JOSHUA A. DOUGLAS

University of Kentucky J. David Rosenberg College of Law

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##### Academic Experience

**University of Kentucky J. David Rosenberg College of Law** Lexington, KY

*Academic Appointments*:

* Acting Associate Dean for Research (2024-present)
* University Research Professor (2024-present)
* Ashland, Inc.-Spears Distinguished Research Professor of Law (2020-present)
* Thomas P. Lewis Professor of Law (2018-2020)
* Robert G. Lawson & William H. Fortune Associate Professor of Law (with tenure)
(2014-2018)
* Assistant Professor of Law (2010-2014)

*Courses*:

* Civil Procedure
* Constitutional Law II
* Election Law
* Supreme Court Decision Making

*Research Areas*:

* Election law and voting rights
* Constitutional right to vote, including state constitutions and local voting laws
* Procedural aspects of election law cases
* Vote counting rules and disputes

*Select Service Activities*:

* Elected Member, American Law Institute (ALI)
* Served as faculty Advisor to *Kentucky Law Journal*, Election Law Society, and
American Constitution Society
* Committee assignments have included Speakers (Chair), Institutional Compliance
Committee (Chair), Appointments, Clerkships, and University Senate Hearing Panel (Privilege and Tenure)
* Primary Creator and Initial Chair, AALS Section on Election Law; Prior Member, AALS Committee on Sections

*Visiting Positions*:

* *Fulbright Specialist*, LUISS Guido Carli University, Rome, Italy, Spring 2024
* *Visiting Professor*, St. Louis University School of Law, Fall 2023
* *Visiting Scholar*, University of Edinburgh Law School, May 2017
* *Faculty*, London Law Consortium, Spring 2014

#### Awards

Fulbright Specialist, 2023-26.

Ashland, Inc.-Spears Distinguished Research Professorship, 2020-25.

Robert M. and Joanne K. Duncan Teaching Award, 2019-20.

University of Kentucky College of Law nominee, University Alumni Professorship, 2018.

SEALS Call for Papers, Winner, 2011-12.

#### Academic Publications

#### Books:

*The Court v. The Voters: The Troubling Story of How the Supreme Court Has Undermined Voting Rights* (Beacon Press 2024).

*Vote for US: How to Take Back Our Elections and Change the Future of Voting*(Prometheus Books 2019).

*Election Law Stories* (Foundation Press 2016) (editor, with Eugene D. Mazo).

*Election Law and Litigation: The Judicial Regulation of Politics* (Aspen 2014) (2nd ed. 2022) (with Edward B. Foley and Michael J. Pitts).

**Law Review Articles:**

*The Power of the Electorate Under State Constitutions*, 76 Florida Law Review (forthcoming 2024).

*A Major Wrong on a Private Right of Action Under the Voting Rights Act*, 81 Washington and Lee Law Review (forthcoming 2024) (with Macin Graber)

*There Must Be Something in the Water—Or the Bourbon—In Kentucky: Voting Rights in the Bluegrass State*, 111 Kentucky Law Journal 581 (2023) (introducing symposium issue).

*State Constitutions and Youth Voting Rights*, 74 Rutgers University Law Review 1729 (2022) (symposium issue).

*“How the Sausage Gets Made”: Voter ID and Deliberative Democracy*, 100 Nebraska Law Review 376 (2021).

*Undue Deference to States in the 2020 Election Litigation*, 30 William and Mary Bill of Rights Journal 59 (2021)

* Cited in *Montana Democratic Party v. Jacobson*, No. DA 22-0667 (Mont. S. Ct. 2023).
* Cited in *Texas Democratic Party v. Scott,* 617 F. Supp. 3d 598, 603 n.6 (S.D. Tex. 2022).
* Reprinted with permission as part of the AALS Conference on Rebuilding Democracy in
26 Lewis & Clark Law Review 405 (2022).

*Bring the Masks and Sanitizer: The Surprising Bipartisan Consensus About Safety Measures for In-Person Voting During the Coronavirus Pandemic*, 55 Georgia Law Review 1585 (2021) (with Michael A. Zilis)

*The Loch Ness Monster, Haggis, and a Lower Voting Age: What America Can Learn from Scotland*,
69 American University Law Review 1433 (2020) (symposium issue).

*Precedent, Three-Judge District Courts, and the Law of Democracy*, 107 Georgetown Law Journal 413 (2018) (with Michael Solimine).

* Cited in *Common Cause Fla. v. Desantis*, No. 4:22-CV-109-AW-MAF, 2022 WL 19978293, at \*3 n.2 (N.D. Fla. Nov. 8, 2022) (three-judge court).
* Cited in *Gonidakis v. LaRose*, 599 F. Supp. 3d 642, 663 (S.D. Ohio 2022) (three-judge court).
* Cited in *Lavergne v. U.S. House of Rep.*, 2018 WL 4286404 (D.D.C. Sept. 6, 2018) (three-judge court).

*A Voice in the Wilderness: John Paul Stevens, Election Law, and a Theory of Impartial Governance*, 60 William & Mary Law Review 335 (2018) (with Cody Barnett).

*The Right to Vote Under Local Law*, 85 George Washington Law Review 1039 (2017).

*A Checklist Manifesto for Election Day: How to Prevent Mistakes at the Polls*, 43 Florida State Law Review 353 (2016).

*State Judges and the Right to Vote*, 77 Ohio State Law Journal 1 (2016).

*Election Law at the Local Level*, 15 Election Law Journal 232 (2016) (introducing symposium issue as guest editor).

*A Pivotal Moment in Election Law*, 104 Kentucky Law Journal 547 (2016) (introducing symposium issue).

*A Formal Recognition of Our Field*, 14 Election Law Journal 239 (2015) (introducing symposium issue as guest editor).

*(Mis)trusting States to Run Elections*, 92 Washington University Law Review 553 (2015).

* Cited in *Texas Dem. Party v. Hughs*, No. SA-20-CA-438 (Request for Additional Briefing, Aug. 13, 2021).
* Cited in *United States v. Louisiana*, 196 F. Supp. 3d 612, 625 (M.D. La. 2016).

*The Right to Vote Under State Constitutions*, 67 Vanderbilt Law Review 89 (2014).

* Cited in *League of Women Voters v. Commonwealth*, 178 A.3d 737, 804 (Pa. 2018).
* Cited in *Young v. Red Clay Consol. Sch. Dist.*, 122 A.3d 784, 810 n.17 (Del. Ch. 2015).

*Election Law Pleading*, 81 George Washington Law Review 1966 (2013).

*Procedural Fairness in Election Contests*, 88 Indiana Law Journal 1 (2013) (winner of the 2011-12 SEALS Call for Papers).

* Cited in *Johnson v. Secretary of State*, No. 162286 (Mich. 2020) (Viviano, J., dissenting).
* Cited in *Rock v. Lankford*, 301 P.3d 1075, 1082 (Wyo. 2013).

*Discouraging Election Contests*, 47 University of Richmond Law Review 1015 (2013) (symposium issue).

* Cited in *Johnson v. Secretary of State*, No. 162286 (Mich. 2020) (Viviano, J., dissenting).

*The Foundational Importance of Participation: A Response to Professor Flanders*, 66 Oklahoma Law Review 81 (2013) (symposium issue).

*To HAVA, and Beyond!*, 12 Election Law Journal 233 (2013) (reviewing Martha Kropf & David C. Kimball, Helping America Vote (2011)).

*Enlivening Election Law*, 56 Saint Louis University Law Journal 767 (2012) (Teaching Election Law Issue).

*Election Law and Civil Discourse: The Promise of ADR*, 27 Ohio State Journal on Dispute Resolution 291 (2012) (symposium issue).

*The Procedure of Election Law in Federal Courts,* 2011 Utah Law Review 433.

*The Significance of the Shift Toward As-Applied Challenges in Election Law*,
37 Hofstra Law Review 635 (2009).

* Cited in *Morales v. Rust*, No. 23S-PL-371 (Ind. 2024) (Molter, J., concurring).

*The Voting Rights Act Through the Justices’ Eyes:* NAMUDNO *and Beyond*,
88 Texas Law Review See Also 1 (2009).

*Is the Right to Vote Really Fundamental?*, 18 Cornell Journal of Law and Public Policy 143 (2008).

* Cited in *Ruddick v. Commonwealth of Australia* (Australia High Court, March 22, 2022).
* Cited in *Veasey v. Abbott*, 888 F.3d 792, 806 (5th Cir. 2018) (Higginbotham, J., concurring).

*When is a “Minor” also an “Adult”?: An Adolescent’s Liberty Interest in Accessing Contraceptives
from Public School Distribution Programs*, 43 Willamette Law Review 545 (2007).

Note, *A Vote for Clarity: Updating the Supreme Court’s Severe Burden Test for State Election
Regulations that Adversely Impact an Individual’s Right to Vote*, 75 George Washington Law Review 372 (2007).

**Book Chapters, Essays, and Online Academic Commentary:**

[*A History of Third-Party Voter Registration Drives*](https://responsivegoverning.org/wp-content/uploads/2023/05/IRG-Report-Third-Party-Registration.pdf), Institute for Responsive Government (May 2023).

[*Running in an Election Doesn’t Mean You Know How to Run Elections: The Case for Including Local Election Administrators in Voting Policy Debates*](https://constitutionalconversations.substack.com/p/who-should-manage-elections), Constitutional Conversations, Center for Constitutional Design, Arizona State University (2022).

*Establishing Justice, Securing the Blessings of Liberty: Why Civic Duty Voting Is Constitutional* inOne Hundred Percent Democracy: The Case for Universal Voting (E.J. Dionne and Miles Rapaport, authors) (New Press 2022) (co-author of this chapter)

[*The Case for Same-Day Voter Registration*](https://tjcinstitute.com/wp-content/uploads/2020/08/20.08_Same-Day-Voter-Registration.pdf), The Justice Collaborative Institute, August 2020.

[*Congress Must Count the Votes: The Danger of Not Including a State’s Electoral College Votes During a Disputed Presidential Election*](https://moritzlaw.osu.edu/oslj/2020/08/05/congress-must-count-the-votes-the-danger-of-not-including-a-states-electoral-college-votes-during-a-disputed-presidential-election/), 81 Ohio State Law Journal Online 183 (2020) (Election Law Roundtable Edition).

[*Lift Every Voice: The Urgency of Universal Civic Duty Voting*](https://www.brookings.edu/wp-content/uploads/2020/07/Br_LIFT_Every_Voice_final.pdf), Universal Voting Working Group, Brookings Institution and The Ash Center for Democratic Governance and Innovation, Harvard Kennedy School (2020) (co-author of legal section and contributor to full report).

*Elections as Duels: “You Know What? We Can Change That! You Know Why? ‘Cuz We Have the Support of Two-Thirds of Each House of Congress and Three Quarters of the States!”*, *in* The Law of Hamilton: An American Musical (Cornell University Press 2020).

[*REPORT: Age Discrimination In Voting At Home*](https://andrewgoodman.org/wp-content/uploads/2020/06/Age-Discrimination-In-Voting-At-Home-Report_Final.pdf), Coalition of Voting Rights Organizations (2020) (co-author).

*Lowering the Voting Age from the Ground Up: The United States’ Experience in Allowing 16-Year-Olds to Vote*, *in* Lowering the Voting Age to 16 – Learning from Real Experiences Worldwide (Palgrave Macmillan 2020).

[*Democracy Reform, One Ballot at a Time*](https://blog.harvardlawreview.org/democracy-reform-one-ballot-at-a-time/), Harvard Law Review Blog (2018).

*Local Democracy on the Ballot*, 111 Northwestern Law Review Online 173 (2017).

*In Defense of Lowering the Voting Age*, 165 University of Pennsylvania Law Review Online 63 (2017).

[*Expanding Voting Rights Through Local Law*](https://www.acslaw.org/issue_brief/briefs-landing/expanding-voting-rights-through-local-law/), ACS Issue Brief (2017) (condensed version of *The Right to Vote Under Local Law*, 85 George Washington Law Review 1039 (2017)).

*The Story of* Crawford v. Marion County Election Board *and the History of Voter ID Laws*, *in* Election Law Stories (2016).

*To Protect the Right to Vote, Look to State Courts and State Constitutions*, American Constitution Society Issue Brief (2015) (drawing language from *State Judges and the Right to Vote*, 77 Ohio State Law Journal 1 (2016) and *The Right to Vote Under State Constitutions*, 67 Vanderbilt Law Review 89 (2014)).

*Regulation of Federal Elections* and *Regulation of State Elections*, Encyclopedia of American Governance (MacMillan 2015).

#### Op-Eds (from the past two years; full list available at <https://joshuaadouglas.com/op-eds/>):

[*The Supreme Court’s Naked Power Grab*](https://washingtonmonthly.com/2024/07/05/the-supreme-courts-naked-power-grab/), Washington Monthly, July 5, 2024.

[*Today’s Supreme Court is Anti-Voter*](https://washingtonmonthly.com/2024/05/28/todays-supreme-court-is-anti-voter/), Washington Monthly, May 28, 2024.

[*How the Supreme Court Is Undermining Voting Rights: Your Questions Answered*](https://boltsmag.org/how-the-supreme-court-is-undermining-voting-rights-your-questions-answered/), Bolts, May 15, 2024.

[*Supreme Court has restricted voting rights in favor of politicians. Kentucky has expanded them.*](https://www.courier-journal.com/story/opinion/2024/05/15/supreme-court-voting-rights-not-protected/73674205007/), Louisville Courier Journal, May 15, 2024.

[*The U.S. Supreme Court is anti-voter and has harmed democracy. Here’s how.*](https://www.kentucky.com/opinion/op-ed/article288425325.html), Lexington Herald-Leader, May 13, 2024.

[*State Courts Can and Should Do More to Protect Voters*](https://statecourtreport.org/our-work/analysis-opinion/state-courts-can-and-should-do-more-protect-voters), State Court Report, Brennan Center, April 16, 2024.

[*The unintended consequences of making Election Day a federal holiday*](https://edition.cnn.com/2024/04/09/opinions/election-day-federal-holiday-presidency-vote-douglas/index.html), CNN, April 9, 2024.

[*The Montana Supreme Court Correctly Recognizes a Robust Right to Vote Under the State Constitution*](https://electionlawblog.org/?p=142189), Election Law Blog, March 27, 2024.

[*Trump is hoping to delay his trial. The Supreme Court shouldn’t take the bait*](https://www.cnn.com/2024/02/07/opinions/supreme-court-dont-let-trump-delay-douglas), CNN,
Feb. 7, 2024.

[*Confessions of a Democracy Optimist*](https://washingtonmonthly.com/2024/01/16/confessions-of-a-democracy-optimist/), Washington Monthly, Jan. 16, 2024.

[*2023’s Most Significant State Constitutional Cases*](https://statecourtreport.org/our-work/analysis-opinion/2023s-most-significant-state-constitutional-cases), State Court Report, Brennan Center for Justice, Dec. 19, 2023 (contributor)

[*A Body Blow to the Voting Rights Act*](https://washingtonmonthly.com/2023/11/21/a-body-blow-to-the-voting-rights-act/), Washington Monthly, Nov. 21, 2023.

[*Other Elections You’ll Want to Follow*](https://washingtonmonthly.com/2023/10/24/other-elections-youll-want-to-follow/), Washington Monthly, Oct. 24, 2023.

[*Alabama’s Defiance of the Supreme Court and the Rule of Law*](https://washingtonmonthly.com/2023/09/18/alabamas-defiance-of-the-supreme-court-and-the-rule-of-law/), Washington Monthly,
Sept. 18, 2023.

[*The Roberts Court Isn’t Getting More Moderate*](https://washingtonmonthly.com/2023/07/10/the-roberts-court-isnt-getting-more-moderate/), Washington Monthly, July 10, 2023.

[*A (Mostly) Good Supreme Court Ruling, Nixing the “Independent State Legislature” Theory of Election Law*](https://washingtonmonthly.com/2023/06/27/a-mostly-good-supreme-court-ruling-nixing-the-maga-favored-independent-state-legislature-theory-of-election-law/), Washington Monthly, June 27, 2023.

[*This victory at the Supreme Court shows how low the bar has fallen*](https://www.cnn.com/2023/06/11/opinions/alabama-voting-rights-act-supreme-court-douglas), CNN, June 11, 2023.

[*Justice Stevens’s Papers and* Burdick v. Takushi](https://electionlawblog.org/?p=136635), Election Law Blog, June 5, 2023.

[*Florida’s New Law Takes Aim at Voter Registration*](https://washingtonmonthly.com/2023/05/31/floridas-new-law-takes-aim-at-voter-registration/), Washington Monthly, May 31, 2023.

[*Once Again, Voting Rights and Democracy Are Under Siege in North Carolina*](https://washingtonmonthly.com/2023/05/05/once-again-voting-rights-and-democracy-are-under-siege-in-north-carolina/), Washington Monthly, May 5, 2023.

[*Can New Jersey benefit from a lowered voting age?*](https://www.northjersey.com/story/opinion/2023/05/04/voting-age-new-jersey-should-be-lowered/70175169007/), NorthJersey.com, May 4, 2023; [*Why New Jersey Municipalities Can Likely Lower the Voting Age*](https://vote16.substack.com/p/why-new-jersey-municipalities-can), Vote16 Substack, Apr. 20, 2023.

[*Kentucky’s colleges and universities should follow UK and encourage voter registration*](https://www.kentucky.com/opinion/op-ed/article274275745.html), Lexington Herald-Leader, Apr. 13, 2023.

[*Republicans Took Over the North Carolina Supreme Court. Here’s What Happened*](https://washingtonmonthly.com/2023/02/13/republicans-took-over-the-north-carolina-supreme-court-heres-what-happened/), Washington Monthly, Feb. 13, 2023.

[*Ohio’s Restrictive Voting Law is a Disaster*](https://washingtonmonthly.com/2023/01/31/ohios-restrictive-voting-law-is-a-disaster/), Washington Monthly, Jan. 31, 2023.

[*Election deniers aren’t the only threats to democracy this year*](https://www.cnn.com/2022/11/01/opinions/democracy-ballot-measures-midterm-elections-douglas/index.html), CNN, Nov. 1, 2022.

[*The Roberts Court Takes Aim at the Voting Rights Act*](https://washingtonmonthly.com/2022/09/29/the-roberts-court-takes-aim-at-the-voting-rights-act/), Washington Monthly, Sept. 29, 2022.

[*The Case for the 16-Year-Old Vote*](https://washingtonmonthly.com/2022/08/25/the-case-for-the-16-year-old-vote/), Washington Monthly, Aug. 25, 2022.

[*One state where GOPers show the election wasn’t stolen*](https://www.cnn.com/2022/07/26/opinions/election-integrity-kentucky-republicans-douglas/index.html), CNN, July 26, 2022.

[*Take Me Out to the…Voting Booth!*](https://washingtonmonthly.com/2022/07/14/take-me-out-to-the-voting-booth/), Washington Monthly, July 14, 2022.

[*The dangerous election theory the Supreme Court may be poised to endorse*](https://www.cnn.com/2022/07/07/opinions/supreme-court-2024-elections-north-carolina-douglas/index.html), CNN, July 7, 2022.

[*Non-Citizen Voting in New York City Blocked by State Court*](https://www.sloglaw.org/post/non-citizen-voting-in-new-york-city-blocked-by-state-court), State and Local Government Blog, July 1, 2022.

[*New York’s Smart New Voting Rights Law*](https://washingtonmonthly.com/2022/06/13/new-yorks-smart-new-voting-rights-law/), Washington Monthly, June 13, 2022.

[*Ohio Voters Shafted by Conservative Judicial Activism*](https://washingtonmonthly.com/2022/04/25/ohio-voters-shafted-by-conservative-judicial-activism/), Washington Monthly, April 25, 2022.

[*Ketanji Brown Jackson, Voting Rights Champion?*](https://washingtonmonthly.com/2022/04/01/ketanji-brown-jackson-voting-rights-champion/), Washington Monthly, April 1, 2022.

[*Another Scheme to Curtail Voting Rights*](https://washingtonmonthly.com/2022/03/04/another-scheme-to-curtail-voting-rights/), Washington Monthly, March 4, 2022.

[*The Supreme Court’s Alabama Disaster*](https://washingtonmonthly.com/2022/02/09/the-supreme-courts-alabama-disaster/)*,* Washington Monthly, Feb. 9, 2022.

[*One Year After the Capitol Attack, Why Have We Done Nothing to Protect Our Democracy?*](https://washingtonmonthly.com/2022/01/05/one-year-after-the-capitol-attack-why-have-we-done-nothing-to-protect-our-democracy/), Washington Monthly, Jan. 5, 2022.

[*One year after Jan. 6, Mitch McConnell still “obstructor-in-chief” on election rules.*](https://www.kentucky.com/opinion/op-ed/article257061232.html), Lexington Herald-Leader, Jan. 5, 2022.

[*How Kentucky’s redistricting result is the definition of gerrymandering*](https://www.courier-journal.com/story/opinion/2022/01/05/how-kentuckys-redistricting-result-definition-gerrymander/9101088002/), Louisville Courier Journal, Jan. 5, 2022.

##### Media Appearances

Host, [Democracy Optimist](https://esweku.org/democracy-optimist) (NPR-WEKU).

I have appeared in the *New York Times*, *Washington Post*, *Wall Street Journal*, *CNN*, *USA Today*, *NPR*, *Bloomberg Radio*, *The Atlantic*, *Politifact*, *Associated Press*, and numerous other media outlets. A list of media appearances is available on request.

##### Presentations

I have presented at numerous law schools, academic conferences, public policy gatherings, bookstores, and events for the general public. A list of presentations is available upon request.

**Leadership Roles**

**National:**

* *Editorial Board*, Election Law Journal
* *Member*, Universal Voting Working Group
* *Member*, Vote16 Global Network
* *Advisory Board*, Vote16USA – Generation Citizen
* *Advisory Board*, National Vote at Home Institute
* *Leadership Circle*, Promote Our Vote (FairVote)
* *Legal Advisory Committee on a Constitutional Right to Vote*, Advancement Project

**Kentucky:**

* *Governance Board*, CivicLex
* *Board of Directors*, International Book Project
* *Transition Team*, Kentucky Secretary of State Michael Adams, 2019
* *Board of Trustees*, Carnegie Center for Literacy and Learning, 2019–23
* *Kentucky Supreme Court Committee on Revising Code of Judicial Conduct*, 2017

##### Select Consulting Activities

*Amicus Brief, Graham v. Adams*, No. 22-CI-00047 (Ky. S. Ct. 2023).

*Expert Report on U.S. Voting Age, Penney-Crocker v. The Attorney General In Right of Canada*, No. CV-21-00673219 (Ontario Superior Court of Justice).

*Amicus Brief Supporting Plaintiffs-Appellees*, *Richardson v. Flores*, No. 20-50774 (5th Cir. 2021).

*League of Women Voters of New York State v. New York State Board of Elections*, No. 160342/2018 (New York Supreme Court Appellate Division, First Department).

*Expert Report on U.S. Voter ID Laws, Council of Canadians v. The Crown*, No. CV-14-513961 (Ontario Superior Court of Justice).

*Analysis of National Voter Registration Act*, Various Public Policy Organizations.

*Amicus Brief Supporting Petitioners*, *Shapiro v. McManus*, No. 14-990 (U.S. Supreme Court) (with Michael Solimine) (the Court sided with the Petitioners 9-0).

##### Education

**The George Washington University Law School** Washington, DC

*Juris Doctor, with highest honors* May 2007

* Ranked in top 2% of class
* Order of the Coif
* Recipient of the Imogen Williford Constitutional Law Award for the top student
in constitutional law classes
* Articles Editor, *The George Washington Law Review*
* Member, Moot Court Board
* Finalist, 2006-2007 Van Vleck Constitutional Law Moot Court Competition
(argued before Justice Samuel Alito, Judge Diane Wood, and Judge José Cabranes)

**The George Washington University** Washington, DC

*Bachelor of Arts, summa cum laude* May 2002

* Major: Political Science; Minor: Sociology
* Phi Beta Kappa
* National Society of Collegiate Scholars

##### Prior Legal Experience

**Akin Gump Strauss Hauer & Feld LLP** San Antonio, TX

*Associate* 2009-2010

* Worked in litigation group, focusing on federal trials and appeals,
mostly involving insurance defense

**The Honorable Edward C. Prado**

**United States Court of Appeals for the Fifth Circuit** San Antonio, TX

*Judicial Clerk*2007-2009

**Mayer Brown LLP** Washington, DC

*Summer Associate* (received offer for post-clerkship employment)Summer 2007

**Dow Lohnes PLLC** Washington, DC

*Summer Associate* (received offer for post-clerkship employment)Summer 2006

**The George Washington University Office of VP and General Counsel** Washington, DC

*Law Clerk*2005-2007