

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DONALD AGEE, JR. et al.,
Plaintiffs,
v.
JOCELYN BENSON, et al.,
Defendants.

Case No. 1:22-CV-00272-PLM-RMK-DML

**RESPONSE OF THE MICHIGAN
INDEPENDENT CITIZENS
REDISTRICTING COMMISSION TO
REPORT OF THE REVIEWING
SPECIAL MASTER REGARDING
MICHIGAN STATE SENATE MAP**

The reviewing special master, Dr. Grofman, agrees with the parties that the remedial senate plan (the Crane plan) of the Michigan Independent Citizens Redistricting Commission (the Commission) “adequately addresses the constitutional concerns of the Court by offering a plan in which race is not a preponderant motive and in which the criteria specified by the Michigan Constitution are satisfied.” ECF No. 188 at 14, PageID.5922. There is no basis for this Court to enjoin the Crane plan. *See North Carolina v. Covington*, 585 U.S. 969, 979 (2018) (per curiam); *Abrams v. Johnson*, 521 U.S. 74, 85 (1997) (“In the absence of a finding that the legislature’s reapportionment plan offended either the Constitution or the Voting Rights Act,” a federal court is “not free . . . to disregard the political program’ of the state legislature.” (citation omitted)).

Most importantly, Dr. Grofman agrees with the parties that the Crane plan “has made substantial demographic shifts in all six of the districts that were invalidated in the previous litigation.” ECF No. 188 at 8, PageID.5916. Because it does not carry forward past racial motivation this Court found in the prior plan (the Linden plan), the Crane plan remedies the violation. *See Covington*, 585 U.S. at 978. Dr. Grofman also finds no basis to believe new racial considerations entered the line-drawing. *See* ECF No. 188 at 14, PageID.5922 (concluding

that “race is not a preponderant motive”). There is then no argument or evidence that the Crane plan violates the Constitution.

Like Plaintiffs’ expert, Dr. Trende, Dr. Grofman offers no objection founded in the Voting Rights Act (the VRA). But, like Dr. Trende, Dr. Grofman’s position on VRA compliance is more tentative than the case warrants. The Commission responds to his VRA position here.

A. The Court Has No Legal or Evidentiary Basis to Enjoin the Crane Plan

As an initial matter, Dr. Grofman acknowledges that the record is insufficient to establish a VRA violation and proposes that the question be left for future litigation. ECF No. 188 at 14, PageID.5922. This conclusion, if nothing else, renders an injunction untenable. For one thing, the VRA question Dr. Grofman raises pertains to Crane plan’s district 7 (SD7). District 7 in the Linden plan was not enjoined, and no Plaintiff has been shown to reside in SD7 as redrawn. Hence, it is not established that the Court has jurisdiction to consider potential defects in SD7. *See United States v. Hays*, 515 U.S. 737 (1995); *see* ECF No. 175 at 9–10, PageID.5854-55.

Moreover, VRA liability cannot be found unless the “exacting requirements” of Section 2 are met. *Allen v. Milligan*, 599 U.S. 1, 30 (2023). The Court would first have to find that the three so-called *Gingles* preconditions are proven: (1) “the minority group must be able to demonstrate that it is sufficiently large and geographically compact to constitute a majority in a single-member district,” (2) “the minority group must be able to show that it is politically cohesive,” and (3) “the minority must be able to demonstrate that the white majority votes sufficiently as a bloc to enable it . . . usually to defeat the minority’s preferred candidate.” *Thornburg v. Gingles*, 478 U.S. 30, 50–51 (1986); *see Abrams*, 521 U.S. at 91–92. “If a plaintiff

makes that showing, it must then go on to prove that, under the totality of the circumstances, the district lines dilute the votes of the members of the minority group.” *Abbott v. Perez*, 585 U.S. 579, 614 (2018).

No evidence meets these standards. This Court overruled VRA objections to the house remedial plan (Motown Sound) because Plaintiffs made “close to zero effort to show that the remedial plan actually violates the VRA.” ECF No. 175 at 9, PageID.5854. Here, there is *no* VRA-based objection. Nor could there be. As to the second and third preconditions, Dr. Grofman provides no evidence of minority cohesion or legally significant white bloc voting. *See Grove v. Emison*, 507 U.S. 25, 42 (1993) (“Section 2 ‘does not assume the existence of racial bloc voting; plaintiffs must prove it.’” (citation omitted)). As to the first precondition, Dr. Grofman proposes “that it is possible to draw four Black majority citizen voting age districts for the Michigan Senate in the vicinity of Wayne County and Detroit.” ECF No. 188 at 13, PageID.5921. But the first precondition is not so easily satisfied. Proposed majority-minority districts must be “reasonably configured,” *Wisconsin Legislature v. Wisconsin Elections Comm’n*, 595 U.S. 398, 402 (2022), which requires compliance with “traditional districting principles such as maintaining communities of interest and traditional boundaries,” *Abrams*, 521 U.S. at 92 (citation omitted). There is no evidence before the Court satisfying that standard. As shown below, § C, Dr. Grofman’s discussion of alternative configurations suggests that the standard cannot be met.

Finally, the Court cannot in this posture conclude that Section 2 liability exist under the totality of the circumstances. *See Wisconsin Legislature*, 595 U.S. at 405.

B. All Probative Evidence Shows That the Crane Plan Provides the Opportunity Dr. Grofman Suggests May Be Required

Not only is there an absence of evidence showing a VRA defect; overriding evidence proves there is no defect. VRA liability cannot lie without proof of “the possibility of creating more than the existing number of reasonably compact districts with a sufficiently large minority population to elect candidates of its choice.” *Johnson v. De Grandy*, 512 U.S. 997, 1008 (1994). Dr. Grofman and Dr. Trende both propose that the requisite number of opportunity districts in Metropolitan Detroit is four. ECF No. 185-1 at 7, PageID.5904; ECF No. 188 at 13, PageID.5921. While that assertion is like wrong, *see* § C, *infra*, the mark is satisfied in all events.

Dr. Grofman agrees with the Commission that three Detroit-area districts (SD1, SD3, and SD6) in the Crane plan are “clearly” opportunity districts. ECF No. 188 at 8, PageID.5916. Indeed, accounting for citizenship, each (including SD1) is a majority-minority district.¹ *See id.* at 9, PageID.5917. Regardless, Dr. Grofman is correct that, while an *illustrative* district proffered to establish Section 2 liability must be a majority-minority district, *see Bartlett v. Strickland*, 556 U.S. 1, 18, (2009) (plurality opinion), an enacted district challenged under Section 2 can *satisfy* the VRA even if it falls below the majority-minority mark, *Cooper v. Harris*, 581 U.S. 285, 287 (2017); ECF No. 188 at 4–5, PageID.5912-13. By consequence, because SD1 clearly affords at least equal Black opportunity, it satisfies the VRA whether or not it is considered a majority-minority district. ECF No. 188 at 8, PageID.5916.

¹ Citizenship (viewed through the Citizen Voting Age Population (CVAP) metric) is highly probative, given that non-citizens lack voting rights. *See League of United Latin Am. Citizens v. Perry*, 548 U.S. 399, 429 (2006).

Dr. Grofman, however, questions the Commission's view that SD7 is also an opportunity district (for a total of four), calling that assertion "somewhat problematic, though not obviously wrong." ECF No. 188 at 13, PageID.5921. But the assertion is not problematic. Dr. Grofman independently confirms "that African-American potential voters in the Democratic primary in District 7 are likely to outnumber potential non-African-American voters in that primary." *Id.* Thus, SD7 provides at least equal electoral opportunity to Black voters in the Democratic primary. Dr. Grofman balks at that conclusion only because this advantage is "not by a large margin." *Id.* That is unduly hesitant in both factual and legal respects.

On the facts, Dr. Grofman places too much weight on the estimated voter *pool* and ignores estimated *turnout*. The Commission's VRA expert, Dr. Maxwell Palmer, estimates that Black voters in SD& hold a 31.2% to 30.6% edge over white voters in the Democratic primary pool, but a much more robust superiority in actual primary turnout—54% to 41% in 2018 and 50% to 45% in 2022. Ex. A, Expert Report of Dr. Palmer ¶ 7. Black voters, if they are cohesive, can decisively prevail over white voters, even if they are cohesive, in SD7. Because elections are decided by voters who turn out, not merely by those registered, turnout estimates provide probative information that cannot be ignored.² *Cf. Wright v. Sumter Cnty. Bd. of Elections & Registration*, 301 F. Supp. 3d 1297, 1318 (M.D. Ga. 2018), *aff'd*, 979 F.3d 1282 (11th Cir. 2020) ("While African Americans do outnumber whites on the voter rolls, the

² Evidence of high Black participation also signals that key totality-of-circumstances factors, requiring proof that "the level of black participation is depressed," *United States v. Marengo Cnty. Comm'n*, 731 F.2d 1546, 1568 (11th Cir. 1984) (citation omitted), cut against Section 2 liability. *See Salas v. Sw. Texas Jr. Coll. Dist.*, 964 F.2d 1542, 1556 (5th Cir. 1992) ("[T]he high incidence of Hispanic registration in the District is persuasive evidence that Hispanic voters are not deterred from participation in the political process because of the effects of prior discrimination, including unemployment, illiteracy, and low income.").

voting booth is another story.”); *Uno v. City of Holyoke*, 72 F.3d 973, 986–87 (1st Cir. 1995) (discussing the significance of low turnout).

On the law, Dr. Grofman misses that Section 2 guarantees only equal “opportunity,” 52 U.S.C. § 10301(b), not success, let alone “by a large margin,” ECF No. 188 at 13, PageID.5921.³ “Properly conceived, the results test protects racial minorities against a stacked deck but does not guarantee that they will be dealt a winning hand.” *Uno*, 72 F.3d at 982. The point of Section 2 “is to provide a level playing field on which minority candidates—like all candidates—will be exposed only to the routine vicissitudes of the electoral process, not to special impediments arising out of the intersection of race and the electoral system.” *Id.* at 986; see also *Smith v. Brunswick Cnty., Va., Bd. of Sup’rs*, 984 F.2d 1393, 1400–01 (4th Cir. 1993). Here, where the Democratic primary pool in SD7 consists of more Black than white registered voters, and where Black primary turnout is likely to exceed white turnout by a comfortable margin, the district provides the even playing field Section 2 requires. Just as “minority voters are not immune from the obligation to pull, haul, and trade to find common political ground,” *Johnson*, 512 U.S. at 1020, Section 2 does not relieve them of the duty to vote, see *Salas*, 964 F.2d at 1556 (“Obviously, a protected class is not entitled to § 2 relief merely because it turns out in a lower percentage than whites to vote.”). Viewed under the correct legal standard, SD7 affords the requisite equality of opportunity. Whether or not—and how—Black voters exercise that opportunity is up to them.

³ Dr. Grofman, of course, speaks only “from a social science point of view,” ECF No. 188 at 14, PageID.5922, and rightly does not weigh in on the governing law.

C. No Evidence Establishes Four Opportunity Districts as the Section 2 Baseline

Besides, no competent evidence supports the assumption that Section 2 mandates four Detroit-area opportunity senate districts. As explained, the first *Gingles* preconditions requires proof that additional minority opportunity is available—by means of illustrative majority-minority districts that are reasonably configured in accord with traditional districting principles, including communities of interest and traditional boundaries. *Wisconsin Legislature*, 595 U.S. at 402; *Abrams*, 521 U.S. at 88; *see also, e.g., Holder v. Hall*, 512 U.S. 874, 880–81 (1994) (explaining the analytical role of a “benchmark for comparison” in Section 2 cases); *Reno v. Bossier Par. Sch. Bd.*, 528 U.S. 320, 334 (2000) (similar discussion).

Dr. Grofman notes that he “independently verified” that “it is possible to draw four Black majority citizen voting age districts for the Michigan Senate in the vicinity of Wayne County and Detroit.” ECF No. 188 at 13, PageID.5921. But he did not submit his alternative configurations for this Court’s or the parties’ review. *See Magnolia Bar Ass’n, Inc. v. Lee*, 994 F.2d 1143, 1151 n.6 (5th Cir. 1993) (explaining that the first precondition “specifically contemplates the creation of hypothetical districts”); *Abrams*, 521 U.S. at 84 (discounting “late submission” of alternative remedial plan from Justice Department’s demographer, which prevented him “from being cross-examined about racial motivations”).

Moreover, there are compelling reasons to conclude that Dr. Grofman’s proposal would not be reasonably configured. Dr. Grofman proposes that SD7 might be converted “to a majority African-American district by adding a small portion of African-American population from Detroit” ECF No. 188 at 13, PageID.5921. If that sounds familiar, that is because it is the approach this Court’s liability ruling condemns—extending districts north to south into and out of Detroit, spoke-like, to achieve racial goals. *See, e.g.,* ECF No. 131 at

88–96, PageID.4793-99 (discussing former senate districts 8 and 11). Indeed, Dr. Grofman’s proposed configuration would appear to replicate aspects of Linden plan district 8, which extended from Birmingham down into the Schoolcraft neighborhood of Detroit, despite demographic and cultural differences between these places. ECF No. 131 at 91, PageID.4794; *see also* 3.Tr. 105:16–23, ECF No. 104, PageID.2896. SD7 contains Birmingham, but heeding this Court’s ruling, the Commission ended its southern border at Eight Mile Road.

Dr. Grofman’s proposal that SD7 cross into Detroit would compel the Commission back into the redistricting approach this Court rejected, and the proposal cannot be reasonably configured under the first *Gingles* precondition. *See, e.g., Milligan*, 599 U.S. at 30 (2023) (holding that “§ 2 never requires adoption of districts that violate traditional redistricting principles” (quotation and alteration marks omitted); *id.* at 43 (Kavanaugh, J., concurring) (rejecting reading of Section 2 that would force states “to group together geographically dispersed minority voters into unusually shaped districts, without concern for traditional districting criteria such as county, city, and town lines”); *Abrams*, 521 U.S. at 88 (rejecting advocacy for additional majority-minority district in remedial plan where (“[n]o other plan demonstrated a second majority-black district could be drawn while satisfying the constitutional requirement that race not predominate over traditional districting principles”). At a more basic level, it would be entirely unfair for the Court to strike down Linden district 8 as a racial gerrymander and then strike down SD7 because it is insufficiently like Linden district 8.⁴ *See Alexander v. S.C. State Conf. of the NAACP*, 144 S. Ct. 1221, 1267 (2024) (Thomas,

⁴ The proposal may also in certain respects replicate Linden district 7, which also crossed Eight Mile Road. Although the Court did not adjudicate a claim against that district, the Commission had overriding reasons to view the Court’s opinion as discouraging a configuration of SD7 that crosses into Detroit.

J., concurring) (explaining how racial-gerrymandering and Section 2 jurisprudence can place “States in a lose-lose situation”).

Perhaps recognizing that his majority-minority proposal is unworkable, Dr. Grofman offers the following enigmatic alternative:

African American population can also be added to District 7 by slightly reconfiguring the district and its neighbors even without drawing on population from Detroit in such a fashion that an argument for District 7 being a “realistic opportunity to elect” district (though not actually a majority African-American district) can be substantially strengthened.

ECF No. 188 at 13, PageID.5921. Several defects plague this assertion. Most importantly, it does not support Dr. Grofman’s thesis that four reasonably configured *majority-minority* districts are possible. *See id.* Dr. Grofman admits that SD7 would “not actually [be] a majority African-American district” without crossing Eight Mile Road. *Id.* The first *Gingles* precondition, however, is not satisfied without proof of an additional, reasonably configured majority-minority district. *Bartlett*, 556 U.S. at 18. There is no Section 2 obligation to bolster “an argument” that SD7 is an opportunity district without predicate proof of a reasonably configured majority-minority district.⁵ The use of race in this context, without a threshold showing under the first precondition, would not be narrowly tailored. *See Shaw v. Hunt*, 517 U.S. 899, 916 (1996).

Besides, it is difficult to see how reworking SD7 with “its neighbors” would be effective in terms of minority opportunity or reasonably configured in terms of neutral criteria. As to

⁵ As noted, it is important to distinguish the Section 2 hypothetical baseline standard (which contains a 50% minority voting-age population threshold) from an enacted plan to be judged against that standard (which need not be 50% minority voting-age population district to pass the test). Here, because Dr. Grofman is proposing a hypothetical legal measuring stick, the 50% rule applies.

minority opportunity, SD7 already contains (for race-neutral reasons) Pontiac and Southfield, which are the predominantly Black regions of Oakland County. Districts to the east and west are predominantly white. It is a mystery how east-west alterations would bolster SD7's claim to opportunity status. As to neutral criteria, it is unclear at best how SD7 could be revised without sacrificing (and, hence, subordinating) non-racial criteria. See *Bethune-Hill v. Virginia State Bd. of Elections*, 580 U.S. 178, 190 (2017); *Milligan*, 599 U.S. at 30–33 (plurality opinion). SD7 and its neighbors (SD9, SD10 and SD13) are all highly compact, regular, and rectangular districts. To reformulate these to bring more Black residents (from an unknown location) into SD7 would almost certainly inject jagged edges and political-subdivision splits into these districts, snatching irregularity from the jaws of regularity—because of race.

In sum, nothing supports the assertion that Section 2 requires four Detroit-area opportunity districts, and everything Dr. Grofman enigmatically states on the topic signals that it almost certainly does not. Because the VRA and the Constitution are both satisfied, this Court cannot enjoin the Crane plan.

CONCLUSION

As the parties and the special master all agree, the Court should not enjoin the Crane plan. It should declare that the Secretary of State may administer that plan in future elections.

Dated: July 19, 2024

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CERTIFICATE OF SERVICE

I hereby certify that on July 19, 2024, a true and correct copy of the foregoing was filed via the Court's CM/ECF system and served via electronic filing upon all counsel of record in this case.

/s/ David H. Fink
David H. Fink

EXHIBIT A

EXHIBIT A

EXPERT REPORT OF MAXWELL PALMER, PH.D.

I, Dr. Maxwell Palmer, declare as follows:

1. My name is Maxwell Palmer. I am currently an Associate Professor of Political Science at Boston University. I joined the faculty at Boston University in 2014, after completing my Ph.D. in Political Science at Harvard University. I was promoted to Associate Professor, with tenure, in 2021. I am also a Civic Tech Fellow in the Faculty of Computing & Data Sciences and a Faculty Fellow at the Initiative on Cities. I teach and conduct research on American politics and political methodology.
2. I submitted reports in this matter on March 8, 2023 and March 15, 2024. My qualifications are set out in my first report. An updated curriculum vitae is attached to this report.
3. I have been asked by counsel at Fink Bressack to describe the methodology used to advise the Michigan Independent Citizens Redistricting Commission (MICRC) with its task of redrawing Senate districts in the Wayne County area. I was also asked to opine on the Special Master's evaluation of the ability of Black voters in Senate District 7 to elect their preferred candidates under the proposed map.
4. In advising the MICRC on whether the proposed state senate plans complied with the Voting Rights Act, I used the same methodology that I developed in collaboration with Dr. Lisa Handley for the state house remedial process in January and February, 2024. That methodology was described in detail in my March 15, 2024 report.
5. We developed two approaches to examine whether Black-preferred candidates would be likely to win the Democratic primaries in the proposed district. In the first method, we estimated turnout in the Democratic primary. When estimated Black turnout exceeds estimated White turnout in the Democratic primary, it is possible for Black voters to elect their candidate of choice when they cohesively support one candidate, even if White voters are cohesive in their opposition to that candidate. In the second method, we use the Michigan voter file and general election results to estimate the number of Black and White voters who supported the Democratic candidate in the general election. We call this group the "Democratic Primary Pool," and they represent the set of Democratic voters who could be potentially mobilized to vote in the Democratic primary. When there are more Black voters than White voters in this group, it suggests that there is a sufficiently large population of Black Democratic to nominate the Black-preferred candidate in the primary if they cohesively support a single candidate.
6. Both of these methods rely on a conservative assumption that Black voters cohesively support a single candidate and that White voters cohesively support a single candidate, such that the primary contest is highly polarized. If White voters are less cohesive

than Black voters, then these districts would elect Black-preferred candidates with lower levels of Black voter turnout in the primary. Additionally, it is in two-candidate highly-polarized primaries like these where performance can most clearly be analyzed. When there are many candidates or when voting is less polarized, there may not be identifiable Black-preferred and White-preferred candidates, and the performance question is not clearly answerable. In my first report in this matter I examined many cases of primaries where the preferred candidates are not clear, or where there were not preferred candidates.

7. In the July 12, 2024, “Report of the Reviewing Special Master,” Dr. Grofman uses the VRA analysis of the Crane A1 map to assess performance of Senate District 7 (p.13, at 6). Dr. Grofman writes “The Commission labels District 7 an additional (fourth) realistic opportunity to elect district, because, by their estimates, African American potential voters in the Democratic primary outnumber potential non-African American voters in that primary. But the margin they estimate is very small (31.2% vs. 30.6%).” In this analysis, Dr. Grofman relies on the second measure of VRA performance, the Democratic primary pool, alone. However, the first measure, estimated turnout in the 2018 and 2022 primary elections, provides further evidence that SD 7 is likely to perform as an opportunity to elect district. I estimate that in the 2018 Democratic primary, 54% of the voters were Black and 41% of the voters were White, and in the 2022 Democratic primary, 50% of the voters were Black and 45% of the voters were White. In both elections, Black voters made up a larger share of the Democratic primary electorate than White voters. Therefore, in a polarized election where Black voters cohesively support one candidate and White voters cohesively support a different candidate, Black voters would have the opportunity to elect their preferred candidate in a Democratic primary with similar levels of turnout.
8. Both metrics for VRA performance, estimated Democratic primary turnout and estimated Democratic primary pool, are valuable for assessing the ability of Black voters in SD 7 to elect their candidates of choice. As described in my March 15, 2024 report, these metrics are calculated using different data sources, and reflect different approaches towards measuring opportunity to elect.¹ The fact that both metrics indicate that SD 7 would perform as an opportunity to elect district for Black voters indicates that, despite the narrow margin highlighted by Dr. Grofman in the Democratic primary pool result, Black voters are likely to outnumber White voters in Democratic primaries in this district.

¹The Democratic primary turnout metric relies on past primary election turnout data and census data to estimate turnout rates by race in Democratic primaries in each county. The Democratic primary pool metric uses voter registration data to estimate the race of each registered voter in the district, and combines that with general election results to estimate the number of Democratic voters of each race who could participate in the primary.

I reserve the right to supplement my report in this case in light of additional facts, testimony, and/or materials that may come to light.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

A handwritten signature in cursive script that reads "Maxwell Palmer". The signature is written in black ink and has a long, sweeping underline.

Maxwell Palmer

Executed this 18th day of July, 2024, at Arlington, Massachusetts.

Maxwell Palmer

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- Selected chapters republished in *Political Science Quarterly*.
 - Reviewed in *Perspectives on Politics*, *Political Science Quarterly*, *Economics 21*, *Public Books*, *City Journal*, and *Urban Studies*.
 - Covered in Vox’s “The Weeds” podcast, CityLab, Slate’s “Gabfest,” Curbed, Brookings Institution Up Front.
- REFEREED ARTICLES Einstein, Katherine Levin and Maxwell Palmer. Forthcoming. “How Affordable Housing Can Exclude: The Political Economy of Subsidized Housing.” *Journal of Political Institutions and Political Economy*.

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Ansolabehere, Stephen, Maxwell Palmer, and Benjamin Schneer. 2016. “What Has Congress Done?” in *Governing in a Polarized Age: Elections, Parties, and Political Representation in America*, eds. Alan Gerber and Eric Schickler. New York, NY: Cambridge University Press.

POLICY
REPORTS

Glick, David M., Katherine Levine Einstein, and Maxwell Palmer. 2023. *2022 Menino Survey of Mayors: Economic Opportunity, Poverty, and Well-Being*. Research Report. Boston University Initiative on Cities.

Glick, David M., Katherine Levine Einstein, and Maxwell Palmer. 2023. *2022 Menino Survey of Mayors: Mayors and the Climate Crisis*. Research Report. Boston University Initiative on Cities.

Einstein, Katherine Levine and Maxwell Palmer. 2022. *Greater Boston Housing Report Card 2022, Special Topic: Who Can Win the Lottery? Moving Toward Equity in Subsidized Housing*. Research Report. The Boston Foundation.

Glick, David M., Katherine Levine Einstein, and Maxwell Palmer. 2022. *Looking back on ARPA and America’s Cities: A Menino Survey Reflection*. Research Report. Boston University Initiative on Cities.

Einstein, Katherine Levine and Maxwell Palmer. 2022. *Representation in the Housing Process: Best Practices for Improving Racial Equity*. Research Report. The Boston Foundation.

Glick, David M., Katherine Levine Einstein, and Maxwell Palmer. 2022. *2021 Menino Survey of Mayors: Closing the Racial Wealth Gap*. Research Report. Boston University Initiative on Cities.

Glick, David M., Katherine Levine Einstein, and Maxwell Palmer. 2021. *2021 Menino Survey of Mayors: Building Back Better*. Research Report. Boston University Initiative on Cities.

Glick, David M., Katherine Levine Einstein, Maxwell Palmer, Stacy Fox, Katharine Lusk, Nicholas Henninger, and Songhyun Park. 2021. *2020 Menino Survey of Mayors: Policing and Protests*. Research Report. Boston University Initiative on Cities.

Glick, David M., Katherine Levine Einstein, Maxwell Palmer, and Stacy Fox. 2020. *2020 Menino Survey of Mayors: COVID-19 Recovery and the Future of Cities*. Research Report. Boston University Initiative on Cities.

de Benedictis-Kessner, Justin and Maxwell Palmer. 2020. *Got Wheels? How Having Access to a Car Impacts Voting.* *Democracy Docket.*

Palmer, Maxwell, Katherine Levine Einstein, and David Glick. 2020. *Counting the City: Mayoral Views on the 2020 Census.* Research Report. Boston University Initiative on Cities.

Einstein, Katherine Levine, Maxwell Palmer, Stacy Fox, Marina Berardino, Noah Fischer, Jackson Moore-Otto, Aislinn O'Brien, Marilyn Rutecki and Benjamin Wuesthoff. 2020. *COVID-19 Housing Policy.* Research Report. Boston University Initiative on Cities.

Einstein, Katherine Levine, Maxwell Palmer, David Glick, and Stacy Fox. 2020. *Mayoral Views on Cities' Legislators: How Representative are City Councils?* Research Report. Boston University Initiative on Cities.

Einstein, Katherine Levine and Maxwell Palmer. 2020. "Newton and other communities must reform housing approval process." *The Boston Globe.*

Einstein, Katherine Levine, David Glick, Maxwell Palmer and Stacy Fox. 2020. "2019 Menino Survey of Mayors." Research Report. Boston University Initiative on Cities.

Palmer, Maxwell, Katherine Levine Einstein, David Glick, and Stacy Fox. 2019. *Mayoral Views on Housing Production: Do Planning Goals Match Reality?* Research Report. Boston University Initiative on Cities.

Wilson, Graham, David Glick, Katherine Levine Einstein, Maxwell Palmer, and Stacy Fox. 2019. *Mayoral Views on Economic Incentives: Valuable Tools or a Bad Use of Resources?.* Research Report. Boston University Initiative on Cities

Einstein, Katherine Levine, David Glick, Maxwell Palmer and Stacy Fox. 2019. "2018 Menino Survey of Mayors." Research Report. Boston University Initiative on Cities.

Einstein, Katherine Levine, Katharine Lusk, David Glick, Maxwell Palmer, Christiana McFarland, Leon Andrews, Aliza Wasserman, and Chelsea Jones. 2018. "Mayoral Views on Racism and Discrimination." National League of Cities and Boston University Initiative on Cities.

Einstein, Katherine Levine, David Glick, and Maxwell Palmer. 2018. "As the Trump administration retreats on climate change, US cities are moving forward." *The Conversation.*

Einstein, Katherine Levine, David M. Glick, Maxwell Palmer, and Robert Pres-
sel. 2018. “Few big-city mayors see running for higher office as appealing.” LSE
United States Politics and Policy Blog.

Einstein, Katherine Levine, David Glick, and Maxwell Palmer. 2018. “2017 Menino
Survey of Mayors.” Research Report. Boston University Initiative on Cities.

Williamson, Ryan D., Michael Crespín, Maxwell Palmer, and Barry C. Edwards.
2017. “This is how to get rid of gerrymandered districts.” *The Washington Post*,
Monkey Cage Blog.

Palmer, Maxwell and Benjamin Schneer. 2015. “How and why retired politicians
get lucrative appointments on corporate boards.” *The Washington Post*, Monkey
Cage Blog.

CURRENT
PROJECTS

“Descended from Immigrants and Revolutionists: How Family Immigration His-
tory Shapes Legislative Behavior in Congress” (with James Feigenbaum and Ben-
jamin Schneer). *R&R at Quarterly Journal of Economics*.

“When are Mayors Polarized?” (with Katherine Levine Einstein and David M.
Glick)

“The Gray Vote: How Older Home-Owning Voters Dominate Local Elections.”
(with Katherine Levine Einstein, Ellis Hamilton, and Ethan Singer).

“Durable Majority Gerrymanders: Where Partisan Gerrymandering can Displace
Democracy” (with Benjamin Schneer)

“Who Should Make Decisions? Public Perceptions of Democratic Inclusion in
Housing Policy.” (With Justin de Benedictis-Kessner and Katherine Levine Ein-
stein).

“Renters in an Ownership Society: Property Rights, Voting Rights, and the Mak-
ing of American Citizenship.” Book Project. With Katherine Levine Einstein.

“Menino Survey of Mayors 2023.” Co-principal investigator with David M. Glick
and Katherine Levine Einstein.

GRANTS
AND AWARDS

The Boston Foundation Grant. “2024 Greater Boston Housing Report Card” (Co-
principal investigator). 2024. \$79,600.

The Rockefeller Foundation, “Menino Survey of Mayors” (Co-principal investi-
gator). 2021–2024. \$355,000.

The Boston Foundation Grant. “2022 Greater Boston Housing Report Card” (Co-principal investigator). 2022. \$70,000.

American Political Science Association, **Heinz Eulau Award**, for the best article published in *Perspectives on Politics* during the previous calendar year, for “**Who Participates in Local Government? Evidence from Meeting Minutes.**” (with Katherine Levine Einstein and David M. Glick). 2020.

Boston University Initiative on Cities, COVID-19 Research to Action Seed Grant. “How Are Cities Responding to the COVID-19 Housing Crisis?” 2020. \$8,000.

The Rockefeller Foundation, “Menino Survey of Mayors” (Co-principal investigator). 2017. \$325,000.

Hariri Institute for Computing, Boston University. Junior Faculty Fellow. 2017–2020. \$10,000.

The Rockefeller Foundation, “2017 Menino Survey of Mayors” (Co-principal investigator). 2017. \$100,000.

The Center for Finance, Law, and Policy, Boston University, Research Grant for “From the Capitol to the Boardroom: The Returns to Office from Corporate Board Directorships,” 2015.

Senator Charles Sumner Prize, Dept. of Government, Harvard University. 2014.
Awarded to the best dissertation “from the legal, political, historical, economic, social or ethnic approach, dealing with means or measures tending toward the prevention of war and the establishment of universal peace.”

The Center for American Political Studies, Dissertation Research Fellowship on the Study of the American Republic, 2013–2014.

The Tobin Project, Democracy and Markets Graduate Student Fellowship, 2013–2014.

The Dirksen Congressional Center, Congressional Research Award, 2013.

The Institute for Quantitative Social Science, Conference Travel Grant, 2014.

The Center for American Political Studies, Graduate Seed Grant for “Capitol Gains: The Returns to Elected Office from Corporate Board Directorships,” 2014.

The Institute for Quantitative Social Science, Research Grant, 2013.

Bowdoin College: High Honors in Government and Legal Studies; Philo Sherman Bennett Prize for Best Honors Thesis in the Department of Government, 2008.

SELECTED
PRESENTATIONS

“How Affordable Housing Can Exclude: The Political Economy of Subsidized Housing.” Political Economy of Housing Conference, University of Southern California, Sol Price School of Public Policy, 2024.

“A Partisan Solution to Partisan Gerrymandering: The Define-Combine Procedure.” MIT Election Data and Science Lab, 2020.

“Who Represents the Renters?” Local Political Economy Conference, Washington, D.C., 2019.

“Housing and Climate Politics,” Sustainable Urban Systems Conference, Boston University 2019.

“Redistricting and Gerrymandering,” American Studies Summer Institute, John F. Kennedy Presidential Library and Museum, 2019.

“The Participatory Politics of Housing,” Government Accountability Office Seminar, 2018.

“Descended from Immigrants and Revolutionists: How Immigrant Experience Shapes Immigration Votes in Congress,” Congress and History Conference, Princeton University, 2018.

“Identifying Gerrymanders at the Micro- and Macro-Level.” Hariri Institute for Computing, Boston University, 2018.

“How Institutions Enable NIMBYism and Obstruct Development,” Boston Area Research Initiative Spring Conference, Northeastern University, 2017.

“Congressional Gridlock,” American Studies Summer Institute, John F. Kennedy Presidential Library and Museum, 2016.

“Capitol Gains: The Returns to Elected Office from Corporate Board Directorships,” Microeconomics Seminar, Department of Economics, Boston University, 2015.

“A Two Hundred-Year Statistical History of the Gerrymander,” Congress and History Conference, Vanderbilt University, 2015.

“A New (Old) Standard for Geographic Gerrymandering,” Harvard Ash Center Workshop: How Data is Helping Us Understand Voting Rights After Shelby County, 2015.

“Capitol Gains: The Returns to Elected Office from Corporate Board Directorships,” Boston University Center for Finance, Law, and Policy, 2015.

“Capitol Gains: The Returns to Elected Office from Corporate Board Directorships,” Bowdoin College, 2014.

American Political Science Association: 2013, 2014, 2015, 2016, 2018, 2019, 2020, 2022

Midwestern Political Science Association: 2012, 2013, 2014, 2017, 2019, 2023

Southern Political Science Association: 2015, 2018

European Political Science Association: 2015

EXPERT
TESTIMONY
AND CONSULTING

Bethune-Hill v. Virginia (3:14-cv-00852-REP-AWA-BMK), U.S. District Court for the Eastern District of Virginia. Prepared expert reports and testified on racial predominance and racially polarized voting in selected districts of the 2011 Virginia House of Delegates map. (2017)

Thomas v. Bryant (3:18-CV-441-CWR-FKB), U.S. District Court for the Southern District of Mississippi. Prepared expert reports and testified on racially polarized voting in a district of the 2012 Mississippi State Senate map. (2018–2019)

Chestnut v. Merrill (2:18-cv-00907-KOB), U.S. District Court for the Northern District of Alabama. Prepared expert reports and testified on racially polarized voting in selected districts of the 2011 Alabama congressional district map. (2019)

Dwight v. Raffensperger (No. 1:18-cv-2869-RWS), U.S. District Court for the Northern District of Georgia. Prepared expert reports and testified on racially polarized voting in selected districts of the 2011 Georgia congressional district map. (2019)

Bruni, et al. v. Hughs (No. 5:20-cv-35), U.S. District Court for the Southern District of Texas. Prepared expert reports and testified on the use of straight-ticket voting by race and racially polarized voting in Texas. (2020)

Caster v. Merrill (No. 2:21-cv-1536-AMM), U.S. District Court for the Northern District of Alabama. Prepared expert report and testified on racially polarized voting in selected districts of the 2021 Alabama congressional district map. (2022)

Pendergrass v. Raffensperger (1:21-CV-05339-SCJ), U.S. District Court for the Northern District of Georgia. Prepared expert reports and testified on racially polarized

voting in selected districts of the 2021 Georgia congressional district map. (2022)

Grant v. Raffensperger (1:22-CV-00122-SCJ), U.S. District Court for the Northern District of Georgia. Prepared expert reports and testified on racially polarized voting in selected districts of the 2021 Georgia state legislative district maps. (2022)

Galmon, et al. v. Ardoin (3:22-cv-00214-SDD-SDJ), U.S. District Court for the Middle District of Louisiana. Prepared expert reports and testified on racially polarized voting for the 2021 Louisiana congressional district map. (2022)

United States v. Robert Bowers (2:18-cr-00292-DWA), U.S. District Court for the Western District of Pennsylvania. Prepared expert reports on the demographics of the voter registration list and composition of the master jury wheel. (2020–2023)

Agee, et al. v. Benson, et al. (1:22-CV-00272-PLM-RMK-JTN), U.S. District Court for the Western District of Michigan. Prepared expert report and testified on racially polarized voting and racial predominance in the Michigan House and Senate maps adopted by the Michigan Independent Citizens Redistricting Commission. (2023)

In Re: Georgia Senate Bill 202 (1:12-MI-55555-JPB), U.S. District Court for the Northern District of Georgia. Prepared expert report and testified on demographics and racially polarized voting in Georgia. (2023)

Vet Voice Foundation, et al., v. Hobbs, et al. (No. 22-2-19384-1 SEA), King County Superior Court, Washington. Prepared expert reports and testified on ballots rejected for non-matching signatures in Washington. (2023)

Vet Voice Foundation, et al., v. Griswold (No. 2022CV033456), District Court, City and County of Denver, State of Colorado. Prepared expert reports and testified on ballots rejected for non-matching signatures in Colorado. (2023)

”Brief Of Political Science Professors As *Amici Curiae* In Support Of Appellees,” in the case of *Alexander vs. South Carolina State Conference of the NAACP*, in the Supreme Court of the United States (No. 22-807). (with Stephen Ansolabehere, Bruce E. Cain, James M. Snyder, Jr., and Charles Stewart III)

Racially Polarized Voting Consultant, Virginia Redistricting Commission, August 2021.

The General Court of the Commonwealth of Massachusetts, Joint Committee on Housing, Hearing on Housing Production Legislation. May 14, 2019. Testified on the role of public meetings in housing production.

TEACHING

Boston University

- *Introduction to American Politics* (PO 111; Fall 2014, Fall 2015, Fall 2016, Fall 2017, Spring 2019, Fall 2019, Fall 2020)
- *Congress and Its Critics* (PO 302; Fall 2014, Spring 2015, Spring 2017, Spring 2019)
- *Voting Rights* (PO 336; Spring 2024)
- *Data Science for Politics* (PO 399; Spring 2020, Spring 2021, Fall 2021, Fall 2022, Fall 2023)
- *Formal Political Theory* (PO 501; Spring 2015, Spring 2017, Fall 2019, Fall 2020)
- *American Political Institutions in Transition* (PO 505; Spring 2021, Fall 2021)
- *Prohibition* (PO 540; Fall 2015, Fall 2022)
- *Political Analysis (Graduate Seminar)* (PO 840; Fall 2016, Fall 2017)
- *Graduate Research Workshop* (PO 903/4; Fall 2019, Spring 2020)
- *Spark! Civic Tech Research Design Workshop* (CDS DS 290; Spring 2023)
- *Spark! Civic Tech Toolkit Workshop* (CDS DS 292; Spring 2023)

SERVICE

Boston University

- Research Computing Governance Committee, 2021–.
- Initiative on Cities Faculty Advisory Board, 2020–2022.
- Undergraduate Assessment Working Group, 2020-2021.
- College of Arts and Sciences
 - Ad Hoc Committee on the CAS BA-Level Curriculum, 2023.
 - CAS Conduct Liaison, 2023–.
 - Search Committee for the Faculty Director of the Initiative on Cities, 2020–2021.
 - General Education Curriculum Committee, 2017–2018.
- Department of Political Science
 - Associate Chair, 2023–.
 - Director of Advanced Programs (Honors & B.A./M.A.). 2020–2023.
 - Political Methodology Search Committee, 2021.
 - Delegate, Chair Selection Advisory Process, 2021.
 - Comprehensive Exam Committee, American Politics, 2019, 2023.
 - Comprehensive Exam Committee, Political Methodology, 2016, 2017, 2021, 2022.
 - American Politics Search Committee, 2017.

- American Politics Search Committee, 2016.
- Graduate Program Committee, 2014–2015, 2018–2019, 2020–2021.

Co-organizer, *Boston University Local Political Economy Conference*, August 29, 2018.

Editorial Board Member, *Legislative Studies Quarterly*, 2020–2023

Malcolm Jewell Best Graduate Student Paper Award Committee, Southern Political Science Association, 2019.

Reviewer: *American Journal of Political Science*; *American Political Science Review*; *Journal of Politics*; *Quarterly Journal of Political Science*; *Science*; *Political Analysis*; *Review of Economics and Statistics*; *Legislative Studies Quarterly*; *Public Choice*; *Political Science Research and Methods*; *Journal of Law, Economics and Organization*; *Election Law Journal*; *Journal of Empirical Legal Studies*; *Urban Affairs Review*; *Scientific Data*; *Applied Geography*; *PS: Political Science & Politics*; Cambridge University Press; Oxford University Press.

Elected Town Meeting Member, Town of Arlington, Mass., Precinct 2. April 2021–Present.

Arlington Election Reform Committee Member, August 2019–April 2022.

Coordinator, **Harvard Election Data Archive**, 2011–2014.

OTHER
EXPERIENCE

Charles River Associates, Boston, Massachusetts 2008–2010

Associate, Energy & Environment Practice

Economic consulting in the energy sector for electric and gas utilities, private equity, and electric generation owners. Specialized in Financial Modeling, Resource Planning, Regulatory Support, Price Forecasting, and Policy Analysis.

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