

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

COMMON CAUSE FLORIDA, et al.,

Plaintiffs, and

MICHAEL ARTEAGA, LENI
FERNANDEZ, ANDREA
HERSHORIN, JEAN ROBERT
LOUIS, MELVA BENTLEY ROSS,
DENNY TRONCOSO, BRANDON
NELSON, GERALDINE WARE, and
NINA WOLFSON,

Intervenor-Plaintiffs,

v.

LAUREL M. LEE, in her official
capacity as Florida Secretary of State,

Defendant.

Case No. 4:22-cv-00109-AW-MAF

**ARTEAGA INTERVENOR-PLAINTIFFS' SPECIAL MASTER
RECOMMENDATION**

Intervenor-Plaintiffs Michael Arteaga, Leni Fernandez, Andrea Hershoin, Jean Robert Louis, Melva Bentley Ross, Denny Troncoso, Brandon Nelson, Geraldine Ware, and Nina Wolfson (“Arteaga Intervenors”) file this submission to recommend to the Court Professor Michael R. McDonald of the University of Florida to serve as the Court’s special master, should it choose to select one. The Arteaga Intervenors do not oppose the appointment of Dr. Nathaniel Persily.

The Arteaga Intervenors do oppose the appointment of Mr. Sean Trende for the reasons set forth below.

I. Michael R. McDonald, Ph.D.

The Arteaga Intervenors recommend this Court appoint Dr. Michael R. McDonald as special master in this case given his qualifications, redistricting experience, and depth of knowledge about the state of Florida.

As his CV (attached as **Exhibit 1**) describes, Dr. McDonald is a Professor of Political Science at the University of Florida, where he has taught since 2014. He received his Ph.D. in 1999 in Political Science from the University of California and has published over thirty peer-reviewed academic articles, many of them on the topic of redistricting. In 2011, Dr. McDonald co-founded the Public Mapping Project, which seeks to increase public participation and transparency in redistricting. Through the Public Mapping Project, Dr. McDonald helped to develop DistrictBuilder, an open-source software redistricting application that provides online mapping tools to allow the public to engage in redistricting. Both Dr. McDonald and DistrictBuilder have received recognition for their positive impacts on the democratic process. Dr. McDonald also currently directs the Voting and Elections Science Team, a collaboration with the University of Florida and other universities, which produces precinct-boundary and election data for the entire country and is widely used in redistricting efforts.

Dr. McDonald has extensive experience in drawing district lines and assisting courts or commissions in doing so. Most recently, he was appointed to assist the Ohio Redistricting Commission in redrawing its legislative maps after the original ones were found unconstitutional by the Ohio Supreme Court. He has also assisted the Arizona Independent Redistricting Commission, the New Jersey Congressional Redistricting Commission, and currently is assisting the City of Gainesville in drawing its city commission districts. *See* Ex. 1. Over the past twenty years, Dr. McDonald has served as an expert witness or redistricting consultant for litigants, commissions, or courts more than 40 times. And while Dr. McDonald has provided expert testimony on behalf of Democratic-aligned entities in multiple cases, he has also consulted for Republican-aligned entities, and his extensive body of work in the redistricting field includes significant non-partisan projects, including serving as a special master or consultant for non-partisan courts and commissions and publishing peer-reviewed articles on the nuts and bolts of redistricting without any partisan considerations.

Dr. McDonald also has extensive ties to the state of Florida and knows the state well. He resides in Gainesville, Florida, teaches at the University of Florida, and is familiar with Florida's redistricting history and its requirements. Dr. McDonald has even specifically written about Florida's Congressional Redistricting. *See* Ex. 1 at 6. His extensive knowledge about Florida's political

geography, redistricting history, and election administration practices is likely to prove useful to the Court.

On April 6, counsel for the Arteaga Intervenors contacted Dr. McDonald to confirm his availability to serve as special master in this case. He has confirmed his availability and has asked counsel to provide the following disclosure to the Court: “Dr. McDonald was retained by the Florida League of Women Voters (which is not a party to this proceeding) to produce a report on the potential legal infirmities and strengths of the Florida state legislature’s maps. This work was done through the University of Florida’s Bureau of Economic and Business Research. It was not for litigation purposes. This work concluded in February 2022, before the Florida House or Senate passed its congressional plans or Governor DeSantis proposed his congressional plan.” Dr. McDonald does not believe this poses a conflict for this proceeding but wished to make the Court aware out of an abundance of caution.

II. Mr. Sean Trende

The Arteaga Intervenors oppose the appointment of Mr. Trende as special master for several reasons: (1) Mr. Trende does not hold a Ph.D. or have the academic qualifications of most special masters who have been appointed by courts across the country to assist with redistricting; (2) courts have not consistently found his expert reports and testimony to be useful or reliable; (3) Mr.

Trende has no Florida-specific knowledge or experience to assist this Court; and (4) Mr. Trende would be an openly partisan selection given his prior and current Republican affiliations.

First, while the Arteaga Intervenors recognize that a Ph.D. or academic experience is not required to serve as an expert, special masters traditionally possess such qualifications. Mr. Trende is currently a graduate student, but he has not yet obtained a Ph.D., and his CV reflects no peer-reviewed academic articles. *See Ex. 2*. Beyond his graduate studies, Mr. Trende is a journalist who currently serves as a political commentator (as a Senior Elections Analyst at RealClearPolitics) and a fellow at the American Enterprise Institute. *See id.*

Second, while Mr. Trende has previously served as an expert in several cases concerning elections, his reports and testimony have not always been found to be useful or reliable. *See, e.g., Democratic Nat'l Comm. v. Reagan*, 329 F. Supp. 3d 824, 837 (D. Ariz. 2018) (district court explaining Mr. Trende's analysis focused on "irrelevant" facts, "offered no new information or analysis," and affording his opinions "little weight"), *aff'd*, 904 F.3d 686 (9th Cir. 2018), *on reh'g en banc sub nom. Democratic Nat'l Comm. v. Hobbs*, 948 F.3d 989 (9th Cir. 2020), *rev'd and remanded sub nom. Brnovich v. Democratic Nat'l Comm.*, 141 S. Ct. 2321 (2021); Op. & Order at 21-22, *Ohio Org. Collaborative v. Husted*, No. 2:15-cv-1802, (S.D. Ohio May 24, 2016), ECF No. 115 (district court granting motion in limine in part,

and explaining Mr. Trende’s “failure to establish the parameters he used to produce the maps is problematic,” Mr. Trende’s testimony was “insufficient to establish the reliability of the methodology to create the maps” and Mr. Trende’s maps were “of little help” to the court); *aff’d*, *Ohio State Conf. of N.A.A.C.P. v. Husted*, 768 F.3d 524, 537 (6th Cir. 2014) (explaining, “we conclude that the district court did not clearly err by crediting Smith’s findings over Trende’s”), *vacated on other grounds sub nom. Ohio State Conf. of The N.A.A.C.P. v. Husted*, No. 14-3877, 2014 WL 10384647 (6th Cir. Oct. 1, 2014).

Third, it is not apparent from Mr. Trende’s CV that Mr. Trende would have any knowledge or experience related to the state of Florida.¹ But that is precisely the kind of information that will assist the court—not only knowledge related to redistricting generally, but also knowledge of Florida’s geography, counties, political boundaries, and more. Given the speed that this case will require, there likely will not be sufficient time for him to acquire this basic information that is vital for selecting a lawful voting map.

Fourth, and finally, Mr. Trende should not be selected because he would be a patently partisan selection. He openly affiliates with the Republican Party and has written about the importance of Florida’s redistricting to the Republican Party’s objective of obtaining a majority in the U.S. House of Representatives,

¹ Mr. Trende resides in Virginia and has ties to Washington, D.C. and Ohio.

stating that “absent court losses in Pennsylvania, North Carolina, Virginia and Florida, Republicans would likely control the House in the 118th Congress elected in 2022.”²

Mr. Trende wrote that article in connection with his employment with Real Clear Politics, a website offering political commentary and polling data. While Real Clear Politics was previously known as a relatively neutral news source, as the New York Times reported in November 2020, in recent years, “Real Clear Politics and its affiliated websites have taken a rightward, aggressively pro-Trump turn.” Jeremy W. Peters, *A Popular Political Site Made a Sharp Right Turn. What Steered It?* N.Y. Times (Nov. 17, 2020), <https://www.nytimes.com/2020/11/17/us/politics/real-clear-politics.html> (last visited Apr. 7, 2022) (describing how in the aftermath of the 2020 election, “Real Clear Politics gave top billing to stories that reinforced the false narrative that the president could still somehow eke out a win” and included headlines such as “There’s Good Reason Not to Trust Election Results”).

The bulk of Mr. Trende’s work as an expert has also been to benefit Republican interests. He has now appeared as an expert in five cases concerning partisan gerrymandering (Wisconsin, North Carolina, Ohio, Maryland, and New

²Sean Trende, *What Redrawn Districts Could Mean for House Control in 2023*, Real Clear Politics (Nov. 12, 2020), available online at: https://www.realclearpolitics.com/articles/2020/11/12/what_redrawn_districts_could_mean_for_house_control_in_2023_144644.html (last visited Apr. 7, 2022).

York) and in all of them, has advocated for the litigants supporting the Republican Party's interests. In those cases, Mr. Trende either attempted to defend existing Republican partisan gerrymandering (WI, NC, and OH) or attempted to prove an alleged Democratic gerrymander (MD and NY). He has also appeared as an expert in three other cases for litigants opposing Democratic Party entities. See *Ohio Democratic Party v. Husted*, No. 2:15-cv-01802 (S.D. Ohio 2016) (appearing as expert opposing plaintiff Ohio Democratic Party); *Mecinas v. Hobbs*, No. 2:19-cv-05547 (D. Ariz. 2020) (appearing as expert opposing plaintiffs DNC and DSCC); *Feldman v. Arizona Sec'y of State's Office*, No. 16-16698 (D. Ariz. 2016) (appearing as expert opposing plaintiffs DNC, DSCC, the Arizona Democratic Party, and Hillary for America).

The Arteaga Intervenors do not recount any of this information to indict Mr. Trende for his Republican affiliations or work. They instead raise these issues to make clear to the Court that Mr. Trende's selection as a special master would create a risk of injecting partisanship into the Court's selection of a congressional voting map, which is expressly prohibited by Florida law. Fla. Const. art. III, § 20.

LOCAL RULE 7.1(F) CERTIFICATION

Undersigned counsel certifies that this memorandum contains 1637 words, excluding the case style and certifications.

Dated: April 7, 2022

/s/ Frederick S. Wermuth

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on April 7, 2022, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to all counsel of record.

/s/ Frederick S. Wermuth

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Exhibit 1

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Education

Post-Doctoral Fellow. Harvard University. August 1998 – August 1999.
Ph.D. Political Science. University of California, San Diego. February, 1999.
BS Economics. California Institute of Technology. June, 1989.

Awards

Union of Concerned Scientists. 2022. Defender of Democracy.

Florida. League of Women Voters. 2022. King Democracy Award.

University of Florida Term Professorship. 2019-2020.

Brown Democracy Medal, McCourtney Institute for Democracy at Penn State University. 2018.
Positive impact on democracy for the Public Mapping Project.

Tides Pizzigati Prize. 2013. Public interest software for DistrictBuilder.

Strata Innovation Award. 2012. Data Used for Social Impact for DistrictBuilder.

American Political Science Association, Information and Technology Politics Section. 2012.
Software of the Year for DistrictBuilder.

Politico. 2011. Top Ten Political Innovations for DistrictBuilder.

GovFresh. 2011. 2nd Place, Best Use of Open Source for DistrictBuilder.

Virginia Senate. 2010. Commendation for Virginia Redistricting Competition.

American Political Science Association, Information and Technology Politics Section. 2009.
Software of the Year for BARD.

Publications

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- Michael P. McDonald. Forthcoming. *From Pandemic to Insurrection: Voting in the 2020 Presidential Election*. Berlin, Germany: De Gruyter.
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- Michael P. McDonald. 2011. "The 2010 Election: Signs and Portents for Redistricting." *PS: Political Science and Politics* 44(2): 311-15.
- Richard Engstrom and Michael P. McDonald. 2011. "The Political Scientist as Expert Witness." *PS: Political Science and Politics* 44(2): 285-89.
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- Michael P. McDonald and Justin Levitt. 2008. "Seeing Double Voting: An Extension of the Birthday Problem." *Election Law Journal* 7(2): 111-22.
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Michael P. McDonald. 2009. "Voter Preregistration Programs." Fairfax, VA: George Mason University.

Michael P. McDonald. 2009. *Midwest Mapping Project*. Fairfax, VA: George Mason University.

Michael P. McDonald and Matthew Thornburg. 2008. "The 2008 Virginia Election Administration Survey." Fairfax, VA: George Mason University.

Kimball Brace and Michael P. McDonald. 2005. "Report to the Election Assistance Commission on the Election Day Survey." Sept. 27, 2005.

Opinion Editorials

Michael P. McDonald. 2020. "Trump and polarization drove record turnout. So did mail voting, which should be universal." *USA Today*. Online: Nov. 4, 2020. Print: Nov. 6, 2020, p. 7A.

Michael P. McDonald. 2020. "Record-setting early votes helped Democrats pinpoint others likely to support Biden." *Washington Post*. Nov. 3, 2020.

Michael P. McDonald. 2020. "Trump Will Drive Extraordinary Voter Turnout in 2020—If States Can Get It Together." *Newsweek*. May 20, 2020.

Michael P. McDonald. 2019. "Let 16-year-olds vote for L.A. school board." *Los Angeles Times*. May 8, 2019.

Michael P. McDonald. 2018. "I agree with Donald Trump, we should have voter ID. Here's how and why." *USA Today*. Jan. 15, 2018.

Michael P. McDonald. 2017. "The Russians are hacking. Luckily the Trump voter fraud commission isn't in charge." *USA Today*. Sept. 23, 2017.

Michael P. McDonald. 2016. "Better Hope the Election is Not Close." *USA Today*. Nov. 2, 2016.

Michael P. McDonald. 2016. "Blame Government for Voting Crisis." *USA Today*. March 24, 2016.

Michael P. McDonald, Peter Licari and Lia Merivaki. 2015. "The Big Cost of Using Big Data in Elections." *The Washington Post*. Oct. 18, 2015.

Michael P. McDonald 2013. "Truths and Uncertainties that Surround the 2014 Midterms." *The Hill*. November 5, 2013.

Michael P. McDonald. 2011. "The Shape of Things to Come: New Software May Help the Public Have a Crucial Redrawing of Voting Districts." *Sojourners*. April 2011: 11-12.

Micah Altman and Michael P. McDonald. 2011. "Computers: Redistricting Super Hero or Evil Mastermind?" *Campaigns and Elections Magazine*. January 2011.

Michael P. McDonald. 2010. "Who Voted in 2010, and Why It Matters for 2012." *AOL News*. Nov. 4, 2010.

Michael P. McDonald and Seth McKee. "The Revenge of the Moderates." *The Politico*. Oct. 10, 2010.

Michael P. McDonald and Micah Altman. 2010. "Pulling Back the Curtain on Redistricting." *The Washington Post*. July 9, 2010.

Michael P. McDonald. 2008. "This May Be the Election of the Century." *The Politico*. Sept. 9, 2008.

Michael P. McDonald. 2008. "Super Tuesday Turned into a Super Flop." *Roll Call*. Feb. 11, 2008.

Michael P. McDonald. 2006. "5 Myths About Turning Out the Vote." *The Washington Post*. Oct. 29, 2006, p. B3.

Michael P. McDonald. 2006. "Supreme Court Lets the Politicians Run Wild." *Roll Call*. June 29, 2006.

Michael P. McDonald. 2006. "Re-Redistricting Redux." *The American Prospect*. March 6, 2006.

Michael P. McDonald and Kimball Brace. "EAC Survey Sheds Light on Election Administration." *Roll Call*. Oct. 27, 2005.

Michael P. McDonald. 2004. "The Numbers Prove that 2004 May Signal More Voter Interest." *Milwaukee Journal Sentinel*. Milwaukee, WI.

Michael P. McDonald. 2004. "Democracy in America?" *La Vanguardia*. Barcelona, Spain.

Michael P. McDonald. 2003. "Enhancing Democracy in Virginia." *Connection Newspapers*. March 24.

Michael P. McDonald. 2001. "Piecing Together the Illinois Redistricting Puzzle." *Illinois Issues*. March, 2001.

Samuel Popkin and Michael P. McDonald. 2000. "Turnout's Not as Bad as You Think." *The Washington Post*. Nov. 5: B-1.

Samuel Popkin and Michael P. McDonald. 1998. "Who Votes? A Comparison of NES, CPS, and VNS Polls." *Democratic Leadership Council Bluebook*. Sept., 1998.

Software Packages

Micah Altman, Michael P. McDonald, and Azavea. 2012. "DistrictBuilder." Open source software to enable public participation in redistricting. Source code available at Github. Project website, <http://www.districtbuilder.org>.

Micah Altman and Michael P. McDonald. 2007. "BARD: Better Automated Redistricting." R package available through CRAN. Source code available at Sourceforge.

Micah Altman, Jeff Gill, and Michael P. McDonald. 2004. "Accuracy: Tools for testing and improving accuracy of statistical results." R package available through CRAN.

Grants and Contracts

Gainesville City Commission. (\$40,000). 2021-2022. Held public hearings and assisted city in drawing city commission districts.

Florida League of Women Voters. (\$20,000). 2021-2022. Produced report on potential constitutional infirmities of adopted state legislative districts.

Rejected Mail Ballots. (\$4,720). Andrew Goodman Foundation. Analysis of rejected mail ballots within selected states during the 2020 general election.

Election Data Administrative Data Research Facility. (\$843,000) Alfred P. Sloan Foundation grant to collect precinct election results and boundary data and to upgrade DistrictBuilder software.

Virginia Election Data. (\$6,500) Produced election data for *The Washington Post's* 2019 Virginia state elections coverage.

Audit of Assignment of Virginia Registered Voters to Districts. (\$154,000). Work for the Virginia Department of Elections to audit the assignment of registered voters to districts.

National Voter File. (\$125,000) Alfred P. Sloan Foundation grant to pilot the collection of a national voter file for academic and non-partisan purposes.

Pilot Study for Election Data Administrative Data Research Facility. (\$125,000) Alfred P. Sloan Foundation grant to collect precinct election results and boundary data and to upgrade DistrictBuilder software.

Improving Integrity of Voter File Addresses. (\$20,000) Colorado Secretary of State support to develop methods to improve voter file addresses.

Fabricating Precinct Boundaries. (\$17,000). MIT Election Science and Data Lab support to explore fabricating precinct boundaries from geocoded voter files.

UF Informatics Post-Doc Top-Off Award. 2017. (\$16,000). Funding from the UF Informatics Institute to provide additional post-doc funding in support of Hewlett Foundation grant.

U.S. Election Project. 2016. (\$50,000). Hewlett Foundation support for U.S. Election Project Activities.

UF Informatics Institute Seed Fund Award. 2016. (\$48,000). Project funded by the UF Informatics Institute to explore the reliability of Florida's voter registration file.

Election Forum. 2016. (\$20,000). Project funded by the Pew Charitable Trusts for an election forum held at the University of Florida.

Survey of Voter File Accessibility. 2016. (\$1,650). Contract from the Institute for Money in State Politics to survey costs and accessibility of states' voter files.

Florida Election Reform. 2015. (\$13,000). Project funded by Democracy Fund for an election reform forum held in Tallahassee, FL. Pew Charitable Trusts independently provided travel support for some speakers.

New York Redistricting. 2011. (\$379,000). Project funded by the Sloan Foundation to provide for public redistricting in New York and continued software development.

Citizen Redistricting Education, Software Supplemental. 2011. (\$50,000). Project funded by Joyce Foundation to provide continued redistricting software development for use by advocacy groups in six Midwestern states.

National Redistricting Reform Coordination. 2009-10. (\$100,000). With Thomas Mann and Norman Ornstein. Project funded by Joyce Foundation to support coordination of national redistricting reform efforts by the Brookings Institution and the American Enterprise Institute.

Citizen Mapping Project. 2009-10. (\$124,000 & \$98,000). With Micah Altman, Thomas Mann, and Norman Ornstein. Project funded by the Alfred P. Sloan Foundation. An award to George Mason University enables development of software that, essentially, permits on-line redistricting through commonly used internet mapping programs. A second award to the Brookings Institution and American Enterprise Institute provides organizational support, including the convening of an advisory board.

Citizen Redistricting Education. 2010. (\$104,000). Project funded by the Joyce Foundation. Provides for redistricting education forums in five Midwestern state capitals in 2010 and other continuing education efforts.

Pre-Registration Programs. 2008-9. (\$86,000). Project funded by the Pew Charitable Trusts' Make Voting Work Initiative to examine pre-registration programs (voter registration for persons under age 18) in Florida and Hawaii.

Sound Redistricting Reform. 2006-9. (\$405,000). Project funded by the Joyce Foundation, conducted jointly with the Brennan Center for Justice at NYU to investigate impacts of redistricting reform in Midwestern states.

Electoral Competition Project. 2005-6. (\$200,000) Project funded by The Armstrong Foundation, the Carnegie Corporation of New York, the JEHT Foundation, The Joyce Foundation, The Kerr Foundation, Inc., and anonymous donors. Jointly conducted by the Brookings Institution and Cato Institute to investigate the state of electoral competition in the United States.

George Mason University Provost Summer Research Grant. 2004. (\$5,000).

ICPSR Data Document Initiative. 1999. Awarded beta test grant. Member, advisory committee on creation of electronic codebook standards.

Academic Experience

Courses Taught: Election Data Science (graduate and undergraduate), Election Law, Public Opinion and Voting Behavior, Parties and Campaigns (graduate and undergraduate), Comparative Electoral Institutions, Introduction to American Politics, American Politics Graduate Field Seminar, Congress, Legislative Politics, Research Methods (undergraduate), Advanced Research Methods (graduate), Freshman Seminar: Topics in Race and Gender Policies, and Legislative Staff Internship Program.

University of Florida

- Professor. June 2020 – Present.
- Associate Professor. August 2014 – June 2020.

George Mason University

- Associate Professor. May 2007 – May, 2014.
- Assistant Professor. Aug 2002 – May, 2007.

The Brookings Institution

- Non-Resident Senior Fellow. January 2006 – June 2016.
- Visiting Fellow. June 2004 – December 2006.

University of Illinois, Springfield. Assistant Professor. Aug 2000 – June 2002.
Joint appointment in Political Studies Department and Legislative Studies Center.

Vanderbilt University. Assistant Professor. Aug 1999 – Aug 2000.

Harvard-MIT Data Center. Post-Doctoral Research Fellow. Sept. 1998 – Aug 1999.
Developed Virtual Data Center, a web-based data sharing system for academics. Maintained Record of American Democracy (U.S. precinct-level election data).

University of California-San Diego

- Assistant to the Director for University of California, Washington DC program. Sept 1997 – June 1998.
- Instructor for research methods seminar for UCSD Washington interns.
- Visiting Assistant Professor. Spring Quarter 1997.
- Visiting Assistant Professor. Summer Session, Aug 1996 and Aug 1997.
- Teaching Assistant/Grader. Aug 1991 – March 1997.

Professional Service

National Academy of Sciences, Member, Program Committee for “Workshop on 2020 Census Data Products: Data Needs and Privacy Considerations.” 2019-present.

Non-Profit Voter Engagement Network, Member, Advisory Board. 2007 – present.

National States Geographic Information Council - Geo-Enabled Elections, Member, Circle of Advisors. 2018 – present.

Election Sciences Conference-in-a-conference at the 207 Southern Political Science Association Conference. Organizer. 2016.

Overseas Vote Foundation, Member, Advisory Board. 2005 – 2013.

National Capital Area Political Science Association, Member, Council, 2010 – 2012.

State Politics and Policy Quarterly, Editorial Board Member 2004-2011.

Virginia Public Access Project, Member, Board of Directors. 2004 – 2006.

Fairfax County School Board Adult and Community Education Advisory Committee,

Member. 2004 – 2005.

State Politics and Policy Quarterly, Guest Editor. Dec 2004 issue.

Related Professional Experience

Media Consultant

- Edison Media Research/Mitofsky International. Nov. 2020; Nov. 2018; Nov. 2004; Nov. 2006; Feb. 2008; Nov. 2008. Worked national exit polling organization's Decision Desk.
- Associated Press. Nov. 2016 and Nov. 2010. Worked Decision Desk.
- ABC News. Nov. 2002. Worked Decision Desk.
- NBC News. Aug 1996. Analyzed polls during the Republican National Convention.

Redistricting/Elections Consultant.

- Independent Map Drawer. Ohio Redistricting Commission. 2022. Drew Ohio state legislative districts for Ohio Redistricting Commission, as ordered by Ohio Supreme Court.
- Expert Witness. 2021-2022. *Florida Rising v. Lee*. Case No. 4:21-cv-201-MW-MJF (N.D. FL)
- Consultant. 2022. New Jersey Congressional Redistricting Commission.
- Expert Witness. 2018-2021. *Georgia Coalition for the Peoples' Agenda, Inc. et. al v. Kemp*. No. 1:18-cv-04727-ELR (N.D. Ga.).
- Expert Witness. *League of Women Voters of South Carolina v. Marci Andino*. Case No. 2:20-cv-03537-JMC (South Carolina).
- Expert Witness. 2020. *Georgia Association of Latino Elected Officials v. Gwinnett County Board of Registration and Elections*. No. 1:20-cv-1587-WMR (N.D. Ga.).
- Expert Witness. 2019. *Fair Fight Action, Inc. et al. v. Brad Raffensperger* No. 1:18-CV-5391-SCJ (N.D. Ga.).
- Consultant. 2019. Virginia Division of Elections. Audited the assignment of registered voters to districts.
- Expert Witness. 2018. *Martin v. Kemp*. Civil Action No. 1:18-cv-04776-LMM.
- Expert Witness. 2018. *Georgia Coalition for the Peoples' Agenda, Inc. v. Kemp*. Civil Action No. 1:18-cv-04727-ELR.
- Expert Witness. 2018. *Common Cause Indiana v. Lawson*. Case No. 1:17-cv-3936-TWP-MPB (Indiana).
- Expert Witness. 2017-18. *Benisek v. Lamone*. Case No. 13-cv-3233 (Maryland).
- Expert Witness. 2016-2017. *Vesilind v. Virginia State Board of Elections*. Case No. CL15003886 (Virginia).
- Expert Witness. 2016-2017. *Fish v. Kobach*. Case No. 2:16-cv-02105 (Kansas).
- Expert Witness. 2016. *Arizona Libertarian Party v. Reagan*. Case No.: 2:16-cv-01019-DGC (Arizona).
- Expert Witness. 2016. *Georgia State Conf. of the NAACP, et al. v. Brian Kemp*. Case No. 2:16-cv-00219-WCO (Georgia).

- Consultant. Federal Voting Assistance Program. 2014-2015. Analyzed voting experience of military and overseas voters.
- Expert Witness. 2013-2014. *Page v. Virginia State Board of Elections*. No. 3:13-cv-678 (E.D.VA).
- Expert Witness. 2013-2014. *Delgado v. Galvin*. (D. MA).
- Beaumont Independent School District. 2013. Prepared response to DOJ data request.
- Federal Voting Assistance Program. 2012-13. Analyzed voting experience of military and overseas voters.
- Gerson Lehrman Group. 2012. Provided election analysis to corporate clients.
- Expert Witness. 2011-2012. *Backus v. South Carolina*. No. 3:11-cv-03120 (D.S.C.).
- Expert Witness. 2012. *Wilson v. Kasich*. No. 2012-0019 (Ohio Sup. Ct.).
- Consulting Expert. 2011-2012. Bondurant, Mixson, and Elmore, LLP. (Review of Georgia's state legislative and congressional redistricting Section 5 submission).
- Consultant. 2012. New Jersey Congressional Redistricting Commission.
- Expert Witness. 2011. *Perez v. Texas*. No. 5:11-cv-00360 (W.D. Tex.).
- Expert Witness. 2011. *Wilson v. Fallin*. No. O-109652 (Okla. Sup. Ct.).
- Consultant. 2011. United States Federal Voting Assistance Program.
- Consultant. 2011. Virginia Governor's Independent Bipartisan Advisory Redistricting Commission.
- Consultant. 2011. New Jersey State Legislative Redistricting Commission.
- Expert Witness. 2010. *Healey v. State, et al.* C.A. No. 10-316--S (USDC-RI).
- Research Triangle Institute. 2008-2009. Consultant for Election Assistance Commission, 2008 Election Day Survey.
- U.S. State Department. 2008. Briefed visiting foreign nationals on U.S. elections.
- Expert Witness. 2008. *League of Women Voters of Florida v. Browning* (08-21243-CV-ALTONAGA/BROWN)
- Pew Center for the States. 2007. Consultant for Trends to Watch project.
- Expert Witness. 2007. *Washington Association of Churches v. Reed* (CV06-0726).
- Electoral Assistance Commission. 2005. Analyzed election administration surveys.
- Arizona Independent Redistricting Commission. 2001-2003. Consultant.
- Expert Witness. 2003. *Minority Coalition for Fair Redistricting, et al. v. Arizona Independent Redistricting Commission* CV2002-004380 (2003).
- Expert Witness. 2003. *Rodriguez v. Pataki* 308 F. Supp. 2d 346 (S.D.N.Y 2004).
- Consulting Expert. 2002. *O'Lear v. Miller* No. 222 F. Supp. 2d 850 (E.D. Mich.).
- Expert Witness. 2001-2002. *In Re 2001 Redistricting Cases* (Case No. S-10504).
- Expert Witness. 2001. *United States v. Upper San Gabriel Valley Municipal Water District* (C.D. Cal. 2000).
- California State Assembly. 1991. Consultant.
- Pactech Data and Research. Research Associate. Aug 1989 - June 1991.

Campaign/Political Consultant.

- Ron Christian for Virginia State Senate. June – November, 2003.
- Theresa Martinez for Virginia House of Delegates. May, 2003.

- Senior Consultant. California State Assembly. Nov. – Dec 1998.
- California Assembly Democrats. June – November 1998.
- Susan Davis & Howard Wayne for CA State Assembly ‘96. 1996.
- Intern. June – Sept 1995. UC-San Diego, Science and Technology Policy and Projects.

Polling Consultant.

- Hickman-Brown. July, 2000. Analyzed national and state level exit and CPS polls for use in various campaigns. Analyzed surveys for congressional, state, and local political campaigns.
- Decision Research. Aug 1994 – Dec 1994. Conducted and analyzes surveys for congressional and statewide campaigns.
- Speaker Jose de Venecia of the Philippines. Feb, 1997.
- Joong-Ang Ilbo/RAND. Oct, 1996. Analyzed survey of Korean attitudes on national security issues.
- UCSD. Nov. 1991. Conducted and analyzed survey of student attitudes.

Exhibit 2

SEAN P. TRENDE
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EDUCATION

Ph.D., The Ohio State University, Political Science, expected 2022.

M.A.S. (Master of Applied Statistics), The Ohio State University, 2019.

J.D., Duke University School of Law, *cum laude*, 2001; Duke Law Journal, Research Editor.

M.A., Duke University, *cum laude*, Political Science, 2001. Thesis titled *The Making of an Ideological Court: Application of Non-parametric Scaling Techniques to Explain Supreme Court Voting Patterns from 1900-1941*, June 2001.

B.A., Yale University, with distinction, History and Political Science, 1995.

PROFESSIONAL EXPERIENCE

Law Clerk, Hon. Deanell R. Tacha, U.S. Court of Appeals for the Tenth Circuit, 2001-02.

Associate, Kirkland & Ellis, LLP, Washington, DC, 2002-05.

Associate, Hunton & Williams, LLP, Richmond, Virginia, 2005-09.

Associate, David, Kamp & Frank, P.C., Newport News, Virginia, 2009-10.

Senior Elections Analyst, RealClearPolitics, 2009-present.

Columnist, Center for Politics Crystal Ball, 2014-17.

Gerald R. Ford Visiting Scholar, American Enterprise Institute, 2018-present.

BOOKS

Larry J. Sabato, ed., *The Blue Wave*, Ch. 14 (2019).

Larry J. Sabato, ed., *Trumped: The 2016 Election that Broke all the Rules* (2017).

Larry J. Sabato, ed., *The Surge: 2014's Big GOP Win and What It Means for the Next Presidential Election*, Ch. 12 (2015).

Larry J. Sabato, ed., *Barack Obama and the New America*, Ch. 12 (2013).

Barone, Kraushaar, McCutcheon & Trende, *The Almanac of American Politics 2014* (2013).

The Lost Majority: Why the Future of Government is up for Grabs – And Who Will Take It (2012).

PREVIOUS EXPERT TESTIMONY

Dickson v. Rucho, No. 11-CVS-16896 (N.C. Super. Ct., Wake County) (racial gerrymandering).

Covington v. North Carolina, No. 1:15-CV-00399 (M.D.N.C.) (racial gerrymandering).

NAACP v. McCrory, No. 1:13CV658 (M.D.N.C.) (early voting).

NAACP v. Husted, No. 2:14-cv-404 (S.D. Ohio) (early voting).

Ohio Democratic Party v. Husted, Case 15-cv-01802 (S.D. Ohio) (early voting).

Lee v. Virginia Bd. of Elections, No. 3:15-cv-357 (E.D. Va.) (early voting).

Feldman v. Arizona, No. CV-16-1065-PHX-DLR (D. Ariz.) (absentee voting).

A. Philip Randolph Institute v. Smith, No. 1:18-cv-00357-TSB (S.D. Ohio) (political gerrymandering).

Whitford v. Nichol, No. 15-cv-421-bbc (W.D. Wisc.) (political gerrymandering).

Common Cause v. Rucho, No. 1:16-CV-1026-WO-JEP (M.D.N.C.) (political gerrymandering).

Mecinas v. Hobbs, No. CV-19-05547-PHX-DJH (D. Ariz.) (ballot order effect).

Fair Fight Action v. Raffensperger, No. 1:18-cv-05391-SCJ (N.D. Ga.) (statistical analysis).

Pascua Yaqui Tribe v. Rodriguez, No. 4:20-CV-00432-TUC-JAS (D. Ariz.) (early voting).

COURT APPOINTMENTS

Appointed as Voting Rights Act expert by Arizona Independent Redistricting Commission

Appointed redistricting expert by the Supreme Court of Belize in *Smith v. Perrera*, No. 55 of 2019 (one-person-one-vote).

INTERNATIONAL PRESENTATIONS AND EXPERIENCE

Panel Discussion, European External Action Service, Brussels, Belgium, *Likely Outcomes of 2012 American Elections*.

Selected by U.S. Embassies in Sweden, Spain, and Italy to discuss 2016 and 2018 elections to think tanks and universities in area (declined Italy due to teaching responsibilities).

Selected by EEAS to discuss 2018 elections in private session with European Ambassadors.

TEACHING

American Democracy and Mass Media, Ohio Wesleyan University, Spring 2018.

Introduction to American Politics, The Ohio State University, Autumn 2018, 2019, 2020, Spring 2018.

Political Participation and Voting Behavior, Spring 2020, Spring 2021.

REAL CLEAR POLITICS COLUMNS

Full archives available at http://www.realclearpolitics.com/authors/sean_trende/