

Douglas M. Spencer

Contact:

University of Colorado
Wolf Law Building | 401 UCB
2450 Kittredge Loop Drive
Boulder, CO 80305

Website: www.dougspencer.org
Email: douglas.spencer@colorado.edu
Office Phone: (303) 735-2086

ACADEMIC POSITIONS

University of Colorado	Ira C. Rothgerber Jr. Chair in Constitutional Law, 2024– Professor of Law, 2023– Associate Dean for Faculty Affairs & Research, 2022–2024 Associate Professor of Law, 2021–2023 Faculty Fellow for Higher Education and Democracy, 2021–2024 Distinguished Faculty Fellow, 2020–2021 · <i>Byron R. White Center for the Study of American Constitutional Law</i>
University of Connecticut	Professor of Law and Public Policy, 2017–2021 Associate Professor of Law and Public Policy, 2013–2017
Yale University	Visiting Professor of Law, Spring 2020 and Spring 2022 Visiting Scholar, Center for the Study of American Politics, 2016-2017
University of Chicago	Visiting Professor, Harris School of Public Policy Studies, 2018-2019

COURSES TAUGHT

Graduate

Election Law | Constitutional Law | Legislation & Regulation | The Supreme Court & Public Policy |
Empirical Legal Studies | 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. “[Election Law and Empirical Social Science](#),” *Oxford Handbook on American Election Law* (ed. Eugene Mazo) Oxford University Press.
26. Douglas M. Spencer. 2024. “[Allen v. Milligan on Alabama’s Congressional Redistricting Plan and the Voting Rights Act](#),” SCOTUS 2023 (eds. Marietta & Schweber) Palgrave Macmillan.
25. Paul Herrnson, Jay Goodliffe, Jennifer Heerwig & Douglas M. Spencer. 2024. “[The Impact of Associational Ties on the Financing of Super PACs](#),” *Interest Groups & Advocacy*, 13(1), pp. 43–68.
24. Douglas M. Spencer. 2023. “[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)
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), *Allen v. Milligan*, 599 U.S. 1 (2023)
→ Referenced by Justice Kagan (dissent), *Milligan v. Merrill*, 142 S.Ct. 879 (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 & 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.
→ Cited by Judge Tashima (dissent), *Ariz. Dem. Party v. Hobbs*, 18 F.4th 1179 (2021) (9th Cir.)
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 (concurrency), *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.

Sample of Other Writing

- “A Rare Purposive Reading of the Voting Rights Act”
ELECTION LAW BLOG, April 1, 2021
- “Voting Rights Contortion in Brnovich”
ELECTION LAW BLOG, July 4, 2021
- “The False Flag of Political Accountability in Electoral Reform”
THE REGULATORY REVIEW, September 21, 2021
- “How Surveys Can Strengthen the Voting Rights Act”
SSN KEY FINDINGS BRIEF, May 2017
- “Affirmative Action Setback in the Supreme Court Could Be a Boost to Voting Rights”
THE NEW REPUBLIC, April 29, 2014 (with Chris Elmendorf)
- “Fears Over the Impact of Citizens United May Be Misplaced”
LONDON SCHOOL OF ECONOMICS USAPP BLOG, January 27, 2014 (with Abby Wood)
- “New Tools for Bail In: Using the Geography of Discrimination to Reconstruct Preclearance Judicially”
ELECTION LAW BLOG, July 25, 2013 (with Chris Elmendorf)
- “How to Save the Voting Rights Act: Here’s the best option for Congress”
SLATE, July 17, 2013 (with Chris Elmendorf)
- “Are the Covered States ‘More Racist’ than Other States?”
ELECTION LAW BLOG, March 4, 2013 (with Chris Elmendorf)

PROFESSIONAL ACTIVITIES

Referee *Journal of Empirical Legal Studies* *Election Law Journal*
 Supreme Court Economic Review *Electoral Studies*
 Political Research Quarterly *American Politics Research*
 Law & Social Inquiry *Political Behavior*

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

Website Administrator, *All About Redistricting*, 2020–2024

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)

Amicus Briefs

Brief of Amici Curiae First Amendment, Constitutional, and Antidiscrimination Law Scholars in Support of Respondent, *Masterpiece Cakeshop v. Scardina*, No. 23SC116 (Co. Sup. Ct. Feb. 27, 2024)

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

Associate Dean for Faculty Affairs & Research, 2022–2024

Faculty Fellow for Higher Education and Democracy, 2021–2024

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