

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

1. **Name:** State full name (include any former names used).

Myrna Pérez (no middle initial)

2. **Position:** State the position for which you have been nominated.

United States Circuit Judge for the Second Circuit

3. **Address:** List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

Office:

120 Broadway

Suite 1750

New York, New York 10271

Residence:

Jersey City, New Jersey

4. **Birthplace:** State year and place of birth.

1974; San Antonio, Texas

5. **Education:** List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

2000 – 2003, Columbia Law School; J.D., 2003

1996 – 1998, Harvard University, John F. Kennedy School of Government; M.P.P., 1998

1992 – 1996, Yale College; B.A., 1996

6. **Employment Record:** List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

2006 – present

Brennan Center for Justice at NYU School of Law

120 Broadway, Suite 1750

New York, New York 10027

Director, Voting Rights and Election Program (approximately 2019 – present)

Deputy Director, Democracy Program/Director of Voting Rights and Elections Project
(approximately 2013 – 2019)

Senior Counsel (approximately 2011 – 2013)

Counsel, (approximately 2006 – 2011)

Fall 2016 Semester

Fall 2017 Semester

Fall 2018 Semester

Spring 2020 Semester

Spring 2021 Semester

Columbia Law School

435 West 116th Street

New York, New York 10027

Lecturer-in-Law

2007 – present

Columbia Law School Public Interest Legal Center

435 West 116th Street

New York, New York 10027

Adjunct Career Counselor

Fall 2013 Semester

Fall 2014 Semester

Fall 2015 Semester

NYU School of Law

40 Washington Square South

New York, New York 10012

Adjunct Professor of Clinical Law

2005 – 2006

Relman Colfax LLC (formerly Relman & Associates)

1225 19th Street, Northwest

Washington, District of Columbia 20036

Legal Fellow

2004 – 2005

U.S. Court of Appeals for the Third Circuit

50 Walnut Street, Room 5032

Newark, New Jersey 07102

Law Clerk for the Honorable Julio Fuentes

2003 – 2004

U.S. District Court for the Eastern District of Pennsylvania
601 Market Street, Room 7613
Philadelphia, Pennsylvania 19106
Law Clerk for the Honorable Anita B. Brody

Summer 2003

O'Melveny & Myers
1625 Eye Street, Northwest
Washington, District of Columbia 20006
Summer Associate

Fall 2002

American Civil Liberties Union
125 Broad Street, 18th Floor
New York, New York 10014
Fellow/Legal Intern

Summer 2002

Bredhoff & Kaiser
805 15th Street, Northwest
Washington, District of Columbia 20005
Summer Associate

Spring 2002

Professor Jack Greenberg, Columbia Law School
435 West 116th Street
New York, New York 10027
Research Assistant

Summer 2001

Asia Pacific Forum
Level 3, 175 Pitt Street
Sydney, New South Wales 2000, Australia
Summer Intern

1998 – 2000

Government Accountability Office
10 Causeway Street, Room 575
Boston, Massachusetts 02222
Presidential Management Fellow/Analyst

1997 – 1998

Harvard Kennedy School, Office of Community and Public Service
79 John F. Kennedy Street

Cambridge, Massachusetts 02138
Work-Study Employee

Summer 1996; Summer 1997
Boston Housing Authority
52 Chauncy Street
Boston, Massachusetts 02111
Intern

Other Affiliations (Uncompensated):

2020 – present
Sojourners
408 C Street, Northeast
Washington, District of Columbia 20002
Board Member

2020 - present
Hispanic National Bar Association
1020 19th Street, Northwest, Suite 505
Washington, District of Columbia 20036
Deputy, Region III

2015 – present
Crossroads Prison Ministries
P.O. Box 900
Grand Rapids, Michigan 49509
Board Member

2009 – present
Grace Community Services
39 Erie Street
Jersey City, New Jersey 07302
Board Member (2016 – 2020)
Breakfast Plus Coordinator (2012 – present)
Breakfast Plus Volunteer (2009 – 2012)

2007 – present
Saint Matthew's Evangelical Lutheran Church
85 Wayne Street
Jersey City, New Jersey 07302
Congregation President (2020 – present)
Call Committee Member (2008 – 2009, 2011 – 2012, 2019 – 2020)
Pride Coordinator (2009 – present)
Nominating Committee Member (2009 – present)

Approximately 2017 – 2020
Parent Teacher Association for Jersey City Public School #5
182 Merseles Street
Jersey City, New Jersey 07302
After School Program Coordinator

Approximately 2017 – 2019
Tri-State Chapter of the Yale Latino Alumni Association
(No Address)
Board Member

2007 – 2014
Association of the Bar of the City of New York
42 West 44th Street
New York, New York 10036
Chair, Election Law Committee (approximately 2010 – 2013)
Member, Nominating Committee (approximately 2013)

Approximately 2011 – 2012
Barrow Mansion Development Corporation
83 Wayne Street
Jersey City, New Jersey 07302
Board Member

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I have not served in the military. I was not required to register for the selective service.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

Breaking the Glass Ceiling Award, Leadership Institute for Women of Color Attorneys
(2021)

Distinguished Alumni Award, Columbia Law School Latino/a Law Student Association
(2019)

Distinguished Alumni Award, Yale Latino Alumni Association of the Tri-State Area
(2017)

Making Democracy Work Award, League of Women Voters of New Jersey (2016)

Named one of 2014's "50 Hispanic Influentials" by Hispanic Business (2014)

Excellence in Academia Award, Puerto Rican Bar Association (2011)

Columbia Fellow, American Civil Liberties Union (2002)

Harlan Fiske Stone Scholar, Columbia Law School (May 2001; May 2003)

Lowenstein Public Interest Fellowship, Columbia Law School (2000-2003)

Above and Beyond Award, Government Accountability Office (approximately 2000)

Certificate of Excellence, Government Accountability Office (approximately 1999)

Presidential Management Internship (now called Fellowship), Office of Personnel Management (1998 – 2000)

Robert F. Kennedy Award for Excellence in Public Service, John F. Kennedy School of Government, Harvard University (1998)

Co-Editor, Harvard Journal of Hispanic Policy, John F. Kennedy School of Government (1996 – 1997)

Frank M. Patterson Prize Fellowship, Yale College (approximately 1995)

Andrew W. Mellon Fellowship, Yale College (approximately 1995)

Congressional Hispanic Caucus Institute Internship (approximately 1993)

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

Association of the Bar of the City of New York (approximately 2007 – 2014)

Chair, Election Law Committee (2010 – 2013)

Member, Election Law Committee (2013)

Member, Nominating Committee

Hispanic Bar Association of New Jersey (approximately 2010 – present)

Hispanic National Bar Association (2020 – present)

Deputy, Region III (2021)

10. **Bar and Court Admission:**

- a. List the date(s) you were admitted to the bar of any state and any lapses in

membership. Please explain the reason for any lapse in membership.

Texas (2003)

New York (2011)

I have been a continuous member.

- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

Supreme Court of the United States (2013)

United States Court of Appeals for the Second Circuit (2021)

United States Court of Appeals for the Third Circuit (2005)

United States Court of Appeals for the Fifth Circuit (2015)

United States Court of Appeals for the Seventh Circuit (2018)

United States Court of Appeals for the Eleventh Circuit (2020)

United States District Court for the District of Colorado (2008)

United States District Court for the Northern District of Florida (2007)

United States District Court for the Southern District of Indiana (2017)

United States District Court for the Eastern District of Michigan (2020)

United States District Court for the Western District of Michigan (2020)

United States District Court for the Southern District of New York (2021)

There was a temporary lapse in my Third Circuit membership because of nonpayment of renewal fees. I have been a continuous member of the others.

11. **Memberships:**

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

I have searched my files and records in an effort to identify all organizations responsive to this question. I have identified the organizations below, but it is possible there is an organization in for which I made a monetary donation making me a "member," but was not otherwise involved with materially.

Barrow Mansion Development Corporation, Board Member (approximately 2011 – 2012)

Crossroads Prison Ministries (formerly known as Crossroads Bible Institute),

Board Member (2015 – present)

Grace Community Services

Breakfast Coordinator (approximately 2010 – present)

Board Member (2016 – 2020)

League of Women Voters of New Jersey (intermittent since 2009)

PS 5 PTA Afterschool Enrichment Program, Coordinator (approximately 2017 – present)

Sojourners, Board Member (approximately 2020 – present)

St. Matthew's Evangelical Lutheran Church of America

Church Council President (approximately 2020 – present)

Call Committee member (during three pastoral vacancies)

Organizer for outreach at PRIDE PARADE (most years)

Organizer of many community service ministries

Tri-State Chapter of Yale Latino Alumni Association, Board Member (approximately 2017 – 2019)

- b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

To the best of my knowledge, none of the organizations listed above currently or formerly discriminated on the basis of race, sex, religion, or national origin either through formal membership requirements or the practical implementation of membership policies.

12. Published Writings and Public Statements:

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

I have searched my files and electronic databases in an effort to locate all materials responsive to this question. I have located the materials below that I have authored, co-authored, or bylined, but it is possible that there are a few that I

have been unable to identify.

CT needs to restore voting rights to formerly incarcerated people, CTPost, June 6, 2021. Copy supplied.

New York Still Needs More Reform, N.Y.L.J., Apr. 22, 2021. Copy Supplied.

Texas Republicans Move Swiftly on Voter Suppression Bills, Brennan Center, Mar. 30, 2021. Copy supplied.

Voter Suppression in the Lone Star State, Past and Potential Future, Brennan Center, Mar. 15, 2021. Copy supplied.

Voter Suppression Efforts in Georgia Are Escalating, Brennan Center, Mar. 15, 2021, Copy supplied.

Protecting the Right To Vote, N.Y.L.J., Feb. 25, 2021, Copy supplied.

How to Restore and Strengthen the Voting Rights Act, Brennan Center, Jan. 28, 2021. Copy supplied.

Election Lessons from 2020, Brennan Center, Dec. 28, 2020. Copy supplied.

Worst election fears averted, but Americans were still failed in real ways, The Hill, Dec. 24, 2020. Copy supplied.

Why These New Election Lawsuits Will Fail. Still., Brennan Center, Nov. 17, 2020. Copy supplied.

Why These New Election Lawsuits Will Fail, Brennan Center, Nov. 6, 2020. Copy supplied (reprinted in multiple outlets).

One Question: What is Needed to Have a Free and Fair Election this November?, The Progressive Magazine, Oct. 21, 2020. Copy supplied.

With Eliza Sweren-Becker, *A win for PA voters*, Pittsburgh Post Gazette, Oct. 15, 2020. Copy supplied.

Protecting the Right to Vote: The Assault on the Franchise Continues, N.Y.L.J., Sept. 1, 2020. Copy supplied.

How to Redesign the World for Coronavirus and Beyond: 15. Don't ditch in person voting-Make it safer, Politico, July 3, 2020. Copy supplied

7 Years of Gutting Voting Rights, Brennan Center, June 25, 2020. Copy supplied.

Voter Purges in an Increasingly Vote-by-Mail World, Brennan Center, May 20, 2020. Copy supplied.

The Disturbing Pattern of Voter Registration Purges, Sojourners, Apr. 1, 2020. Copy supplied.

Voters Need Safe and Sanitary In-Person Voting Options, Brennan Center, Mar. 31, 2020. Copy supplied.

Here's what has to happen to prevent a repeat of long lines to vote, Market Watch, Mar. 10, 2020. Copy supplied.

Federal Appeals Court Rules Florida Voting Restrictions Unconstitutional, Brennan Center, Feb. 19, 2020. Copy supplied.

Wisconsin May Purge 200,000 Voters From State Rolls in 2020, Truthout, Jan. 16, 2020. Copy supplied.

The Wisconsin Voter Purge Is a Bad Idea, Brennan Center, Jan. 15, 2020. Copy supplied.

Partisan Gerrymandering—A Continuing Threat, N.Y.L.J., Dec. 26, 2019. Copy supplied.

Restore voting rights for New Jerseyans on probation and parole | Opinion, North Jersey, Dec. 18, 2019. Copy supplied.

How to Fight Voter Suppression Nationwide, Brennan Center, Dec. 9, 2019. Copy supplied.

This is our last chance to ensure the 2020 election is not rigged, The Guardian, Dec. 7, 2019. Copy supplied (reprinted in multiple outlets).

How to Fix Participation: Restore Voting Rights to Ex-Felons, Politico, December 2019 (Estimated). Copy supplied.

Here We Go Again: Politicians Using the False Specter of Voter Fraud, Brennan Center, Nov. 19, 2019. Copy supplied.

Summer 2019 Election Law Round-Up, N.Y.L.J., Aug. 28, 2019. Copy supplied.

An Anniversary and a Call to Action, Brennan Center, Aug. 6, 2019. Copy supplied.

A Joyful Accident: Myrna's Story with Breakfast Plus, Grace Community Services, May 15, 2019. Copy supplied.

Albany's Still-To-Do Election Reforms, N.Y.L.J., May 9, 2019, Copy supplied.

Democracy Reform at the top of the Agenda, Sojourners, Mar. 18, 2019. Copy supplied.

New York Election Reform Needs Improvement, N.Y.L.J., Feb. 13, 2019. Copy supplied.

Battling for Rights Restoration, Honoring Dr. King, Brennan Center, Jan. 18, 2019. Copy supplied.

The Kingdom of God and a Florida Amendment, Sojourners, Dec. 28, 2018. Copy supplied.

How New York Suppresses the Vote, N.Y.L.J., Dec. 26, 2018. Copy supplied.

North Carolina's Election Fiasco Is About Voter Suppression, Not Voter Fraud, Brennan Center, Dec. 6, 2018. Copy supplied.

What Victory in Florida Means to Me, Brennan Center, Nov. 7, 2018. Copy supplied.

What to Do If You Encounter Problems at the Polls, Brennan Center, Nov. 5, 2018. Copy supplied.

Why I Vote, Sojourners, Nov. 1, 2018. Copy supplied.

Florida, Georgia, North Carolina Still Purging Voters at High Rates, Brennan Center, Oct. 1, 2018. Copy supplied.

A new Congress could restore the promise of the Voting Rights Act, Brennan Center, Aug. 6, 2018. Copy supplied.

Interference in US Elections Has Been Going On For Years. The Reason? Voter Purges, Brennan Center, July 28, 2018. Copy supplied.

Purges: A Growing Threat to the Right to Vote, Brennan Center, July 21, 2018. Copy supplied.

How Purges Could Disenfranchise Voters This Fall, Brennan Center, July 20, 2018. Copy supplied.

How the Midterm Elections May Be Compromised, N.Y. Times, July 19, 2018. Copy supplied.

Q&A: Voting Rights Five Years After the Supreme Court's Shelby County Decision, Brennan Center, June 25, 2018. Copy supplied.

With Midterms Looming, Conservative Groups Push Aggressive Voter Purges, Brennan Center, June 25, 2018. Copy supplied.

Ohio Voting Rights Decision not a Green Light for Reckless Voter Purges, CNN, June 12, 2018, Copy supplied (reprinted in multiple outlets).

Easing Voter Registration, N.Y.L.J., May 15, 2018. Copy supplied.

Q&A: Brennan Center Lawsuit to Stop Indiana's Voter Purge Law, Brennan Center, May 1, 2018. Copy supplied.

New Jersey on Brink of Becoming Next State to Implement Automatic Voter Registration, Brennan Center, Apr. 6, 2018. Copy supplied.

Rest in Power Joaquin Avila (June 23, 1948 - March 9, 2018), Brennan Center, Mar. 13, 2018. Copy supplied.

Why Now's the Time for N.J. to Adopt Automatic Voter Registration, Brennan Center, Jan. 17, 2018. Copy supplied (reprinted in multiple publications).

Brennan Center and New Jersey Institute for Social Justice, An Agenda for a Renewed Democracy in New Jersey (approximately 2017). Copy supplied.

New York Inches Its Way Toward Easier Ballot Access, N.Y.L.J., Oct. 10, 2017. Copy supplied.

Public Interest Legal Foundation Paper Appears to Undermine Its Own Central Claim, Brennan Center, Sept. 12, 2017. Copy supplied.

PEREZ: Honor the 4th by passing voting reforms, App.com, July 3, 2017. Copy supplied.

Noncitizen Voting: The Missing Millions, Brennan Center, May 5, 2017. Copy supplied.

President Trump and the 25th Amendment, N.Y.L.J., Apr. 27, 2017. Copy supplied.

Real Solutions for Real Problems, N.Y.L.J., Feb. 23, 2017. Copy supplied.

Challenges to Candidates: Residency and Timing, N.Y.L.J., Dec. 23, 2016. Copy supplied.

Early Voters in Texas Don't Have All the Right Information, Brennan Center, Oct. 25, 2016. Copy supplied.

Court Victories Don't Mean Voters Are in the Clear, N.Y.L.J., Oct. 6, 2016. Copy supplied.

Re-Enfranchising People With Prior Convictions, N.Y.L.J., June 22, 2016. Copy supplied.

Electing the President: Rules and Laws, N.Y.L.J., Apr. 18, 2016. Copy supplied.

Voting Rights – and Wrongs, Sojourners, Apr., 2016, Copy supplied.

Arizona's Long Voting Lines Showed How Democracy is Broken. Here's How to Fix it, The Huffington Post, Mar. 25, 2016. Copy supplied.

Voting Reform Prominent in Two Executive Addresses, N.Y.L.J., Feb. 5, 2016. Copy supplied.

Election Integrity: A Pro-Voter Agenda, Brennan Center, Jan. 19, 2016. Copy supplied.

Year-End Roundup: Significant State and Federal Developments, N.Y.L.J., Dec. 17, 2015. Copy supplied.

Voter Registration in a Digital Age: 2015 Update, Brennan Center, Oct. 27, 2015. Copy supplied.

Making Sense of the Bronx 'Switcheroo', N.Y.L.J., Oct. 7, 2015. Copy supplied.

Governor Jerry Brown Should Sign Historic Voting Bill, Brennan Center, Sept. 26, 2015. Copy supplied.

State Legislatures Adjourning, But Voting Rights Still Center Stage, Brennan Center, Aug. 5, 2015. Copy supplied.

A Bipartisan Breakthrough on Restoring Voting Rights, Brennan Center, May 13, 2015. Copy supplied.

With Jennifer L. Clark, *Texas Should Move to Modernize Its Registration System*, Brennan Center, Apr. 20, 2015. Copy supplied (reprinted in multiple outlets).

Alabama and Albany Minority Voters Get Wins, N.Y.L.J., Apr. 10, 2015. Copy supplied.

Federal Actions Bring Election Matters to the Forefront, N.Y.L.J., Feb. 27, 2015. Copy supplied.

Year-End Round Up on Elections and Voting Rights, N.Y.L.J., Jan. 5, 2015. Copy supplied.

Voting Restrictions: From Statehouses to Courts, N.Y.L.J., Oct. 24, 2014. Copy supplied.

Election Day Long Lines: Resource Allocation, Brennan Center, Sept. 15, 2014. Copy supplied.

The Governor Challenges His Opponent's Residency, N.Y.L.J., Aug. 6, 2014. Copy supplied.

New Ballot-Box Rules Create Obstacles, Brennan Center, June 30, 2014. Copy supplied.

Proving Who You Are: The Legal Battle Over Voter ID Laws, N.Y.L.J., June 4, 2014. Copy supplied (reprinted in multiple outlets).

New York Round Up: Campaign Finance and Ballot Issues, N.Y.L.J., Apr. 2, 2014. Copy supplied.

Presidential and Legislative Efforts on Voting Reform, N.Y.L.J., Feb. 5, 2014. Copy supplied.

2013's Top 10: From Voting Rights Act to Moreland Commission, N.Y.L.J., Dec. 30, 2013. Copy supplied.

On Election Day, Get in that Booth and Vote, Brennan Center, Nov. 5, 2013. Copy supplied.

After 'Shelby County' Ruling, Are Voting Rights Endangered?, Brennan Center, Sept. 23, 2013. Copy supplied.

The Cuomo-Schneiderman Moreland Commission, N.Y.L.J., July 19, 2013. Copy supplied.

A Devastating Setback for Civil Rights, Boston Review, June 27, 2013. Copy supplied.

After Supreme Court, Congress Must Move on Voting Rights Act, Christian Science Monitor, June 25, 2013. Copy supplied.

If Section 5 Falls: New Voting Implications, Brennan Center, June 12, 2013. Copy supplied.

Colorado Passed Broad Election Reform, Other States Should Follow, Huffington Post, May 16, 2013. Copy supplied.

U.S. Supreme Court Examines Voting Rights in Two Cases, N.Y.L.J., May 15, 2013. Copy supplied.

Congress Must Retain Power to Protect Voters, Brennan Center, Mar. 18, 2013. Copy supplied.

Why Latinos Must Weigh in on Current Voting Rights Case, Brennan Center, Mar. 14, 2013. Copy supplied.

Why the Predictions Could be Wrong in Shelby County, Brennan Center, Mar. 1, 2013. Copy supplied.

To Protect Democracy, Supreme Court Must Fully Uphold Voting Rights Act, Christian Science Monitor, Feb. 27, 2013. Copy supplied.

Voting Rights Act is an Important Moral Statement, Sojourners, Feb. 25, 2013. Copy supplied.

Three Ways to Fix Our Democracy, The Huffington Post, Nov. 26, 2012. Copy supplied.

Vote to Have Your Say: Register Now, The Huffington Post, Oct. 5, 2012. Copy supplied.

With voter purges, Florida repeats past errors, South Florida Sun Sentinel, June 6, 2012. Copy supplied.

Florida's Unsung Election Heroes, Brennan Center, June 5, 2012. Copy supplied.

Florida Should Avoid Misdeeds of the Past, Brennan Center, May 21, 2012. Copy supplied.

Remembering Chuck Colson, Brennan Center, Apr. 26, 2012. Copy supplied.

Democracy Restoration Act Would Restore Voting Rights to Millions, Huffington Post, Apr. 26, 2012. Copy supplied.

States Shouldn't Tamper with Voting Rights Act, Brennan Center, Apr. 25, 2012. Copy supplied.

How the Voting Rights Act, a Cornerstone of Civil Rights Law, Has Come Under Threat, Highbrow Magazine, Apr. 24, 2012. Copy supplied.

Connecticut Leading the Way on Voting Rights, Brennan Center, Mar. 22, 2012. Copy supplied.

Ash Wednesday: Restoring the Right to Vote, Sojourners, Feb. 21, 2012. Copy supplied.

A Media Guide to Redistricting, Brennan Center, Mar. 7, 2011. Copy supplied.

MLK and the Supreme Court, Sojourners, Jan. 22, 2010. Copy supplied.

Adios 2009, Saludos 2010: A Latino Year in Review, Brennan Center, Dec. 28, 2009. Copy supplied.

How Latinos Can Build Political Power in Port Chester, NY, Brennan Center, Nov. 10, 2009. Copy supplied.

Proof of Citizenship Requirements; Chart of State Legislation, Brennan Center, Nov. 5, 2009. Copy supplied.

In Memory of Judge Justice, Brennan Center, Oct. 17, 2009. Copy supplied.

Accounting for the Census Clause, Brennan Center, Aug. 11, 2009. Copy supplied.

Voting Rights Act: The Legacy of the 15th Amendment, Brennan Center, June 30, 2009. Copy supplied.

When Voters Move, Brennan Center, June 13, 2009. Copy supplied.

Politics Makes Strange Bedfellows, Huffington Post, Mar. 5, 2009. Copy supplied.

Voter Purges, Brennan Center, Sept. 30, 2008. Copy supplied.

Attacking the Nuns, Brennan Center, May 9, 2008. Copy supplied.

King's English-Only, Brennan Center, Apr. 9, 2008. Copy supplied.

It Just Keeps Getting Worse In Mississippi, Brennan Center, Mar. 11, 2008. Copy supplied.

Mississippi's "Reform" Failure, Brennan Center, Feb. 27, 2008. Copy supplied.

Administrative Transfer of NVRA Regulations, Brennan Center, Dec. 3, 2007.
Copy supplied.

With Irma Munoz, Editors' remarks, *Vol 10, Harvard Journal of Hispanic Policy*,
Harvard Journal of Hispanic Policy, 1996-1997. Copy supplied.

Localizing Rights, Yale Review of Politics, Dec. 1994. Copy supplied.

Letter to the editor on "Gripes About No Grapes", Yale Herald, Nov. 4, 1994.
Copy supplied.

Unheard Voices, Yale Journal of Human Rights, Fall 1993. Copy supplied.

Rude Awakenings, Yale Review of Politics, Oct. 1993. Copy supplied.

Below are pieces to which I have made specific editing contributions, but was not
an author.

Brennan Center for Justice, *Voting Laws Roundup: March 2021* (Apr. 1, 2021).
Available at <https://www.brennancenter.org/our-work/research-reports/voting-laws-roundup-march-2021>.

Brennan Center for Justice, *Voting Laws Roundup: February 2021* (Feb. 8, 2021).
Available at <https://www.brennancenter.org/our-work/research-reports/voting-laws-roundup-february-2021>.

Brennan Center for Justice, *Voting Laws Roundup: January 2021* (Jan. 26, 2021).
Available at <https://www.brennancenter.org/our-work/research-reports/voting-laws-roundup-january-2021>.

Hannah Klain, Kevin Morris, Rebecca Ayala, *Waiting to Vote* (June 3, 2020).
Available at <https://www.brennancenter.org/our-work/research-reports/waiting-vote>.

Brennan Center for Justice, *Voting Laws Roundup 2020* (Feb. 4, 2020).
Available at <https://www.brennancenter.org/our-work/research-reports/voting-laws-roundup-2020>.

Brennan Center for Justice, *Voting Laws Roundup 2019* (July 10, 2019).
Available at <https://www.brennancenter.org/our-work/research-reports/voting-laws-roundup-2019>.

Peter Dunphy, Kevin Morris, *AVR Impact on State Voter Registration* (Apr. 11, 2019). Available at <https://www.brennancenter.org/our-work/research-reports/avr-impact-state-voter-registration>.

Brennan Center for Justice, *Voting Laws Roundup 2018* (Apr. 2, 2018). Available at <https://www.brennancenter.org/our-work/research-reports/voting-laws-roundup-2018>.

Jonathan Brater, *Voter Purges: The Risks in 2018* (Feb. 27, 2018). Available at <https://www.brennancenter.org/our-work/research-reports/voter-purges-risks-2018>.

Brennan Center for Justice, *Voting Laws Roundup 2017* (May 10, 2017). Available at <https://www.brennancenter.org/our-work/research-reports/voting-laws-roundup-2017>.

Erin Kelley, *Racism & Felony Disenfranchisement: An Intertwined History* (May 9, 2017). Available at <https://www.brennancenter.org/our-work/research-reports/racism-felony-disenfranchisement-intertwined-history>.

Erika Wood, *Florida: An Outlier in Denying Voting Rights* (Dec. 16, 2016). Available at <https://www.brennancenter.org/our-work/research-reports/florida-outlier-denying-voting-rights>.

Brennan Center for Justice, *Voting Laws Roundup 2016* (Apr. 18, 2016). Available at <https://www.brennancenter.org/our-work/research-reports/voting-laws-roundup-2016>.

Multiple Authors, *The Case for Automatic Voter Registration* (Sept. 22, 2015). Available at <https://www.brennancenter.org/our-work/research-reports/case-automatic-voter-registration>.

Brennan Center for Justice, *Voting Laws Roundup 2015* (June 3, 2015). Available at <https://www.brennancenter.org/our-work/research-reports/voting-laws-roundup-2015>.

Brennan Center for Justice, *Voting Laws Roundup 2014* (Dec. 18, 2014). Available at <https://www.brennancenter.org/our-work/research-reports/voting-laws-roundup-2014>.

Brennan Center for Justice, *Voting Laws Roundup 2013* (Dec. 19, 2013). Available at <https://www.brennancenter.org/our-work/research-reports/voting-laws-roundup-2013>.

Brennan Center for Justice, *Election 2012: Voting Laws Roundup* (Oct. 11, 2012). Available at <https://www.brennancenter.org/our-work/research-reports/election-2012-voting-laws-roundup>.

Nicolas Riley, *Voter Challengers* (Aug. 30, 2012). Available at <https://www.brennancenter.org/our-work/research-reports/voter-challengers>.

Monica Youn, *Judge Sotomayor's Record in Constitutional Cases* (July 9, 2009). Available at <https://www.brennancenter.org/our-work/analysis-opinion/sotomayor-not-activist-judge-study-finds>.

Multiple Authors, *My First Vote* (July 5, 2009). Available at <https://www.brennancenter.org/our-work/research-reports/my-first-vote>.

I would also note that as head of a department, I have likely provided at least high-level editorial feedback to many, if not all, outward facing publications issued from my department.

I wrote various fictional poems for student publications when in college. I am unable to locate any copies.

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum, or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

With Wendy Weiser, *Proposed Guidance on NVRA* (Mar. 1, 2010). Copy supplied.

Best Practices for Purges (approximately 2006). Copy supplied.

The Election Law Committee of the City of New York, when I was a member and when I was chair, issued numerous reports on various voting related matters. I did not prepare, nor did I contribute materially to any preparation, but I may have engaged in internal discussions as to the topic. Given I was listed as a member of the issuing committee, I list the following reports:

Presentation of John H. Snyder on behalf of the Election Law Committee of the Association of the Bar of the City of New York (Dec. 14, 2010). Available at <https://www.nycbar.org/pdf/report/uploads/20072022-TestimonyatPublicHearingregardingNYSRedistrictingProcess.pdf>.

New York City Bar Association, Statement to the 2010 Charter Revision Commission (July 26, 2010). Available at <https://www.nycbar.org/pdf/report/uploads/charterrevisionfinal2.pdf>.

New York City Bar Association Committee on Election Law, The National Popular Vote Initiative (July 1, 2010). Available at <https://www.nycbar.org/pdf/report/uploads/20071975-TheNationalPopularVoteInitiative.pdf>.

New York City Bar Association Committee on Election Law, Proposal for a Filing Fee Alternative for Ballot Access (July 1, 2010). Available at <https://www.nycbar.org/pdf/report/uploads/20071983-ProposalforaFilingFeeAlternativeforBallotAccess.pdf>.

- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

Hearing on State COVID-19 Voting Procedures Before the H. Comm. on Judiciary, 116th Cong. (2020). Copy supplied.

Hearing on Restoring the Voting Rights Act Before the Subcomm. on the Constitution, Civil Rights, and Civil Liberties of the H. Comm. on the Judiciary, 116th Cong. (2019). Copy supplied.

Hearing on State Voter Suppression Before the Subcomm. on Civil Rights and Civil Liberties of the H. Comm. on Oversight and Reform, 116th Cong. (2019). Copy supplied.

Hearing on New Jersey Rights Restoration Before the S. Gov't Comm., 218th Leg. (N.J. 2019). Copy supplied.

Letter to the United States House Committee on the Judiciary in Support of the For the People Act, (2019). Copy supplied.

Letter to the Indiana Secretary of State regarding Non-Compliance with Section 8 of the National Voter Registration Act addressed, (2017). Copy supplied.

Hearing on Nominations of Thomas Hicks and Myrna Pérez to be members of the Election Assistance Commission Before the S. Comm. on Rules and Administration, 113th Cong. (2013). Copy supplied.

Hearing on Connecticut Voter Registration; Voter Intimidation Before the Joint Comm. on Government Administration and Elections, (Conn. 2011). Copy supplied.

Hearing on Nominations of Gineen Bresso, Thomas Hicks, and Myrna Pérez to be members of the Election Assistance Commission Before the S. Comm. on Rules and Administration, 112th Cong. (2011). Copy supplied.

Hearing on New Jersey Redistricting Before the N.J. Apportionment Comm'n, (N.J. 2011). Copy supplied.

Hearing on Michigan Redistricting Before the H. Judiciary Comm. (Mich. 2010). Copy supplied.

Hearing on New York Voting Machines; Voter Registration Before the S. Elections Comm. (N.Y. 2009). Copy supplied.

With James Sample, Letter to the Montana Secretary of State Regarding Large-Scale Challenges in Six Counties (Oct. 5, 2008). Copy supplied.

Letter to the Mississippi Secretary of State with Recommendations to Protect Against Improper Purges addressed, (Mar. 26, 2008). Copy supplied.

Testimony before the Election Assistance Commission, State Voter Registration (2007). Copy supplied.

With Wendy Weiser, *United States Senate Committee on Homeland Security and Governmental Affairs, Subcommittee Oversight of Government Management, Real ID* (2007). Copy Supplied.

I was a law student signatory to an amicus brief on behalf of law students authored by Julie Sullivan and Peter Rubin in *Grutter v. Bollinger*, 539 U.S. 306 (2003). Brief for Law Students at Accredited American Law Schools as Amici Curiae, 2003 WL 554404.

As a Presidential Management Fellow at the Government Accountability Office, I was listed as a major contributor to the following reports to congressional requestors:

U.S. Gov't Accountability Off., GAO-01-137, Prescription Drugs: Drug Company Programs Help Some People Who Lack Coverage (2000). Copy supplied.

U.S. Gov't Accountability Off., GAO-00-162, State Pharmacy Programs: Assistance Designed to Target Coverage (2000). Copy supplied.

U.S. Gov't Accountability Off., GAO-00-112, Prescription Drugs: Adapting Private Sector Management Methods, Testimony: Subcommittee on Health, Ways, and Means, House of Representatives (2000). Copy supplied.

U.S. Gov't Accountability Off., GAO-00-38, Telecommunications: Development of Competition in Local Telephone Markets (2000). Copy supplied.

U.S. Gov't Accountability Off., GAO-99-178, Homelessness: State and Local Efforts to Integrate and Evaluate Homeless Assistance Programs (1999). Copy supplied.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

See attached list of responsive events.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

See attached list of interviews.

13. **Judicial Office:** State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

I have not served as a judge.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment? _____
- i. Of these cases, approximately what percent were:
- | | |
|---------------|----------------------|
| jury trials: | _____ % |
| bench trials: | _____ % [total 100%] |
- ii. Of these cases, approximately what percent were:
- | | |
|-----------------------|----------------------|
| civil proceedings: | _____ % |
| criminal proceedings: | _____ % [total 100%] |
- b. Provide citations for all opinions you have written, including concurrences and dissents.
- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature of the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.
 - e. Provide a list of all cases in which certiorari was requested or granted.
 - f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.
 - g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.
 - h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.
 - i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.
14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

I have not served as a judge.

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

15. Public Office, Political Activities and Affiliations:

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

I have not held any public office.

In 2011, and again in 2013, I was nominated to be a commissioner of the U.S. Election Assistance Commission—a Senate-confirmed position. While awaiting confirmation, I had a child and a work promotion and ultimately decided to withdraw my name.

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

In 2020 I served as a policy volunteer with the Biden-Harris Campaign, where I was Co-Chair of the Democracy Committee. In 2009 I volunteered for Friends of David Buchwald. I did not hold any office, but assisted with website translation into Spanish.

In approximately 2017 I served as a member of the Democracy Committee of Governor-Elect Phil Murphy's Policy Transition Team.

16. Legal Career: Answer each part separately.

- a. Describe chronologically your law practice and legal experience after graduation from law school including:
- i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

Hon. Anita Brody
United States District Court for the Eastern District of Pennsylvania
2003 – 2004

Hon. Julio Fuentes
United States Court of Appeals for the Third Circuit
2004 – 2005

- ii. whether you practiced alone, and if so, the addresses and dates;

I have not practiced law alone.

- iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each;

Summer 2003
O'Melveny & Myers, LLP
1625 Eye Street, NW
Washington, DC 20006
Summer Associate

2005 – 2006
Relman, Colfax PLLC (then Relman, Dane, and Colfax)
1225 19th Street, Northwest, # 600
Washington, District of Columbia 20036
Legal Fellow

2006 – present
Brennan Center for Justice at NYU School of Law
120 Broadway, Suite 1750
New York, New York 10027
Director, Voting Rights & Elections Program (formerly Counsel in the Voting Project; Senior counsel in the Voting Project; Deputy Director/Director of the Voting Rights & Elections Project)

- iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have never served as a mediator or arbitrator.

b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.

I lead, supervise, and direct the Brennan Center's voting litigation, research, and policy advocacy nationwide and the attorneys and researchers who perform that work. My team litigates complex civil matters related to election law, and provides litigation counsel and advice to nonprofit clients, often in compressed timetables. Many of our cases have multiple parties (including intervenors), numerous legal

organizations or law firms, and extensive motion practice. We also conduct research and publish studies, testify before legislative bodies, draft legislative and policy proposals, and publish legal scholarship. Throughout my career, I have personally appeared in federal and state courts across the country, arguing key motions and presenting witnesses at trial and in proceedings for preliminary or temporary relief.

- ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

My clients include civic and religious organizations such as the League of Women Voters and its chapters, the NAACP and its state affiliates, Common Cause and its chapters, and the Anti-Defamation League of the Southwest region.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

Approximately 30% of my practice is and has been litigation (including amicus work), although the share of litigation at particular points in time is often quite higher, especially near elections. The non-litigation aspect of my practice involves overseeing a high performing team, drafting legislation, performing research, and drafting public-facing written communication pieces.

- i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 75% |
| 2. state courts of record: | 25% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 0% |

- ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|------|
| 1. civil proceedings: | 100% |
| 2. criminal proceedings: | 0% |

- d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

Because so many voting cases are litigated in the context of upcoming elections, many matters take place in the context of seeking expedient relief, requiring the accumulation of facts, experts, and witnesses, in short order. Against that backdrop, I have argued numerous proceedings in state and federal courts. I have been lead counsel for the Brennan Center in one trial, supervisor of the Brennan Center team in another trial, and lead counsel for the Brennan Center in at least

eight matters involving preliminary or temporary relief. I have argued solely or in part four cases in state trial court on motions for preliminary injunction or summary judgment, and four cases in federal district court on motions for preliminary or summary judgment. Additionally, I have presented expert witnesses in both state and federal court, and lay witnesses in federal court. I have argued before the U.S. Court of Appeals for the Seventh Circuit twice and have been lead counsel for the Brennan Center in appellate matters. I have also appeared before a federal district judge as *amicus* counsel at the remedy phase of a proceeding after liability was found. I have an active Supreme Court amicus practice.

i. What percentage of these trials were:

- | | |
|--------------|------|
| 1. jury: | 0% |
| 2. non-jury: | 100% |

- e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

My practice before the Supreme Court involves participating in the preparation of amicus briefs on behalf of the Brennan Center and leading amicus strategy for the voting rights field, which includes identifying helpful briefs, recruiting amici and pro bono counsel to represent the amici, and serving as a resource to amici and parties before the Court.

I have played a major role in the preparation of the following Amicus Curiae briefs on behalf of either the Center or other petitioners:

Brnovich v. Democratic Nat. Comm., No. 19-1257, 2021 U.S. LEXIS 670 (Jan. 25, 2021) (brief of the Brennan Center for Justice as amicus curiae supporting respondents, 2021 WL 260090)

Husted v. A. Philip Randolph Inst., 138 S. Ct. 1833 (2018) (brief of the Brennan Center for Justice as amicus curiae supporting respondents, 2017 WL 6939164)

Ne. Ohio Coal. for the Homeless v. Husted, 137 S. Ct. 2265 (2017) (brief of the Brennan Center for Justice as amicus curiae supporting petitioners, 2017 WL 1326548)

Shelby County v. Holder, 570 U.S. 529 (2013) (brief of the Brennan Center for Justice as amicus curiae supporting respondents, 2013 WL 417738)

Arizona v. Inter Tribal Council of Ariz., Inc., 570 U.S. 1 (2013) (brief of Constitutional Law Professors as amicus curiae supporting respondents, 2013 WL 267029)

Northwest Austin Mun. Util. Dist. No. One v. Holder, 557 U.S. 193 (2009) (brief for the Brennan Center for Justice as amicus curiae supporting appellee, 2009 WL 797589)

17. **Litigation**: Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- a. the date of representation;
- b. the name of the court and the name of the judge or judges before whom the case was litigated; and
- c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. *Gruver v. Barton* (N.D. Fla., No. 1:19-cv-121), consolidated with *Jones v. DeSantis*, 462 F. Supp. 3d 1196 (N.D. Fla. 2020), *rev'd sub nom Jones v. Governor of Florida*, 975 F.3d 1016 (11th Cir. 2020).

In 2018, Floridians voted for a constitutional amendment to automatically restore voting rights to Floridians who had been convicted of felony offenses (other than murder or a felony sex offense) upon completion of their sentences, including probation and parole. Six months later, the Florida legislature passed Senate Bill 7066 prohibiting citizens with felony convictions from voting unless and until they paid off all outstanding financial obligations imposed in relation to their convictions. On June 28, 2019, S.B. 7066 was signed into law, and the Brennan Center, along with the ACLU, the ACLU of Florida, and the NAACP Legal Defense and Education Fund, filed a lawsuit on behalf of 11 individual Florida residents, the Florida State Conference of the NAACP, the Orange County Branch of the NAACP, and the League of Women Voters of Florida, challenging the new law on various grounds. The Brennan Center's case was consolidated with four other cases challenging S.B. 7066. On October 18, 2019, the Honorable Robert L. Hinkle of the U.S. District Court for the Northern District of Florida granted a preliminary injunction, allowing the individual plaintiffs to vote. In February 2020, the U.S. Court of Appeals for the Eleventh Circuit affirmed the injunction and denied defendants' request for a rehearing *en banc*. On May 24, 2020, following a full trial on the merits, the U.S. District Court ruled in our clients' favor on some claims and ordered remedial action. The defendants appealed, and on September 11, 2020, the Eleventh Circuit reversed and vacated the district court's ruling. I supervised and consulted with numerous team members from the Brennan Center participating in all aspects of litigation throughout the

proceedings, reviewed and revised numerous briefs, and mooted the oralist for the appellate argument.

This was a large case involving numerous parties. Please see below for some of the participating parties.

Co-Counsel for Plaintiffs:

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American Civil Liberties Union Foundation, Inc.
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(212) 284-7332

Leah C. Aden
NAACP Legal Defense and Education Fund, Inc.
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New York, NY 10006
(212) 965-2200

Counsel for Plaintiffs in Consolidated Case, *McCoy v. DeSantis* (N.D. Fla., No. 4:19-cv-00304)

Nancy Gbana Abudu
Southern Poverty Law Center
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Counsel for Plaintiffs in Consolidated Case, *Rayson v. Lee* (N.D. Fla., No. 4:19-cv-00301)

Danielle Lang
Campaign Legal Center
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Defendants' Counsel:

Oren Rosenthal
Miami-Dade County Attorney's Office
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Miami, FL 33128-1930
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2. *Indiana State Conference of the NAACP et al. v. Lawson et al.*, 326 F.Supp.3d 646 (S.D. Ind. 2018), *aff'd sub nom. Common Cause Indiana v. Lawson et al.*, 937 F.3d 944 (7th Cir. 2019).

On August 29, 2017, along with co-counsel, the Brennan Center filed a lawsuit in the U.S. District Court for the Southern District of Indiana on behalf of the Indiana NAACP and the Indiana League of Women Voters against Connie Lawson, the Indiana Secretary of State, and J. Bradley King and Angela Nussmeyer, Indiana Election Division Co-Directors. Indiana relied on the controversial database program known as the Interstate Voter Registration Crosscheck Program (“Crosscheck”) to identify and remove voters from the registration list but eliminated a provision in its statute that provided the notice to voters and waiting period required by the National Voter Registration Act (“NVRA”). The lawsuit challenged the state law that eliminated the NVRA-mandated notice and waiting period. I argued our motion for a preliminary injunction before the Honorable Tonya Walton Pratt. We won, the defendants appealed, and I argued the case before the U.S. Court of Appeals for the Seventh Circuit. The Seventh Circuit affirmed in a 3-0 decision. The state later passed a new law on the same topic, and proceedings on that law also made it to the Seventh Circuit, and I split the oral argument on behalf of plaintiffs.

Related Cases:

Common Cause Indiana v. Lawson et al., 481 F. Supp. 3d 799 (S.D. Ind. 2020).

On October 27, 2017, Common Cause Indiana filed suit in the U.S. District Court for the Southern District of Indiana against the same defendants. The District Court heard the two cases together and, on appeal, the Seventh Circuit consolidated the Brennan Center’s case with the *Common Cause Indiana* case for decision.

Pro Bono Counsel to the Indiana NAACP and Indiana LWV:
Sascha N. Rand
Quinn Emanuel Urquhart & Sullivan, LLP
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Counsel to Common Cause Indiana:
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(212) 485-6055

Sophia Lin Lakin
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Opposing Counsel:
Jefferson S. Garn
Office of the Indiana Attorney General

Indiana Government Center South, 5th Floor
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Indianapolis, IN 46204
(317) 234-7119

3. *Common Cause Georgia v. Raffensperger*, 347 F.Supp.3d 1270 (N.D. Ga. 2018).

On November 5, 2018, the Brennan Center filed a complaint on behalf of Common Cause Georgia to protect against the denial of Georgians' fundamental right to vote as a result of malfeasance or tampering with the State's voter registration database. The database, maintained by the Secretary of States, was vulnerable to hacking, and the security risk was compounded because Georgia's provisional ballot counting process failed to provide adequate protections to voters. Two days later, on November 7, 2018, we filed a motion for temporary restraining order to prevent elections officials from rejecting provisional ballots without additional processes demonstrating that the voter was not eligible to vote or was not registered. On November 8, just days after the election, we had a hearing before the Honorable Amy Totenberg in the U.S. District Court for the Northern District of Georgia. Pre-hearing, I performed legal research, searched for witnesses, identified experts, drafted declarations, and drafted and edited the complaint and motion (along with others). I argued the TRO motion, along with *pro bono* counsel, presented our evidence, and cross-examined the state's witnesses. On November 12, 2018, the court granted in part our request for a temporary restraining order, setting forth certain rules and protocols for counting provisional ballots. That remedy was then incorporated into legislation, allowing the case to be dismissed, and making the remedy more durable and permanent.

Pro Bono Counsel:
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Skip Sugarman (pro bono local counsel)
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Opposing Counsel:
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Special Assistant Attorney General
Strickland Brockington Lewis LLP
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Atlanta, GA 30309

(678) 347-2200

4. *League of Women Voters of Texas v. Pablos*, No. D-1-GN-17-003451 (Tex. 98th Jud. Dist. Ct., Oct. 3, 2017); *In re Pablos*, 2018 WL 699335 (Tex. App. 3rd 2018).

In 2017, former President Trump created a controversial presidential commission to examine voter fraud. A member of that commission requested numerous pieces of voter information from states across the country, information that the Brennan Center believed could be used to purge eligible voters from the registration rolls. While some states expressly indicated they intended to defy the request, others publicly declared they intended to provide the data to the commission.

Many federal lawsuits ensued, and, in addition to nationally focused advocacy, the Brennan Center filed lawsuits in selected states arguing that it was illegal under that state's law to provide the requested information. The Brennan Center, representing the League of Women Voters of Texas, the Texas NAACP, and Ruthann Geer, sought to prevent the Texas Secretary of State from producing the voter information, filing a petition in Texas state court on July 20, 2017. I conceived and devised much of the theory and strategy of the case, performed and supervised much of the relevant state law and factual research, reviewed and revised the papers, and argued a motion for a temporary restraining order before the Honorable Tim Sulak in the District Court of Travis County, Texas, which the court granted on October 3, 2017. Defendants appealed, but the Texas Court of Appeals extended the TRO indefinitely. While the appeal was pending, under much public scrutiny, the president disbanded the commission. Accordingly, the Brennan Center voluntarily dismissed the case. To the best of our knowledge, this case was the only litigation victory that emerged from the numerous lawsuits filed, and more consequently, Texas did not provide any voter data before the commission disbanded.

Co-Counsel:

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Pro Bono Counsel:

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Lead Opposing Counsel:

Esteban S.M. Soto
Assistant Attorney General

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5. *Rick Scott for Senate v. Snipes*, No. CACE 18-026470 (Cir. Ct. 17th Jud. Cir., Broward Cnty., Fla. Nov. 16, 2018).

Following the November 6, 2018, general election, Florida U.S. Senate candidate Rick Scott filed a lawsuit in the Circuit Court for the 17th Judicial Circuit, Broward County, seeking to prevent Broward County from counting valid and timely-cast ballots that the county had not processed by the first-round canvassing deadline.

On behalf of the League of Women Voters of Florida and an individual voter, the Brennan Center and co-counsel successfully moved to intervene as defendants in November 2018, asserting that all valid and timely cast ballots should be counted. At a temporary injunction hearing before Chief Judge Jack Tuter, I argued on behalf of my clients that Florida law supported the counting of the ballots in later canvassing rounds. Pre-hearing, I performed and supervised all stages of litigation including developing our legal position, interviewing clients and preparing declarations, performing legal research and writing, and reviewing and revising filings.

In November 2018, Chief Judge Tuter denied Scott's request for a temporary injunction to halt the ballot counting process. Four days later, Scott withdrew the lawsuit.

The Democratic Senatorial Campaign Committee and the campaign for Bill Nelson (Rick Scott's opponent in the election) also intervened in the case.

Co-Counsel:
Joshua Polster
Simpson Thacher & Bartlett LLP
425 Lexington Avenue
New York, NY 10017-3954
(212) 455-2266

Defendant's Counsel
Scot Andron, Assistant County Attorney
Broward County Governmental Center
115 South Andrews Avenue, Suite 423
Ft. Lauderdale, FL 33301
(954) 357-7600

Plaintiff's Counsel:
Aliette D. Rodz
Shutz & Bowen LLP
200 Biscayne Boulevard, Suite 4100
Miami, FL 33131

(305) 347-7342

Counsel to DSCC/Bill Nelson for U.S. Senate:
Kevin J. Hamilton
Perkins Coie LLP
1201 Third Avenue, Suite 4900
Seattle, WA 98101
(206) 359-8741

6. *League of Women Voters of Florida v. Scott*, No. 4:16-cv-633 (N.D. Fla. Oct. 12, 2016); *Florida Democratic Party v. Scott*, 2016 WL 6080225 (N.D. Fla. Oct. 12, 2016)

Hurricane Matthew hit Florida just four days before the state's October 11 voter registration deadline for the 2016 general election. With the deadline just days away, over 1.5 million Floridians remained under evacuation orders, more than a million were without power, and state and county offices were closed in 43 out of Florida's 67 counties.

On October 10, 2016, in response to a lawsuit filed by the Florida Democratic Party in the U.S. District Court for the Northern District of Florida, the Honorable Mark Walker issued an order extending the deadline by one day. The following day, October 11, 2016, the Brennan Center and co-counsel from Paul, Weiss, Rifkind, Wharton & Garrison, LLP filed a separate lawsuit on behalf of the League of Women Voters of Florida, arguing that an additional extension was needed to afford Floridians sufficient time to register, as required by the National Voter Registration Act. The two cases were consolidated. Pre-hearing, I performed numerous aspects of litigation from conducting legal and factual research, to revising and drafting motions, to coordinating with other counsel. At an October 12, 2016, hearing on the motion for a preliminary injunction, I argued on behalf of the League of Women Voters of Florida.

Following the hearing, the Court granted our request and extended the registration deadline by an additional week, to October 18, 2016. Our successful legal intervention enabled the League and others to reschedule and conduct voter registration drives.

Co-Counsel:
Farrah R. Berse
Paul, Weiss, Rifkind, Wharton & Garrison LLP
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Defendants' Counsel:
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Tallahassee, FL 32302-0664
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7. *Texas State Conference of NAACP Branches et al. v. Perry, consolidated with Veasey v. Perry*, 71 F. Supp. 3d 627 (S.D. Tex. 2014), *aff'd in part, rev'd in part sub nom. Veasey v. Abbott*, 796 F.3d 487 (5th Cir. 2015), *aff'd en banc*, 769 F.3d 890 (5th Cir.), *cert. denied*, 137 S. Ct. 612 (2016)

On September 17, 2013, on behalf of the Texas NAACP and the Mexican American Legislative Caucus of the Texas House of Representatives, the Brennan Center (along with attorneys from the Lawyers' Committee for Civil Rights Under Law, Texas NAACP, and others) commenced a lawsuit in the U.S. District Court for the Southern District of Texas, challenging SB 14, Texas's 2011 photo ID law, as racially discriminatory in violation of Section 2 of the Voting Rights Act and the Fourteenth and Fifteenth Amendments to the U.S. Constitution. The law had failed to pass muster under the preclearance provisions of the Voting Rights Act. In the wake of the Supreme Court's 2013 decision in *Shelby County v. Holder* striking down the coverage formula for preclearance, however, Texas swiftly implemented the law. This case was consolidated with others. The case was complex and lengthy, spanning more than five years, several appeals, and the passage of remedial legislation. In October 2014, the Honorable Nelva Gonzalez Ramos issued an order enjoining the law. Ultimately, an *en banc* Fifth Circuit Court of Appeals affirmed that the originally challenged law violated Section 2 of the Voting Rights Act. I performed and supervised necessary steps at all stages of the litigation, from identifying witnesses and experts, developing the discovery plan, drafting portions of numerous briefs and motions, supervising my team at depositions, defending an expert at deposition, presenting an expert witness at the trial, arguing a disputed legal issue before the court with respect to enforcement of the interim remedy, and arguing a portion of our case on remand to the district court.

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8. *Gessler v. Johnson*, No. 2011CV6588 (Denver Dist. Ct. 2011).

In 2011, Colorado gave counties the option to conduct certain elections entirely by mail. Just before the November 2011 election, the Colorado Secretary of State Scott Gessler issued an order prohibiting counties from sending mail-in ballots to voters who had not voted in the previous year's general election.

When the Denver County Clerk and Recorder announced her intent to send ballots to every eligible voter in the county nonetheless, the Secretary sued in the District Court, Denver County, to force county election administrators to adhere to his directive, even though an in-person voting option was not available in most counties. In October 2011, the Honorable Edward D. Bronfin denied Gessler's preliminary request, which pertained only to the 2011 general election.

Representing Colorado Common Cause, the Brennan Center and the law firm of Holland and Hart successfully moved in October 2011 to intervene as defendants. I performed numerous aspects of litigation, including conceiving and developing the legal theory, performing legal and factual research, and reviewing and revising briefs and motions. At a hearing on the Secretary's request for injunctive relief, I argued in court that the Secretary's interpretation of the law violated both the federal and state constitutions. The Court denied the Secretary's request for injunctive relief and dismissed all remaining claims.

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9. *Little v. LATFOR*, Index No. 2310-2011 (Sup. Ct. Albany Cnty. 2011.)

In 2010, New York State enacted a law requiring that, for redistricting and reapportionment purposes, incarcerated persons be allocated to their home community rather than the community in which they are incarcerated. In 2011, a group of New York State senators and other plaintiffs commenced an action in the Supreme Court of the State of New York, Albany County, alleging that the law violated the New York State Constitution. On May 17, 2011, the Brennan Center, along with numerous other civil rights organizations, moved to intervene as defendants on behalf of three statewide nonprofit organizations and fifteen individuals. I performed and supervised all aspects of litigation including researching and drafting motions and briefs, interviewing clients and preparing their declarations, organizing co-counsel calls, and arguing part of the summary judgment motion before the Honorable Eugene P. Devine. On December 2, 2011, Justice Devine entered judgment in favor of the defendants and intervenors, thus upholding the law's constitutionality.

Plaintiffs appealed directly to the Court of Appeals of the State of New York, attempting to bypass the intermediate appellate court, but dropped their challenge after the Court declined to hear the case. This case played a critical role in upholding an important law addressing how communities are represented.

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10. *United States v. Village of Port Chester*, No. 06-cv-15173, 2008 WL 190502
(S.D.N.Y. Jan. 17, 2008)

On December 15, 2006, the U.S. Department of Justice filed a complaint against the Village of Port Chester, New York, alleging that the Village's at-large system of electing its board of trustees diluted the voting strength of its Hispanic citizens in violation of Section 2 of the Voting Rights Act ("VRA"). In January 2008, the Honorable Stephen C. Robinson of the U.S. District Court for the Southern District of New York found that the at-large system did in fact violate the VRA and directed the parties to submit remedial plans. Beginning in February 2008, the Brennan Center represented Fair Vote as *amicus*

curiae, after its brief had been submitted. I argued at a July 2008 hearing on the remedy in support of Port Chester's use of an alternate voting system, such as cumulative voting or ranked choice voting, as a remedy to the Section 2 violation. In December 2009, the Court approved a consent decree enjoining the Village from conducting any further at-large elections for the Port Chester Board of Trustees and adopting cumulative voting. The new system was a success, and the following June, the Village elected its first Latino member to the Board of Trustees.

Co-Counsel:

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Plaintiff's Counsel (United States):

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Defendant's Counsel:

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18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

I have litigated cases across the country at the state and federal level, and my docket has included some of the country's most high-profile voting cases, including matters related to the cases listed above, and one of the 2020 Pennsylvania election cases. I have provided legislative and policy drafting assistance, on behalf of my employer the Brennan Center for Justice, to federal and state legislators on election-related topics such as automatic voter registration, voter purges, and restoring voting rights to people with past criminal convictions. I provide supervision and direction to a diverse and top-flight

legal team that litigates high-impact cases, including the defense of Florida's Amendment 4, the state ballot measure that restored the right to vote to 1.4 million people with past felony convictions. And my team advances and has advanced state legislation, such as New York's automatic voter registration law and similar measures in numerous states, including California, New Jersey, and Connecticut. I have significant *amicus* experience, including supervising and leading efforts to coordinate *amici* at the state and federal level. In a voting case recently heard by the U.S. Supreme Court, for example, my team and I identified helpful potential brief topics, recruited *amici* and law firms to represent them, proposed outlines and reviewed briefs of the recruited *amici*, and mooted the oralists we were supporting—on top of submitting our own *amicus* brief.

Around 2010, I registered as a lobbyist in Michigan because I was invited to testify before a legislative committee and determined that my efforts would exceed the then-threshold for registration under state law. Along with many Brennan Center policy staff, I am identified on the Brennan Center's Organizational Profile in connection with its New York State biennial lobbying registration. Other than as noted, I am not currently registered as a lobbyist anywhere because I do not perform enough lobbying activity to require registration at the state or federal level. I do report qualifying activity to my employer which reports as required to the relevant federal and state bodies.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

I have been teaching a seminar once a year at Columbia Law School since 2016. Initially, I co-taught a class on Advanced Civil Rights with Kendall Thomas. I later taught that class myself. Of late, I have been solo teaching a seminar on Election Law. Copies of all course syllabi have been supplied.

I taught a clinic on Policy Advocacy for three semesters (one annually) at NYU School of Law between 2013 and 2015. Copies of all course syllabi have been supplied.

20. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

I have a 401(k) plan from the Brennan Center and a Thrift Savings Plan from when I worked at the GAO. I also have IRA accounts.

21. **Outside Commitments During Court Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

I would seek advice and counsel (and proceed accordingly) as to the propriety and feasibility of continuing my teaching and outside community service, including my regular efforts feeding persons who are food insecure, my board memberships, and my service to my church.

22. **Sources of Income**: List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

See attached Financial Disclosure Report.

23. **Statement of Net Worth**: Please complete the attached financial net worth statement in detail (add schedules as called for).

See attached Net Worth Statement.

24. **Potential Conflicts of Interest**:

- a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

If confirmed, I would scrupulously follow the Code of Conduct for United States Judges and seek advice and counsel as to appropriate matters for recusal. I would do so in matters in which the Brennan Center was a party or represented a party; or in matters involving Easi LLC, the staffing agency that employs my husband, or Johnson & Johnson, the company at which he is currently placed. I am not aware of any other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts of interest.

- b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

If confirmed, I would evaluate and resolve any potential conflict of interest by applying rules and standards set forth in 28 U.S.C. § 455, the Code of Conduct for United States Judges, and any other relevant ethical canons or rules, and seek advice and counsel as necessary.

25. **Pro Bono Work**: An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities,

listing specific instances and the amount of time devoted to each.

I have worked almost my entire legal career for a national civil rights organization that provides legal representation without charging for our services as a matter of standard practice. In my personal capacity, I have consistently dedicated much of my non-working hours in service of others by, for example, feeding persons who are food insecure, assisting members of my parish, and offering enrichment opportunities at my son's Title I school.

26. Selection Process:

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

In late February 2021, a member of Senator Schumer's staff reached out to provide me a link to the Senator's judicial application, which I completed. In early March 2021, I had multiple conversations with a member of Senator Schumer's screening committee. On March 12, 2021, I spoke with a member of Senator Schumer's staff. On March 13, 2021, I met with Senator Schumer. On March 29, 2021, I was contacted by an official from the White House Counsel's Office to set up an interview with attorneys from that office, which took place the following day. Since March 30, 2021, I have been in contact with officials at the Office of Legal Policy at the Department of Justice and the White House Counsel's Office. On June 14, 2021, I spoke with White House Counsel Dana Remus. On June 15, 2021, my nomination was submitted to the Senate.

- b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.

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I have worked almost my entire legal career for a national civil rights organization that provides legal representation without charging for our services as a matter of standard practice. In my personal capacity, I have consistently dedicated much of my non-working hours in service of others by, for example, feeding persons who are food insecure, assisting members of my parish, and offering enrichment opportunities at my son's Title I school.

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