

# Douglas M. Spencer

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## ACADEMIC POSITIONS

<b>University of Colorado</b>	Professor of Law, 2023– Associate Dean for Faculty Affairs & Research, 2022– Associate Professor of Law, 2021–2023 Faculty Fellow for Higher Education and Democracy, 2021– Distinguished Faculty Fellow, 2020–2021 · <i>Byron R. White Center for the Study of American Constitutional Law</i>
<b>University of Connecticut</b>	Professor of Law and Public Policy, 2017–2021 Associate Professor of Law and Public Policy, 2013–2017
<b>Yale University</b>	Visiting Professor of Law, Spring 2020 and Spring 2022 Visiting Scholar, Center for the Study of American Politics, 2016–2017
<b>University of Chicago</b>	Visiting Professor, Harris School of Public Policy Studies, 2018–2019

## COURSES TAUGHT

**Graduate**

Election Law | Constitutional Law | Legislation & Regulation | The Supreme Court & Public Policy |  
Advanced Constitutional Law: Structural Issues | Introduction to Public Policy

**Undergraduate**

Constitutional Law | How to Fix Elections: Election Administration in the U.S.

## EDUCATION

**University of California, Berkeley**

Ph.D., Jurisprudence and Social Policy, 2013

J.D., Berkeley Law, 2011

M.P.P., Goldman School of Public Policy, 2008

**Columbia University**

B.A., Philosophy, *magna cum laude*, 2004

## PUBLICATIONS

27. Douglas M. Spencer. 2024. “[Electoral Maintenance](#),” *Boston Univ. Law Review*, 103(6), pp. 2199–2213.  
→ Response to Michael Morse, *Democracy’s Bureaucracy: The Complicated Case of List Maintenance* (2023)
26. Paul Herrnson, Jay Goodliffe, Jennifer Heerwig & Douglas M. Spencer. 2024. “The Impact of Associational Ties on the Financing of Super PACs,” *Interest Groups & Advocacy*, vol. 13 (forthcoming).
25. Douglas M. Spencer. 2024. “Election Law and Empirical Social Science,” *Oxford Handbook on American Election Law* (ed. Eugene Mazo) Oxford University Press (forthcoming).
24. Douglas M. Spencer. 2024. “*Allen v. Milligan* on Alabama’s Congressional Redistricting Plan and the Voting Rights Act,” *SCOTUS 2023* (ed. Morgan Marietta) Palgrave Macmillan (forthcoming).
23. Douglas M. Spencer. 2023. “[Redistricting’s Ultimate Antidote](#),” *Ky. Law Journal*, 111(3), pp. 719–732.  
→ Response to Edward B. Foley, *Self-Districting: The Ultimate Antidote to Gerrymandering* (2023)
22. Moon Duchin & Douglas M. Spencer. 2022. “[Blind Justice: Algorithms and Neutrality in the Case of Redistricting](#),” *CSLAW’22: Proceedings of the Symposium on Computer Science and Law*, pp. 101–108.
21. Bertrall L. Ross II & Douglas M. Spencer. 2022. “[Voter Data, Democratic Inequality, and the Risk of Political Violence](#),” *Cornell Law Review*, 107(3), pp. 1011–1066.  
→ Reprinted in Knight First Amendment Institute’s Online Symposium: “[Data & Democracy](#)”  
→ Distinguished Scholar Award in Election Law Honorable Metnion (AALS Election Law Section)
20. Douglas M. Spencer, Lisa Grow Sun, Brigham Daniels, Chantel Sloan-Aagard, & Natalie Blades. 2022. “[Survival Voting and Minority Political Rights](#),” *American University Law Review*, 72(5), pp. 2319–2464.
19. Kiel Brennan-Marquez & Douglas M. Spencer. 2022. “[Temporal Buffer Zones: The Constitutional Case for Regulating Political Speech Immediately Prior to Elections](#),” *Yale Law & Policy Review*, 40(2), pp. 465–487.
18. Abby K. Wood, Christopher S. Elmendorf, Douglas M. Spencer & Nicholas G. Napolio. 2022. “[Mind the \(Participation\) Gap: Vouchers, Voting, and Visibility](#),” *American Politics Research*, 50(5), pp. 623–642.
17. Douglas M. Spencer & Guy-Uriel Charles. 2022. “[The Law of Gerrymandering](#),” *Political Geometry*, (eds. Moon Duchin & Olivia Walch) Boston, MA: Birkhauser Science.
16. Lisa Grow Sun, Brigham Daniels, Douglas M. Spencer, Chantel Sloan & Teresa Gomez. 2022. “[Disaster Vulnerability in Three Dimensions](#),” *Boston College Law Review*, 63(3), pp. 957–1035.
15. Pamela J. Clouser McCann, Douglas M. Spencer & Abby K. Wood. 2021. “[Measuring State Capture](#),” *Wisconsin Law Review*, 2021(5), pp. 1141–1185 (symposium contribution).
14. Moon Duchin & Douglas M. Spencer. 2021. “[Models, Race, and the Law](#),” *Yale Law Journal Forum*, vol. 130, pp. 744–797.  
→ Response to Jowei Chen & Nick Stephanopoulos, *The Race-Blind Future of Voting Rights* (2021)  
→ Winner of CU Boulder Provost’s Faculty Achievement Award (2022)  
→ Cited by Justice Roberts (majority) and Justice Thomas (dissent), *Milligan v. Allen*, 599 U.S. 1 (2023)  
→ Referenced by Justice Kagan (dissent), *Milligan v. Merrill*, 595 U.S. \_\_ (2022) (granting stay)
13. Douglas M. Spencer. 2021. “[Sanctuary Cities and the Power of the Purse: An Executive Dole Test](#),” *Iowa Law Review*, 106(3), pp. 1209–1251.  
→ Reprinted in *Immigration & Nationality Law Review*, vol. 42, pp. 435–478 (2021)

12. Douglas M. Spencer & Alexander G. Theodoridis. 2020. “The Appearance of Corruption: Linking Public Opinion and Campaign Finance Reform,” *Election Law Journal*, 19(4), pp. 510–523.
11. Bertrall L. Ross II & Douglas M. Spencer. 2019. “Passive Voter Suppression: Campaign Mobilization and the Effective Disenfranchisement of the Poor,” *Northwestern University Law Review*, 114(3), pp. 633–704.
10. Paul S. Herrnson, Douglas M. Spencer & Jennifer Heerwig. 2018. “The Impact of Organizational Characteristics on Super PAC Financing,” in *The State of the Parties 2018*, (ed. John Green et al.) New York: Rowman & Littlefield, pp. 248–262.
9. Douglas M. Spencer. 2017. “Corporations as Conduits: A Cautionary Note About Regulating Hypotheticals,” *Stetson Law Review*, 47(2), pp. 225–258 (invited symposium).
8. Abby K. Wood & Douglas M. Spencer. 2016. “In the Shadows of Sunlight: The Effects of Transparency on State Political Campaigns,” *Election Law Journal*, 15(4), pp. 302–329.  
→ Reviewed by Pamela S. Karlan, “Answering Questions, Questioning Answers, and the Roles of Empiricism in the Law of Democracy,” *Stanford Law Review*, vol. 65, pp. 1269–1290 (2013)
7. Christopher S. Elmendorf & Douglas M. Spencer. 2015. “Administering Section 2 of the VRA After Shelby County,” *Columbia Law Review*, 115(7), pp. 2143–2217.  
→ Cited by Justice Kagan (dissent), *Brnovich v. DNC*, 141 S.Ct. 2321, 2355 (2021)  
→ Cited by Judge Willett (concurrence), *Thomas v. Reeves*, 961 F.3d 800, 826 (Mem) (5th. Cir.) (en banc)  
→ Cited by Judge Willett (dissent), *Thomas v. Bryant*, 938 F.3d 134, 190 (5th. Cir.)  
→ Cited by Judge Martin (dissent), *Gr. Birmingham Ministries v. Sec’y of State*, 997 F.3d 1363, 1370 (11th Cir.)
6. Gabriel J. Chin & Douglas M. Spencer. 2015. “Did Multicultural America Result From a Mistake? The 1965 Immigration Act and Evidence From Roll Call Votes,” *U. Illinois Law Review*, 2015(3): 1239–58.  
→ Reprinted in *Immigration & Nationality Law Review*, vol. 36, pp. 643–622 (2015)
5. Chris Elmendorf & Douglas M. Spencer. 2014. “The Geography of Racial Stereotyping: Evidence and Implications for VRA ‘Preclearance’ After Shelby County,” *California Law Review*, 102(5), pp. 1123–80.
4. Sean Farhang and Douglas M. Spencer. 2014. “Legislating Incentives for Attorney Representation in Civil Rights Litigation,” *Journal of Law & Courts*, 2(2), pp. 241–271.
3. Douglas M. Spencer & Abby K. Wood. 2014. “Citizens United, States Divided: An Empirical Analysis of Independent Political Spending,” *Indiana Law Journal*, 89(1), pp. 315–372.
2. Christopher S. Elmendorf & Douglas M. Spencer. 2013. “Are Ballot Titles Biased? Partisanship and Ideology in California’s Supervision of Direct Democracy,” *U.C. Irvine Law Review*, 3(3), pp. 511–549 (invited symposium).
1. Douglas M. Spencer & Zachary S. Markovits. 2010. “Long Lines at Polling Stations? Observations from an Election Day Study,” *Election Law Journal*, 9(1), pp. 3–17.

## PRESENTATIONS

### *Conferences, Symposia and Academic Workshops*

- 2023** Conference on Empirical Legal Studies, University of Chicago School of Law. Discussant for Zehua Li, Julian Nyarko & Sarath Sanga, "The Terms of Freedom: Black Labor in the Reconstruction South," Oct. 14.
- Faculty Workshop, UConn School of Law, Hartford, CT. Paper Presentation. "Blind Justice: Algorithms & Neutrality in the Case of Redistricting," Feb. 6.
- 2022** Conference on Empirical Legal Studies, University of Virginia School of Law. Discussant for Sandy Gordon & Sidak Yntiso, "Base Rate Neglect and the Diagnosis of Partisan Gerrymandering: Against Efficiency," Nov. 5.
- ACM Symposium on Computer Science and Law, Washington DC. Paper presentation. "Blind Justice: Algorithms & Neutrality in the Case of Redistricting," Nov. 2.
- 2021** Law & Social Change Forum, Brigham Young University. "Voter Data, Democratic Inequality, and the Risk of Political Violence." November 10.
- University of Colorado Faculty Colloquium, Zoom. Paper presentation. "Voter Data, Democratic Inequality, and the Risk of Political Violence." March 10.
- American Association of Law Schools, Zoom. Paper presentation. "Temporal Buffer Zones: The Constitutional Case for Regulating Political Speech Immediately Prior to Elections." January 9.
- 2019** Faculty Workshop, UConn School of Law, Hartford, CT. Paper presentation. "Passive Voter Suppression." February 20.
- 2018** Conference on Empirical Legal Studies. University of Michigan. Poster presentation. "Mind the (Participation) Gap: Vouchers, Voting, and Visibility." November 9.
- American Political Science Association Annual Meetings. Boston MA. Paper presentation. "The Electoral Bogeyman: Beneficiaries and Targets of Super PAC Spending." August 31.
- Political Economy & Public Law Conference, University of Connecticut School of Law. Discussant for Dane Thorley, "The Limitations of Procedure: A Randomized Field Experiment Testing the Efficacy of Judicial Recusal and Disclosure." June 16.
- American Law & Economics Association, Boston University. Paper presentation, "Mind the (Participation) Gap: Vouchers, Voting, and Visibility." May 12.
- Midwest Political Science Association, Chicago, IL. Paper presentation, "Mind the (Participation) Gap: Vouchers, Voting, and Visibility." April 3.
- 2017** American Political Science Association, San Francisco, CA. Paper presentation, "The Impact of Associational Ties on the Financing of Super PACs." September 1.
- Political Economy and Public Law Conference, University of Southern California Gould School of Law. Paper presentation, "Campaign Finance and the Rhetoric of Corruption: A Conjoint Experiment." April 16.
- Symposium: Can Corporations Be Good Citizens? How Corporate Law, Litigation, Lobbying and Money in Politics Intersect, Stetson Law School, Gulfport, FL. Paper presentation, "Corporations as Conduits: A Cautionary Note About Regulating Hypotheticals." March 24.
- 2016** Conference on Money and the First Amendment, University of Colorado, Boulder. Paper presentation, "Campaign Finance and the Rhetoric of Corruption." April 15.
- Midwest Political Science Association, Chicago, IL. Paper presentation, "Minority Turnout and the Political Incentives to Discriminate after *Shelby County*." April 8.

- 2015** Conference on Empirical Legal Studies, Washington University in St. Louis. Discussant for Marc Meredith and Michael Morse, “Discretionary Disenfranchisement: The Case of Legal Financial Obligations.” October 30.
- Empirical Studies in Public Law Workshop, Hebrew University, Jerusalem. Paper presentation, “Administering the Voting Rights Act After Shelby County.” May 25.
- Center for Law and Social Science Workshop, University of Southern California. Paper presentation, “Administering Section 2 of the VRA After Shelby County.” March 30.
- Workshop on Voting Rights, Ash Center for Democratic Governance and Innovation, Harvard Kennedy School. Paper presentation, “Administering Section 2 of the VRA After Shelby County.” March 27.
- American Association of Law Schools, Washington DC. Paper presentation, “Multilevel Regression with Poststratification: Implications for Legal Scholarship.” (Winner of the Law & Social Science Section’s call for papers on “Extreme Empirical Methods.”) January 6.
- 2014** Conference on Empirical Legal Studies, Berkeley, CA. Paper presentation, “After Shelby County: Getting Section 2 of the VRA to Do the Work of Section 5.” November 7.
- Faculty Workshop, UConn School of Law, Hartford, CT. Paper presentation, “After Shelby County: Getting Section 2 of the VRA to Do the Work of Section 5.” October 8.
- Southeastern Association of Law Schools, Amelia Island, FL. Paper presentation, “A Precautionary Tale From State Campaign Finance.” August 5.
- Political Economy and Public Law Conference, University of Rochester. Paper presentation, “The Geography of Discrimination: Evidence and Implications After *Shelby County*.” May 29.
- Midwest Political Science Association, Chicago, IL. Paper presentation, “Administering Section 2 of the VRA After *Shelby County*.” April 5.
- 2013** Political Science Faculty Colloquium, University of Connecticut. Paper presentation, “The Geography of Racial Stereotyping: Implications for VRA ‘Preclearance’ After *Shelby County*.” October 28.
- Cooperative Congressional Election Survey (CCES) Conference, Sundance, UT. Paper presentation, “The Geography of Discrimination in Voting: MRP Meets the VRA.” May 24.
- 2012** Faculty Workshop, UConn School of Law. Paper presentation, “Citizens United, States Divided: Evidence of Elasticity in Independent Expenditures.” November 12.
- Conference on Empirical Legal Studies, Stanford, CA. Paper presentation, “In the Shadows of Sunlight: Measuring the Effects of Transparency on State Political Campaigns.” November 10.
- Faculty Workshop, UC Davis School of Law. Paper presentation, “Citizens United, States Divided: Evidence of Elasticity in Independent Expenditures.” October. 25.
- Faculty Workshop, George Mason Law School. Paper presentation, “Citizens United, States Divided: Evidence of Elasticity in Independent Expenditures.” October 23.
- Law & Economics Workshop, Berkeley Law. Paper presentation, “Citizens United, States Divided: Evidence of Elasticity in Independent Expenditures.” September 17.
- Symposium on Nonpartisan Election Administration, Redistricting, and Campaign Finance, Irvine, CA. Paper presentation, “Are Ballot Titles Biased? Partisanship in California’s Supervision of Direct Democracy.” September 13.
- Law & Society Association, Honolulu, HI. Paper presentation, “Citizens United, States Divided: Evidence of Elasticity in Independent Expenditures.” June 6.
- American Law & Economics Association, Stanford, CA. Paper presentation, “Economic Recovery Rules and Attorney Representation in Job Discrimination Litigation.” May 18.
- Midwest Political Science Association, Chicago, IL. Paper presentation, “Regulate or Delegate? Implications for Election Law.” April 14.

Midwest Political Science Association, Chicago, IL. Paper presentation, “Citizens United, States Divided: Evidence of Elasticity in Independent Expenditures.” April 13.

Western Empirical Legal Studies Conference, UCLA School of Law. Paper presentation, “Economic Recovery Rules and Attorney Representation in Civil Rights Litigation.” February 18.

**2011** American Political Science Association, Seattle, WA. Paper presentation, “Citizens United, States Divided? The Interaction of Transparency and Spending in State Elections.” September 3.

Law & Society Association, San Francisco, CA. Paper presentation, “Economic Recovery Rules and Attorney Representation in Civil Rights Litigation.” June 3.

Midwest Political Science Association, Chicago, IL. Paper presentation, “Constitutions and Close Elections.” April 1.

**2010** Conference on Empirical Legal Studies, Yale Law School. Poster, “Constitutions and Credible Commitments: A Modern Day Investment Scheme?” November 5.

**2009** Midwest Political Science Association, Chicago, IL. Paper presentation, “Long Lines at Polling Stations? Observations from an Election Day Field Study.” April 3.

## PROFESSIONAL ACTIVITIES

Referee	<i>Journal of Empirical Legal Studies</i>	<i>Election Law Journal</i>
	<i>Supreme Court Economic Review</i>	<i>Electoral Studies</i>
	<i>Political Research Quarterly</i>	<i>American Politics Research</i>
	<i>Law &amp; Social Inquiry</i>	<i>Political Behavior</i>

Member, Colorado State Advisory Committee, U.S. Commission on Civil Rights, 2022–2026

Website Administrator, *All About Redistricting*, 2020–2022

Chair, Section on Law and Social Sciences, *Association of American Law Schools*, 2016–2017

Researcher, *Pew Center on the States’ Military and Overseas Voting Reforms Project*, 2011

Researcher, *Pew Center on the States / Early Voting Information Center*, 2009–2010

### *Expert Witness*

*Lopez v. Griswold*, No. 1:22-cv-00247 (D. Colo. 2022–2023) (report and testimony on behalf of Colorado Secretary of State evaluating relationship between campaign contributions and incumbency)

*LULAC v. Abbott*, No. 3:22-cv-00259 (W.D. Tex. 2022–2023) (report on racially polarized political preferences across Texas counties)

*Holloway v. City of Virginia Beach*, No. 2:18-cv-00069 (2019) (report and testimony on racially polarized voting on behalf of plaintiffs challenging at-large election process) (the city was found liable, April 2021. Vacated as moot and remanded by 4th Circuit, July 2022.)

*Massachusetts Fiscal Alliance v. Sullivan*, No. 1:18-cv-12119-RWZ (2019) (retained by Massachusetts Office of the Attorney General) (case settled)

*Holland v. Williams*, No. 16-cv-00138-RM-MLC (2018) (rebuttal on behalf of Colorado Secretary of State)

Expert witness (consulting) in re Voting Rights Act, *Chicago Lawyers’ Committee for Civil Rights*, 2015

## *Amicus Briefs*

Brief of Amici Curiae Election Law Scholars in Support of Appellant Crystal Mason, No. 02-18-00138-CR (Tx. Crim. Ct. App. Aug. 15, 2021)

Brief of Voting Rights Scholars as Amici Curiae in Support of Respondents, Brnovich v. DNC, No. 19-12575 (U.S. Jan. 20, 2021).

Brief Amici Curiae from Legal Scholars of Campaign Finance in Support of Petitioners, Lieu v. FEC, No. 19-1398 (U.S. July 19, 2020) 2020 WL 4455280.

Brief of Amici Curiae Professors Christopher Elmendorf, Joseph Fishkin, Bertrall Ross, Douglas Spencer, and Franita Tolson in Support of Appellees, Rucho v. Common Cause, No. 18-422 (U.S. March 8, 2019) 2019 WL 1125804.

Brief of Election Law Professors as Amici Curiae Supporting Petitioners, Dickinson v. Rucho, No. 14-839 (U.S. Feb. 2015).

## CAMPUS SERVICE

### **University of Colorado**

Faculty Appointments Committee, 2022–2024

Tenure & Evaluation Committee, 2021–2022

Public Service, Diversity, Equity & Inclusion Committee, 2021–2022

### **University of Connecticut**

Elected member, Dean Search Committee, 2019–2020

Elected member, Committee to Review Law School Dean at Five Years, 2017–2018

Elected member, Faculty Appointments Committee, Law School, 2017–2020

Diversity Committee, Department of Public Policy, 2016–2017

Education Policy Committee, Law School, 2013–2016

Admissions Committee, Department of Public Policy, 2014–2016

Faculty Advisory Committee, Roper Center for Public Opinion Research, 2013–2015

Advisor, University Scholar Program (Molly Rockett, 2015–16; Jessica Weaver, 2017–18)

Faculty Advisor, American Constitution Society, 2015–2018

Faculty Advisor, Federalist Society, 2015–2018

Faculty Advisor, UConn Law Review Symposium on Religious Freedom, 2017