remarks, “The Future of Election Reform,” Kent State University, Conference on Election and Ethics Reform (Jan. 16, 2007).

Dean’s Lecture, “The Sordid Business of Democracy,” Ohio Northern University (Sept. 21, 2006).

“Reexamination of the Voting Rights Act,” Federalist Society, Debate with Abigail Thernstrom and Linda Chavez, National Press Club (Washington, DC, June 28, 2006).

“Life, Death, and Strategy: The Death Penalty, Life Without Parole, and Juveniles,” Yale Law School, Liman Colloquium (Mar. 30, 2006).

“If It’s Broke, Fix It: Improving Voting Rights Act Preclearance,” Washington & Lee Law School Faculty Workshop (Feb. 6, 2006).

“Defending the New Voting Rights Act,” AALS Annual Meeting (Washington, DC, Jan. 7, 2006).

“The Story of *Shaw v. Reno*,” Race Law Stories Conference, Fordham Law School (Nov. 11, 2005).

“Election Reform and the Voting Rights Act,” Howard Law Review, Branton Symposium (Oct. 28, 2005).

“Where Election Reform Meets Voting Rights,” University of South Carolina Law Review Symposium (Oct. 20, 2005).

“Voting Rights and Election Reform,” AFL-CIO Annual Union Lawyers’ Conference (San Francisco, CA, May 11, 2005).

Keynote, “The Life and Legacy of Fred Korematsu,” OSU, Asian Pacific American Law Students Association Annual Banquet (Apr. 7, 2005).

“Early Returns on Election Reform,” George Washington Law Review Symposium, Library of Congress (Nov. 15, 2004).

“Judicial Review of Election Administration,” Notre Dame Law School Colloquium (Sept. 27, 2004).

LITIGATION (partial list)

VOTING RIGHTS

Common Cause v. Rucho and *Lamone v. Benisek*. Amicus Brief of First Amendment and Election Law Scholars, arguing that partisan gerrymandering violates the First Amendment right of Association, filed in U.S. Supreme Court, March 2019 (with Brad Phillips, Greg Phillips, Tabatha Abu El-Haj, Lori Ringhand, David Schultz, and others).

Ohio A. Phillip Randolph Institute v. Husted. Won appeal before Sixth Circuit invalidating Ohio's practice of removing voters from the rolls for failing to vote, reversed by U.S. Supreme Court (with Demos and ACLU).

Greater Birmingham Ministries v. Merrill. Amicus Brief of Law Professors, challenging Alabama's voter ID law (with Josh Douglas, Ellen Katz, and Franita Tolson).

Gill v. Whitford. Amicus Brief of Election Law and Constitutional Law Scholars, arguing that partisan gerrymandering violates the First Amendment right of Association, filed in U.S. Supreme Court, September 2017 (with Brad Phillips, Guy Charles, Lori Ringhand, David Schultz, and others).

Shelby County v. Holder. Amicus Brief in Support of Respondents, filed in U.S. Supreme Court, February 2013 (with Jack Chin, Franita Tolson, and other Election Law Professors).

SEIU v. Husted and *NEOCH v. Husted*. Amicus Brief for League of Women Voters of Ohio and Common Cause of Ohio, filed in U.S. Court of Appeals for the Sixth Circuit, September 21, 2012 (with Brennan Center for Justice, Lawyers' Committee for Civil Rights, and Arnold & Porter).

Project Vote v. Madison County Board of Elections. Argued and obtained temporary restraining order preserving weeklong "window" for same-day registration and absentee voting in Ohio in Fall 2012 (with ACLU, Lawyers' Committee for Civil Rights, and Demos).

Boustani v. Blackwell. Lead counsel. Obtained permanent injunction against Ohio election law requiring naturalized citizens to produce a certificate of naturalization at the polls when their eligibility to vote is challenged (with ACLU, Brennan Center, and Lawyers' Committee for Civil Rights).

Stewart v. Blackwell. Challenged Ohio's use of non-notice voting equipment, argued case before Sixth Circuit. (with ACLU).

Southwest Voter Registration Education Project v. Shelley. Challenged the use of punch card voting machines in California gubernatorial recall election (with ACLU).

Common Cause v. Jones. Obtained orders requiring decertification of California's punch card voting machines (with ACLU).

Voting Rights Coalition v. Wilson. Challenged California's failure to implement National Voter Registration Act (with ACLU and Lawyers' Committee for Civil Rights).

FREEDOM OF SPEECH

SEIU Local 660 v. Los Angeles and *D2K Planning Coalition v. Parks*. Successfully challenged restrictions on political demonstrations at 2000 Democratic National Convention (with ACLU, Carol Sobel, Bob Myers and Professor Karl Manheim).

Hamilton v. City of San Bernardino, *Eakins v. State of Nevada*, *Chaker v. Grogan*. Successfully challenged California and Nevada defamation laws criminalizing false citizen complaints against police officers (with ACLU).

DISABILITY RIGHTS

Beauchamp v. Los Angeles County Metropolitan Transportation Authority. Class action under Americans with Disabilities Act, successfully challenging failure to accommodate mobility-impaired bus riders (with ACLU, Stanley Fleishman, and David A. Warshaw).

Flores v. Los Angeles County Metropolitan Transportation Authority. Americans with Disabilities Act class action on behalf of people with severe disabilities who rely on complementary paratransit service (with ACLU, Western Law Center for Disability Rights, and Protection & Advocacy, Inc.).

RACE AND GENDER EQUALITY

Schuette v. Coalition to Defend Affirmative Action. Co-counsel for Cantrell Plaintiffs in constitutional challenge to Michigan's affirmative action ban (with ACLU and others).

Coalition for Economic Equity v. Wilson. Challenged California's Proposition 209, which prohibited race- and sex-conscious affirmative action (with ACLU and others).

Regents of the University of California v. Superior Court/Molloy. Argued open meeting act case before California Supreme Court, challenging University of California's abolition of affirmative action (with ACLU, Lawyers' Committee for Civil Rights and First Amendment Project).

POVERTY

Saenz v. Roe. Co-authored brief to United States Supreme Court, resulting in opinion striking down California law reducing welfare benefits for newly arrived California residents (with ACLU, Professor Evan Caminker, Professor Laurence Tribe, and NOW Legal Defense and Education Fund).

IMMIGRATION

Gregorio T. v. Wilson. Successfully challenged California's Proposition 187, which would have denied public education and benefits to undocumented immigrants (with ACLU, MALDEF and others).

UNIVERSITY SERVICE
(selected)

OSU Moritz College of Law Admissions Committee Chair (2014-15, 2015-16).

OSU Moritz College of Law Appointments Committee Chair (2007-08, 2017-18).

OSU Moritz College of Law Dean's Search Advisory Committee (2018-19).

OSU Moritz College of Law Long Range Planning Committee Chair (2012-13) (led strategic planning).

OSU Office of Research Strategic Planning, Professional Colleges Workgroup Chair (2019).

ACADEMIC SERVICE

American Association of Law Schools, Election Law Section, Executive Committee (2018-19);
Legislation and Law of the Political Process Section: Chair (2013-14), Executive Committee (2012-15).

Election Law Journal: Co-Editor (2010-2013), Editorial Board Member (2008-2010, 2014-present).

International Workshop on Electronic Voting: International Programme Committee Member (2006, 2008, 2009, 2010, 2014).

University of Minnesota, Institute for Law and Politics: Advisory Board Member (2007-09).

Yale Law School Association: Executive Committee (2008-11).

NONPROFIT SERVICE

American Civil Liberties Union of Ohio: Board Member (2004-10).

American Constitution Society for Law and Policy: Board of Advisors (2016-present); Advisor, Ohio State University Moritz College of Law Chapter (2007-present); Advisory Board, Columbus Chapter (2009-present); Mentorship Award from Columbus Chapter (2017); National Board of Directors (2010-13); Executive Board, Columbus Chapter (2009-10); Steering Committee, Columbus Chapter (2007-09).

American Law Institute: Member (2016-present).

Asian Pacific American Bar Association of Central Ohio: Board Member (2006-08, 2010-11).

Common Cause: Ohio Board Member (2012-present), National Governing Board Member (1999-2005), California Common Cause Chair (2000-03), California Common Cause Board Member (1997-2003).

Conference of Asian Pacific American Law Faculty: Executive Board Member (2004-10).

Lawyers' Committee for Civil Rights Under Law: Board Member (2008-present).

Voters First Ohio, Ballot Committee and Steering Committee Member for Campaign in Support of Issue 2, Ohio Citizens Independent Redistricting Commission Initiative Constitutional Amendment (2012).

HOBBIES

Triathlon (podium in Clydesdale division), Golf (poorly), Baseball (coaching and watching), Guitar (Dylan), Piano (learning), Baking (rustic loaves).