

## **Christopher S. Elmendorf**

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### **Academic and Related Appointments**

**University of California, Davis, School of Law.** Martin Luther King, Jr. Professor of Law (July 2016-present); Professor of Law (July 2007 – June 2016); 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
- 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>]

*Making It Work: Legal Foundations for Administrative Reform of California's Housing Framework*, [46 ECOLOGY L.Q. \(forthcoming 2020\)](#) (with Eric Biber, Paavo Monkkonen & Moira O'Neill).

*Auctioning the Upzone*, [70 CASE WESTERN RES. L. REV. 513 \(2020\)](#) (with Darien Shanske).

*Beyond the Double Veto: Housing Plans as Preemptive Intergovernmental Contracts*, 71 HASTINGS L.J. 79 (2019), <https://ssrn.com/abstract=3256857>.

*Racial or Spatial Voting? The Effects of Candidate Ethnicity and Ethnic Group Endorsements in Local Elections*, [63 AM. J. POL. SCI. 5 \(2019\)](#) (with Cheryl Boudreau & Scott Mackenzie).

*Roadmaps to Representation: An Experimental Study of How Voter Education Tools Affect Citizen Decision Making*, [41 POL. BEHAVIOR 1001 \(2019\)](#) (with Cheryl Boudreau and Scott MacKenzie).

*Elite Political Ignorance: Law, Data, and the Representation of (Mis)Perceived Electorates*, [52 UC DAVIS L. REV. 571 \(2018\)](#) (with Abby K. Wood).

*From Educational Adequacy to Representational Adequacy: A New Template for Legal Attacks on Partisan Gerrymanders*, [59 WM. & MARY L. REV. 1601 \(2018\)](#).

*"Solving Problems No One Has Solved": Courts, Causal Inference, and the Right to Education*, [2018 U. ILL. L. REV. 693](#) (with Darien Shanske).

*Labels vs. Pictures: Treatment Mode Effects in Experiments About Discrimination*, [26 POL. ANALYSIS 20 \(2018\)](#) (with Marisa Abrajano & Kevin Quinn).

*Racially Polarized Voting*, [83 U. CHI. L. REV. 587--692 \(2016\)](#) (with Kevin Quinn & Marisa Abrajano).

*Administering Section 2 of the VRA After Shelby County*, [115 COLUM. L. REV. 2143--2217 \(2015\)](#) (with Douglas M. Spencer).

*Lost in Space? Information Shortcuts, Spatial Voting, and Local Government Representation*. [68 POL. RES. Q 843--55 \(2015\)](#) (with Cheryl Boudreau and Scott MacKenzie).

*Advisory Rulemaking and the Future of the Voting Rights Act*, [14 ELECTION L.J. 260--277 \(2015\)](#).

*Informing Electorates Via Election Law: An Experimental Study of Partisan Endorsements and Nonpartisan Voter Guides in Local Elections*, [14 ELECTION L.J. 2 \(2014\)](#) (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 \(2012\)](#).

*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 \(2001\)](#).

## **Working Papers**

*Superintending Local Constraints on Housing Development: How California Can Do It Better* (July 2020) (with Eric Biber, Paavo Monkkonen, and Moira O’Neill), [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3614085](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3614085)

*Measuring Perceived Skin Color: Spillover Effects, the Massey-Martin Scale, and Pairwise Alternatives* (July 2020) (with Marisa A. Abrajano & Kevin M. Quinn)

*Mind the Participation Gap: Vouchers, Voting, and Visibility* (with Abby K. Wood and Douglas M. Spencer) (Mar. 2019)

## **Amicus Briefs**

Brief of Amici Curiae Professors Christopher Elmendorf, Joseph Fishkin, Bertrall Ross, Douglass Spencer, and Franita Tolson in Support of Appellees, *Rucho v. Common Cause*, 139 Sup. Ct. 782 (2019). I authored this brief on behalf of named law professors to lay out the relationship between partisan vote-dilution claims and the theories of vote dilution previously recognized by the U.S. Supreme Court.

Brief of Amicus Curiae Eric McGhee in Support of Neither Party, *Gill v. Whitford*, 138 S.Ct. 1916 (2018). This brief was authored for the political scientist who developed a measure of partisan advantaged that the district court relied upon in deeming Wisconsin's state legislative map an unconstitutional partisan gerrymander.

Brief of Amicus Curiae Professors Christopher S. Elmendorf and Daniel P. Tokaji in Support of Petitioners, *Crawford v. Marion County Election Board*, 553 U.S. 181 (2008).

## **Policy Briefs and White Papers**

[\*Regional Housing Need in California: The San Francisco Bay Area\*](#), UCLA Lewis Center for Regional Policy Studies, July 2020 (with Ethan Elkind, Michael Lens, Michael Manville, Nicholas Marantz, Paavo Monkkonen, Moira O'Neill, and Jessica Trounstone)

[\*A New Approach to the Housing Element Update\*](#), UCLA Lewis Center for Regional Policy Studies, Jan. 2020 (with Eric Biber, Moira O'Neill & Paavo Monkkonen).

[\*Making It Work: Legal Foundations for Administrative Reform of California's Housing Framework\*](#), UC Davis California Environmental Law & Policy Center, Dec. 2019 (with Eric Biber, Moira O'Neill & Paavo Monkkonen).

[\*Auctioning the Upzone: A New Strategy for Inducing Local-Government Compliance with State Housing Policies\*](#), UC Davis California Environmental Law & Policy Center, Dec. 2018 (with Darien Shanske).

## **Other Writings**

*Growing Cities Up: California's SB 50 Is a Model for Addressing the Urban Housing Crisis*, [CITY JOURNAL, Jan. 14, 2020](#).

*Recalibrating Local Politics to Increase the Supply of Housing*, [REGULATION 38-45 \(Summer 2019\)](#) (written by invitation, with a reply from Dartmouth University economist Bill Fischel)

*Auctioning the Upzone: A New Strategy for Inducing Local-Government Compliance with State Housing Policies*, [LEGAL PLANET, Dec. 5, 2018](#) (with Rick Frank and Darien Shanske).

*Changing the Politics of Housing in California*, [S.F. CHRONICLE, Apr. 26, 2018](#) (with Rick Frank and Darien Shanske).

*Open Up the Black Box of Political Advertising*, [S.F. CHRONICLE, Sept. 22, 2017](#) (with Ann Ravel and Abby Wood).

*The Shifting Ground of Redistricting Law*, [Balkinization, May 24, 2017](#).

*Judge Easterbrook on the Voting Rights Act: Asking Good Questions, Making Bad Law*, [Election Law @ Moritz, Oct. 8, 2014](#).

*Last Week's Affirmative Action Setback Could Be a Boost to Voting Rights* (with Douglas M. Spencer), [THE NEW REPUBLIC, Apr. 29, 2014](#) (with Douglas M. Spencer).

*How to Save the Voting Rights Act*, [SLATE, July 17, 2013](#) (with Douglas M. Spencer).

*Googling the Future of the Voting Rights Act*, [JURIST - Forum, June 29, 2012](#).

*The Voting Rights Act: Limiting Partisan Barriers to Voter Participation*, [JURIST - Forum, May 24, 2012](#).

*Let Californians Vote on Two Budgets - One Red, One Blue*, [S.F. CHRONICLE, Feb. 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).

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

“Superintending Local Constraints on Housing Development: How California Can Do It Better.” UC Davis School of Law, Summer Faculty Workshop, June 2020.

“Making It Work: Legal Foundations for Administrative Reform of California's Housing Framework.” *Ecology Law Quarterly* Symposium. Berkeley. Feb. 2020.

“Land Use, Home Rule, and the Political Structure of Local Governments.” *Hastings Law Journal* Symposium. San Francisco. Jan. 2020.

“Is California’s Assault on Exclusionary Zoning at War with Itself?” American Ass’n of Law Schools Annual Meeting. Washington. Jan. 2020.

“Evaluating Zoning Reform: Lessons from California’s Efforts to Monitor Housing Elements.” Roundtable on Recent Zoning Reform Efforts and State Land Use Interventions, Suffolk University Law School. Boston. Nov. 2019.

“Statutory Interpretation and the Administrative State: A Perspective from the United States.” China University of Political Science and Law. Beijing. June 2019.

“Beyond the Double Veto: Land Use Plans as Preemptive Intergovernmental Compacts.” Housing Land Advocates 2019 Annual Conference. Portland. Mar. 2019.

“Beyond the Double Veto: Land Use Plans as Preemptive Intergovernmental Compacts.” Binational Workshop on Intergovernmental Relations in Planning Practice. UCLA Luskin School of Public Affairs. Los Angeles. Feb. 2019.

“Auctioning the Upzone: A New Strategy to Induce Local Government Compliance with State Housing Policies.” UC Davis School of Law (faculty workshop). Jan. 2019.

“Beyond the Double Veto: Land Use Plans as Preemptive Intergovernmental Contracts.” 7<sup>th</sup> Annual State and Local Government Law Works-in-Progress Conference. Fordham University. New York. Sept. 2018.

“An Immodest Proposal: Toward a Post-Feudal California via Vicarious Voting for Children.” *Hastings Constitutional Law Quarterly* Symposium. UC Hastings School of Law. San Francisco. Jan. 2018.

“Elite Political Ignorance.” UC Davis School of Law (summer workshop). Davis. July 2017.

“Labels vs. Pictures: Treatment Mode Effects in Experiments About Discrimination.” Conference of the Midwest Political Science Association. Chicago. April 2017.

“From Educational Adequacy to Representational Adequacy: A New Template for Legal Attacks on Partisan Gerrymanders.” William & Mary Law School (conference on redistricting after 2020). Williamsburg. Feb. 2017.

“Of Social Science and ‘Manageable Standards’: Two Cautionary Tales.” AALS Annual Meeting, Law and Social Science Panel. San Francisco. Jan. 2017.

“Labels or Pictures: How Should We Represent Ethnicity in Experiments About Discrimination.” USC School of Law (Law and Social Science faculty workshop series). Los Angeles. Oct. 2016.

“Campaign Finance Vouchers as Information Policy.” UCLA School of Law (panel discussion co-sponsored by the Federal Elections Commission). Los Angeles. Oct. 2015.

“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.

## **Grants**

Co-Principal Investigator (with Marisa Abrajano & Kevin Quinn), National Science Foundation Grants SES 1659839, 1659870, 1659922. *Measuring Apparent Race and Ethnicity, with Applications to the Study of Discrimination*. \$400,000. April 2017.

Co-Principal Investigator (with Douglas Spencer and Abby Wood), MIT Election Science & Data Lab New Initiatives Grant. *Vouchers, Information, and Ideology*. \$14,000. May 2017

Co-Applicant (with Cheryl Boudreau and Scott MacKenzie), UC Davis Committee on Research, Interdisciplinary Research Grants. \$24,971. June 2017.

Small Grant in Aid of Research, UC Davis (\$2000), 2020-21.

Small Grant in Aid of Research, UC Davis (\$2000), 2017-18.

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

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

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**

Property, Land Use, Election Law, Administrative Law, Statutory Interpretation.

## **Service**

Member, Educational Policy Committee, UC Davis School of Law (2019-20)

Member, Admissions Committee, UC Davis School of Law (2018-19)

Chair, University Committee on Academic Freedom, Univ. of California (2017 - 2018)

Vice Chair, University Committee on Academic Freedom, Univ. of California (2016-2017)

Member, University Committee on Academic Freedom, Univ. of California (2015-2018)

Chair, Intellectual Enrichment Committee, UC Davis School of Law (2015-2017).

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

Chair, Committee on Academic Freedom and Responsibility, UC Davis (2014-2016)

Member, Committee on Academic Freedom and Responsibility, UC Davis (2012-2016)

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 (2004-2012).

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

### External Service

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

External member of dissertation committees for Slande Erole (UC Davis, political science) 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