

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

ALPHA PHI ALPHA FRATERNITY
INC., et al.,

Plaintiffs,

v.

BRAD RAFFENSPERGER, in his
official capacity as Secretary of State
of Georgia,

Defendant.

CASE NO. 1:21-CV-05337-SCJ

PLAINTIFFS' STATEMENT OF ADDITIONAL FACTS

Plaintiffs Alpha Phi Alpha Fraternity Inc., Sixth District of the African Methodist Episcopal Church (“AME Church”), Eric T. Woods, Katie Bailey Glenn, Phil Brown, and Janice Stewart (collectively, “Plaintiffs”) pursuant to Rule 56 of the Federal Rules of Civil Procedure and Local Rule 56.1 respectfully submit this statement of additional material facts.

1. The town halls held by the Georgia House and Senate Committees about the redistricting process all occurred in the summer of 2021, before full U.S. Census data was released in September 2021. Dep. of Bonnie Rich [Dkt. 227] (“Rich Dep.”) 175:10-23.

2. According to the Chair of the State House Redistricting Committee, U.S. Census data is important for drawing districts because it is used to determine where the population growth and retraction are, and “guides” how maps are drawn. Rich Dep. 185:10-18.

3. At the 2021 town halls, legislators did not answer questions from Georgia residents. Rich Dep. 182:2-5.

4. No town halls were held in three of metro Atlanta’s most populous counties—Gwinnett, Cobb, and DeKalb counties. Dep. of Jan Jones [Dkt. 241] (“J. Jones Dep.”) 64:10-65:20.

5. Despite receiving requests to provide information about the redistricting process in languages other than English, the House and Senate Redistricting Committees decided not to accommodate those requests. Rich Dep. 182:6-183:3. Redistricting information was published only in English. *Id.* 183:21-23.

6. It was clear during the redistricting process that the majority Republican party was not willing to entertain input on the drawing of the maps from members of the minority Democratic Party. Dep. of Derrick Jackson [Dkt. 228] (“D. Jackson Dep.”) 20:9-22:12.

7. Representative Derrick Jackson (D), who represents HD 64, decided

not to meet with the chair of the State House Redistricting Committee regarding the maps because he felt that doing so would be “futile.” D. Jackson Dep. 20:21-21:5.

8. The Chair of the State House Redistricting Committee testified that discussions she had with constituents and advocate groups did not affect her existing views about the Georgia House maps because she believed those people to be “very liberal” and “very partisan.” Rich Dep. 163:11-164:2.

9. The State Senate redistricting bill (SB 1EX) was passed by the House Legislative and Congressional Reapportionment Committee along racial and party lines; the only two members who voted against it are Black and members of the Democratic Party. J. Jones Dep. 207:5-209:3.

10. The State House redistricting bill (HB 1EX) was passed by the House Legislative and Congressional Reapportionment Committee along racial and party lines; the five representatives who voted against it are all Black and members of the Democratic Party. J. Jones Dep. 210:9-211:10.

11. Less than two weeks after the maps were released on November 2, 2021, the Georgia General Assembly passed SB 1EX on November 15, 2021 and passed HB 1EX on November 12, 2021. Ex. A, Georgia General Assembly – SB 1EX, <https://www.legis.ga.gov/legislation/60894>; Ex. B, Georgia General

Assembly – HB 1EX, <https://www.legis.ga.gov/legislation/60897>. Both maps were passed largely on a party-line vote. Ex. C, Georgia General Assembly – SB 1EX Senate Vote; Ex. D, Georgia General Assembly – SB 1EX House Vote; Ex. E, Georgia General Assembly – HB 1EX Senate Vote; Ex. F, Georgia General Assembly – HB 1EX House Vote.

12. Governor Kemp waited approximately 40 days after the maps were passed, until December 30, 2021, to sign the maps into law. Exs. A-B.

13. Not a single Black legislator voted in favor of the enacted Senate or House maps. Exs. C-F.

14. Bishop Reginald Jackson of Plaintiff AME Church described how “[a]dvocating for the right to vote, regardless of candidate or party, and encouraging the AME Church’s eligible members to vote have been priorities of the Church.” Declaration of Reginald Jackson [Dkt. 216-1, Ex. 4] (“R. Jackson Decl.”) ¶ 5.

15. Plaintiff AME Church encourages members to become educated on issues that are of particular importance to the Black community so that voters can cast a ballot by “determin[ing] what was best for them.” Dep. of Reginald Jackson [Dkt. 216] (“R. Jackson Dep.”) 43:19-20.

16. For example, Bishop Jackson testified how “[h]ospitals closing down

became a concern” for Plaintiff AME Church “because you have a lot of people, particularly in the black community, [whose] only access to health care is the emergency room at the hospital.” R. Jackson Dep. 43:5-8. This was especially important for members in the Atlanta area who are served by only one hospital with acute care, Grady Memorial Hospital. *Id.* 43:8-12.

17. Plaintiff Phil Brown also testified that there were “many” needs of the Black community that differ from the needs of White voters. Dep. of Phil Brown [Dkt. 219] (“Brown Dep.”) 67:18.

18. Plaintiff Brown described the lack of responsiveness of government officials in his community of Wrens, Georgia, noting that “for years, the black community has been overlooked when it comes to city, state, and county money.” Brown Dep. 67:21-23.

19. Plaintiff Eric Woods testified that the needs of the minority community in Georgia differ from the needs of White residents in the areas of health care, education, and the lack of food distribution sites in certain areas. Dep. of Eric Woods [Dkt. 217] (“Woods Dep.”) 53:8-55:3.

20. Representative Derrick Jackson testified that Georgia’s Black community has needs that are different from those of White Georgians in the areas of healthcare, wages, housing and affordability. D. Jackson Dep. 49:12-50:6.

21. Representative Jackson testified that in his experience in the legislature, Republican legislators only pay “lip service” to the unique needs of Black Georgians and vote along party lines on such issues, such as maternal and infant mortality. D. Jackson Dep. 49:12-52:3.

22. Bishop Jackson testified that Senator Max Burns, representing a “predominantly African American” district in the Augusta area, “doesn’t represent the interest of the black voters.” R. Jackson Dep. 86:3-18, 120:9-15.

23. Representative Erick Allen testified that the Black community in Georgia experiences differences and disparities in the delivery of healthcare services and education. Dep. of Erick Allen [Dkt. 240] (“Allen Dep.”) 40:23-41:19.

24. Representative Allen further testified that Republican colleagues in the legislature to whom he explained the different needs of the Black community were not receptive. Allen Dep. 41:20-42:24.

Demographic Change in Georgia

25. Between 2000 to 2020, the any-part Black¹ population in Georgia increased by 1,144,721, from 2,393,425 to 3,538,146, an increase of over 47%.

¹ As used herein, “any-part Black,” “Black,” or “AP Black” refer to persons who are single-race Black or persons of two or more races and some part Black, including Hispanic Black. Cooper Report ¶ 7 n.1.

Report of William Cooper Pt. 1 [Dkt. 237-1] (“Cooper Report Pt. 1”) ¶ 50, Fig. 5. During that period, the share of the state population that is Black increased from 29.24% to 33.03%. *Id.*

26. During that same period of time, the White population in Georgia increased by 233,495. Cooper Report Pt. 1 ¶ 50, Fig. 5.

27. The ideal population size for a State Senate district in Georgia is 191,284 people. Cooper Report Pt. 1 ¶ 14 n.6. The ideal population size for a State House district in Georgia is 59,511 people. *Id.*

28. 1,144,721 people is almost the population of six entire State Senate districts (exactly 5.98 Senate Districts). 1,144,721 people is more than the population of 19 entire State House districts. Cooper Report Pt. 1 ¶ 14 n.6.

29. Between 2010 and 2020, the any-part Black population in Georgia increased by 484,048, from 3,054,098 to 3,538,146, an increase of more than 15%. Cooper Report Pt. 1 ¶ 50, Fig. 5. During that period, the share of the state population that is Black increased from 31.53% to 33.03%. *Id.*

30. 484,848 people is the equivalent of more than 2.5 entire State Senate districts (exactly 2.53 Senate Districts). Cooper Report Pt. 1 ¶ 14 n.6. 484,848 people is the equivalent of more than eight entire State House districts. *Id.*

31. During that same period of time, the White population in Georgia

decreased by 51,764. Cooper Report Pt. 1 ¶ 50, Fig. 5.

32. Between 2000 and 2020, the any-part Black population in the Metro Atlanta region of Georgia increased by 938,006, from 1,248,809 to 2,186,815, an increase of more than 75%. Cooper Report Pt. 1 ¶ 51, Fig. 6. During that period, the share of population in the Metro Atlanta region that is Black increased from 29.29% to 35.91%. *Id.*

33. 938,006 people is the equivalent of nearly five entire State Senate districts (exactly 4.90 Senate Districts). Cooper Report Pt. 1 ¶ 14 n.6. 938,006 people is the equivalent of more than 15 State House districts. *Id.*

34. During that same period of time, the White population in the Metro Atlanta region increased by 85,726. Cooper Report Pt. 1 ¶ 51, Fig. 6.

35. Between 2010 and 2020, the any-part Black population in the Metro Atlanta region of Georgia increased by 409,927 from 1,776,888 to 2,186,815, an increase more than 23%. Cooper Report Pt. 1 ¶ 51, Fig. 6. During that period, the share of the population in the Metro Atlanta region that is Black increased from 33.61% of the population to 35.91% of the population. *Id.*

36. 409,927 people is the equivalent of more than two entire State Senate districts or more than six entire State House districts. Cooper Report Pt. 1 ¶ 14 n.6.

37. During that same period of time, the White population in the Metro

Atlanta region decreased by 22,736. Cooper Report Pt. 1 ¶ 51, Fig. 6.

38. Black Belt counties in and around the Augusta area have experienced a slight overall population increase since 2000, from 321,998 to 325,164 in 2020. Cooper Report Pt. 1 ¶ 58, Fig. 8.

39. During that same period of time, the Black population in Black Belt counties in and around the Augusta area increased by 14,480, from 163,310 to 177,610. Cooper Report Pt. 1 ¶ 58, Fig. 8.

40. During that same period of time, the White population in Black Belt counties in and around the Augusta area decreased by 22,755, from 146,870 to 124,115. Cooper Report Pt. 1 ¶ 58, Fig. 8.

41. Thus, the Black population became more concentrated in the last two decades Black Belt counties in and around the Augusta area. Cooper Report Pt. 1 ¶ 58, Fig. 8.

42. Counties in the Western Black Belt area have experienced a slight overall population decrease since 2000, from 214,686 to 190,819 in 2020. Cooper Report Pt. 1 ¶ 61, Fig. 9.

43. During that same period of time, the Black population in the Western Black Belt area decreased by 3,165, from 118,786 to 115,621, from 55.33% to 60.59% of the population in the area. Cooper Report Pt. 1 ¶ 61, Fig. 9.

44. During that same period of time, the White population in the Western Black Belt area decreased by 26,393, from 90,946 to 64,553, from 42.36% to 33.83% of the population. Cooper Report Pt. 1 ¶ 61, Fig. 9.

45. Thus, the Black population became more concentrated in the last two decades in the Western Black Belt area. Cooper Report Pt. 1 ¶ 61, Fig. 9.

46. Between 2000 and 2020, the any-part Black population in the 5-county south Metro Atlanta area (Fayette, Henry, Spalding, Newton, and Rockdale Counties) increased by 220,665, from 74,249 to 294,914, which is nearly 300%. Cooper Report Pt. 1 ¶ 55, Fig. 7. During that period, the share of population in 5-county south Metro Atlanta that is Black increased from 18.51% to 46.57%. *Id.*

47. During that same period of time, the Black population in Fayette County increased by 16,642, from 7,086 to 23,728. Report of William Cooper Pt. 2 [Dkt. 237-2] (“Cooper Report Pt. 2”) Ex. G-4.

48. During that same period of time, the Black population in Henry County increased by 77,792, from 11,865 to 89,657. Cooper Report Pt. 2 Ex. G-4.

49. During that same period of time, the Black population in Spalding County increased by 5,544, from 11,967 to 17,511. Cooper Report Pt. 2 Ex. G-4.

50. During that same period of time, the Black population in Newton County increased by 31,205, from 9,228 to 40,433. Cooper Report Pt. 2 Ex. G-4.

51. During that same period of time, the Black population in Rockdale County increased by 33,554, from 8,381 to 41,935. Cooper Report Pt. 2 Ex. G-4.

52. During that same period of time, the White population in the 5-county south Metro Atlanta decreased by 42,987, from 305,779 to 262,792. Cooper Report Pt. 1 ¶ 55, Fig. 7.

53. Between 2010 and 2020, the any-part Black population in the 5-county south Metro Atlanta area (Fayette, Henry, Spalding, Newton, and Rockdale Counties) increased by 89,488, from 205,426 to 294,914, which is more than 43%. Cooper Report Pt. 1 ¶ 55, Fig. 7. During that period, the share of population in 5-county south Metro Atlanta that is Black increased from 36.7% to 46.57%. *Id.*

54. The 2021 Enacted Plan has 14 Black-majority Senate Districts, compared to 14 in the 2014 Plan, and 13 in the 2006 Plan. Cooper Report Pt. 1 ¶ 70, Fig. 11.

55. The 2021 Enacted Plan has 49 majority-Black House districts compared to 47 in the 2015 plan, and 45 in the 2006 plan. Cooper Report Pt. 1 ¶ 132, Fig. 23.

56. The 2021 Enacted Plan has 10 majority-Black Senate districts in the Metro Atlanta region compared to 10 in the 2014 Plan, and 10 in the 2006 Plan. Cooper Report Pt. 1 ¶ 70, Fig. 11.

57. The 2021 Enacted Plan has 33 majority-Black House districts in the Metro Atlanta region compared to 31 in the 2015 Plan, and 30 in the 2006 Plan. Cooper Report Pt. 1 ¶ 132, Fig. 23.

58. In the 2021 Enacted Plan as well as prior plans, Black voters are more likely to be placed in a White-majority Senate district than White voters are to be in a Black majority Senate district. Cooper Report Pt. 1 ¶ 71, Fig. 12. Under the 2021 enacted plan, 52.45% of Black voters are in Black-majority Senate districts and 80.54% of White voters are in White-majority Senate districts. *Id.*

59. In the 2021 Enacted Plan as well as prior plans, Black voters are more likely to be placed in a White-majority House district than White voters are to be in a Black-majority House district. Cooper Report Pt. 1 ¶ 134, Fig. 24. Under the 2021 Enacted Plan, 51.65% of Black voters are in Black-majority House districts and 76.16% of White voters are in White-majority Senate districts. *Id.*

60. In areas where there is racially-polarized voting, Black voters in White-majority districts will usually be unable to elect candidates of choice. *See, e.g.,* Report of Lisa Handley [Dkt. 222, Ex. 3] (“Handley Report”) 9-10 (Black voters “are very unlikely to be able to elect their preferred candidates to the Georgia state legislature” absent a majority or near-majority Black population in the district); Dep. of John Alford [Dkt. 229] (“Alford Dep.”) 91:9-18 (it “may well

be the case” that “the candidate preferred by the majority of white voters generally win state legislative elections in districts without a majority Black voting age population”), 112:13-113:13; *see also* Dep. of John Morgan [Dkt. 236] (“Morgan Dep.”) 90:19-91:3 (noting that Mr. Morgan did not analyze whether Black voters could elect candidates of their choice).

Mr. Cooper’s Illustrative Plans

61. William Cooper prepared his illustrative Senate and House maps using *Maptitude for Redistricting*, a GIS software package commonly used by many local and state governing bodies for redistricting and other types of demographic analysis. Cooper Report Pt. 2 Ex. B ¶ 2.

62. Mr. Cooper used geographic boundary files created from the U.S. Census 1990-2020 Topologically Integrated Geographic Encoding and Referencing (TIGER) files. Cooper Report Pt. 2 Ex. B ¶ 3. He used population data from the 1990-2020 PL 94-171 data files published by the U.S. Census Bureau, which contains basic race and ethnicity data on the total population and voting-age population found in units of Census geography, including states, counties, municipalities, townships, reservations, school districts, census tracts, census block groups, precincts (called voting districts or “VTDs” by the Census Bureau) and census blocks. *Id.* ¶ 4.

63. Mr. Cooper also used incumbent addresses that he obtained from attorneys for the plaintiffs. Cooper Report Pt. 2 Ex. B ¶ 6.

64. Mr. Cooper used shapefiles for the current and historical Georgia legislative plans available on the Legislative and Congressional Reapportionment Office's website, and he obtained for the House, Senate, and Congressional plans in effect during the early 2000's from the American Redistricting Project. Cooper Report Pt. 2 Ex. B ¶¶ 7-8.

65. In creating his illustrative plans, Mr. Cooper sought "to determine whether [creating additional majority Black districts above those created by the Georgia legislature] would be possible within the constraints of traditional districting principles." Dep. of William Cooper [Dkt. 221] ("Cooper Dep.") 33:18-34:1; *see also* Cooper Report Pt. 1 ¶ 10.

66. Before he began drawing his illustrative plans, Mr. Cooper began by looking at the enacted plan, the demographic change since the 2000 census, the previous plans, the benchmark plans, and other geographies unrelated to the legislative redistricting, including planning districts in the state and metropolitan statistical areas. Cooper Dep. 47:20-48:1.

67. Based on county-level demographics, Mr. Cooper identified two larger areas in the state with substantial Black populations: Metropolitan Atlanta,

and the Black Belt, which runs roughly from Augusta to Southwest Georgia.

Cooper Report Pt. 1 ¶¶ 18-24, 25-35; Cooper Dep. 76:9-16, 77:2-8, 83:25-84:5.

68. Mr. Cooper then identified four regions within those larger areas on which to focus his inquiry into whether it was possible to draw additional Black-majority legislative districts. Cooper Dep. 210:21-211:2. Each region consisted of a group of counties. Cooper Report Pt. 1 ¶¶ 25-35. The regions on which Mr. Cooper focused were South Metro Atlanta, the Eastern Black Belt, the Macon Metro, and the Western Black Belt. *Id.*

69. Mr. Cooper also considered the state-defined regional planning districts as part of his approach in identifying particular regional areas of focus. *See* Cooper Dep. 83:25-84:7; Cooper Report Pt. 1 ¶¶ 26-27, 30, 34, 38, 54, 119 & Ex. AA-3; Cooper Report Pt. 2 Ex. M-3; Report of William Cooper Pt. 3 [Dkt. 237-3] (“Cooper Report Pt. 3”) Ex. O-3; Report of William Cooper Pt. 4 [Dkt. 237-4] (“Cooper Report Pt. 4”) Ex. Z-3.

70. Region A consists of the South Metropolitan Atlanta area, a cluster of “suburban/exurban counties in a significantly Black, racially diverse, and geographically compact region that has emerged over the past quarter of a century—specifically, the counties of Fayette, Spalding, Henry, Rockdale, and Newton.” Cooper Report Pt. 1 ¶ 21.

71. Region B consists of the Eastern Black Belt, which consists of “urban Black Belt Richmond County (Augusta) plus a group of rural Black Belt counties in a geographically compact area.” Cooper Report Pt. 1 ¶ 25. “All of the Region B counties are part of the Central Savannah River Area Regional Commission.” *Id.* ¶ 26.

72. Region C consists of the Western Black Belt, “urban Black Belt Dougherty County (Albany) plus a group of southwest Georgia rural Black Belt counties in a geographically compact area.” Cooper Report Pt. 1 ¶ 30. “Region C encompasses part of the Southwest Georgia and Valley River Area Regional Commission areas.” Cooper Report Pt. 1 ¶ 30 & Cooper Report Pt. 2 Ex. F.

73. Region D, Metropolitan Macon, is “a seven-county region in Middle Georgia defined by the combined MSAs of Macon-Bibb and Warner Robins.” Cooper Report Pt. 1 ¶ 33 & Cooper Report Pt. 2 Ex. F. “[T]hese seven MSA counties form the core of the Middle Georgia Regional Commission.” Cooper Report Pt. 1 ¶ 34.

74. Mr. Cooper “did not think of [the regional areas] as being hard boundaries.” Cooper Dep. 210:16-18. Rather, he used those regions as “guidelines” “in the background” to help focus his inquiry. *Id.* 97:13-15.

75. With respect to drawing district lines for the Illustrative Plans, Mr.

Cooper considered traditional districting principles, including “population equality, compactness, contiguity, respect for communities of interest, and the non-dilution of minority voting strength.” Cooper Report Pt. 1 ¶ 10.

76. Mr. Cooper also considered the Guidelines that the Georgia House Legislative and Congressional Reapportionment Committee used, including that “[e]ach legislative district of the General Assembly should be drawn to achieve a total population that is substantially equal as practicable”; that “[a]ll plans adopted by the Committee will comply with Section 2 of the Voting Rights Act of 1965, as amended”; that “[a]ll plans adopted by the Committee will comply with the United States and Georgia Constitutions”; that “[d]istricts shall be composed of contiguous geography”; that “[d]istricts that connect on a single point are not contiguous”; that “[n]o multi-member districts shall be drawn on any legislative redistricting plan”; that “[t]he boundaries of counties and precincts,” “compactness,” and “[c]ommunities of interest” be considered; and that “[e]fforts should be made to avoid the unnecessary pairing of incumbents.” Cooper Dep. 37:2-6, 49:3-50:13; *see also* Ex. G, 2021-2022 Guidelines for the House Legislative and Congressional Reappointment Committee, https://www.house.ga.gov/Documents/CommitteeDocuments/2021/Legislative_and_Congressional_Reapportionment/2021-

2022%20House%20Reapportionment%20Committee%20Guidelines.pdf.

77. Mr. Cooper testified that when he draws maps—including the Illustrative Plans—he “attempt[s] to put together districts that are reasonably shaped, easy to understand, and . . . compact[.]” Cooper Dep. 53:17-19.

78. In drawing the Illustrative Plans, Mr. Cooper “made every effort to avoid splitting” counties and voting districts. Cooper Dep. 210:7-8; *see also id.* 203:19-25; Cooper Report Pt. 1 ¶ 11 (The “illustrative plans are drawn to follow, to the extent possible, county and VTD boundaries.”).

79. In drawing the Illustrative Plans, Mr. Cooper sought to avoid county splits, MSA splits, regional commission splits, CBSA splits, and municipalities splits. *See* Cooper Dep. 157:5-21; *see also id.* 156:2-7; 210:7-11.

80. Where splits were necessary to comply with the strict deviation standards or other districting principles, Mr. Cooper “generally used whole 2020 Census VTDs as sub-county components. Where VTDs are split, [he] followed census block boundaries that are aligned with roads, natural features, census block groups, municipal boundaries, and/or current county commission districts.” Cooper Report Pt. 1 ¶ 11.

81. In drawing the Illustrative Plans, Mr. Cooper also noticed areas outside of his areas of focus where he could avoid splitting counties while

protecting incumbents, and so he avoided those splits. Cooper Dep. 204:21-25.

82. The opportunity to “fix” those splits as compared to the enacted map may have been opened up by “ripple effects” from the other changes Mr. Cooper made in the areas of focus. Cooper Dep. 216:9-15.

83. In drawing the Illustrative Plans, Mr. Cooper stayed within particular population deviation limits. For the Senate Plan, Mr. Cooper used a 1% population deviation limit for each district (i.e., no district is more than 1% away from ideal population size). *See* Cooper Report Pt. 1 ¶ 111. For the House Plan, he used a 1.5% population deviation limit for each district. *Id.* ¶ 184.

84. Those deviation limitations are “very tight” compared to many other states, where up to five percent is acceptable. Cooper Dep. 61:6-15, 121:20-122:7. *See also* Morgan Dep. 345:17-20.

85. Because of the tight population deviation standard employed in Georgia, it is sometimes necessary to split counties and precincts to meet those requirements. Dep. of Gina Wright [Dkt. 225] (“Wright Dep.”) 141:24-142:2 (“[S]ometimes you need to split precincts in order to meet deviation requirements.”).

86. With respect to maintaining communities of interest, Mr. Cooper in drawing the Illustrative Plans took into account “transportation corridors,”

“maintaining existing jurisdictional boundaries like counties and precincts,” “municipalities,” “core-based statistical areas,” “regional commissions,” “socioeconomic connections or commonalities,” and “historical or cultural connections.” Cooper Dep. 50:14-51:5; 207:9-208:17; *see also* Wright Dep. 247:7-249:12; Morgan Dep. 127:16-130:20.

87. In addition to those traditional districting principles, Mr. Cooper sought to “avoid pairing incumbents” to the extent possible. Cooper Dep. 48:24-49:2.

88. In drawing the Illustrative Plans, Mr. Cooper “sometimes” used a *Maptitude* feature that displayed “dots” to indicate precincts with a Black voting age population of 30 percent or higher. Cooper Dep. 60:15-16. That feature only indicated whether the precinct as a whole had a Black voting age population higher than 30 percent, and it did not identify the concentration of Black population within the precinct. *Id.* 60:15-61:1.

89. Mr. Cooper used that feature to “identif[y] more or less where the Black [or the minority] population lives.” Cooper Dep. 63:16-21.

90. Mr. Cooper did not use partisan data or election results in his creation of the Illustrative Plans. Cooper Dep. 68:17-20.

91. When asked whether he prioritized race over other traditional

districting considerations in drawing his Illustrative Plans, Mr. Cooper testified, “absolutely not.” Cooper Dep. 221:4-7.

92. Mr. Cooper did not seek to maximize the number of Black-majority districts in his Illustrative Plans, testifying that doing so would likely run afoul of traditional districting principles. Cooper Dep. 41:17-42:5.

93. Defendant’s expert agreed that Mr. Cooper’s Illustrative Plan performs similarly to the Enacted Plan with respect to compactness, splits, and other quantifiable metrics—in his words, the metrics are “all very similar.” Morgan Dep. 277:15-23.

94. The mean compactness scores for the Illustrative Senate Plan and 2021 Enacted Plan using the Reock and Polsby-Popper measures are “virtually identical.” *See* Morgan Dep. 278:16-279:3 (noting that the mean compactness scores are “virtually identical”).

95. Mr. Cooper’s Illustrative State Senate Plan has a mean Reock score that is 0.1 points higher than the 2021 Enacted Plan, and a mean Polsby-Popper score that is 0.1 points lower. Cooper Report Pt. 1 ¶ 114, Fig. 20.

96. Mr. Cooper’s Illustrative State House Plan has the same mean Reock score as the 2021 Enacted Plan, and a mean Polsby-Popper score that is 0.01 lower than the 2021 Enacted Plan. Cooper Report Pt. 1 ¶ 186, Fig. 36.

97. Mr. Cooper's Illustrative State Senate Plan has higher minimum Reock and Polsby-Popper scores (i.e., the compactness of the *least* compact district) than the 2021 Enacted Plan. Cooper Report Pt. 1 ¶ 114, Fig. 20.

98. Mr. Cooper's Illustrative State House Plan has higher minimum Reock and Polsby-Popper scores than the 2021 Enacted Plan. Cooper Report Pt. 1 ¶ 186, Fig. 36.

99. Mr. Cooper's Illustrative State Senate Plan has fewer split counties than the 2021 Enacted Plan. Cooper Report Pt. 1 ¶ 116, Fig. 21.

100. Mr. Cooper's Illustrative State Senate Plan has fewer total county splits than the 2021 Enacted Senate plan. Cooper Report Pt. 1 ¶ 116, Fig. 21.

101. Mr. Cooper's Illustrative State Senate Plan has fewer 2020 VTD splits than the 2021 Enacted Senate plan. Cooper Report Pt. 1 ¶ 116, Fig. 21.

102. Mr. Cooper's Illustrative State Senate Plan has fewer total city/town splits than the 2021 Enacted Senate plan. Cooper Report Pt. 1 ¶ 116, Fig. 21.

103. Mr. Cooper's Illustrative State Senate plan keeps more single- and multi-county whole city/towns intact than the 2021 Enacted Senate plan. Cooper Report Pt. 1 ¶ 116, Fig. 21.

104. Mr. Cooper's Illustrative State Senate Plan has fewer Regional Commission Splits than the Enacted Senate Plan. Cooper Report Pt. 1 ¶ 119, Fig.

22.

105. Mr. Cooper's Illustrative State Senate Plan has fewer Core-Based Statistical Area ("CBSA") Splits than the Enacted Senate Plan. Cooper Report Pt. 1 ¶ 119, Fig. 22.

106. Mr. Cooper's Illustrative State House Plan has fewer split counties than the Enacted House Plan. Cooper Report Pt. 1 ¶ 189, Fig. 37.

107. Mr. Cooper's Illustrative State House Plan has the same number of total county splits as the Enacted House Plan. Cooper Report Pt. 1 ¶ 189, Fig. 37.

108. Mr. Cooper's Illustrative State House Plan has the same number of 2020 VTD splits as the Enacted House Plan. Cooper Report Pt. 1 ¶ 189, Fig. 37.

109. Mr. Cooper's Illustrative State House Plan keeps more single-county whole city/towns intact than the Enacted House Plan. Cooper Report Pt. 1 ¶ 189, Fig. 37.

110. Mr. Cooper's Illustrative State House Plan has fewer Regional Commission Splits than the Enacted House Plan. Cooper Report Pt. 1 ¶ 192, Fig. 38.

111. Mr. Cooper's Illustrative State Senate Plan stays within a 1% population deviation limit for each district. Cooper Report Pt. 1 ¶ 111. Specifically, Mr. Cooper's deviation relative range is -1.00% to 1.00% and the

Enacted Plan's is -1.03% to 0.98%. Report of John Morgan [Dkt. 236-2] ("Morgan Report.") ¶ 16, Chart 2. According to Mr. Morgan, this is within the acceptable range to comport with traditional redistricting principles. Morgan Dep. 344:20-345:6.

112. Mr. Cooper's illustrative State House Plan stays within a 1.5% population deviation limit for each district. Cooper Report Pt. 1 ¶ 184. Specifically, Mr. Cooper's deviation relative range is -1.49% to 1.49% and the Enacted Plan's is -1.40% to 1.34%. Morgan Report ¶ 45, Chart 6. According to Mr. Morgan, this is within the acceptable range to comport with traditional redistricting principles. Morgan Dep. 344:20-345:6.

Senate District 17 ("SD 17")

113. Gina Wright testified that the idea behind SD 17 in the 2021 Enacted Plan was to make it a Republican district. *See* Wright Dep. 178:10-11 ("I think the idea was to draw a Republican District.").

114. Ms. Wright testified that enacted SD 17 is "jagged" and less compact than other districts. Wright Dep. 195:8-12 (noting that the Enacted SD 17 has "a bit of a jagged appearance, [and] is not as compact as other districts...").

115. Enacted SD 17 unites very different communities, connecting communities in Henry County in suburban Atlanta with rural areas that are

socioeconomically distinct, for example with respect to educational attainment.

Cooper Report Pt. 1 ¶ 128.

116. Mr. Cooper's Illustrative SD 17 is "much more compact than the sprawling" enacted SD 17. Cooper Report Pt. 1 ¶ 105, Fig. 17D.

117. Mr. Cooper's Illustrative SD 17 results in a configuration that keeps Newton County whole, whereas the 2021 Enacted Plan splits Newton County.

Compare Cooper Report Pt. 1 ¶ 106 Fig. 17E, *with* Fig. 17F.

118. Mr. Cooper identified grouping more suburban areas together as one reason for the configuration of Illustrative SD 17. Cooper Dep. 139:14-19 ("[A:] But you will agree that Morgan County is rather rural as well, right? [Q:] I would consider Spalding and Morgan to be pretty rural counties. [A:] But Henry County would be ex-urban and suburban.").

119. Mr. Cooper also identified shared socioeconomic characteristics, such as similar levels of educational attainment between residents of Henry, Rockdale, and Dekalb Counties, as one reason for the configuration of Illustrative SD 17.

Cooper Report Pt. 1 ¶ 127 ("The counties within Illustrative Senate District 17 share socioeconomic characteristics that make them similar to one another. For example, the counties that comprise Illustrative Senate District 17 are similar when educational attainment rates among Black residents are compared across the

counties. A significant proportion of Black residents in Henry, Rockdale, and Dekalb Counties have received a bachelor's degree or higher (34.5%, 29.2%, and 29.2% respectively).”).

Senate District 23 (“SD 23”)

120. Illustrative SD 23 is equally compact to Enacted SD 23 with respect to the Reock and Polsby-Popper measurements of compactness. *Compare* Cooper Report Pt. 4 Ex. S-1 (Illustrative SD 23 Reock: .37 Polsby Popper: .16), *with* Ex. S-3 (enacted SD 23 Reock: .37 Polsby Popper: .16).

121. Illustrative SD 23 splits the same number of counties as Enacted SD 23. *Compare* Cooper Report Pt. 1 Fig. 18, *with* Fig. 19A.

122. Mr. Cooper identified grouping counties in the historical Black Belt together as one reason for the configuration of Illustrative SD 23. Cooper Dep. 144:20-24. (“[Q:] So in looking back at Figure 19A in illustrative Senate District 23, what is the community of interest between Richmond County and Twiggs County? [A:] Both counties are part of the Black Belt.”). Mr. Cooper explained that, while there is no single definition of the Black Belt, he relied on the designation of the Georgia Budget and Policy Institute, which is based on historical data of enslaved labor, current enrollments of Black students, and current enrollments of students living in poverty. Cooper Report Pt. 1 ¶ 18, Fig. 1.

123. Mr. Cooper also identified shared socioeconomic characteristics, such as poverty rates, as one reason for the configuration of Illustrative SD 23. For example, a significant proportion of Black residents across Illustrative SD 23 have incomes that fall below the poverty line (ranging from 20.1% of the Black population to 38.4% of the Black population). Cooper Report Pt. 1 ¶ 129 (“The counties within Illustrative Senate District 23 also share certain socioeconomic characteristics that make them similar to one another. For example, a significant proportion of Black residents across the Illustrative Senate District 23 counties had incomes that fell below the poverty line (ranging from 20.1% of the Black population to 38.4% of the Black population)”).

124. Mr. Cooper identified staying within population deviation limits as one reason for the configuration of Illustrative SD 23. Cooper Dep. 143:8-17 (“[Q:] So you’ve separated in this plan Hancock and Warren Counties. Are there differences between those counties that led you to separate them? [A:] Well, they’re separated, but it’s conceivable they could be put in district – one could be put in 23. It’s not dramatically different. So it would fit into District 23. But to do so would have created an issue with one person, one vote, I think. It would also not have been quite as reasonably shaped.”); *id.* 185:8-14 (“[Q:] But you would agree that Washington was divided on the Senate plan, the illustrative Senate plan?”).

[A:] I believe it was in the Senate plan, right -- again, quite possibly due to the need to stay within plus or minus one percent in that district or one of the adjoining districts.”).

125. Mr. Cooper identified increasing district compactness as one reason for the configuration of Illustrative SD 23. Cooper Dep. 143:8-17 (“[Q:] So you’ve separated in this plan Hancock and Warren Counties. Are there differences between those counties that led you to separate them? [A:] Well, they’re separated, but it’s conceivable they could be put in district – one could be put in 23. It’s not dramatically different. So it would fit into District 23. But to do so would have created an issue with one person, one vote, I think. It would also not have been quite as reasonably shaped.”).

126. Mr. Cooper identified following existing municipal and precinct lines as the as one reason for his line-drawing decisions within Wilkes County in configuring Illustrative SD 23. Cooper Report Pt. 1 ¶ 109 (“Illustrative Senate District 23 divides Wilkes County along current administrative boundaries, following county commission lines (green) north into the City of Washington where it follows the western city limits of Washington before returning to east-west commission boundaries in the center of the city.”); Cooper Dep. 143:18-23 (“[Q:] In your division of Wilkes County, I believe you said is along County

Commission boundaries; is that right? [A:] That’s correct. I just followed the boundaries established by Wilkes County as recently as this time last year.”); *id.* 144:4-8 (“Let me back up. It does not divide -- the illustrative District 23 follows commission lines except that once it reaches the town of Washington on the southwest side it just follows the town boundaries.”).

Senate District 28 (“SD 28”)

127. Enacted SD 16 is significantly longer than Illustrative SD 28 (50 miles vs. 24 miles). *See* Morgan Report ¶¶ 24, 29.

128. Enacted SD 16 stretches from the border with Fulton County in Atlanta all the way to the border of Upson County. *See* Cooper Report Pt. 1 ¶ 96, Fig. 16.

129. Enacted SD 16 unites very different communities, connecting communities in suburban Atlanta such as Fayetteville with rural areas that are socioeconomically distinct, for example with respect to labor force participation. Cooper Report Pt. 1 ¶ 126 (“By comparison, the labor force participation rates for Black residents in Pike and Lamar Counties (which are contained within 2021 Senate District 16 along with Spalding County and part of Fayette County) are lower than the counties contained within Illustrative Senate District 28. The Black labor force participation rates in Pike and Lamar Counties are 51.3% and 48.0%

respectively.”).

130. Mr. Cooper identified shared socioeconomic characteristics, such as labor force participation, as one basis for connecting Fayette, Spaulding, and Clayton counties in Illustrative SD 28. Cooper Report Pt. 1 ¶ 125 (“For example, the counties within Illustrative Senate District 28 share socioeconomic characteristics that make them similar to one another. A relatively high proportion of Black residents are in the labor force in Fayette, Spalding, and Clayton Counties (64.3%, 58.2%, and 69.5% respectively).”).

131. Mr. Cooper identified connecting geographically proximate communities as one reason for the configuration of Illustrative SD 28. Cooper Dep. 126:25-127:9 (“[Q:] So for your illustrative District 28, what connections are there between the Black communities in Spalding County and the Black communities in Clayton County? [A:] They’re very close geographically. And I would expect that the Black community in Griffin area is perhaps a little bit older. It’s a smaller town. It’s not as urban but certainly there are connections. I mean it’s almost no distance at all between Griffin and southern Clayton County.”); *see also id.* 127:10-19 (“[Q:] So in creating illustrative District 28 what traditional redistricting principles did you apply to its creation? [A:] I tried to keep voting district precincts whole and was able to combine communities that clearly have

connections, because they're right next door to one another, into a majority Black district that includes Fayetteville and southern Clayton County and the majority Black city of Griffin in Spalding County.”).

132. Mr. Cooper identified connecting suburban and exurban Metro area communities as one reason for the configuration of Illustrative SD 28. Cooper Dep. 130:14-23 (“[Q:] Did you identify a community of interest between northern Clayton County and the rural part of Spalding County that you’ve included in it? [A:] Again, it is my belief that the African-American community in Clayton County, even though it’s somewhat more urbanized, would not mind being in a second majority Black senate district in Clayton, Henry and Griffin County. Henry is suburban, and so it fits well with either one of those two. It’s an in-between area.”); *id.* 131:3-10 (“[Q:] And you would agree that both District 28 and District 16 on the illustrative plan connect more urban population with more rural population, right? [A:] Or ex-urban, yeah. The extreme southern part of Spalding County is getting more rural. That’s just going to happen. I mean these are Senate districts.”).

133. Mr. Cooper identified trying to “keep voting district precincts whole” as one reason for the configuration of Illustrative SD 28. Cooper Dep. 127:10-19 (“[Q:] So in creating illustrative District 28 what traditional redistricting principles

did you apply to its creation? [A:] I tried to keep voting district precincts whole and was able to combine communities that clearly have connections, because they're right next door to one another, into a majority Black district that includes Fayetteville and southern Clayton County and the majority Black city of Griffin in Spalding County.”).

134. Mr. Cooper identified avoiding a split of Griffin, the largest city and county seat of Spalding County, as one reason for the configuration of Illustrative SD 28. Cooper Dep. 132:6-133:14 (“[Q:] And then your split of Griffin on illustrative 28 is along the city boundaries; is that correct? [A:] I believe so. No problem with that, is there? [Q:] Do you know if that corresponds to the voting precincts in Spalding County? [A:] I would have to check the table. But I think that if you're splitting along municipal lines, even though it's important to be aware of VTDs and precincts, they do change. They're constantly changing in Georgia. So I don't know right off the top of my head whether there is a split of the VTD or not. Can we check? We can look and see. I'm sort of curious now. [Q:] You can't really tell on the map either. [A:] Well, let's check. [Q:] Okay, where would we check? [A:] What is the plan components of the illustrative Senate plan? [Q:] Is that Exhibit 02 that we had -- [A:] Isn't it broken out by VTD? MR. TYSON: Let's go off the record for just a second. (Off the record). BY MR.

TYSON: [Q:] Mr. Cooper, during the break we just confirmed that I don't think either of us believe there is a split of a precinct in this Griffin area, that there may be a precinct split in a different part of Spalding County. [A:] And it could relate strictly to staying within the plus or minus one percent. I don't know that to be a fact, but perhaps that is the reason."); Cooper Report Pt. 1 ¶ 100 & Fig. 17B.

House District 74 ("HD 74")

135. Illustrative HD 74 is more compact than Enacted HD 74. Morgan Report ¶ 47, Chart 7.

136. Mr. Cooper identified shared socioeconomic characteristics, such as labor force participation, as one basis for connecting Henry, Spaulding, and Clayton counties in Illustrative HD 74. For example, a similar portion of Black residents in Henry, Spalding, and Clayton Counties are in the labor force (71.0%, 58.2%, and 69.5% respectively). Cooper Report Pt. 1 ¶ 198 ("For example, Illustrative House District 74 includes parts of Henry, Spalding, and Clayton Counties and Illustrative House District 117 includes parts of Henry and Spalding Counties. The counties within Illustrative House Districts 74 and 117 share socioeconomic characteristics that make them similar to one another. As one example, and as noted *supra* with respect to Illustrative Senate District 28, a similar proportion of Black residents in Henry, Spalding, and Clayton Counties are

in the labor force (71.0%, 58.2%, and 69.5% respectively).”).

137. Mr. Cooper identified connecting suburban communities as one reason for the configuration of the districts around Illustrative HD 74. Cooper Dep. 178:14-179:12 (“[Q:] You would agree that illustrative Districts 68, 69 and 77 both connect more urban population with more rural population, right? [A:] Not so much. I mean it’s pretty urbanized there from Fayetteville north. Once you go further south, yes, but that’s not as densely populated. So the rural population would be a minority in 77 and 69. I know there are probably people who live in Atlanta who would think that Fayetteville is rural. But I mean it is a town, it’s urbanized. [Q:] So your testimony is in 68, 69 and 77 there is probably some rural population but it’s a small group at the bottom of those districts? [A:] Yeah. I think it would be a minority of the population in the districts, I believe. But I’m just talking off the top of my head, and I am not looking at block-level data and not able to really give you a definitive answer as to where the exact dividing line would be between urban and rural with 77, 69 and 68, other than the further south you go the more rural it would get. Although, it’s still very suburban, frankly. It’s overwhelmingly suburban until you get down to around Woolsey probably, and maybe that’s more rural.”).

House District 117 (“HD 117”)

138. Mr. Cooper identified shared socioeconomic characteristics, such as labor force participation, as one basis for connecting Henry and Spaulding Counties in Illustrative HD 117. Cooper Report Pt. 1 ¶ 198 (“For example, Illustrative House District 74 includes parts of Henry, Spaulding, and Clayton Counties and Illustrative House District 117 includes parts of Henry and Spaulding Counties. The counties within Illustrative House Districts 74 and 117 share socioeconomic characteristics that make them similar to one another. As one example, and as noted *supra* with respect to Illustrative Senate District 28, a similar proportion of Black residents in Henry, Spaulding, and Clayton counties are in the labor force (71.0%, 58.2%, and 69.5% respectively).”).

139. Mr. Cooper identified connecting geographically proximate communities as one reason for the configuration of Illustrative HD 117. Cooper Dep. 175:23-176:7 (“[A:] I mean Locust Grove is a stone’s throw from the Spaulding County line, metaphorically speaking anyway. So there are connections, of course. [Q:] What are some of those connections? [A:] They are ex-urban and in some places rural. I’ve driven through Locust Grove. It’s a pretty town. There are obvious connections. The two towns are very close. Griffin and Locust Grove are not far apart at all.”); *id.* 217:9-24 (“[Q:] Just to clarify for the record, you

mentioned that there were commonalities between the communities of Locust Grove and Griffin. Was proximity one of those? [A:] Well, that's what I was trying to say, yes. It's not far from one to the other. Regardless of your race, they're close. [Q:] And was the character of those communities in terms of being suburban or ex-urban versus urban a commonality that you identified? [A:] I think so. They're both small towns, so they're certainly ex-urban. [Q:] In your view did those commonalities support uniting those communities in a compact district? [A:] I see no reason why you can't.”).

140. Mr. Cooper identified adhering to population deviation requirements as one reason for connecting Locust Grove and Griffin. Cooper Dep. 175:15-19 (“[Q:] What was the basis for connecting part of the city of Locust Grove with part of Griffin? [A:] By and large probably one person, one vote. It was a clear -- there was a clear dividing line there at the precinct level I'm pretty sure.”). Mr. Cooper also identified following precinct lines as one reason for the configuration of Illustrative HD 117. *Id.*

141. Mr. Cooper identified connecting exurban communities as one reason for the configuration of Illustrative HD 117. Cooper Dep. 176:2-7 (“[Q:] What are some of those connections? [A:] They are ex-urban and in some places rural. I've driven through Locust Grove. It's a pretty town. There are obvious connections.

The two towns are very close. Griffin and Locust Grove are not far apart at all.”); *id.* 217:9-20 (“[Q:] Just to clarify for the record, you mentioned that there were commonalities between the communities of Locust Grove and Griffin. Was proximity one of those? [A:] Well, that’s what I was trying to say, yes. It’s not far from one to the other. Regardless of your race, they’re close. [Q:] And was the character of those communities in terms of being suburban or ex-urban versus urban a commonality that you identified? [A:] I think so. They’re both small towns, so they’re certainly ex-urban.”).

142. Mr. Cooper identified following transportation corridors and precinct lines in configuring Illustrative HD 117. Cooper Dep. 176:17-22 (“[Q:] And District 117 as configured divides the city of Griffin as well, right? [A:] Part of Griffin is taken out of House District 117. Again, I think it’s probably the precinct level. But basically it’s following the main highway there, State Route 16 I think it is.”).

House District 133 (“HD 133”)

143. Mr. Cooper identified connecting counties in the historical Black Belt together as one reason for the configuration of Illustrative HD 133. Cooper Report Pt. 1 ¶ 174 (“To recap, the Illustrative Plan draws six majority-Black House districts in the Eastern Black Belt—House Districts 124, 125, 126, 127, 128, and

133—where there are just five in the 2021 Plan.”); *id.* ¶ 199 (“In addition to being part of the eastern Black Belt region as discussed *supra*, counties within Illustrative House District 133 share socioeconomic characteristics that make them similar to one another.”).

144. Mr. Cooper also identified shared socioeconomic characteristics, such as similar levels of education in the counties within the configuration of Illustrative HD 133. Cooper Report Pt. 1 ¶ 199 (“For example, a comparatively low proportion of Black residents in Illustrative District 133 counties have received a bachelor’s degree or higher (ranging from 5.7% to 12.7% of the Black population ages 25 and over).”).

145. Mr. Cooper identified protecting incumbents as a factor he considered when configuring the districts around Illustrative HD 133. Cooper Dep. 187:10-19 (“[Q:] And the adjustments to 128 were necessary to create the additional majority Black District 133? [A:] There may be ways to reconsider how 128 is drawn. Again, I wanted to avoid pairing incumbents. It’s not a traditional redistricting principle *per se*, but it seems to be so important -- and I don’t off the top of my head know exactly where the incumbent lives in 128, but that was a factor I’m sure.”); *id.* 188:12-18 (“[Q:] But you don’t know sitting here today whether incumbency was the reason for the shape of House District 128? [A:] I’m sure it

was a factor. What I don't know is whether I could have overcome that with some other configuration."); *id.* 183:8-12 ("[Q:] And you would agree that the split of District 133 in Milledgeville does split the city into two different districts, right? [A:] Right. I think there's an incumbent who lives somewhere in all this as well.").

146. Mr. Cooper identified following municipal boundaries as a factor he considered when configuring Illustrative HD 133. Cooper Dep. 186:1-16 ("[Q:] Going back a page just to the overview of House District 133 on Figure 31. Just go back one page to look at the overall view. What is the geographically compact Black community contained in House District 133? [A:] It is found in Hancock County, Taliaferro County, Warren County, part of Wilkes. Wilkinson is majority white but still a significant Black population and a significant Black population in Baldwin County. So it's slightly elongated, but it's easy to follow. It's following county boundaries basically except for the area in Baldwin where I made a Herculean effort to follow municipal boundaries; and Wilkes, which is following County Commission lines that were just established last winter.").

147. Mr. Cooper identified following local county commission lines as a factor he considered when configuring Illustrative HD 133. Cooper Dep. 186:1-16 ("[Q:] Going back a page just to the overview of House District 133 on Figure 31. Just go back one page to look at the overall view. What is the geographically

compact Black community contained in House District 133? [A:] It is found in Hancock County, Taliaferro County, Warren County, part of Wilkes. Wilkinson is majority white but still a significant Black population and a significant Black population in Baldwin County. So it's slightly elongated, but it's easy to follow. It's following county boundaries basically except for the area in Baldwin where I made a Herculean effort to follow municipal boundaries; and Wilkes, which is following County Commission lines that were just established last winter.”).

House District 145 (“HD 145”)

148. Mr. Cooper identified geographic proximity as one basis for connecting communities in Illustrative HD 145. Cooper Report Pt. 1 ¶ 201 (“Illustrative House District 145 is in Macon-Bibb County and Monroe County. About 91% of all persons and 96% of Black persons in Illustrative House District 145 are Macon-Bibb residents. With the creation of a third Macon-centric district, Black voters in the consolidated city would potentially have a stronger voice in the State House to address shared socio-economic issues. For example, one-third of the Black population and nearly half (47.5%) of Black children in Macon-Bibb live in poverty. By contrast, 11.6% of the White population in Macon-Bibb and 14.1% of White children in live in poverty.”). Mr. Cooper also identified shared socioeconomic characteristics, such as similar levels of education in the counties

within the configuration of Illustrative HD 145. *Id.*

149. Mr. Cooper identified connecting communities within the Macon metropolitan statistical area as one reason for the configuration of Illustrative HD 145. Cooper Dep. 197:22-198:6 (“[Q:] So can you walk me through what downtown Macon has in common with this piece of Forsyth County over towards Upson County in District 145? [A:] It’s in the Macon/Bibb MSA. And there is some Black population in that precinct, but I believe it’s a majority white precinct. But that was mainly because I had to make sure that the deviation was within plus or minus one percent. Ninety percent plus of the population in 145 under the illustrative plan lives Macon/Bibb.”).

150. Mr. Cooper identified adhering to population deviation requirements as one reason for the configuration of Illustrative HD 145. Cooper Dep. 197:22-198:6 (“[Q:] So can you walk me through what downtown Macon has in common with this piece of Forsyth County over towards Upson County in District 145? [A:] It’s in the Macon/Bibb MSA. And there is some Black population in that precinct, but I believe it’s a majority white precinct. But that was mainly because I had to make sure that the deviation was within plus or minus one percent. Ninety percent plus of the population in 145 under the illustrative plan lives Macon/Bibb.”).

151. Mr. Cooper identified preserving regional commission boundaries as

one reason for the configuration of Illustrative HD 145. Cooper Dep. 198:24-199:4 (“[A:] So the middle Georgia commission includes Bibb, Houston, Peach, Pulaski, and going further north, Crawford, Monroe, Jones, Putnam, Baldwin, Wilkinson, Twiggs. So I’m staying entirely within the middle Georgia commission with House District 145.”).

House District 171 (“HD 171”)

152. The Illustrative House Plan in the area around HD 171 reduces county splits in Dougherty County. Cooper Dep. 193:18-25 (“[Q:] And on the illustrative plan on page 80, the next page, Figure 33, there’s now no longer one district that is wholly within Dougherty County, correct? [A:] That is correct; however, the illustrative plan splits Dougherty County three ways, and the enacted plan splits it four ways. So there’s that. Why is that, I wonder.”).

153. Mr. Cooper identified historic US Highway 19 as a historic transportation corridor connecting the surrounding communities within the district as one reason for the configuration of Illustrative HD 171. Cooper Dep. 189:2-7 (“[Q:] And you describe illustrative District 171 as along the Highway 19 corridor, right? [A:] Yes, it follows Highway 19. [Q:] What is the community of interest that connects – [A:] US Highway 19.”); *id.* 191:22-192:5 (“[Q:] So after you drew the district you were hunting around looking for information about Highway 19 and

what it connected; is that fair to say? [A:] I did look at that. I mean I knew that Highway 19 was, in a sense, a historical highway. US highways of that vintage with a 19 on it go way back in time, so it's not like there haven't been transportation connections between Thomasville and Albany since the 1930s."); *id.* 193:7-12 (“[A:] Well, it just shows that there is, present day -- although 2014 is no longer present day, but it's certainly the modern era -- a study and an interest in maintaining the historic route between Albany and Thomasville. It shows there is a connection there between the governments.”).

154. Mr. Cooper identified connecting counties in the historical Black Belt together as one reason for the configuration of Illustrative HD 171. Cooper Dep. 217:25-218:8 (“[Q:] And now looking at pages 78, starting at 78, you discussed with Mr. Tyson the illustrative District 171, and specifically you were discussing connections between Albany and Thomasville. You mentioned the Georgia Budget and Policy Institute designation of counties as being in the Black Belt. Did you consider that a connection between Albany and Thomasville? [A:] Yes.”).

155. Mr. Cooper also identified shared socioeconomic characteristics, such as similar levels of poverty in Dougherty, Thomas, and Mitchell Counties, as one reason for the configuration of Illustrative HD 171. Cooper Dep. 218:21-219:6 (“[Q:] And just looking at paragraph 200 of your report, the socioeconomic

analysis, you note Dougherty, Thomas and Mitchell counties all have comparatively high Black poverty rates. [A:] Yes. [Q:] Do you view that as a connection between those areas as well? [A:] Yes. [Q:] Do you think those connections support connecting those areas in the district? [A:] Absolutely.”); Cooper Report Pt. 1 ¶ 200.

156. Mr. Cooper also identified consistency with prior district shapes as one reason for the configuration of Illustrative HD 171. Cooper Dep. 190:1-14 (“[A:] I’ve been through Thomasville and actually driven through -- I can’t say that right -- Albany. But I do not -- I just cannot imagine that those two towns are so different that they could not be placed in a single House district. And I would just point you to the plan that the state adopted in 2015 that stretched from -- not House District 171 but the plan stretched from Albany ... all the way down to Seminole County. So it’s a much longer distance. It’s majority white as it cuts through Miller County. But in terms of being elongated and travel time, certainly less of a connection there than it would be between Thomasville and Albany.”).

157. The Illustrative Plan makes Clark County whole in order to adhere to traditional redistricting principles. Cooper Dep. 150:2-12 (“[Q:] So you made a change to the enacted plan in Clark County on your illustrative plan with the goal of making the counties whole but unrelated to the creation of the new Black

majority district? [A:] I think so. I don't think deviation would come into play there. The shape of the districts comes into play, so there could have been any number of factors. And certainly you could maintain that all of my illustrative districts, the Plaintiffs' plan, and split Clark County should you wish to do so. That can be done.”).

Mr. Morgan's Analysis

158. Defendant's mapping expert, Mr. John Morgan, does not opine that Mr. Cooper's Illustrative Plans do not comply with traditional districting principles. Morgan Dep. 70:3-8 (“[Q:] Do you conclude in your December 5th report that the illustrative maps that you drew are evidence that the illustrative maps drawn by Mr. Cooper don't comply with traditional districting principles? [A:] That's not in the report.”); *id.* 305:16-20 (“[Q:] But you're not saying that the plans are inconsistent with traditional districting principles? [A:] I didn't say that. I don't think I said that anywhere in the report.”).

159. When comparing Mr. Cooper's Illustrative Plans to the Enacted Maps, Mr. Morgan's report did not explicitly consider the redistricting principles set out by the State of Georgia. Morgan Dep. 261:17-25. (“[Q:] So when comparing Cooper's maps to the enacted maps, did you consider the redistricting principles set out by the State of Georgia [A:] It's not in the report.”).

160. Mr. Morgan admitted there could be many different reasons why the districts in two plans could appear very different, including avoiding pairing incumbents, retaining district cores and continuity of representation, various communities-of-interest factors, constituent feedback, compliance with the Voting Rights Act, as well as the individual balancing decisions of different map drawers. Morgan Dep. 192:6-193:13.

161. Mr. Morgan admitted that it would be difficult to analyze if the effect on a district from racial considerations is stronger than other districting considerations. *E.g.*, Morgan Dep. 236:2-7 (“[Q:] Is the claimed effect from racial considerations greater than the effect of taking into account constituent feedback from the redistricting process? [A:] I think that would be difficult to analyze, so I don’t know.”).

162. Mr. Morgan offered no opinion about whether Mr. Cooper’s consideration of race in drawing the Illustrative Plans involved anything more than complying with the Voting Rights Act. Morgan Dep. 247:18-248:8.

163. Mr. Morgan’s opinions about Mr. Cooper’s plans were developed without relying on Mr. Cooper’s report and his description of how he drew the plans. Morgan Dep. 254:8-12 (“[Q:] So your opinions about the Cooper plan were developed without really considering Cooper’s report and his description of how

he drew the plans? [A:] I didn't rely on that for this report.”).

164. Mr. Morgan chose to compare the districts that highlight differences in compactness without considering in his reports how much those districts overlap with one another or whether they are even located in the same regions of the state.

Morgan Dep. 182:9-190:2; 203:4-10; 206:13-207:17; 227:24-228:25; 283:15-284:2; 350:10-351:14; 351:25-354:5; 358:18-359:12; 369:20-370:17.

Racially Polarized Voting in Georgia

165. Dr. Lisa Handley employed three different statistical techniques to estimate vote choices by race: homogeneous precinct analysis, ecological regression, and ecological inference (including a more recently developed version of ecological inference that she labeled “EI RxC”). Handley Report 2-4.

166. In the seven areas of Georgia that Plaintiffs' expert, Dr. Handley, analyzed, she found that, in statewide elections, “the average percentage of Black vote for the 16 Black-preferred candidates is 96.1%.” Handley Report 9.

167. In the seven areas of Georgia that Dr. Handley analyzed, she found that, in statewide elections, “the average percentage of White vote for the[] 16 Black-preferred candidates . . . is 11.2%.” Handley Report 9.

168. In 54 state legislatures that Dr. Handley analyzed, over 90% of Black voters supported their preferred Black candidates. Handley Report 9. Those

candidates received, “on average, 10.1% of the White vote.” Handley Report 9.

169. Dr. John Alford, Defendant’s expert, stated that in all general elections examined by Dr. Handley, Black voter support for a candidate “exceeded 90 percent.” Report of John Alford [Dkt. 229, Ex. 2] (“Alford Report”) 7.

170. Dr. Alford testified that “very high level of cohesion” exists among both Black and White voters in the areas challenged in the litigation. Alford Dep. 88:8-89:19.

171. Dr. Alford acknowledged “extremely cohesive Black support” for their preferred candidates. Alford Dep. 90:3-12.

172. Dr. Alford testified that Black voters in Georgia are “politically cohesive” and “very cohesive.” Alford Dep., *Pendergrass v. Raffensperger*, No. 1:21-cv-05339 [Dkt. 158] 37:13-15; PI Hr’g Tr. (Feb. 11, 2022, AM) [Dkt. 110] 154:15-17.

173. Dr. Alford testified that Black and White voters are “supporting different candidates,” that “voting is polarized,” and that “[t]his is what polarization looks like when, you know, 90 percent of . . . one group goes one way and 90 percent goes the other.” Alford Dep. 112:10-113:13.

174. Senator John F. Kennedy, Chairman of the Senate Committee on Reapportionment and Redistricting, stated that “we do have racially polarized

voting in Georgia” during a November 4, 2021 Committee meeting. *See* Nov. 4, 2021 Meeting of Senate Committee on Reapportionment & Redistricting, Hr’g on S.B. 1EX, 2021 Leg., 1st Special Sess. (2021) (statement of Senator John F. Kennedy, chairman, S. Comm. Reapp. & Redis. at 1:00:44–1:01:01), <https://www.youtube.com/watch?v=RhQ7ua0db9U>.

175. Of the 54 state legislative races that Dr. Handley examined, “[a]ll but one of the successful Black state legislative candidates” were elected from majority-Black districts. Handley Report 9-10. The one exception came from a district where neither Black nor White voters made up a majority of the voting age population. *Id.* at 9-10 & n.16.

176. Dr. Handley found that Black legislative candidates preferred by Black voters almost always lose outside of Black-majority districts in the races she examined, and that Black voters “are very unlikely to be able to elect their preferred candidates to the Georgia state legislature” absent a majority or near-majority Black population in the district. Handley Report 9-10.

177. In the seven areas in Georgia that Dr. Handley analyzed, she found that White voters “consistently bloc vote to defeat the candidates supported by Black voters.” Handley Report 31.

178. Dr. Alford testified that it “may well be the case” that “the candidate

preferred by the majority of white voters generally win state legislative elections in districts without a majority of Black voting age population.” Alford Dep. 91:9-18.

179. Dr. Handley testified during the preliminary injunction hearing that analysis of primaries provides “evidence of what happens when party is removed.” PI Hr’g Tr. (Feb. 10, 2022, AM) [Dkt. 109] 100:13-16; Dep. of Lisa Handley [Dkt. 222] (“Handley Dep.”) 33:21-25; 34:1-14.

180. Dr. Alford testified in his deposition that primaries eliminate the variable of party when addressing voting behavior. Alford Dep. 186:4-7.

181. Dr. Alford testified in his deposition that his analysis cannot establish causation and therefore does not prove that partisanship is responsible for the polarized voting patterns in Georgia. *E.g.*, Alford Dep. 50:12-18; 122:6-11.

182. Dr. Alford concluded that Plaintiffs’ evidence does not establish racial polarization, because “Black voter support [is] in the same high range for white Democratic candidates as it is for Black Democratic candidates.” Alford Report 4. Dr. Alford does not explain why he believes that Black voter support for Black Democratic candidates must be higher than Black voter support for White Democratic candidates in order for racial polarization to exist. *See, e.g.*, Alford Report 4.

183. Dr. Handley analyzed 11 recent Democratic primary elections in the

seven areas of Georgia and found that the majority were racially polarized.

Handley Report 9-10.

184. Dr. Alford did not conduct an affirmative analysis with respect to voting patterns, except for his analysis of one Republican primary in one area of Georgia. Alford Report 8-9.

185. Dr. Alford was aware that courts prefer analyses that rely on more than one election, but nevertheless declined to provide more data points to the court. *See* Alford Dep. 188:22-189:5.

186. Dr. Alford does not dispute that race may be one of the reasons why voters are aligned with a particular political party. Alford Dep. 193:6-9.

187. Dr. Jason Ward found that in Georgia, Black and White voters have traded party preferences, with race playing a “crucial role in that political realignment.” Report of Jason Ward [Dkt. 242-6] (“Ward Report”) 1, 13, 17-18, 22.

188. Dr. Ward found that there was a dramatic increase in Black voter registration alignment with the Democratic Party, due to the “national party’s increasing support for civil rights.” Ward Report 17-18.

189. Dr. Ward found that attitudes towards Black voters and civil rights caused political power in Georgia to shift during the second half of the Twentieth

Century “from an all-white Democratic Party to an overwhelmingly white Republican party over the course of a few decades.” Ward Report 17-18.

190. According to Dr. Ward, the impacts of the Republican Party’s decision to prioritize expanding White support over Black support “at a fraught moment in Georgia’s political history, had significant consequences for the racially polarized partisan alignment that continues to the present.” Ward Report 17-18.

191. Dr. Ward found that “race has played a crucial role” in determining Georgia voters’ partisan alignment, and that “race has been the most consistent predictor of partisan preference in Georgia” since the Civil War. Ward Report 1, 22.

192. Dr. Ward found that, over time, “race is a more consistent predictor [of party] than socioeconomic status or educational level.” Dep. of Jason Ward [Dkt. 242] (“Ward Dep.”) 77:20-78:6.

193. Dr. Adrienne Jones testified that one could “probably” “rule out partisanship as a factor” underlying “turnout” and the “lack of success of Black candidates” in the state of Georgia because “the partisanship balance of the state has shifted over time” and “[c]hallenges for Black voters have persisted.” Dep. of Adrienne Jones [Dkt. 239] (“A. Jones Dep.”) A. Jones Dep. 170:5-172:13.

194. Dr. Ward provided evidence of recent examples of racial appeals,

which included those focused on Confederate monuments, immigration policies, and attacking Georgia's urban areas. Ward Report 23.

195. Dr. Ward found evidence of racial appeals such as “conflat[ing] Black voting with urban politics, the welfare state, federal intervention, and electoral corruption.” Ward Report 1.

196. A Republican gubernatorial candidate referred to critics of voter ID measures as “ghetto grandmothers who didn't have birth certificates.” Ward Report 23.

197. A DeKalb County representative opposed voting at locations “dominated by African American shoppers” and “near several large African American mega churches.” Ward Report 23.

198. A Republican presidential candidate made unsubstantiated claims about minority districts being “crime infested” and engaged in falsification of electoral ballots. Ward Report 23.

199. Campaign themes have also been racialized, including messaging that promotes “fears of white decline,” in response to increasing racial diversification in the state. Ward Report 23. For instance, a gubernatorial candidate made the protection of a 1,700-foot-high Confederate monument one of the “key issues” of his campaign, using rhetoric of imperiled White heritage. Ward Report 23.

200. Dr. Jones provided evidence of racial appeals, which she found “show that racial appeals and commentary—both explicit and subtle—continue to play an important role in political campaigns in Georgia.” Report of Adrienne Jones Pt. 2 [Ex. 239-8] (“Jones Report Pt. 2”) 37-44 (“Both Explicit and Subtle Racial Appeals Continue to Play a Central Role in Political Campaigns in Georgia.”); A. Jones Dep. 172:8-13.

201. A robo-call referred to Stacey Abrams as a “Negress” and “a poor man’s Aunt Jemima” during her gubernatorial campaign. Jones Report Pt. 2 38.

202. A Republican candidate, David Perdue, argued that she was “demeaning her own race” and “ain’t from here,” while Senator Raphael Warnock faced ad campaigns that darkened his skin color. Jones Report Pt. 2 38-40.

203. In 2020, a Republican congressional candidate in Georgia, who later prevailed, referred to Black people as the Democratic Party’s “slaves.” Jones Report Pt. 2 42-43.

204. The Illustrative Plans draw three additional majority Black districts in the State Senate Plan (two in South Metro Atlanta and one in the Eastern Black Belt) and five additional majority Black districts in the State House Plan (two in South Metro Atlanta, one in the Eastern Black Belt, one in the Western Black Belt, and one in metropolitan Macon). Cooper Report Pt. 1 ¶ 9.

Respectfully submitted this 19th day of April, 2023.

By: /s/Rahul Garabadu

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*Admitted *pro hac vice*

CERTIFICATE OF COMPLIANCE

The undersigned hereby certifies that the foregoing document has been prepared in accordance with the font type and margin requirements of Local Rule 5.1 of the Northern District of Georgia, using a font type of Times New Roman and a point size of 14.

/s/ Rahul Garabadu _____

EXHIBIT A

You are viewing a page from the 2021 Special Session. This is not the current session.

SB 1EX

"Georgia Senate Redistricting Act of 2021"; enact

[Current Version](#)
[Past Versions](#)

Sponsors

No.	Name	District
1.	Kennedy, John	18th
2.	Cowsert, Bill	46th
3.	Dugan, Mike	30th
4.	Gooch, Steve	51st
5.	Burke, Dean	11th
6.	Walker, III, Larry	20th
7.	Miller, Butch	49th

Committees

House Committee:

[Legislative & Congressional Reapportionment](#)

Senate Committee:

[Reapportionment and Redistricting](#)

First Reader Summary

A BILL to be entitled an Act to provide for the composition and number of state senatorial districts; to provide for a short title; to provide when members of the Senate elected shall take office; to provide for the continuation of present senatorial districts until a certain time; to provide that the provisions of this Act shall supersede and replace a districting plan and certain changes thereto; to provide for related matters; to provide an effective date; to repeal specific Acts; to repeal conflicting laws; and for other purposes.

Status History

Date	Status
12/30/2021	Effective Date
12/30/2021	Act 7EX
12/30/2021	Senate Date Signed by Governor
11/30/2021	Senate Sent to Governor
11/15/2021	House Passed/Adopted
11/15/2021	House Third Readers
11/12/2021	House Committee Favorably Reported
11/12/2021	House Second Readers
11/10/2021	House First Readers
11/09/2021	Senate Passed/Adopted By Substitute

Date	Status
11/09/2021	Senate Third Read
11/08/2021	Senate Read Second Time
11/08/2021	Senate Committee Favorably Reported By Substitute
11/03/2021	Senate Read and Referred
11/02/2021	Senate Hopper

Footnotes

11/08/21 Notice of Intent to file Minority Report; 11/09/2021 Minority Report Filed; 11/15/2021 Structured Rule

Votes

Date	Vote No.	Yea	Nay	NV	Exc
11/09/2021	Senate Vote #6	21	33	1	1
11/09/2021	Senate Vote #7	34	21	0	1
11/15/2021	House Vote #12	96	70	1	13

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EXHIBIT B

You are viewing a page from the 2021 Special Session. This is not the current session.

HB 1EX

Georgia House of Representatives Redistricting Act of 2021; enact

[Current Version](#)
[Past Versions](#)

Sponsors

No.	Name	District
1.	Rich, Bonnie	97th

Sponsored In Senate By:

[Kennedy, John](#)

Committees

House Committee:
[Legislative & Congressional Reapportionment](#)
 Senate Committee:
[Reapportionment and Redistricting](#)

First Reader Summary

A BILL to be entitled an Act to provide for the composition and number of state house districts; to provide for a short title; to provide when members of the House of Representatives elected shall take office; to provide for the continuation of the present representative districts until a certain time; to provide that the provisions of this Act shall supersede and replace a districting plan and certain changes thereto; to provide for related matters; to provide an effective date; to repeal specific Acts; to repeal conflicting laws; and for other purposes.

Status History

Date	Status
12/30/2021	Effective Date
12/30/2021	Act 6EX
12/30/2021	House Date Signed by Governor
11/29/2021	House Sent to Governor
11/12/2021	Senate Passed/Adopted
11/12/2021	Senate Third Read
11/11/2021	Senate Read Second Time
11/11/2021	Senate Committee Favorably Reported
11/10/2021	Senate Read and Referred
11/10/2021	House Immediately Transmitted to Senate
11/10/2021	House Passed/Adopted By Substitute
11/10/2021	House Third Readers
11/09/2021	House Committee Favorably Reported By Substitute
11/04/2021	House Second Readers
11/03/2021	House First Readers

Date	Status
11/03/2021	House Hopper

Footnotes

11/10/2021 Structured Rule; 11/10/2021 Immediately transmitted to Senate

Votes

Date	Vote No.	Yea	Nay	NV	Exc
11/10/2021	House Vote #8	99	79	1	1
11/12/2021	Senate Vote #13	32	21	0	3

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EXHIBIT C

PASSAGE BY SUBSTITUTE

SB 1EX

Yea : 34Nay : 21Not Voting : 0Excused : 1

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EXHIBIT D

PASSAGE

SB 1EX

Yea : 96Nay : 70Not Voting : 1Excused : 13

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EXHIBIT E

PASSAGE

HB 1EX

Yea : 32Nay : 21Not Voting : 0Excused : 3

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<input checked="" type="checkbox"/> HATCHETT, 50TH	<input checked="" type="checkbox"/> THOMPSON, 14TH
<input checked="" type="checkbox"/> HICKMAN, 4TH	<input checked="" type="checkbox"/> TILLERY, 19TH
<input checked="" type="checkbox"/> HUFSTETLER, 52ND	<input checked="" type="checkbox"/> TIPPINS, 37TH
<input type="checkbox"/> JACKSON, 2ND	<input checked="" type="checkbox"/> WALKER, III, 20TH
<input type="checkbox"/> JACKSON, 41ST	<input checked="" type="checkbox"/> WATSON, 1ST

EXHIBIT F

PASSAGE

HB 1EX

Yea : 99Nay : 79Not Voting : 1Excused : 1

<input type="checkbox"/> ALEXANDER, 66TH	<input type="checkbox"/> DREYER, 59TH	<input type="checkbox"/> JONES, 53RD	<input type="checkbox"/> PRINCE, 127TH
<input type="checkbox"/> ALLEN, 40TH	<input checked="" type="checkbox"/> DUBNIK, 29TH	<input type="checkbox"/> KAUSCHE, 50TH	<input checked="" type="checkbox"/> PRUITT, 149TH
<input checked="" type="checkbox"/> ANDERSON, 10TH	<input type="checkbox"/> DUKES, 154TH	<input checked="" type="checkbox"/> KELLEY, 16TH	<input checked="" type="checkbox"/> RALSTON, 7TH
<input type="checkbox"/> ANULEWICZ, 42ND	<input checked="" type="checkbox"/> DUNAHOO, 30TH	<input type="checkbox"/> KENDRICK, 93RD	<input checked="" type="checkbox"/> RHODES, 120TH
<input checked="" type="checkbox"/> BALLINGER, 23RD	<input checked="" type="checkbox"/> EFSTRATION, 104TH	<input type="checkbox"/> KENNARD, 102ND	<input checked="" type="checkbox"/> RICH, 97TH
<input checked="" type="checkbox"/> BARR, 103RD	<input checked="" type="checkbox"/> EHRHART, 36TH	<input checked="" type="checkbox"/> KIRBY, 114TH	<input checked="" type="checkbox"/> RIDLEY, 6TH
<input checked="" type="checkbox"/> BARTON, 5TH	<input checked="" type="checkbox"/> ENGLAND, 116TH	<input checked="" type="checkbox"/> KNIGHT, 130TH	<input type="checkbox"/> ROBERTS, 52ND
<input type="checkbox"/> BAZEMORE, 63RD	<input checked="" type="checkbox"/> ERWIN, 28TH	<input checked="" type="checkbox"/> LAHOOD, 175TH	<input type="checkbox"/> ROBICHAUX, 48TH
<input checked="" type="checkbox"/> BELTON, 112TH	<input type="checkbox"/> EVANS, 57TH	<input checked="" type="checkbox"/> LARICCIA, 169TH	<input checked="" type="checkbox"/> SAINZ, 180TH
<input type="checkbox"/> BENNETT, 94TH	<input type="checkbox"/> EVANS, 83RD	<input checked="" type="checkbox"/> LEVERETT, 33RD	<input type="checkbox"/> SCHOFIELD, 60TH
<input type="checkbox"/> BENTLEY, 139TH	<input checked="" type="checkbox"/> FLEMING, 121ST	<input type="checkbox"/> LEWIS-WARD, 109TH	<input checked="" type="checkbox"/> SCOGGINS, 14TH
<input checked="" type="checkbox"/> BENTON, 31ST	<input type="checkbox"/> FRAZIER, 126TH	<input type="checkbox"/> LIM, 99TH	<input type="checkbox"/> SCOTT, 76TH
<input type="checkbox"/> BEVERLY, 143RD	<input type="checkbox"/> FRYE, 118TH	<input type="checkbox"/> LOPEZ, 86TH	<input checked="" type="checkbox"/> SEABAUGH, 34TH
<input checked="" type="checkbox"/> BLACKMON, 146TH	<input checked="" type="checkbox"/> GAINES, 117TH	<input checked="" type="checkbox"/> LOTT, 122ND	<input checked="" type="checkbox"/> SETZLER, 35TH
<input type="checkbox"/> BODDIE, 62ND	<input checked="" type="checkbox"/> GAMBILL, 15TH	<input checked="" type="checkbox"/> LUMSDEN, 12TH	<input type="checkbox"/> SHANNON, 84TH
<input checked="" type="checkbox"/> BONNER, 72ND	<input type="checkbox"/> GILLIARD, 162ND	<input type="checkbox"/> MAINOR, 56TH	<input type="checkbox"/> SHARPER, 177TH
<input type="checkbox"/> BRUCE, 61ST	<input checked="" type="checkbox"/> GILLIGAN, 24TH	<input type="checkbox"/> MALLOW, 163RD	<input type="checkbox"/> SINGLETON, 71ST
<input type="checkbox"/> BUCKNER, 137TH	<input type="checkbox"/> GLANTON, 75TH	<input type="checkbox"/> MARIN, 96TH	<input checked="" type="checkbox"/> SMITH, 18TH
<input checked="" type="checkbox"/> BURCHETT, 176TH	<input checked="" type="checkbox"/> GRAVLEY, 67TH	<input checked="" type="checkbox"/> MARTIN, 49TH	<input type="checkbox"/> SMITH, 41ST
<input type="checkbox"/> BURNOUGH, 77TH	<input checked="" type="checkbox"/> GREENE, 151ST	<input checked="" type="checkbox"/> MATHIAK, 73RD	<input checked="" type="checkbox"/> SMITH, 70TH
<input checked="" type="checkbox"/> BURNS, 159TH	<input checked="" type="checkbox"/> GULLETT, 19TH	<input checked="" type="checkbox"/> MATHIS, 144TH	<input checked="" type="checkbox"/> SMITH, 133RD
<input type="checkbox"/> BYRD, 20TH	<input checked="" type="checkbox"/> GUNTER, 8TH	<input type="checkbox"/> MCCLAIN, 100TH	<input checked="" type="checkbox"/> SMITH, 134TH
<input checked="" type="checkbox"/> CAMERON, 1ST	<input checked="" type="checkbox"/> HAGAN, 156TH	<input checked="" type="checkbox"/> MCDONALD, 26TH	<input type="checkbox"/> SMYRE, 135TH
<input checked="" type="checkbox"/> CAMP, 131ST	<input checked="" type="checkbox"/> HATCHETT, 150TH	<input type="checkbox"/> MCLAURIN, 51ST	<input checked="" type="checkbox"/> STEPHENS, 164TH
<input checked="" type="checkbox"/> CAMPBELL, 171ST	<input checked="" type="checkbox"/> HAWKINS, 27TH	<input type="checkbox"/> MCLEOD, 105TH	<input checked="" type="checkbox"/> TANKERSLEY, 160TH
<input type="checkbox"/> CANNON, 58TH	<input type="checkbox"/> HENDERSON, 113TH	<input checked="" type="checkbox"/> MEEKS, 178TH	<input checked="" type="checkbox"/> TARVIN, 2ND
<input checked="" type="checkbox"/> CANTRELL, 22ND	<input checked="" type="checkbox"/> HILL, 3RD	<input type="checkbox"/> METZE, 55TH	<input type="checkbox"/> TAYLOR, 91ST
<input checked="" type="checkbox"/> CARPENTER, 4TH	<input checked="" type="checkbox"/> HITCHENS, 161ST	<input type="checkbox"/> MITCHELL, 88TH	<input checked="" type="checkbox"/> TAYLOR, 173RD
<input checked="" type="checkbox"/> CARSON, 46TH	<input checked="" type="checkbox"/> HOGAN, 179TH	<input type="checkbox"/> MITCHELL, 106TH	<input checked="" type="checkbox"/> THOMAS, 21ST
<input type="checkbox"/> CARTER, 92ND	<input type="checkbox"/> HOLCOMB, 81ST	<input checked="" type="checkbox"/> MOMTAHAN, 17TH	<input type="checkbox"/> THOMAS, 39TH
<input checked="" type="checkbox"/> CHEOKAS, 138TH	<input type="checkbox"/> HOLLAND, 54TH	<input type="checkbox"/> MOORE, 90TH	<input type="checkbox"/> THOMAS, 65TH
<input type="checkbox"/> CLARK, 98TH	<input type="checkbox"/> HOLLY, 111TH	<input type="checkbox"/> MOORE, 95TH	<input checked="" type="checkbox"/> WADE, 9TH
<input type="checkbox"/> CLARK, 108TH	<input checked="" type="checkbox"/> HOLMES, 129TH	<input type="checkbox"/> NEAL, 74TH	<input checked="" type="checkbox"/> WASHBURN, 141ST
<input checked="" type="checkbox"/> CLARK, 147TH	<input type="checkbox"/> HOPSON, 153RD	<input type="checkbox"/> NELSON, 125TH	<input checked="" type="checkbox"/> WATSON, 172ND
<input checked="" type="checkbox"/> COLLINS, 68TH	<input checked="" type="checkbox"/> HOUSTON, 170TH	<input checked="" type="checkbox"/> NEWTON, 123RD	<input checked="" type="checkbox"/> WERKHEISER, 157TH
<input checked="" type="checkbox"/> COOPER, 43RD	<input type="checkbox"/> HOWARD, 124TH	<input type="checkbox"/> NGUYEN, 89TH	<input checked="" type="checkbox"/> WIEDOWER, 119TH
<input checked="" type="checkbox"/> CORBETT, 174TH	<input type="checkbox"/> HUGLEY, 136TH	<input checked="" type="checkbox"/> NIX, 69TH	<input type="checkbox"/> WILENSKY, 79TH
<input checked="" type="checkbox"/> CROWE, 110TH	<input type="checkbox"/> HUTCHINSON, 107TH	<input type="checkbox"/> OLIVER, 82ND	<input type="checkbox"/> WILKERSON, 38TH
<input type="checkbox"/> DAVIS, 87TH	<input type="checkbox"/> JACKSON, 64TH	<input type="checkbox"/> PARIS, 142ND	<input type="checkbox"/> WILLIAMS, 37TH
<input checked="" type="checkbox"/> DELOACH, 167TH	<input type="checkbox"/> JACKSON, 128TH	<input type="checkbox"/> PARK, 101ST	<input checked="" type="checkbox"/> WILLIAMS, 145TH
<input checked="" type="checkbox"/> DEMPSEY, 13TH	<input type="checkbox"/> JACKSON, 165TH	<input checked="" type="checkbox"/> PARRISH, 158TH	<input type="checkbox"/> WILLIAMS, 168TH
<input checked="" type="checkbox"/> DICKEY, 140TH	<input checked="" type="checkbox"/> JASPERSE, 11TH	<input checked="" type="checkbox"/> PARSONS, 44TH	<input checked="" type="checkbox"/> WILLIAMS, JR., 148TH
<input checked="" type="checkbox"/> DOLLAR, 45TH	<input checked="" type="checkbox"/> JENKINS, 132ND	<input checked="" type="checkbox"/> PETREA, 166TH	<input checked="" type="checkbox"/> WILLIAMSON, 115TH
<input type="checkbox"/> DOUGLAS, 78TH	<input checked="" type="checkbox"/> JONES, 25TH	<input checked="" type="checkbox"/> PIRKLE, 155TH	<input type="checkbox"/> WILSON, 80TH
<input type="checkbox"/> DRENNER, 85TH	<input checked="" type="checkbox"/> JONES, 47TH	<input checked="" type="checkbox"/> POWELL, 32ND	<input checked="" type="checkbox"/> YEARTA, 152ND

EXHIBIT G

2021-2022 GUIDELINES FOR THE HOUSE LEGISLATIVE AND CONGRESSIONAL REAPPORTIONMENT COMMITTEE

I. HEARINGS AND MEETINGS

A. PUBLIC HEARINGS

1. A series of public hearings were held to actively seek public participation and input concerning the General Assembly's redrawing of congressional and legislative districts.
2. Video recordings of all hearings are and shall remain available on the legislative website, www.legis.ga.gov

B. COMMITTEE MEETINGS

1. All formal meetings of the full committee will be open to the public.
2. When the General Assembly is not in session, notices of all such meetings will be posted at the Offices of the Clerk of the House or Secretary of the Senate and other appropriate places at least 24 hours in advance of any meeting. Individual notices may be transmitted by email to any citizen or organization requesting the same without charge. Persons or organizations needing this information should contact the Senate Press Office or House Communications Office or the Secretary of the Senate or Clerk of the House to be placed on the notification list.
3. Minutes of all such meetings shall be kept and maintained in accordance with the rules of the House and Senate. Copies of the minutes should be made available in a timely manner at a reasonable cost in accordance with these same rules.

II. PUBLIC ACCESS TO REDISTRICTING DATA AND MATERIALS

- A. Census information databases on any medium created at public expense and held by the Committee or by the Legislative and Congressional Reapportionment Office for use in the redistricting process are included as public records and copies can be made available to the public in accordance with the rules of the General Assembly and subject to reasonable charges for search, retrieval, reproduction and other reasonable, related costs.
- B. Copies of the public records described above may be obtained at the cost of reproduction by members of the public on electronic media if the material exists on an appropriate electronic medium. Cost of reproduction may include not only the medium on which the copies made, but also the labor cost for the search, retrieval, and reproduction of the records and other reasonable, related costs.

- C. These guidelines regarding public access to redistricting data and materials do not apply to plans or other related materials prepared by or on behalf of an individual Member of the General Assembly using the Legislative and Congressional Reapportionment Office, where those plans and materials have not been made public through presentation to the Committee.

III. REDISTRICTING PLANS

A. GENERAL PRINCIPLES FOR DRAFTING PLANS

1. Each congressional district should be drawn with a total population of plus or minus one person from the ideal district size.
2. Each legislative district of the General Assembly should be drawn to achieve a total population that is substantially equal as practicable, considering the principles listed below.
3. All plans adopted by the Committee will comply with Section 2 of the Voting Rights Act of 1965, as amended.
4. All plans adopted by the Committee will comply with the United States and Georgia Constitutions.
5. Districts shall be composed of contiguous geography. Districts that connect on a single point are not contiguous.
6. No multi-member districts shall be drawn on any legislative redistricting plan.
7. The Committee should consider:
 - a. The boundaries of counties and precincts;
 - b. Compactness; and
 - c. Communities of interest.
8. Efforts should be made to avoid the unnecessary pairing of incumbents.
9. The identifying of these criteria is not intended to limit the consideration of any other principles or factors that the Committee deems appropriate.

B. PLANS PRODUCED THROUGH THE LEGISLATIVE AND CONGRESSIONAL REAPPORTIONMENT OFFICE

1. Staff of the Legislative and Congressional Reapportionment Office will be available to all members of the General Assembly requesting assistance in accordance with the policy of that office.
2. Census data and redistricting work maps will be available to all members of the General Assembly upon request, provided that (a) the map was created by the requesting member, (b) the map is publicly available, or (c) the Legislative and Congressional Reapportionment Office has been granted permission by the author of the map to share a copy with the requesting member.
3. As noted above, redistricting plans and other records related to the provision of staff services to individual members of the General Assembly will not be subject to public disclosure. Only the author of a particular map may waive the confidentiality of his or her own work product. This confidentiality provision will not apply with respect to records related to the provision of staff services to any committee or subcommittee as a whole or to any records which are or have been previously disclosed by or pursuant to the direction of an individual member of the General Assembly.

C. PLANS PRODUCED OUTSIDE OF THE LEGISLATIVE AND CONGRESSIONAL REAPPORTIONMENT OFFICE

1. All plans submitted to the Committee will be made part of the public record and made available in the same manner as other committee public records.
2. All plans prepared outside the Legislative and Congressional Reapportionment Office must be submitted to that office prior to presentation to the Committee by a Member of the General Assembly for technical verification and presentation and bill preparation. All pieces of census geography must be accounted for in some district.
3. The electronic submission of material for technical verification must be made in accordance with the following requirements or in a manner specifically approved and accepted by the Legislative and Congressional Reapportionment Office.
 - a. The submission shall be in electronic format with accompanying documentation that shows the submitting sponsor of the proposed plan and contact person for the proposed plan, including email address and telephone number.
 - b. An electronic map image that clearly depicts defined boundaries, utilizing the 2020 United States Census geographic boundaries,

and a block equivalency file containing two columns. The first column shall list the 15-digit census block identification numbers, and the second column shall list the three-digit district identification number. Both block and district numbers shall be zero-filled text files. Such files shall be submitted in .xis, .xlsx, .dbf, .txt, or .csv file formats. The following is a sample:

```
BlockID, DISTRICT
"13001950100101","008"
"13001950100102","008"
"13001950100103","008"
"13001950100104","008"
"13001950100105","008"
"13001950100106","008"
```

4. If submission of the plan cannot be done electronically, the following requirements must be followed:
 - a. All drafts, amendments, or revisions should be on clearly-depicted maps that follow the 2020 Census geographic boundaries and should be accompanied by a statistical sheet listing the Census geography including the total population for each district.
 - b. All plans submitted should either be a complete statewide plan or fit back into the plan that they modified, so that the proposal can be evaluated in the context of a statewide plan. All pieces of Census geography must be accounted for in some district.

D. GENERAL GUIDELINES FOR PRESENTATION OF ALL PLANS

1. A redistricting plan may be presented for consideration by the Committee only through the sponsorship of one or more Member(s) of the General Assembly. All such drafts of and amendments or revisions to plans presented at any committee meeting must be on clearly-depicted maps which follow the 2020 Census geographic boundaries and accompanied by a statistical sheet listing the Census geography, including the total population and minority populations for each proposed district.
2. No plan may be presented to the Committee unless that plan makes accommodations for and fits back into a specific, identified statewide map for the particular legislative body involved.

3. All plans presented at committee meetings will be made available for inspection by the public either electronically or by hard copy available at the Office of Legislative and Congressional Reapportionment.
- E. These guidelines may be reconsidered or amended by the Committee.

EXHIBIT H

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

Georgia State Conference
of the NAACP; Georgia
Collation for the People's
Agenda, Inc; Galeo Latino
Community Development Fund,
Inc.,

Plaintiffs,

vs.

CIVIL ACTION FILE NO.
1:21-CV-5338-ELB-SCJ-SDG

STATE OF GEORGIA; BRIAN KEMP,
IN HIS OFFICIAL CAPACITY AS
THE GOVERNOR OF THE STATE OF
Georgia; Brad Raffensperger,
in his official capacity as
the secretary of State of
Georgia,

Defendants.

VIDEOTAPED HYBRID ZOOM
30(b)(6) and 30(b)(1)
DEPOSITION OF
BONNIE RICH
January 18, 2023
9:11 A.M.

18 Capitol Square SW
Atlanta, Georgia
Lee Ann Barnes (via Zoom), CCR-1852B, RPR, CRR, CRC

1 Q. And outside of the hearing, did you meet
2 with anyone one on one?

3 A. Oh, no, I -- no, I did not do that. There
4 was...

5 Q. Did any constituents discuss racial
6 demographics with you in connection with the
7 redistricting?

8 A. I don't recall that.

9 Q. Any other legislators?

10 A. I don't recall that, no.

11 Q. Did any of the discussions with
12 constituents or advocate groups affect your views
13 about the Congressional maps?

14 A. No.

15 Q. What about the House maps?

16 A. No.

17 Q. Did you think that their comments just
18 didn't generally have merit?

19 A. I felt like they were partisan.

20 Q. Did you look at the materials that they
21 provided to you?

22 A. I did.

23 Q. And you didn't find them persuasive?

24 A. I did not. I did go so far as to even
25 look up some of the people who presented them, and I

1 looked at their social media and they were very
2 liberal. They were very partisan.

3 Q. Did you ever review public comments that
4 were submitted through the redistricting committee's
5 public portal about that Congressional map?

6 A. Yes, I did.

7 Q. Regularly?

8 A. Somewhat regularly. I would do it in big
9 chunks, and then toward the end it was more regular.

10 Q. Did you incorporate input from any of
11 those comments into your views on the maps?

12 A. We did. The one that I remember, and it
13 really came up in the -- in the town hall meetings,
14 was about a municipality where we tried -- that was
15 something we talked about was something that we
16 could try to -- to do. And Gina did that for us,
17 Gina Wright.

18 Q. Do you know if there was the capability to
19 attach documents into the public portal, like
20 alternative maps?

21 A. I -- I don't recall. But I do think that
22 there were -- some of those paid lobbyists for the
23 nonprofits mailed them to me and came to my office
24 and dropped them off.

25 Q. Did you ever communicate with any other

1 I have babies.

2 BY MR. MELLMAN:

3 Q. And do you recognize this document?

4 A. Yes. It appears to be a press release.

5 Q. And what is it -- what is it discussing?

6 A. The town hall meeting.

7 Q. Okay. And do you see a date on there?

8 A. I see the date it was printed. Oh,
9 June 16, 2021.

10 Q. Okay. And so do you agree that this
11 document shows that from June 28 through August 11
12 the House and Senate committees held town halls in
13 Georgia about the redistricting process?

14 A. Yes.

15 Q. And you recall that happening?

16 A. Yes.

17 Q. You recall the town halls taking place?

18 A. Yes, yes.

19 Q. And as we discussed before, the full
20 census wasn't released until September.

21 So these town hall meetings took place
22 before the census data was fully released?

23 A. Yes.

24 Q. Why was that?

25 A. In order to visit as many places in the

1 outlined in the email.

2 Q. Okay. And so at the town halls did you or
3 other legislators answer questions from Georgia
4 residents?

5 A. No.

6 Q. Were any requests made to you that
7 information about the redistricting process be
8 provided in languages other than English?

9 A. Yes.

10 Q. What happened as a result of those
11 requests?

12 A. That's something we talked about and,
13 ultimately, that's just not the way our committees
14 work here in the State House and the State Senate.
15 We don't translate and we didn't have the resources
16 to do that, and there was just no practical way
17 to -- to accomplish that goal.

18 Q. Did you look into doing that?

19 A. No, we -- we didn't. We -- we -- we all
20 discussed it and ultimately decided that it was not
21 a reasonable request.

22 Q. "We all" meaning the members of the
23 committee?

24 A. Yes.

25 Q. Just the House Committee or the Senate

1 committee as well?

2 A. Oh, I don't know what the Senate committee
3 did. The House.

4 Q. Do you know if any of the town hall
5 locations were inaccessible to people with
6 disabilities?

7 A. It's my understanding that none of them
8 were. I did receive an email from someone claiming
9 that the Augusta location was not accessible. But I
10 brought that up to the legislator who arranged this,
11 and he went to the venue and, ultimately, that was a
12 false claim, is what was reported to me.

13 Q. Were there any other redistricting town
14 halls held after the release of the census data?

15 A. I do not recall.

16 Q. To your knowledge, was the August 11,
17 2021, town hall the last one?

18 A. If that's what our records show on the
19 Redistricting Committee website. I -- I don't have
20 independent recollection.

21 Q. Did you publish any redistricting
22 information in languages other than English?

23 A. No.

24 Q. Do you recall the date that the census
25 released the results of the 2020 census?

1 A. I recall the Reapportionment Office
2 talking to us about that. I think that might be
3 that legacy data that I referenced earlier.

4 Q. And looking at the -- the next bullet
5 there it appears that the final redistricting data
6 was released September 16?

7 COURT REPORTER: Excuse me, Mr. Mellman.

8 You have to get closer to the microphone.

9 BY MR. MELLMAN:

10 Q. It appears the final redistricting data
11 was released September 16?

12 A. Yes.

13 Q. Why is the census data important in
14 drawing districts, to your knowledge?

15 A. Well, to my knowledge, that's -- that's
16 what's used to determine where the growth and
17 population retraction are. So that guides how you
18 draw the maps.

19 Q. And so you agree that before seeing the
20 census data, the public wouldn't be able to know
21 which areas of the state had grown and which had
22 shrunk?

23 A. No, I don't agree with that. Informed
24 people already knew that generally there was a lot
25 of growth in the metro Atlanta area and that there

EXHIBIT I

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF GEORGIA

3

4 CASE NUMBER: 1:21-CV-5338-ELB-SCJ-SDG

5

6 GA ST. CONF. OF NAACP, et al.,

7 Plaintiffs,

8 vs.

9 STATE OF GEORGIA, et al.,

10 Defendants.

11 * * * * *

12

13

14 THE ORAL PROCEEDINGS OF THE

15 DEPOSITION OF REP. JAN JONES

16 January 17, 2023

17

18

19 REPORTER BY:

20 Paul Morse

21 Certified Court Reporter and Notary Public

22 ACCR #588 Expires 9/30/23

23 JOB No. 5667900

1 A. I do not.

2 Q. Okay. I imagine I'm not as
3 familiar with the areas of Georgia as you are.
4 But it looks to me like these are, you know,
5 dispersed throughout the state. Is that what
6 it looks like to you?

7 A. I mean, these are -- it looks like
8 all of the population concentrations, you know,
9 the bigger cities of Georgia.

10 Q. Okay. But there was not a town
11 hall held in Cobb County. Is that right?

12 A. That's right.

13 Q. Or Gwinnett?

14 A. That's right.

15 Q. Or DeKalb?

16 A. That's right.

17 Q. And those three counties are in
18 the Atlanta Metro area?

19 A. That's right.

20 Q. Are they populous counties?

21 A. Oh yes.

22 Q. Do they have high numbers of
23 voters of color in those counties?

1 A. Certainly DeKalb does.

2 Q. And do you know if that was
3 considered in creating this town hall schedule?

4 A. No, I -- I don't know.

5 Q. In your view, should it have been
6 considered?

7 A. Should what have been considered?

8 Q. Where there were counties with
9 high populations, specifically high populations
10 of minority voters?

11 A. I mean, I don't know if I think
12 that should -- that or just high populations,
13 you know. But I assume the Chairman thought
14 that having Atlanta and Cumming, you know, was
15 adequate for the Metro area. But I didn't
16 schedule it.

17 Q. Would it surprise you to know that
18 it could take hours to travel from the edges of
19 Gwinnett to Atlanta?

20 A. It would not surprise me.

21 Q. Okay. Would you agree that
22 community voices should be part of the
23 redistricting process?

1 Q. I'd like to share my screen. Are
2 you able to see the document on the screen
3 here?

4 A. I am.

5 Q. I'm going to introduce it as Grant
6 Exhibit Number 1. It has been previously
7 produced in this litigation as LEGIS31 and 32.
8 And this is the meeting minutes from a
9 November 10 -- from a November 10, 2021 House
10 Committee meeting. Do you recognize this
11 document?

12 (Exhibit Grant 1
13 is marked for identification.)

14 A. I don't remember it. But I see it
15 now.

16 Q. Okay. So this is a committee
17 meeting, senate bill SB 1EX was introduced to
18 be put on the agenda. And the committee action
19 was voted on. Correct?

20 A. Yes.

21 Q. And --

22 A. Was this on the Senate map? I
23 can't -- I can't tell?

1 Q. Yes, so it's SB 1EX.

2 A. Okay. So the senate house map --
3 the senate -- the senate district map. Okay.

4 Q. Yes. Sorry for interrupting you.
5 Just to clear the record, that's the State
6 Senate redistricting bill. Correct?

7 A. Yes.

8 Q. Okay. And it looks like there
9 were 13 members of the committee present and
10 Representative Rich was also present. Correct?

11 A. Yes.

12 Q. So 14 in total?

13 A. Uh-huh. Yes.

14 Q. And of the people who voted,
15 eleven votes yea, including yourself. Right?

16 A. Yes.

17 Q. And two voted nay?

18 A. Yes.

19 Q. And would you agree with me that
20 this bill passed along the party line?

21 A. Yes.

22 Q. And Representative Alexander is
23 black. Correct?

1 A. Yes.

2 Q. And Representative Scott is black?

3 A. Yes.

4 Q. Okay. And removing this going to
5 the next exhibit, Grant Exhibit 2 -- do you
6 hear the echo?

7 A. Yes.

8 Q. Okay. I think that's better now.
9 So this is previously produced as LEGIS37 and
10 38. It's the meeting minutes from November 20,
11 2021.

12 (Exhibit Grant 2
13 is marked for identification.)

14 A. Uh-huh.

15 Q. The bill on the agenda was SB 2EX.
16 And that's the congressional redistricting
17 bill. Correct?

18 A. Yes.

19 Q. And here again, 14 members voted
20 on the bill. And Representative Bonnie Rich
21 was also present?

22 A. Uh-huh.

23 Q. The bill passed 10 yeas and 4

1 nays. Correct?

2 A. Yes.

3 Q. And you would agree the bill
4 passed on party lines?

5 A. Yes.

6 Q. And you would agree that all of
7 the nays are black members of the house?

8 A. Yes.

9 Q. Putting that down, these are --
10 introducing Grant Exhibit 3, this is previously
11 produced in the litigation as LEGIS29 and 30,
12 meeting minutes from November 9, 2021. House
13 Bill 1EX was on the agenda. Right?

14 (Exhibit Grant 3
15 is marked for identification.)

16 A. Yes.

17 Q. That's the State House
18 redistricting bill. Correct?

19 A. Yes.

20 Q. And it looks like all members were
21 present except for Representative Matt Dollar.
22 Right?

23 A. Yes.

1 Q. Okay. So the bill passed the
2 committee 11 yeas, 5 nays. Correct?

3 A. Yes.

4 Q. The bill passed on the party line?

5 A. Yes.

6 Q. And of the 5 nays, you would agree
7 with me that all of those are members of the
8 house that are black members. Correct?

9 A. They are black members of the
10 Democrat Party. Yes.

11 Q. Okay. I'm going to stop sharing
12 my screen. And did you meet with the minority
13 party about the majority maps before they were
14 introduced to the Committee?

15 A. No.

16 Q. Did you ever meet with the
17 minority party related to the maps that were
18 not -- that was not during the Committee
19 session?

20 A. No. That is -- that is generally
21 the Committee Chair's responsibility.

22 Q. Do you know if the Committee Chair
23 met with members of the minority party?

EXHIBIT J

Grant, Annie Lois, et al.v. Raffensperger, Brad, E

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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

ANNIE LOIS GRANT, et al, Civil Action File
Plaintiffs No.

vs. 1:22-CV-00122-SCJ

BRAD RAFFENSPERGER, in his
Official capacity as the Georgia
Secretary of State, et al.,
Defendants.

COAKLEY PENDERGRASS, et al., Civil Action File
Plaintiffs, No.

Vs. 1:21-CV-05339-SCJ

BRAD RAFFENSPERGER, et al.,
Defendants.

Virtual Videotape Deposition of
Derrick Jackson

Monday, February 20, 2023

At 2:30 p.m.

Reported by LeShaunda Cass-Byrd, CSR, RPR

Grant, Annie Lois, et al.v. Raffensperger, Brad, E

Page 20

1 Q. And those different social ties or social
2 connections you were talking about, they -- they fit
3 kind of within the boundaries of District 64 as it was
4 on the prior plan.

5 Is that fair to say?

6 A. Absolutely.

7 Q. Okay. Well, let me move next to the
8 special session.

9 So in the summer before the special
10 session, did you receive a communication from
11 Representative Rich asking to meet with you about your
12 district?

13 A. Yes.

14 Q. And did you meet with her to talk about
15 your district before the special session?

16 A. No. I did not.

17 Q. Is there -- is there a particular -- oh.
18 Did you meet with her at all during the
19 special session to talk about your district?

20 A. No.

21 Q. Is there a particular reason why you chose
22 not to meet with Representative Rich?

23 A. It was my understanding that there was no
24 appetite for the majority party to even consider the
25 maps of the minority party, and so I did not want to

1 waste Chairman Rich time or my time on an issue that
2 was futile. And so in -- in having conversations with
3 our minority leader, Leader Beverly, it was very clear
4 that the majority party was not willing to entertain
5 any inputs from the minority party.

6 Q. And so is the basis for that understanding
7 your conversations with Leader Beverly, or were there
8 other pieces that formed your understanding about the
9 relative desire to get input?

10 A. No. My -- it was solely on my conversation
11 with Leader Beverly, and with the general sense of the
12 majority party's position as it relates to drawing
13 congressional House and state senate district maps.

14 Q. Do you know if any democratic members of
15 the House met with Representative Rich to talk about
16 their districts?

17 A. I don't know.

18 Q. So is it fair to say that, if that was your
19 belief, you never made any requests for any changes on
20 your district when the first draft map was released
21 from the majority party?

22 A. I did not make any requests to Chairman
23 Rich, no.

24 Q. Did you make any requests for changes to
25 anyone else besides Representative Rich?

Grant, Annie Lois, et al.v. Raffensperger, Brad, E

Page 22

1 A. I only made my suggestion known to Leader
2 Beverly.

3 Q. So it's fair to say then that you, kind
4 of -- I guess for lack of a better term, kind of
5 deputized Leader Beverly to handle any interaction
6 with the majority party about your district; is that
7 right?

8 A. That was a process and a protocol that was
9 established, yes.

10 Q. And that was a process and protocol
11 established in House democratic caucus?

12 A. Correct.

13 Q. As you -- during the summer, did you attend
14 any of the public hearings about redistricting that
15 were held around the state in 2021?

16 A. So, yes. But those were forms that we, the
17 Georgia Legislative Black Caucus, commissioned. Not
18 Chairman Rich.

19 Q. So there was Chairman Rich and Chairman
20 Kennedy's public hearings that were being held, and
21 you didn't attend those but you did attend some
22 separate public hearings held by the Legislative Black
23 Caucus?

24 A. That is correct.

25 Q. Do you recall if the Legislative Black

Grant, Annie Lois, et al.v. Raffensperger, Brad, E

1 Democratic nominee in the general election?

2 A. No.

3 Q. Did you support Stacey Abrams for governor
4 in the 2022 election?

5 A. Yes.

6 Q. And did you support Senator Warnock, I'm
7 assuming over Herschel Walker in 2022?

8 A. I supported Senator Warnock.

9 Q. Have you heard the term "racial appeal" in
10 the context of a campaign before?

11 A. No.

12 Q. Okay. And during the time you were in the
13 state House, did you become aware of any needs that
14 the black community had in Georgia that were different
15 from those of white residents in Georgia?

16 A. Yes.

17 Q. And what were some of those needs?

18 A. Healthcare. The numbers prove what they
19 are. A significant number of black citizens in the
20 state of Georgia have little to no healthcare, versus
21 someone that is white and non-Hispanic. If you want
22 to talk about economics, a significant number of
23 African Americans, their wages were far less than
24 their White, non-Hispanic counterparts that could have
25 the same degree, working at the same corporation.

Grant, Annie Lois, et al.v. Raffensperger, Brad, E

Page 50

1 And so there was a lack of equity and
2 fairness around wages, healthcare, when you think
3 about housing and affordability. And so we had to
4 deal with a host of issues that African Americans
5 would like to have the same as any other citizen in
6 Georgia, or from a large part in the United States.

7 Q. Did you find your colleagues in the state
8 House to be receptive to your explanation of those
9 types of issues that were unique to African American
10 citizens in Georgia?

11 MS. RUTAHINDURWA: Object to form.

12 Vague.

13 BY MR. TYSON:

14 Q. And you can answer, if you can.

15 A. Repeat that question.

16 Q. Yes.

17 So when you were in the legislature, did
18 you talk about these issues of healthcare and wages
19 and housing and affordability, those types of issues
20 that you just outlined, with your colleagues?

21 A. Yes.

22 Q. And did you find your colleagues receptive
23 to what you had to say about what African Americans in
24 Georgia needed on those issues?

25 MS. RUTAHINDURWA: Same objection.

1 THE WITNESS: They were only
2 receptive through lip service. And you can
3 tell by way of their votes. When it was
4 time to vote, they went along party line.
5 Let's take women's healthcare, for example.
6 We strongly opposed the need to talk about
7 or justify or controlling a woman's body,
8 and they went along with passing House Bill
9 41 against strong objection. We -- we
10 urged Republicans to talk about maternal
11 and infant mortality. We've got a huge
12 problem here in Georgia still. You can see
13 that we are still talking about these same
14 topics. So it's just a lip service, at
15 best.

16 And I think that really added to
17 when -- to -- you know, when you think
18 about trying to negotiate with these lines,
19 we felt that -- that the same -- results
20 were going to be the same as they have been
21 in the past, which is go along with
22 partisan lines, and that's what happened.

23 BY MR. TYSON:

24 Q. And just so the record is clear, when you
25 reference House Bill 481, that's referring to the

1 Heartbeat bill about abortion excess in Georgia,
2 right?

3 A. That is correct.

4 MR. TYSON: Can we go off the record
5 for just a minute?

6 THE VIDEOGRAPHER: The time is 3:46
7 p.m. and we are off the record.

8 (Recess taken.)

9 THE VIDEOGRAPHER: The time is 3:53
10 p.m. and we are back on the record.

11 MR. TYSON: Well, thanks everybody.

12 Representative Jackson, I don't have
13 any further questions. I did want to just
14 thank you. I know you served in the
15 military for a long time and served in the
16 state legislature, and I just appreciate
17 your service to our country and our state.
18 I don't have any further questions for you
19 today. Thank you.

20 MS. RUTAHINDURWA: I don't have any
21 questions as well.

22 THE WITNESS: All right. Thank you.
23 Have a great 2023.

24 THE VIDEOGRAPHER: This concludes the
25 video deposition of Derrick Jackson and we

EXHIBIT K

Alpha Phi Alpha Fraternity, Inc. v. Raffensperger,

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

ALPHA PHI ALPHA
FRATERNITY, INC., a
nonprofit organization on
behalf of members
residing in Georgia; CIVIL ACTION FILE
SIXTH DISTRICT OF THE
AFRICAN METHODIST NO. 1:21-CV-05337-SCJ
EPISCOPAL CHURCH, a
Georgia nonprofit
organization; ERIC T.
WOODS; KATIE BAILEY
GLENN; PHIL BROWN; JANICE
STEWART,
Plaintiffs,
vs.
BRAD RAFFENSPERGER, in
his official capacity as
Secretary of State of
Georgia,
Defendant.

30(b)(6) DEPOSITION OF
SIXTH DISTRICT OF THE AFRICAN METHODIST
EPISCOPAL CHURCH GIVEN BY

REGINALD JACKSON

January 9, 2023

9:03 a.m.

1 Atlanta, how are you going to get to either Macon or
2 Atlanta, say, if you are in the middle somewhere,
3 say, Stockbridge or whatever? So that became a
4 concern.

5 Hospitals closing down became a concern
6 because you have a lot of people, particularly in the
7 black community, their only access to health care is
8 the emergency room at the hospital. And with Grady
9 being the only hospital in Atlanta with acute care, a
10 lot of people ended up not having -- hospitals ended
11 up not having beds in the emergency area. Some of
12 them were placed on gurneys in the hall. And so we
13 just thought that's an issue that blacks ought to
14 be -- because that's important to them.

15 Q. And when you say you wanted voters to vote
16 in their best interests, was that for a particular
17 party, or was it on issues?

18 A. No. They -- based on their, voter
19 education, if it was affected, they would determine
20 what was best for them, you know, and which people
21 are discovering more and more, blacks are not all
22 single-minded.

23 You know, as a matter of fact, my wife
24 still looks at me strange because even in New Jersey,
25 she said, Reggie, you are just an oddball. I have

1 A. Again, I don't think you can separate them.
2 For example, again, and I use the Augusta area as a
3 major example. There was a senator in that
4 Augusta -- and I forget what district it was -- but
5 he was very much in opposition to almost everything
6 the citizens in that district wanted. And, I mean,
7 not citizens, but the citizens in his own district.
8 But with the redistricting, they actually took part
9 of another district, which was predominantly
10 African-American where a number of our churches were,
11 and put them in his district. So now we're shackled
12 by a heavy burden.

13 Q. And the heavy burden that you're shackled
14 to there is a legislator --

15 A. He's now their senator.

16 Q. -- who doesn't represent the interest of
17 the black voters?

18 A. Yes.

19 Q. Okay.

20 MR. GARABADU: Since we've been going for
21 an hour, would this be a good time to take a break?

22 THE VIDEOGRAPHER: Off the video record at
23 11:11 a.m.

24 (A recess was taken from 11:11 a.m.
25 to 11:21 a.m.)

Alpha Phi Alpha Fraternity, Inc. v. Raffensperger,

Page 120

1 Q. Do you have any volunteers who are solely
2 devoted to redistricting advocacy?

3 A. No.

4 Q. Have you had a situation in the Sixth
5 District where the Sixth District wasn't able to
6 complete a project it wanted to do because of its
7 work around redistricting?

8 A. No.

9 Q. Earlier when we were talking about the
10 Georgia General Assembly, you mentioned a state
11 senator from the Augusta area who didn't represent
12 black interests. Do you recall that?

13 A. Yes, I do.

14 Q. And was that Senator Max Burns?

15 A. I believe so.

16 Q. And are the interests that you referenced
17 that were unrepresented the same ones you discussed
18 earlier about health care and those topics, or were
19 they unique situations for Senator Burns?

20 A. They were unique situations for Senator
21 Burns and -- because I got this from folk in that
22 district, but there were also instances where he was
23 outspoken on some issues that were disturbing.

24 Q. And do you recall what the disturbing
25 issues were?

EXHIBIT L

Alpha Phi Alpha Fraternity, Inc. v. Raffensperger, Brad

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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

CASE NUMBER: 1:21-CV-05337-SCJ

ALPHA PHI ALPHA FRATERNITY INC., a nonprofit
organization on behalf of members residing in
Georgia; SIXTH DISTRICT OF THE AFRICAN
METHODIST EPISCOPAL CHURCH, a Georgia
Nonprofit organization; ERIC T. WOODS; KATIE
BAILEY GLENN; PHIL BROWN; JANICE STEWART,
PLAINTIFFS,

V.

BRAD RAFFENSPERGER, in his official capacity
as Secretary of State of Georgia,
DEFENDANT.

DEPOSITION TESTIMONY OF:

Phil Brown

December 15, 2022

Alpha Phi Alpha Fraternity, Inc. v. Raffensperger, Brad

Page 2

1 S T I P U L A T I O N S

2 IT IS STIPULATED AND AGREED by and
3 between the parties through their respective
4 counsel that the deposition of Phil Brown may
5 be taken before Mallory B. Gray, CCR, RPR, a
6 Court Reporter and Notary Public for the
7 State at Large, via Zoom, on the 15th of
8 December 2022, commencing at approximately
9 8:30 a.m.

10 IT IS FURTHER STIPULATED AND AGREED
11 that the signature to and the reading of the
12 deposition by the witness is not waived.

13 In accordance with Rule 5(d) of the
14 Alabama Rules of Civil Procedure, as amended,
15 effective May 15, 1998, I, Mallory B. Gray,
16 am hereby delivering to Dan Weigel, the
17 original transcript of the oral testimony
18 taken the 15th of December 2022, along with
19 the exhibit.

20 Please be advised that this is the
21 same and not retained by the Court Reporter,
22 nor filed with the Court.

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I N D E X

EXAMINATION BY:	PAGE NO.
Mr. Weigel	6
Mr. Garabadu	69
Mr. Weigel	71

E X H I B I T S

FOR THE DEFENDANT:	PAGE NO.
Exhibit 1 Notice of Deposition	11
Exhibit 2 Amended Complaint	47
(Exhibits not received at transcript production)	

Alpha Phi Alpha Fraternity, Inc. v. Raffensperger, Brad

Page 67

1 A. I'm not sure.

2 Q. But you -- turning back, you -- to
3 confirm, you do know that he ran as a
4 candidate of the Republican Party?

5 A. Yes.

6 Q. So that even if your preferred
7 candidate, Raphael Warnock, lost, Georgia
8 still would've been represented by Herschel
9 Walker in the United States Senate.

10 You understand that, correct?

11 A. Yes.

12 Q. Mr. Brown, do you believe that there
13 are any needs of the minority community in
14 Georgia that, in your opinion, differ from
15 those of white residents?

16 A. Yes.

17 Q. And what are those?

18 A. There are many.

19 Q. Could you describe a few or maybe
20 just the most important ones for me?

21 A. Well, for years, the black community
22 has been overlooked when it comes to city,
23 state, and county money. So there's a lot of

EXHIBIT M

Alpha Phi Alpha Fraternity, Inc. v. Raffensperger, Brad

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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

CASE NUMBER: 1:21-CV-05337-SCJ

ALPHA PHI ALPHA FRATERNITY INC., a nonprofit organization on behalf of members residing in Georgia; SIXTH DISTRICT OF THE AFRICAN METHODIST EPISCOPAL CHURCH, a Georgia Nonprofit organization; ERIC T. WOODS; KATIE BAILEY GLENN; PHIL BROWN; JANICE STEWART, PLAINTIFFS,

V.

BRAD RAFFENSPERGER, in his official capacity as Secretary of State of Georgia, DEFENDANT.

DEPOSITION TESTIMONY OF:

Eric Woods

December 15, 2022

Alpha Phi Alpha Fraternity, Inc. v. Raffensperger, Brad

Page 53

1 Q. And similar to that, do you know how
2 many black people have been elected to public
3 office in Georgia?

4 A. No, I do not.

5 Q. Looks like we're almost finishing
6 up, and I'm just broadly asking this
7 question.

8 Are you aware of any needs of the
9 minor community in Georgia that, in your
10 opinion, differ from those of white
11 residents?

12 A. Absolutely.

13 Q. And what would you describe those
14 as?

15 A. Where do you want me to start?
16 Health care?

17 Q. Anywhere you want.

18 A. You know, I'll just -- I'll just go
19 with health care, access to, education,
20 and -- health care, education, access to,
21 I'll say, food distribution sites, i.e.,
22 supermarkets, being present in certain
23 low-income areas, or lack thereof.

Alpha Phi Alpha Fraternity, Inc. v. Raffensperger, Brad

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1 So I'll stick with those big three.

2 Q. And then as far as particular needs
3 of the minority community in Georgia, it
4 would be fair to characterize that as similar
5 to what you just described, so, you know, two
6 sides of the same coin.

7 Would that be fair to say?

8 A. Could you specify exactly what --

9 Q. Sorry. Yeah. My phrasing was a
10 little poor.

11 So the question you just answered
12 was based on the needs differing from those
13 of white residents, and now I'm just asking
14 needs of the minority community generally.

15 A. Yes. Well, to be more specific with
16 your question, if I understand what you're
17 saying, because there -- I'm just using
18 Georgia -- as you said, there are certain
19 districts in Georgia that are poor white that
20 have that access, i.e., Marjorie Taylor
21 Green's district.

22 So I can only speak for those
23 districts in or around the metro Atlanta area

Alpha Phi Alpha Fraternity, Inc. v. Raffensperger, Brad

Page 55

1 that I know. There are some food deserts,
2 health care is an issue, and definitely
3 education.

4 Q. And as far as those needs that
5 you've identified, what do you base that --
6 those specific needs on? Has it been
7 personal experience that you have or
8 anecdotal experience or reading about it?
9 What do you base those needs on?

10 A. I would say two-fold. Maybe the
11 Atlanta Journal-Constitution and its coverage
12 of -- of some of the needs and the minorities
13 and my own personal experience as I volunteer
14 to pass out baskets with the fraternity to
15 give away scholarships, et cetera.

16 MR. WEIGEL: All right. Well,
17 Mr. Woods, that -- I'm fairly certain that
18 that completes my questioning for now.

19 Counsel, I didn't know if you had
20 any questions you wanted to get on the record
21 for Mr. Woods or if you needed a break to
22 kind of go through everything, so just let me
23 know what works best for you.

EXHIBIT N

Grant, Annie Lois, et al.v. Raffensperger, Brad, E

Page 1

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF GEORGIA
3 ATLANTA DIVISION

4 ANNIE LOIS GRANT, ET AL.,

5 Plaintiffs,

6 vs.

7 BRAD RAFFENSPERGER, IN
8 HIS OFFICIAL CAPACITY AS
9 THE GEORGIA SECRETARY OF
STATE, ET AL.,

Defendants.

CIVIL ACTION FILE
NO. 1:22-CV-00122-SCJ

10
11 COAKLEY PENDERGRASS,
12 ET AL.,

Plaintiffs,

13 vs.

14 BRAD RAFFENSPERGER,
15 ET AL.

CIVIL ACTION FILE
NO. 1:21-CV-05339-SCJ

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18 VIDEOTAPED DEPOSITION
19 of
ERICK ALLEN

20 February 21, 2023
21 10:00 a.m.

22 Taken by Remote Video Conference
23 Atlanta, Georgia

24 ANGELA ADAMS, RPR, CCR-B-1404
25

1 media to put it out there. So yeah, I don't.

2 And it is also very few because of the way
3 the maps have been drawn. There are very few
4 competitive districts where that would even matter. So
5 if you look at the makeup of a lot of state House
6 races, a lot of times the candidates are all of one
7 race. So it is very -- I just don't think it is that
8 relevant in state legislative races, one, because you
9 can't get the image out there enough and, two, the
10 races are somewhat monolithic in the appearance of the
11 candidate.

12 Q. During your time in the state House or
13 after, are you aware of needs that black voters in
14 Georgia have that are different from those of White
15 voters in Georgia?

16 A. I wouldn't blow it down to the voter. I
17 would say the communities have differences. Some have
18 been more underserved than others. Some have been
19 overresourced. Others have been underresourced. So as
20 far as the voter, I couldn't say that; but I would say
21 that there are minority and majority communities that
22 are or have strong differences.

23 Q. And so speaking then of the communities
24 specifically, what are some differences that Black
25 communities and White communities have in terms of the

1 needs of those communities?

2 A. I would say around healthcare. There is a
3 lot of differences and disparities in the delivery of
4 healthcare services, education.

5 Minority communities have overwhelmingly
6 been underfunded, and even in recent years where
7 funding is what we would consider balanced in the
8 legislature, you know, you can have School A and School
9 B both getting the same amount of funds but you have
10 got School A making decisions on what kind of band
11 uniforms to buy; whereas, School B is trying to decide
12 if they want to upgrade their science books from the
13 80s.

14 So there is a lot of disparities because we
15 have never focused on catching up communities that have
16 been so underfunded for, basically, generations; and so
17 those are real issues in minority underserved
18 communities opposed to those that have traditionally
19 had resources, both public and private.

20 Q. While you were in the legislature, did you
21 find your Republican colleagues -- or I should say
22 this.

23 Did you explain those different needs of
24 different communities to Republican colleagues while
25 you were in the legislature?

1 A. Yes.

2 Q. And did you find those Republican colleagues
3 to be receptive to what you had to say about the
4 different needs of different communities in Georgia?

5 A. No.

6 And that's why being in those communities of
7 interest is so important. They don't have the same
8 issues. You know, a prime example is legislation I
9 tried to get passed for allowing local municipalities
10 and counties to regulate fireworks, and I know this is
11 a weird example; but for those that are in -- you know,
12 I will use what we have been talking about.

13 If you are in Bartow County and you are
14 setting off M16 cherry bombs, whatever those big
15 fireworks are, on a 5-acre, 12-acre farm, that is
16 completely different than doing it in an apartment
17 complex in Smyrna where you have got soldiers with
18 PTSD, you have got animals that are jumping fences and
19 running away, you have got kids who are scared, you
20 have got people calling the police thinking they hear
21 gunshots and burdening resources in the county.

22 So you can explain certain things to those
23 legislators, but because of environmental and lived
24 experience differences, it just doesn't resonate.

25 MR. TYSON: Mr. Videographer, if

EXHIBIT O

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IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

ALPHA PHI ALPHA FRATERNITY,
INC., a nonprofit organization
on behalf of members residing
in Georgia, et al.,

Plaintiffs,

CASE NO.

1:21-CV-05337-SCJ

vs.

BRAD RAFFENSPERGER, in his
official capacity as Secretary
of State of Georgia,

Defendant.

VIDEOTAPED DEPOSITION OF JOHN R. ALFORD, Ph.D.
APPEARING REMOTE FROM
ATLANTA, GEORGIA

FEBRUARY 27, 2023

10:01 A.M. EASTERN

Reported By:

Judith L. Leitz Moran

RPR, RSA, CCR-B-2312

APPEARING REMOTELY

1 sense of causation is, it's not my area.

2 But as -- but as an empirical matter, you
3 know, these are correlational studies, no where
4 close to being -- to being actual studies of
5 causation. There's no experimental design, there's
6 no control, there's no manipulation of independent
7 variables.

8 So we're not going to establish causation
9 here ever.

10 Q So I just want to make sure I understand
11 this.

12 So when evaluating voter behavior it's
13 not possible to establish the cause of that voter
14 behavior in your opinion?

15 MR. JACOUTOT: Object to form.

16 A It is possible. It's just not possible
17 with the -- with the data and methods that we --
18 that we have at hand.

19 So we're dealing with -- not just with
20 correlational analysis, but with correlational
21 analysis at an aggregate level.

22 So at a minimum we need to be at the
23 individual level, which we're not; and then at the
24 individual level we would have to be able to
25 exercise -- we certainly could do better with maybe

1 case turns on how to characterize the results of
2 her statistical analysis?

3 A Yes, largely on how to characterize the
4 results.

5 Q Okay. So let's see if we can start by
6 finding some common ground and narrowing out some
7 of the things that are in dispute.

8 So do you agree with Dr. Handley that
9 Black voters in the areas of Georgia that she
10 analyzed vote cohesively in general elections for
11 state-wide offices?

12 A Yes.

13 Q Okay. And do you agree with Dr. Handley
14 that white voters in the areas of Georgia she
15 analyzed vote cohesively in general elections for
16 state-wide offices?

17 A That's mostly true. I think there's some
18 areas where they're -- where they're not voting
19 cohesively, but -- but generally that's true.

20 Q Okay. And so the pattern of white voter
21 behavior across Georgia in the areas that she's
22 looking at is generally one of cohesion?

23 A Correct.

24 Q Okay. And would you say that there's a
25 very high level of cohesion among Black voters in

1 the areas of Georgia that Dr. Handley looked at?

2 A Yes.

3 Q Okay. And with small exception, would
4 you say that there is a very high level of cohesion
5 among white voters in the areas of Georgia that
6 Dr. Handley looked at?

7 A Yes. And again, that -- that varies a
8 little bit because in some of the areas you've got
9 a higher proportion of white Democratic voters in
10 the areas that are heavily -- more heavily
11 Democratic.

12 But generally speaking, for most of that
13 analysis, the level of cohesion among white voters
14 is -- is high, yes.

15 Q Okay. And again, speaking in the general
16 elections for state-wide offices that Dr. Handley
17 analyzed, did white and Black voters support
18 different candidates?

19 A Yes.

20 Q Okay. And fair to say that large
21 majorities of Black and white voters supported
22 different candidates?

23 A That's generally the case, yes.

24 Q Okay. So she also analyzed state
25 legislative elections in seven areas of Georgia,

1 right?

2 A Correct.

3 Q Okay. And were Dr. Handley's estimates
4 of Black and white voter behavior in state
5 legislative elections generally consistent with her
6 estimates of voter behavior for state-wide general
7 elections?

8 A Yes.

9 Q Okay. And so, they show the same pattern
10 of extremely cohesive Black support for a single
11 candidate, right?

12 A Correct.

13 Q And they show with minor area exceptions
14 overwhelmingly cohesive white support for a single
15 candidate, right?

16 A Based on -- unless you're overwhelmingly
17 cohesive means, but I mean --

18 Q Very high. Let me rephrase that
19 question.

20 A -- clearly -- so I think by any
21 definition of cohesion, they show cohesive white
22 support for a different candidate than the one that
23 you have the very cohesive Black support for.

24 So it's -- it is slightly less cohesive,
25 but I felt -- I still think it's in a range that --

1 that anybody would label as clearly cohesive.

2 Q Okay. So in the state legislative
3 elections, Black and white voters are voting
4 cohesively, right?

5 A Correct.

6 Q And they're voting for different
7 candidates, right?

8 A Correct.

9 Q Okay. And looking at the state
10 legislative elections that Dr. Handley analyzed,
11 did the -- the candidate preferred by the majority
12 of white voters generally win state legislative
13 elections in districts without a majority of Black
14 voting age population?

15 A I -- that, I'm not sure. Her analysis
16 shows what it shows, but that's not an issue. I
17 was not focused on the performance issue. So that
18 may well be the case but I don't know.

19 Q Okay. Well, so if we took a look at --
20 okay. So let's take a look at -- sorry, one
21 second. Yeah, let's go to Appendix B in her
22 report.

23 A Appendix? I'm sorry, which appendix?

24 Q Appendix B.

25 A B?

1 Q -- area?

2 Sorry.

3 A Sorry, that was my fault.

4 Q No, no, go ahead.

5 A But the answer is, yes, they are
6 supporting different --

7 MR. JACOUTOT: I'm going to object to
8 form for that. Sorry, I'm a little late but...

9 MR. MILLER: Okay. Let me -- let me
10 reask it. I may draw the same objection.

11 MR. JACOUTOT: Okay.

12 BY MR. MILLER:

13 Q But in -- in Appendix A2, are Black
14 voters and white voters cohesively supporting
15 different candidates?

16 MR. JACOUTOT: Object to form.

17 A Okay. So, yes, here I think, again, by
18 any reasonable definition these are -- both cases
19 are mostly above 90 percent. They're supporting
20 different candidates, they're supporting them
21 cohesively, and as a consequence the voting is
22 polarized.

23 BY MR. MILLER:

24 Q Okay. And would you say that the -- how
25 would you describe the degree of polarization in

1 the elections in Appendix A2?

2 MR. JACOUTOT: Object to form.

3 A I'd describe it as polarized.

4 BY MR. MILLER:

5 Q Would you say that it is starkly
6 polarized in Appendix A2?

7 MR. JACOUTOT: Object to form.

8 A I -- I mean, I don't know. I -- it's --
9 again, the numbers speak for themselves. It's -- I
10 think it's clearly -- this is clear polarization.

11 This is what polarization looks like
12 when, you know, 90 percent of a group -- one group
13 goes one way and 90 percent goes the other.

14 This is what polarization looks like in
15 Congress when 90 percent of the Republicans vote
16 one way and 90 percent of the Democrats vote the
17 other.

18 It's not perfectly polarized or as
19 sometimes as you know from reporting on Congress
20 if -- if 12 percent of the Republicans in Congress
21 crossed over to vote with the Democrats, some
22 people would label that a bipartisan piece of
23 legislation because it actually drew more than one
24 person from the other side. So there is
25 polarization worse than this and we've seen it.

1 the general election analysis reveals, not cohesive
2 Black voter support for Black candidates and white
3 voter support for white candidates."

4 Right?

5 A Right.

6 Q Okay. So could you just explain what the
7 basis is for your opinion that voter support
8 candidates on the basis of party affiliation rather
9 than on the basis of race?

10 A Well -- well, that's not the conclusion
11 you just read. I don't think that's in there.

12 Q So how is the conclusion that I just read
13 different from a conclusion that voter support
14 candidates on the basis of party affiliation rather
15 than race?

16 A Well, this -- so this is just describing
17 two potential queues for voters. The party queue
18 that's on the -- both widely known and on the
19 ballot. And the racial queue that presumably
20 people recognize in regard to candidates. So those
21 two queues are available.

22 And then the question is what this
23 analysis shows in response to that. It's --
24 there's no -- this is not an analysis of the
25 partisanship of the voters or -- or what the role

1 voting.

2 Q And so we earlier talked about how a
3 party label can be a confounding variable in your
4 opinion in general elections. Do primaries
5 eliminate that confounding variable when addressing
6 voter behavior?

7 A Yes. And again, there -- it's no longer
8 confounded because while it is true that all of the
9 Black candidates in these primaries are -- are
10 running as Democrats, so are all the white
11 candidates in the primaries.

12 And so, it is no longer the case that --
13 that Black and Democrat go together, and therefore,
14 make it hard to separate it. The party label is
15 consistent across everyone.

16 And so what's varying from candidate to
17 candidate are a whole series of factors, one of
18 which is the race of the candidate.

19 And it's now not perfectly confounded by
20 the party of the candidate, so, yes, you eliminated
21 the confounding factor.

22 Q Okay. So we're able to isolate the queue
23 provided by the race of the candidate when we look
24 at parties; is that fair to say?

25 A We're able to -- I wouldn't say you're

1 MR. JACOUTOT: Object to form.

2 A I guess -- you know, it's -- it's very
3 difficult to say that something is impossible. But
4 I guess -- I hesitate to say it's impossible, but I
5 would say if -- if that were the fact pattern, I --
6 I think it would presume extremely difficult fact
7 pattern for -- for -- for making any sort of
8 judgment under Section 2 of the Voting Rights Act.

9 I mean, what -- so this is jurisdiction
10 where in the -- in -- in the primaries white and
11 Black voters don't care about the race of their
12 candidates.

13 In the Republican primary, the
14 Republicans don't care, Black, white, doesn't make
15 any difference. Democratic primary, they don't
16 care one way or the other. Makes no difference at
17 all.

18 And then when they -- when it gets into
19 the general election suddenly they care deeply
20 about and suddenly race is a powerful factor that
21 -- that seems extremely odd.

22 And -- and one of the things I think
23 that's important and that the -- one of the reasons
24 the court likes to see elections over a period of
25 time, not just a single election, is the idea that

1 this is not just some momentary issue but, rather,
2 is a sustained issue that absent the intervention
3 of the court is going to continue to prevent
4 minorities from being able to elect candidates of
5 choice.

6 And so if this -- if this prejudice in
7 the electorate is one that switches off and on
8 within a single election year, in that fashion -- I
9 mean, I -- it's hard to see what -- I can't quite
10 understand what that would be exactly.

11 But I just -- that seems like you set a
12 -- that's a very uphill battle, I think, for
13 establishing that.

14 I mean, the only way that seems likely to
15 me is if voters in the general election continue
16 not to care about the race or candidates or they've
17 already shown they don't care and just vote on the
18 basis of the party of the candidates.

19 I can't imagine that in the general, that
20 suddenly voters that had -- I mean, the argument
21 would be so the Republicans have just nominated a
22 Black candidate, but they refuse to vote for Black
23 candidates in the general election.

24 I guess it's possible, but that's a very
25 self-defeating kind of behavior, isn't it? It's

1 people have an actual partisan identification in
2 the United States.

3 Q And all of those degrees of support could
4 be influenced by a number of factors, right?

5 A Yes.

6 Q And we talked earlier about how race is
7 one of the reasons that a person might express some
8 degree of support for a political party, right?

9 A Yes.

10 Q Okay. And so, similarly, race could be a
11 reason for participation in one political party's
12 primary, right?

13 MR. JACOUTOT: Object to form.

14 A I think it could be.

15 BY MR. MILLER:

16 Q And then does the absence of racially
17 polarized voting in a primary tell us why the
18 voters who voted in that primary chose to vote in
19 that primary?

20 A The inquiry into why people choose to
21 vote in a primary is a -- is a large and
22 multifaceted inquiry, so I wouldn't think any one
23 thing would tell you the answer to that question.

24 So I -- I would say among a whole lot of
25 other things that doesn't tell you the reason why

EXHIBIT P

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

ALPHA PHI ALPHA)	
FRATERNITY, INC., a)	
nonprofit organization on)	
behalf of members)	
residing in Georgia;)	CASE NO.
SIXTH DISTRICT OF THE)	1:21-CV-05337-SCJ
AFRICAN METHODIST)	
EPISCOPAL CHURCH, a)	
Georgia nonprofit)	
organization; ERIC T.)	
WOODS; KATIE BAILEY)	
GLENN; PHIL BROWN and)	
JANICE STEWART,)	
)	
Plaintiffs,)	
)	
vs.)	
)	
BRAD RAFFENSPERGER, in)	
his official capacity as)	
Secretary of State of)	
Georgia,)	
)	
Defendant.)	

VIDEOTAPED DEPOSITION OF JOHN B. MORGAN
(Taken by Plaintiffs)
February 9, 2023
9:40 a.m.

Suite 200
1600 Parkwood Circle
Atlanta, Georgia

Reported by: Debra M. Druzisky, CCR-B-1848

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- - -

1 the report I discuss a process of map drawing which
2 can be applied to other circumstances.

3 Q. Do you conclude in your December 5th
4 report that the illustrative maps that you drew are
5 evidence that the illustrative maps drawn by
6 Mr. Cooper don't comply with traditional
7 districting principles?

8 A. That's not in the report.

9 Q. So let's actually crack open this report
10 and take a look at it, starting with Paragraph 4
11 and 5. Actually, we can go right to Paragraph 5.
12 You say you set out "to draw a blind plan that did
13 not consider race or incumbency or past
14 redistricting plans for Georgia."

15 Do I have that right?

16 A. Yes.

17 Q. Okay. Did someone ask you to do that?

18 A. I would say that I was asked to do
19 something like that. I would say that, you know,
20 in order to make some comparisons, that I was asked
21 to draw a plan like that, yes.

22 Q. Were you asked to draw a plan specifically
23 with those parameters in terms of not considering
24 those three things?

25 A. That's what it ended up being.

1 actual boundaries.

2 But again, I might generally know there's,
3 you know, about four districts in this area, so
4 whatever the legislature did and whatever I did is
5 going to have about four districts in an area.

6 Q. You mentioned you're -- you know, been to
7 half the counties in Georgia and you have
8 significant sort of background knowledge and
9 awareness of Georgia's demographics.

10 Am I correctly characterizing what you
11 said?

12 A. Yes. When I met with the eight
13 congressmen in 2001 when they were drawing -- the
14 Republican congressmen when they were drawing
15 districts, they respected my opinions.

16 Q. So you know sort of which areas have large
17 black populations?

18 A. Generally, yes.

19 Q. Okay. And when you drew your map, did you
20 consider whether black voters would be able to
21 elect candidates of choice under the lines that you
22 drew?

23 A. I didn't analyze that. I specifically
24 treated every district the same way. So I didn't
25 make any analysis in the areas where I knew there

1 was black population. I applied the same process
2 that I did in areas where there -- I knew there was
3 not a lot of black population.

4 Q. So you did not consider whether black
5 voters would be able to elect candidates of choice
6 in --

7 A. Not --

8 Q. -- those areas?

9 A. Not in this report, no.

10 Q. Have you ever used these, again, adopting
11 your term, blind parameters before in drawing an
12 illustrative map or in any map?

13 A. I've seen them used before, yes.

14 Q. Where have you seen them used?

15 A. North Carolina, Arizona specifically.

16 Q. In what context?

17 A. In the early stages of map drawing,
18 there's a lot of maps that are done that pair
19 counties in a certain way.

20 Or in the case of Arizona, my
21 understanding is that the process begins with a map
22 drawn by map drawers that is then turned over to
23 the commission.

24 So somebody drew that plan and they turned
25 it over to the commission, and the commission

1 Q. Sure.

2 A. Okay.

3 THE VIDEOGRAPHER: Off the video
4 record at 12:11 p.m.

5 (Whereupon, a discussion ensued
6 off the record.)

7 (Whereupon, there was a luncheon
8 recess.)

9 (Whereupon, Ms. LaRoss did not
10 return to the deposition.)

11 THE VIDEOGRAPHER: Back on the video
12 record at 12:53 p.m.

13 BY MR. SAVITZKY:

14 Q. All right. Hello again, Mr. Morgan.

15 A. Hello.

16 Q. So we were talking about some of the
17 different communities of interest definitions and
18 whether and how you considered them in your
19 illustrative map that you drew for the December 5th
20 report.

21 Did you consider socio-economic
22 commonalities when you created your illustrative
23 maps?

24 A. Generally, I would say no. These were
25 examples of what people may consider communities of

1 A. No. I wasn't given information on the
2 public hearing process.

3 Q. Okay. So and just to summarize, in terms
4 of considering communities of interest, other than
5 looking at municipalities and places on the map and
6 whatever background knowledge you might have had,
7 were those the two ways that you considered
8 communities of interest?

9 A. I mean, there were others that I
10 mentioned. I mentioned mountains and other
11 geographical features that were not simply
12 municipalities.

13 Q. Other than considering the features that
14 you could view on the map and whatever background
15 knowledge you were bringing to the table, were
16 there any other ways that you considered
17 communities of interest in constructing your
18 illustrative maps for the December 5th report?

19 A. I would say it was mostly based on the
20 geography and the maps.

21 Q. When you say "mostly" --

22 A. Yes.

23 Q. -- were there other things that you
24 considered other than the geography and your
25 background knowledge?

1 Q. Recognizing that one requirement is that
2 all plans comply with Section 2 of the Voting
3 Rights Act, would you say that your plan complies
4 with the guidelines?

5 MR. TYSON: I'll object to form.

6 THE WITNESS: I don't know how to
7 determine compliance in that regard.

8 BY MR. SAVITZKY:

9 Q. So let's look at Paragraph 28 here. And
10 you have this region one analysis starting in
11 Paragraph 28. You say:

12 "Region one consists primarily of
13 DeKalb, Clayton, Henry, Rockdale,
14 Newton and Walton Counties."

15 Can you describe, like, what are the exact
16 parameters of this region that you've defined here?

17 A. I just defined it.

18 Q. Well, you say primarily, so what do you
19 mean by "primarily"?

20 A. Well, if you look at the next page,
21 there's a map, and most of the districts cover all
22 of the territory of DeKalb, Clayton, Henry, Newton,
23 Rockdale and Walton.

24 Q. So is the region that you're talking about
25 defined by the districts that you selected?

1 the districts -- the group of districts that you
2 assessed for enacted region one and the group of
3 districts you assessed for illustrative region one?

4 A. No.

5 Q. Is there any empirical basis for choosing
6 this particular set of districts?

7 A. Well, they cover pretty close to the same
8 geographic area.

9 Q. So it's just rough, rough geographic area
10 in the counties you've selected?

11 A. Well, let's see. In this case all of
12 DeKalb County is accounted for, all of Clayton,
13 most of Henry, all of Rockdale. In the case of the
14 enacted plan, all of Walton but not Newton and not
15 Henry. And in the other case, it's only missing a
16 portion of Walton.

17 So it could be that, looking at the
18 illustrative plan and establishing that coverage,
19 and then looking at the enacted plan and looking at
20 the same relative coverage area, and those are the
21 districts that overlap.

22 Q. Do you know the overall demographics of
23 the set of counties that you chose?

24 A. In what sense?

25 Q. Do you know the racial demographics of the

1 A. No. I listed the individual compactness
2 scores of all of the districts.

3 Q. Okay. And that's what you're referring to
4 when you talk about the contrast in compactness?

5 A. In general, yes.

6 Q. And then you say "There may be many
7 causes" for why the regions are so different. Do
8 you still agree with that?

9 A. I'm sure there could be.

10 Q. You mean -- do you mean that there may be
11 many causes for why -- well, sorry. Strike that.

12 What are some of the many causes that
13 you're referring to here?

14 A. I didn't identify them.

15 Q. Are you able to identify them now?

16 A. I didn't look at that in this report.

17 Q. Could one of those causes be avoiding
18 pairing incumbents?

19 A. I suppose.

20 Q. Could one of those causes be retaining
21 district corridors and continuity of
22 representation?

23 A. That's possible.

24 Q. Could one of those causes be various
25 community of interest factors that weren't

1 considered?

2 A. I suppose so.

3 Q. Could one of those causes be constituent
4 feedback during the constituent sessions in the
5 redistricting process?

6 A. That's possible, I suppose.

7 Q. Could one of them be compliance with the
8 Voting Rights Act?

9 A. I suppose that's possible.

10 Q. Could one cause be the individual
11 balancing decisions of different map drawers?

12 A. I suppose so. There's many possibilities,
13 I'm sure.

14 Q. So in Paragraph 30 starting on 22, you
15 say:

16 "Looking at some specific
17 districts shows that the compactness
18 of those districts is lowered by
19 apparent effort to create more
20 majority black districts."

21 And then you look at one set of districts,
22 you compare one set, your illustrative 90 versus
23 enacted house District 89. And you say that the
24 enacted district is more elongated but your
25 district is more compact.

1 districts. I mean, I think there were fewer in
2 this region than the previous region, but not by
3 much.

4 Q. Did you do any core constituency analysis
5 to determine the precise overlap between the set of
6 districts in your illustrative region two and the
7 enacted region two?

8 A. No. I did not compare the core
9 constituency between these two plans, but I suppose
10 that's something that could be done.

11 Q. So looking at Paragraph 32 of your report,
12 you again say, you say:

13 [As read] "...the maps in region
14 two show a contrast between the
15 illustrative and the enacted plan with
16 respect to compactness."

17 Is that a fair statement of your
18 assessment of these two maps?

19 A. I think that's pretty close to what I said
20 in the report, yes.

21 Q. And then you say there may be many causes
22 for the differences one sees between the enacted
23 and the illustrative map that you draw; right?

24 A. Yeah.

25 Q. Could one of those causes be avoiding

1 A. Uh-huh.

2 Q. Did you look at any other individual
3 head-to-head comparisons or just District 59 for
4 region two?

5 A. Well, I mean, there's a chart. You can
6 look at them here. They're all here. I reported
7 the information on all of the districts that are in
8 the region as defined.

9 Q. Did you discuss any other head-to-head
10 comparisons in your report?

11 A. No. The report verbally describes what's
12 in the table in one instance.

13 Q. Do you know how much District 59 in your
14 illustrative map and District 59 in the enacted map
15 overlap with each other?

16 A. In what sense?

17 Q. Do you know what their geographic and
18 population overlap is?

19 A. No. I said I did not run the core
20 constituency comparisons.

21 Q. Do you know whether they are the most
22 alike districts when it comes to core
23 constituencies, whether there's a better comparison
24 that could have been made?

25 A. A better comparison?

1 Q. One that more accurately reflects the
2 population.

3 A. I'm not sure I understand.

4 Q. My question is, is -- are 59 and 59 the
5 right comparators or is there another set of
6 comparators that overlap more tightly?

7 A. There's 25 or 26 districts. You can
8 compare any one of them.

9 Q. In your view you can compare any of these
10 districts?

11 A. No. I chose ones that were in the same
12 general area.

13 Q. You chose ones in the same general area
14 with --

15 A. Same geographic area, yeah. I, as I said,
16 I didn't run the constituency comparison reports.
17 I suppose I could have done that.

18 Q. Okay. Do you know whether enacted
19 District 59 was drawn the way it was in order to
20 avoid pairing incumbents?

21 A. No.

22 Q. Do you know how many incumbents you pair
23 in your map in Fulton County?

24 A. No.

25 Q. You say drawing a more compact district in

1 Q. Is that right?

2 A. Yeah.

3 Q. Okay. Compactness score of 55 in your
4 plan is point 32 and point 34?

5 A. Yeah.

6 Q. Compactness of District 55 in the enacted
7 plan is point 34 and point 37?

8 A. I wasn't comparing those, but okay.

9 Q. You weren't comparing those?

10 A. I think the one I'm pointing to here is
11 District 10 in the enacted plan.

12 Q. Oh. I'm sorry. So you compared District
13 55 in the illustrative plan to District 10?

14 A. Yeah.

15 Q. Okay.

16 A. And I said it's an -- they're both
17 anchored in southern DeKalb, and District 10 goes
18 south into Henry whereas District 55 is entirely in
19 southern DeKalb. And that's a contrast.

20 And I think you can see that in the
21 enacted plan, southern DeKalb is parcelled out into
22 several districts. Whereas, in the illustrative
23 plan it's basically in three.

24 Q. Did you do any core constituency report to
25 determine which district most overlaps with

1 illustrative District 55 in your illustrative map?

2 A. Boy, that, I think that would be a little
3 difficult. Because it's so fractionalized in the
4 enacted plan. I suppose one might be more than
5 another.

6 Q. So District 55 in the enacted plan could
7 have more of the population of District 55 than the
8 illustrative plan?

9 A. Yeah, I don't know. It's really
10 fractionalized in the enacted plan. I'd have to
11 look at that carefully.

12 Q. And just --

13 A. And I don't know that that's -- like,
14 which one do you pick? It's hard to say.

15 Q. Well, you picked the one with the lower
16 compactness scores, but District 55 in the enacted
17 plan actually has a higher Reock score than
18 District 55 in your illustrative plan; right?

19 A. Yeah. And I don't know that there's a
20 great deal of overlap, but maybe there is.

21 I mean, and again, it's so fractionalized
22 that, you know, if you were to take District 55 in
23 my illustrative plan, you know, you might have
24 20 percent in one and, you know, 25 percent in
25 another.

1 way in, like, a numerical quantitative sense.

2 Q. Is the claimed effect from racial
3 considerations greater than the effect of taking
4 into account constituent feedback from the
5 redistricting process?

6 A. I think that would be difficult to
7 analyze, so I don't know.

8 Q. Did you come to a conclusion about which
9 of these different factors had more or less of an
10 effect --

11 A. No, I --

12 Q. -- than the enacted?

13 A. I didn't intend to discuss that, and I
14 don't think I did. I said that the racial
15 considerations had an effect. I think there's --
16 this clearly indicates there's a tendency and
17 there's an effect.

18 Q. So your conclusion of an effect from
19 racial considerations is based on comparing the
20 maps enacted by the State of Georgia and the plan
21 that you put together?

22 A. Yeah. And what -- in reviewing the
23 enacted plans combined with drawing -- I think
24 having the plan, the illustrative plan that I drew
25 is useful as a comparison tool.

1 of traditional districting factors?

2 A. Well, I didn't specify that here. But if
3 we look through the analysis, there's many pieces
4 to the analysis, so individual pieces support that
5 conclusion.

6 And so as a whole, yes, I think that's the
7 case. It's, in that sense, it's a holistic
8 analysis.

9 Q. What do you mean when you say that the
10 Cooper plans are focused on race? What does that
11 mean?

12 A. I -- I would say that there are many
13 examples that I discuss in my report that show that
14 race was a focus, very much so.

15 Q. Does it mean something other than being
16 aware of race?

17 A. Yeah, I think so.

18 Q. What? What does it mean other than being
19 aware of race?

20 A. I would say that there are instances that
21 I discuss in the report where steps are taken in
22 the drawing of the plan that prioritize race, not
23 just being aware of it, that there are actions I
24 see that show that the focus of certain areas was a
25 racial focus.

1 Q. Does it mean something other than
2 complying with the Voting Rights Act?

3 A. I don't know that complying with the
4 Voting Rights Act is well defined here or -- I
5 don't know how to answer that. Like, the
6 compliance is a separate question. I think there
7 are many ways that could be considered compliance
8 in my experience.

9 Q. Is your opinion that the Cooper plans are
10 too focused on race?

11 A. When you say "too focused," there's sort
12 of an implicit comparison there to something, but
13 you haven't identified what that is. So too
14 focused as compared to what?

15 Q. Is it your opinion that the Cooper plans
16 are inappropriately focused on race?

17 A. I think that there is -- yeah, there's a
18 real focus on race. In some cases you could say
19 that it's inappropriate.

20 But you know, I don't know that I can say
21 that it's categorically across the board
22 inappropriate. But I have many instances where I
23 discern a focus on race.

24 Q. What evidence did you rely on to reach the
25 conclusion that the Cooper maps are focused on

1 A. No.

2 Q. -- or did you just analyze the B.E.F.s?

3 A. I looked at the report a little bit, but
4 mostly I analyzed the block assignment files.

5 Q. Would you say you read the whole report?

6 A. Probably. I skimmed it. I didn't read it
7 in great detail.

8 Q. So your opinions about the Cooper plan
9 were developed without really considering Cooper's
10 report and his description of how he drew the
11 plans?

12 A. I didn't rely on that for this report.

13 Q. Did you consider it?

14 A. I may have considered portions of it, yes.

15 Q. Okay. Did you disagree with anything in
16 the Cooper report?

17 A. I don't recall right here right now. I
18 mean, if we want, we can look at it, but I don't
19 have a specific disagreement. I have opinions
20 based on the plan that I analyzed.

21 Q. And your opinions are based on analyzing
22 the B.E.F.s of the plan?

23 A. Generally, yes.

24 Q. Okay. You also say that you did some
25 analysis of prior plans submitted by Mr. Cooper

1 A. Well, that's what I'm saying. I think I
2 just need to see if it's in the appendices or not,
3 if I could.

4 Q. That's okay.

5 A. Okay.

6 Q. You don't list core constituency
7 comparison to the benchmarks in this list of seven,
8 do you?

9 A. Yeah. That's right. But I'm trying to
10 say that it might have been run. Because I had the
11 prior plans, and it's something that could have
12 been done.

13 Q. Okay.

14 A. So that's why I'm saying I'm not sure if
15 it's in the appendices. And if I can look, I can
16 check that.

17 Q. So when comparing Cooper's maps to the
18 enacted maps, did you consider the redistricting
19 principles set out by the State of Georgia that we
20 previously talked about that have been marked as
21 Exhibit 2 --

22 MR. ZABEL: Three.

23 BY MR. SAVITZKY:

24 Q. -- 3? Did you consider those?

25 A. It's not in the report.

1 aligns more closely with the enacted senate plan
2 than the Cooper PI-2 plan.

3 A. Yes. But I didn't say anything as to how
4 it aligns with the enacted plan.

5 Q. Just looking at your chart two, would you
6 agree the Cooper senate plan is the same or better
7 than the enacted plan on all of the metrics that
8 you identify?

9 MR. TYSON: Object to form.

10 THE WITNESS: I, again, I don't quite
11 understand. I show the information and
12 the comparisons we just went over in
13 detail.

14 BY MR. SAVITZKY:

15 Q. Are there any metrics that you look at
16 here where the Cooper plan doesn't perform as well
17 as the illustrative plan --

18 A. I --

19 Q. -- or the, as the enacted plan?

20 A. Yes. There are the voting precinct
21 splits -- sorry, the compactness is better. Yeah,
22 no, I'd say -- we talked about the deviation. It
23 looks like they're all very similar.

24 And some numbers are higher than the
25 enacted plan, and most numbers are higher for the

1 compactness, lower for the splits, more for the
2 incumbents.

3 Q. Okay. And just to be clear for the
4 record, the Cooper plan is better on voting
5 district splits?

6 MR. TYSON: Object to form.

7 THE WITNESS: Again, the number is
8 higher on the enacted plan for splits and
9 lower on the Cooper plan for splits.

10 BY MR. SAVITZKY:

11 Q. Got it.

12 So let's -- just hold one second.

13 And you say that 21 of the 56 districts in
14 the Cooper plan are identical to the enacted map?

15 A. I believe that's correct.

16 Q. And you say on Paragraph 18, moving along
17 to Page 8:

18 [As read] "The Cooper 12/05
19 senate plan has 35 of 56 districts
20 drawn differently but still has mean
21 compacted scores close to the enacted
22 plan, with" mean compactness -- "with
23 the mean compactness score on Reock
24 higher and the mean compactness score
25 in Polsby lower."

1 But I think we already discussed you agree
2 those compactness scores are virtually identical?

3 A. Yes.

4 Q. Okay. Now, let's look at your regional
5 analysis starting at Paragraph 19. You did an
6 analysis of the metro region with respect to the
7 senate map, and you focus on a cluster of four
8 senate districts that you selected.

9 Is that -- do I have that right?

10 A. Yes. They're senate districts in the same
11 area, same region.

12 Q. Uh-huh. And just looking at Page 10 of
13 your report, can you confirm that the map on Page
14 10 is supposed to depict districts from the enacted
15 map?

16 A. Just a moment.

17 Q. And not to hide the ball, but I just --
18 because it says Cooper on top, but I'm pretty sure
19 that --

20 A. Does it say it on both?

21 Q. It says it on both.

22 A. Okay.

23 Q. And I think this is the enacted side --

24 MR. TYSON: Yeah, the --

25 BY MR. SAVITZKY:

1 the appendix to the report, so it's possible to
2 look at any district you want to make a comparison
3 to. But I chose this district because it does show
4 differences. And I'm showing some differences in
5 the two plans.

6 Q. Right. I mean, you conducted a cluster
7 analysis examining the compactness of these
8 particular districts, which you didn't do for
9 other -- any other set of districts in the metro
10 area?

11 A. In the metro area? I don't think so. I
12 mean, I talked about -- I think I talked about
13 another district in the metro area. Yeah, I talked
14 about Spalding a little bit.

15 Q. Did you run any analysis to determine how
16 much these groups of four districts overlap in a
17 core constituency analysis between the two?

18 A. Well, I mean, the core constituency
19 analyses are included as an appendix in the report,
20 so that information is available. But I didn't
21 highlight it or discuss it in the verbal part of
22 the report.

23 Q. Do you know how much this set of districts
24 overlaps?

25 A. No. I didn't look at that specifically.

1 Again, I was picking these counties and looking at
2 districts that are generally in that area.

3 Q. And when you look at these maps, we can
4 only see the district lines for the set of four
5 districts that you selected?

6 A. In this map, that's correct. However, in
7 the appendix, there are additional single districts
8 that we could look at.

9 Q. When we look at these maps, we can't see
10 whether the lines of the surrounding districts are
11 more or less compact or split more or fewer
12 counties in one map or the other?

13 A. There are four districts on this map in
14 the enacted and the Cooper plan.

15 Q. Yeah. So you're -- in this analysis, you
16 can only see the districts that you selected?

17 A. Yes.

18 Q. So let's turn to some of the districts
19 that you selected. On the enacted map you've got
20 enacted District 10 you describe in Paragraph 21.
21 You say it's a 71.5 percent B.V.A.P. district. And
22 you say it stretches for 25 miles across from
23 DeKalb, Henry County to the Spalding County line.

24 How do you measure those distances, by the
25 way? How did you do that?

1 specifically, it is being elongated to get lower
2 concentrations of black population in Spalding
3 County into District 16 in the Cooper plan.

4 Q. But other districts are less elongated
5 in -- among the four that you've chosen?

6 A. Some are, some aren't.

7 Q. Do you ever conclude in your report that
8 Cooper's districts in this area do not comport with
9 traditional districting principles?

10 A. I don't know that I explicitly said that
11 in this area of the report.

12 Q. Is that your opinion?

13 A. I said in my opinion that there was a
14 focus on race to the detriment of these other
15 redistricting factors.

16 Q. But you're not saying that the plans are
17 inconsistent with traditional districting
18 principles?

19 A. I didn't say that. I don't think I said
20 that anywhere in the report. I said that it -- I
21 said what I said in the concluding statement, and
22 in Paragraph 6, that it's focused on race to the
23 detriment of those factors.

24 Q. So you're not concluding that the
25 illustrative plans do not comport with traditional

1 does better on minimum compactness?

2 A. I would assume it's Cooper.

3 Q. It is, but I'd for the record like you to
4 verify that.

5 A. Okay. For the record, let's see, the
6 illustrative house plan has a low of point 16 on
7 Reock and point 11 on Polsby-Popper. Cooper is --
8 sorry. That's Cooper.

9 Cooper plan is point 16 Reock, point 11
10 Polsby-Popper. The enacted is point 12 Reock and
11 point 10 Polsby-Popper.

12 Q. So Cooper's plans, Cooper's house plan is
13 more compact when looking at the minimum
14 compactness measure?

15 A. Yes.

16 Q. Okay. So regarding number of paired
17 incumbents, we have 25 in the Cooper illustrative,
18 20 in the enacted?

19 A. Yes.

20 Q. And deviation ranges are similar; would
21 you say that's correct?

22 A. The Cooper plan has a higher deviation
23 range.

24 Q. But it's within that 1.5 percent number
25 that you chose for your 12/05 plan?

1 A. Yes.

2 Q. Okay. So would you say that's sufficient
3 to comport with traditional districting principles,
4 being in that plus or minus 1.5 percent deviation
5 range?

6 A. Generally.

7 MR. TYSON: Object to form.

8 THE WITNESS: Sorry.

9 MR. TYSON: Sorry.

10 THE WITNESS: Okay. I answered most
11 of it. I would say that let me clarify my
12 answer here. It is the same deviation
13 range that I used in my illustrative plan.
14 In my experience, I have seen plans that
15 have this range of deviation before.

16 BY MR. SAVITZKY:

17 Q. By the way, sometimes deviation can be
18 higher than that, right, 5 percent?

19 A. It really depends where you are. Not in
20 Nevada.

21 Q. We are not in Nevada.

22 A. No.

23 Q. So did you look at any other metrics other
24 than these?

25 A. The top line metrics? No. But I have all

1 Q. So substantially the same compactness?

2 A. Okay.

3 Q. Would you agree with that?

4 A. It's, yes, it's close.

5 Q. And then for District 133, it looks like
6 the enacted plan District 133 is more compact.

7 That district is a different, a very -- a different
8 area from the illustrative map, isn't it?

9 A. Probably.

10 Q. Do you know what the overlap of those two
11 districts is?

12 A. No. I don't have it in front of me.

13 Q. Okay.

14 MR. SAVITZKY: Is this the -- that's
15 fine. We don't need to...

16 BY MR. SAVITZKY:

17 Q. Would you say that it makes sense to do a
18 comparison of two districts where there's only
19 40 percent overlap between the populations at deal?

20 A. It can. It depends on what the
21 circumstances are. For example, when you were
22 talking about Senate District 55, what district to
23 compare that to, well, the -- that same area in my
24 illustrative 55 was fractionalized in the enacted
25 plan. So which one do you compare it to?

1 I don't know what the highest percentage
2 is in that area.

3 Q. And you didn't look at the core
4 constituency report -- core constituency, excuse
5 me, report to try to figure out what the best
6 comparator would be?

7 A. I didn't. And more to the point, in this
8 case when you say is 40 percent a good number, I
9 don't know. It really depends on what the other
10 options are.

11 Q. Is it possible that you could have a
12 situation where the districts are so different that
13 there isn't really a good comparator?

14 A. Sometimes, sure.

15 Q. Looking at District 145, the enacted plan
16 is a little better on Reock and the Cooper plan is
17 better on Polsby-Popper; is that right?

18 A. Yes.

19 Q. Okay. And looking at 171, it's a little
20 bit more compact under the enacted plan?

21 A. It's point 35 Reock in the enacted and
22 point 28 in the Cooper for Reock. And
23 Polsby-Popper is point 37 in the enacted and point
24 two in the Cooper plan.

25 Q. And did you look at the overlap between

1 P.I. plans and this, so I included the same
2 information.

3 Q. Okay.

4 A. But all of the compactness scores are in
5 the reports.

6 Q. So let's turn to Paragraph 48 and some of
7 these maps. You look at metro area house
8 districts. You look at a map shown which is called
9 a metro region.

10 And you have some maps on Pages 27, 29 and
11 30 of your report with V.T.D.s shaded by B.V.A.P.;
12 is that right?

13 A. In general, yes.

14 Q. All right. You say:

15 [As read] "Looking at the
16 specific districts will show the
17 compactness of the districts as
18 impacted by the efforts to create more
19 black majority districts."

20 When you say "impacted," what do you mean?

21 A. Where is that in the report?

22 Q. In Paragraph 50. I'm sorry. You say:

23 "...the compactness of the
24 districts is impacted by the efforts
25 to create more majority black

1 mean compactness would have changed?

2 A. I don't know. I assume so. We discussed
3 this earlier. It's possible and likely that it
4 would change, but I don't know how it would change.

5 Q. So if you did a different analysis, the
6 mean compactness for Cooper's districts could be
7 better and the mean compactness for the enacted
8 could be worse?

9 A. I have no idea. This is the analysis that
10 I provided in the report.

11 Q. Based on the districts that you chose?

12 A. Yes. That are in the same geographic
13 area.

14 Q. Along with other districts that are also
15 in that area that you didn't choose?

16 A. I chose these districts, and I discuss
17 them in some detail in the report.

18 Q. And when you picked these districts, did
19 you run a core constituencies analysis to determine
20 how much they overlapped between the illustrative
21 and the...

22 A. It's available in the appendices. It's
23 not in the text portion of the report.

24 Q. Do you know how much of enacted District
25 77 actually overlaps with District 77 in the Cooper

1 map?

2 A. Probably not very much. It doesn't look
3 like very much overlaps.

4 Q. But you decided to do a head to head on
5 them anyway?

6 A. I wouldn't describe it as a head to head.
7 In some extent that's why I picked this grouping of
8 four, because it's in the same general region.

9 So even though 77 may not have exactly the
10 same, and certainly not exactly the same, but a lot
11 of the same territory, as a group they cover a lot
12 of the same territory.

13 Q. So just looking at Paragraphs 51 and 52 of
14 your report, you've got one district in north
15 Clayton, one in Fulton and Fayette, one in Fayette
16 and Coweta, one in Fayette and Spalding and Henry
17 for the enacted plan.

18 Does that sound about right?

19 A. Yeah. That's what it shows.

20 Q. And then just turning to Paragraph 53,
21 which is still on this page, you say:

22 [As read] "In the Cooper 12/05
23 plan, the engineering of a new black
24 majority district is accomplished by
25 elongating the districts to connect

1 I believe.

2 Q. So whichever part of a split in Spalding
3 County has Griffin is going to have most of the
4 black population?

5 A. Probably.

6 Q. And you didn't consider that in assessing
7 whether the county split that Mr. Cooper draw -- or
8 drew was appropriate?

9 A. I reported on what I saw, and I drew some
10 conclusions from it.

11 Q. So let's look at Paragraph 58 and turn to
12 the discussion of the black belt sort of area. You
13 sort of pick out ten districts in this region to
14 examine.

15 Why did you pick these districts?

16 A. They cover roughly the same area. And I
17 think in particular I have a discussion of county
18 splits with regard to District 128 in Cooper's
19 plan.

20 Q. Did you run the core constituencies
21 analysis to determine how much of the area in your
22 region and the area in the illustrative overlapped?

23 A. I didn't run a core constituency. The --
24 those numbers are in the appendix.

25 Q. Did you conduct any compactness analysis

1 of the districts in this area?

2 A. That's in the reports. It's all there.

3 Q. But you're not contending that the com --
4 that there's some -- that the districts in the
5 Cooper map are less compact or there's some
6 detriment to compactness?

7 A. I think there is, I mean, specifically
8 with 128.

9 Q. Well, specifically with 128 --

10 A. Compared to, say, District 155 in the
11 enacted plan.

12 Q. I mean, do you discuss the compactness
13 scores of the districts in this area at all in your
14 report?

15 A. I don't think so. I think I'm looking at
16 a different aspect here regarding the county
17 splits.

18 Q. Okay. You say that District 33 -- 133 has
19 a number of V.T.D. splits in Baldwin County?

20 A. Yes.

21 Q. That's on Paragraph 61.

22 A. Yes.

23 Q. Is that due to the shape of Milledgeville
24 and the V.T.D.s around Milledgeville?

25 A. No.

EXHIBIT Q

Alpha Phi Alpha Fraternity, Inc. v. Raffensperger,

Page 1

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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

ALPHI PHI ALPHA FRATERNITY, INC.,,
a nonprofit organization on
behalf of members residing in
Georgia; SIXTH DISTRICT OF THE
AFRICAN METHODIST EPISCOPAL
CHURCH, a Georgia nonprofit
organization; ERIC T. WOODS;
KATIE BAILEY GLENN; PHIL BROWN;
JANICE STEWART,

Plaintiffs,

vs.

CASE NO. 1:21-CV-05337-SCJ

BRAD RAFFENSPERGER, in his
official capacity as Secretary
of Georgia,

Defendant.

DEPOSITION of WILLIAM S. COOPER

February 10, 2023

9:00 a.m.

Taylor English Duma, LLP

1600 Parkwood Circle, Suite 200

Atlanta, GA 30339

Lucy C. Rateau, CCR, RPR

1 don't want to lose it and have to start all over
2 again.

3 Q. Do you have your Maptitude software set to
4 save a backup after a certain number of changes you
5 make?

6 A. No.

7 Q. So unless you affirmatively create backup
8 of a map, there's no prior versioning of that map on
9 your Maptitude system?

10 A. Yeah, there's no automatic backup. I think
11 it automatically backs up if you exit the program
12 altogether. But I don't have it set to back up
13 something every 10 minutes or so. I just back up
14 whenever I feel the need to. And usually the actual
15 names of the backups make no sense to anybody else
16 because some days I'm just using a time and other
17 days something else.

18 Q. So in creating the various illustrative
19 plans for this case is it fair to say that your goal
20 was to create additional majority Black districts
21 above those created by the Georgia legislature on
22 its plans for the House and Senate?

23 A. Well, the goal was to determine whether it
24 would be possible within the constraints of
25 traditional redistricting principles. And I

1 determined that it unequivocally is possible.

2 Q. Are the majority Black districts you've
3 created in the illustrative plans in your December
4 5th report the highest number of majority Black
5 districts you've created in any draft?

6 A. Yeah, I did not try to -- in some cases I
7 do hypothetical plans just to make the point that
8 more districts could have been drawn or you could
9 have made it five points higher or something. I
10 don't think I drew -- I believe in the first two
11 plans for the preliminary injunction one or two
12 districts were sort of organically majority Black.
13 So I just had, I believe, one less Senate district
14 that is majority Black in this particular
15 plaintiff's plan than the earlier ones.

16 Q. So you mentioned drawing hypothetical
17 plans. Do you recall creating any hypothetical
18 plans for Georgia with more majority Black districts
19 above your preliminary injunction plans?

20 A. No, I didn't do that in this case. I've
21 had enough of drawing plans in Georgia. It's one
22 thing to do hypotheticals for a County Commission or
23 something.

24 Q. So it's correct then that your preliminary
25 injunction plan contained the most Black districts

1 plan?

2 A. I don't think there's a metric that would
3 necessarily identify that, other than perhaps one
4 could look at a legislative plan and make an
5 assessment that a plan was disproportionately
6 weighted towards one race or another, so perhaps in
7 that sense.

8 Q. So in your view if the goal of a map drawer
9 is to draw the maximum number of majority black
10 districts on a plan, that plan wouldn't necessarily
11 be drawn predominantly based on race?

12 MR. SAVITZKY: I'm just going to object
13 to the extent it calls for a legal conclusion.
14 You can answer if you're able to do so.

15 A. Could you repeat the question?

16 BY MR. TYSON:

17 Q. Sure. You talked about the different ways
18 you would see race predominating in a plan, like the
19 ways that you could look at that. And my question
20 was if the map drawer's goal is to draw the maximum
21 number of majority black districts on a plan, in
22 your view would race predominate in the creation of
23 that district plan?

24 A. Well, not necessarily. I mean that's sort
25 of an open-ended question. I really can't say.

1 Normally you would not go into a situation where you
2 were drawing to draw the maximum number of majority
3 Black or majority Latino districts. If you were to
4 do that you would likely run into conflict with some
5 of the other traditional redistricting principles.

6 Q. And you mentioned earlier the Cynthia
7 McKinney district in the 1990 cycle in Georgia. Are
8 you familiar with the term "max Black" from the 1990
9 cycle?

10 A. I've heard that term used. I've never used
11 it and thought it was a stupid term to use from the
12 outset. I remember seeing the I-85 North Carolina
13 district. I still have a clear memory of seeing
14 that standing next to the director of the ACLU in
15 Virginia, and we were both just shaking our head. I
16 mean that's just -- that's as close to insanity as
17 one could get in redistricting.

18 Q. And it was your belief that a district like
19 that I-85 district in North Carolina didn't comply
20 with traditional redistricting principle?

21 A. Absolutely. And I said as much at the time
22 in a public setting at Norfolk State like in May of
23 1991 on some time like that.

24 Q. Do you ever use the term "proportionality"
25 in any of your work related to Section 2 of the

1 report, right?

2 A. Right, no other opinions.

3 Q. Thank you.

4 So let's turn back to paragraph number
5 seven in what you were asked to do in the case, and
6 then we'll get into the meat of this. But can you
7 describe generally the methodology you used to
8 determine if Gingles prong one was met in this case
9 for the House and Senate plans?

10 A. Yes. I draw drafts of state-wide
11 legislative plans and analyze the demographics and
12 the geography and determine where and how one might
13 create additional districts, additional majority
14 Black districts while also adhering to traditional
15 redistricting principles.

16 Q. So where do you begin with your process
17 then? Do you start with drawing the map? Do you
18 start with demographic analysis? Where does your
19 methodology start for determining Gingles prong one?

20 A. Well, I look at the enacted plan. I look
21 at demographic change since the 2000 census. I look
22 at the previous plans, the benchmark plan. I look
23 at other geographies unrelated to the legislative
24 redistricting, like the planning districts in the
25 state and metropolitan statistical areas. So I'm

1 looking at various factors all along the way.

2 Q. And in terms of looking at those
3 metropolitan statistical areas or other regional
4 items, do you look at those after you've drawn a
5 plan or before you draw a plan?

6 A. Before.

7 Q. And after you've reviewed all those
8 different data points, is that when you commence
9 drawing the redistricting plans?

10 A. Yes. Obviously, you can spend more time, a
11 lot of time looking at MSAs and other regions, but
12 I'm certainly aware of those regions as I'm drawing
13 the plans.

14 Q. If you would look with me at paragraph
15 number 10 of your report. You state that the
16 illustrative plans comply with traditional
17 redistricting principles. Do you see that?

18 A. Yes.

19 Q. And you list out some different traditional
20 redistricting principles. Are the items in
21 paragraph 10 all of the traditional redistricting
22 principles that you comply with in the drawing of
23 plans or are there others?

24 A. Usually in the background there is the
25 incumbent factor, not exactly a redistricting

1 principle, but once you try to avoid pairing
2 incumbents to the extent one can.

3 Q. Is maintaining the core of an existing
4 district a traditional redistricting principle?

5 A. I don't believe it is. It was not
6 mentioned in the discussion of guidelines for
7 redistricting that the state of Georgia published on
8 the website. And I just recently did a review, a
9 quick review of states that have core retention
10 mentioned as a factor to consider. And I think
11 there's 17 states that do that nationwide. And
12 Georgia would not be one of them, I don't think,
13 unless I'm misunderstanding something.

14 Q. So did you obtain or make the list of
15 traditional redistricting principles in paragraph 10
16 based on the Georgia general assembly guidelines or
17 based on your knowledge as a map drawer?

18 A. Based on my knowledge. And what I'm saying
19 here does not appear to conflict in any way with
20 what the state of Georgia laid out in their brief
21 discussion of guidelines.

22 Q. So then I just want to make sure I
23 understand for district cores then. Is maintaining
24 district cores a traditional principle generally for
25 you as a map drawer even if it's not specifically

1 for Georgia?

2 A. Well, it's something to consider. I'm not
3 tossing it out as not being something that's worth
4 taking into consideration.

5 Q. And so it's worth taking into consideration
6 like taking incumbent pairing into consideration?

7 A. Yes, although the state of Georgia in the
8 guidelines published on the website I believe does
9 specifically mention the incumbent issue. I don't
10 see anything about core retention. And core
11 retention is really problematic in some ways in a
12 state like Georgia that's growing so fast.
13 Districts are going to change, right.

14 Q. I see you don't mention transportation
15 corridors in paragraph 10 as a traditional
16 principle. Is maintaining transportation corridors
17 a traditional principle of redistricting?

18 A. Well, it's part of communities of interest,
19 right. It's a factor to consider.

20 Q. So you would put transportation corridors
21 under communities of interest?

22 A. Yes, I think you could.

23 Q. I also don't see where you specifically
24 reference maintaining existing jurisdictional
25 boundaries like counties and precincts. Is that a

1 traditional principle of redistricting?

2 A. It would fall under the category of
3 communities of interest in my opinion. You could
4 also perhaps set that out as a separate traditional
5 redistricting principle perhaps.

6 Q. And I see you don't include compliance with
7 the Voting Rights Act as a traditional principle.
8 Is that also a traditional principle of
9 redistricting?

10 A. Yes, it is. And the state of Georgia has
11 clearly made that one of the guideline principles as
12 set forth on the website.

13 Q. Is there a reason why, if it's a
14 traditional principle, why you didn't include it in
15 paragraph 10?

16 A. I did. Non-dilution of minority voting
17 strength I think would be compliance of the Voting
18 Rights Act.

19 Q. So it's your testimony that non-dilution of
20 minority voting strength in compliance with the
21 Voting Rights Act is the same interchangeable
22 terminology?

23 A. Well, I'm not a lawyer. One reason that I
24 probably didn't just spell out compliance with the
25 Voting Rights Act is because I'm not a lawyer.

1 statistician like you said to make some of those
2 calls?

3 A. Well, a statistician, lawyers, judges. I'm
4 not going to say definitely that one thing I've done
5 is fully comply with the Voting Rights Act.

6 Q. So you would rely on counsel, other people
7 before you would say for sure a map complied with
8 the Voting Rights Act?

9 A. Well, I don't think I can really say that.
10 I'm not a lawyer.

11 Q. Let's talk about some of these
12 specifically. You talk about the traditional
13 redistricting principle of compactness. How do you
14 go about complying with the traditional principle of
15 compactness when you're drawing an illustrative
16 plan?

17 A. I attempt to put together districts that
18 are reasonably shaped, easy to understand, and
19 lately I also consider compactness scores.

20 Q. Do you use compactness scores when you're
21 drawing a plan or after you've finished drawing a
22 plan?

23 A. Both.

24 Q. So you will run a compactness report while
25 you're drawing a plan, or do you have it displayed

1 part of my declaration.

2 Q. And you can also display with labels the
3 racial makeup of particular pieces of geography,
4 right?

5 A. Well, you can, yes.

6 Q. And you can also put little graphs on
7 various pieces of geography to show the racial
8 makeup, right?

9 A. I can. I don't do that, but you could.

10 Q. And that was going to be my next question.
11 When you were drawing the illustrative plans, at any
12 point did you have a display from Maptitude that
13 showed you the racial makeup of particular precincts
14 on the map?

15 A. Well, you know, I sometimes utilize little
16 dots to show where the precincts are that are say 30
17 percent or over Black. So that was sometimes
18 present on the screen as I was drawing a plan.

19 Q. And when that was present on the screen you
20 were able to know where 30 percent or higher Black
21 population existed in a particular precinct?

22 A. Not within the precinct, just the precinct
23 itself.

24 Q. So the whole precinct had a concentration
25 of Black voters greater than 30 percent?

1 A. Yes.

2 Q. Did you ever have any features of Maptitude
3 that displayed racial data about census blocks when
4 you were, for example, dividing a precinct when
5 drawing the illustrative plans?

6 A. I don't specifically recall. I sort of
7 think I did not. I did sometimes go down to block
8 level and look at total population, because Georgia
9 has very tight deviation standards so that you can't
10 go more than plus or minus one percent. And so
11 sometimes that gets a little tricky if you're trying
12 to avoid splitting a county or something and maybe
13 you could look at another option and by examining
14 what the total population is, get a handle on
15 whether or not you could stay within one percent.

16 Q. But you do not recall ever turning on
17 racial information for census blocks when you were
18 dividing a precinct in drawing the illustrative
19 plans?

20 A. I don't have a specific recollection, but I
21 probably did at some point. I mean I can't really
22 single out where that happened or when it happened.

23 Q. So in looking at the way you divided
24 precincts, if they were divided along racial lines,
25 is it possible that you had racial information

1 plans?

2 A. Well, I was not referencing it very often,
3 if at all. But I mean I produced a table in my
4 declaration showing what the breakdown is for the
5 Black population, Black counties.

6 Q. Before you began drawing the illustrative
7 plans in your report did you turn on any features of
8 Maptitude that showed you the racial makeup of
9 counties or precincts to look at before you began
10 drawing?

11 A. It was probably simultaneous. I mean, as I
12 say, I was aware of the overall Black population
13 percentage in precincts for most of the work I did,
14 just whether or not it was a precinct that was over
15 or under 30 percent.

16 Q. Is there a particular reason why you chose
17 30 percent Black population for a precinct to
18 display?

19 A. That's just something I've usually done.
20 It identifies more or less where the Black
21 population lives or the minority population.

22 Q. Let's go to paragraph 12. I just had one
23 question on page six in paragraph 12. You reference
24 a potential database of incumbent address
25 information filed in the November 2022 general

1 hypothetical, that if every one of these additional
2 Black individuals that's arrived or been born, I
3 guess, since 2010 moved equally over every census
4 block in the state of Georgia, you wouldn't be able
5 to create additional majority Black districts based
6 on that population growth alone, right?

7 A. If they scattered across all of Georgia, of
8 course not. But they've honed in on metro Atlanta.

9 Q. So then you move into a discussion -- going
10 to paragraph 18 on page 10 -- of areas that you
11 focused on that has substantial Black population.
12 And there are two of them. One is the metro Atlanta
13 counties in the Atlanta metropolitan statistical
14 area, or MSA, and the other is Georgia's Black Belt,
15 right?

16 A. Yes.

17 Q. So let's take a look at each of those. I'm
18 going to hand you what I'll mark as Exhibit 7, which
19 is Exhibit C from your report that's referenced
20 there in paragraph 18.

21 (Exhibit 7 marked.)

22 Q. And is this the map of MSAs in Georgia that
23 you utilized when discussing the Atlanta MSA?

24 A. Yes. This is official U.S. Census Bureau
25 map dated January 1, 2020 based on March 2020

1 delineation lines.

2 Q. Now you say that the Atlanta MSA has
3 substantial Black population in your report, right?

4 A. Yes.

5 Q. And you're not saying that every county
6 contained in the Atlanta MSA has substantial Black
7 population, right?

8 A. No.

9 Q. So when you were conducting your review of
10 the Atlanta MSA did you review the entirety of the
11 MSA or only parts of it?

12 A. Well, I looked at both. I looked at -- I
13 believe my demographic section in this declaration
14 looks at the MSA as well as the five south metro
15 Atlanta counties that I focused on.

16 Q. How did you determine to focus on the five
17 counties in the Atlanta MSA that you focused on?

18 A. Well, I was very familiar with Fayette as a
19 result of the lawsuit in 2012. I was very familiar
20 with Gwinnett as a result of the lawsuit in 2017.
21 And, also, I was familiar to a certain extent with
22 Henry as a result of the House district lawsuit that
23 was filed in 2017. So that part of metro Atlanta
24 was relatively familiar to me. And I had looked at
25 population estimates over the course of a decade and

1 Q. Did you have a particular method by which
2 you excluded counties that the GBPI found were part
3 of the Black Belt and that you did not find to be
4 part of the Black Belt?

5 A. No. This was included as, I thought, a
6 very informative report that was hot off the press
7 at the time. It was only a year or so old, year and
8 a half. So I thought that was pertinent
9 information, and for that reason I included it.

10 Q. So it's fair to say then that this report
11 illustrates your opinions about the Black Belt as
12 opposed to you using it to form your opinions about
13 the Black Belt?

14 A. Well, both.

15 Q. So if you used this report to help form
16 your opinions about the Black Belt, I guess I come
17 back to my earlier question, how did you choose
18 which areas not to include as part of the Black Belt
19 in your analysis in your report?

20 A. I didn't -- I don't exactly understand the
21 question. I mean as they make clear at outset,
22 there is no uniform definition for the Black Belt,
23 so I'm speaking in very general terms when I refer
24 to eastern Black Belt and western Black Belt.

25 Q. Let's move to next paragraph 20 of your

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1 report. And you discuss you narrowed your focus to
2 four regions within those larger areas. And I'm
3 assuming those larger areas are the Atlanta MSA and
4 the contemporary Black Belt, right?

5 A. Yes, although I was also aware of the
6 regional planning district boundaries. So those
7 regions also factored into my approach.

8 Q. And you only looked at three regions in
9 your preliminary injunction report, right?

10 A. Well, that's true. As I've indicated, upon
11 further investigation and reflection I reassessed
12 and drew a third House district in the Macon/Bibb
13 MSA that actually is kind of metropolitan Macon/Bibb
14 and it's expanded to include Peach and Houston,
15 which is a separate MSA.

16 Q. So let's move to Region A. Region A you
17 defined as south metro Atlanta, right?

18 A. Yes.

19 Q. And you identify that as the counties of
20 Fayette, Spalding, Henry, Rockdale and Newton
21 counties, right?

22 A. Right.

23 Q. How did you go about selecting these five
24 counties as Region A?

25 A. They are in south metro Atlanta and they

1 A. I was looking at county level data. So it
2 just seemed to me that Columbia County didn't really
3 fit into the prospects of creating another majority
4 Black district.

5 Q. So then I guess the answer to my question
6 is yes, you could have chosen other counties, but
7 just chose not to based on your assessment of the
8 population there, right?

9 A. Yeah, to a certain extent, right. But I
10 did not rule in or rule out any county and still
11 haven't. Maybe there is a way to include Lincoln
12 County. I don't think so, but maybe there is.

13 Q. So your regions then are just kind of the
14 guidelines that you used as you were drafting plans?

15 A. Right, just in the background, right.

16 Q. Mr. Cooper, I'm about to move to the
17 section beginning with census data. Are you still
18 good? Do you want to take a short five-minute
19 break?

20 A. No. I'm fine. Or whatever. I'm in no
21 rush. I'm here until Tuesday.

22 Q. We can keep plowing ahead.

23 Let's turn to page 19 of your report,
24 Figure 2. So in Figure 2 you would agree that the
25 increase in Georgia's Black population, as measured

1 House and Senate district, as is the case in other
2 states. And if you did that, of course, you would
3 probably split fewer counties, and it might be
4 easier to go through the redistricting process. But
5 that's neither here nor there in this case. I'm
6 taking your range at plus or minus one percent for
7 Senate districts to be the rule.

8 Q. So just to look at Figure 16 and Figure 17,
9 you see the orange District 34 on Figure 16 includes
10 north Fayette and part of Clayton County, and that's
11 District 34 on the enacted plan. Do you see that?

12 A. Yes.

13 Q. And on your illustrative Senate 28, that
14 portion of north Fayette is now in the new 28,
15 right?

16 A. Right.

17 Q. So District 34 changes between the enacted
18 plan and the illustrative plan, correct?

19 A. A good point. You've identified where 34
20 is. Right.

21 Q. And so it's your testimony that District 34
22 is not packed on the illustrative plan and is packed
23 on the enacted plan?

24 A. Yeah. You can't just look at percentages
25 and jump to a conclusion one way or the other. It's

1 primarily.

2 Q. And so getting back to the question I asked
3 before we located those maps, in paragraph 101,
4 where is the surrounding Black population you were
5 uncracking that had previously been drawn into 2021
6 Senate District 16?

7 A. Well, the Black population that had
8 previously been drawn into Senate District 16 was in
9 the majority Black city of Griffin for one place and
10 parts of Fayette County and areas to the north of
11 Griffin and Spalding County.

12 Q. And paragraph 101 specifically references
13 Senate District 16. So it's your testimony that
14 that is the Griffin population and some population
15 in Fayette County?

16 A. I'm looking at the enacted plan, which does
17 not include Griffin or any of the Black population
18 on the eastern border of Fayette County except in
19 the northeast corner in a majority Black district,
20 which I've done with Senate District 28, along with
21 part of Clayton County. And District 16 encompasses
22 all of Spalding County. It's a majority white
23 district. So you have all the Black population in
24 Spalding County is in a majority white district.

25 Q. Thank you. So for your illustrative

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1 District 28, what connections are there between the
2 Black communities in Spalding County and the Black
3 communities in Clayton County?

4 A. They're very close geographically. And I
5 would expect that the Black community in Griffin
6 area is perhaps a little bit older. It's a smaller
7 town. It's not as urban but certainly there are
8 connections. I mean it's almost no distance at all
9 between Griffin and southern Clayton County.

10 Q. So in creating illustrative District 28
11 what traditional redistricting principles did you
12 apply to its creation?

13 A. I tried to keep voting district precincts
14 whole and was able to combine communities that
15 clearly have connections, because they're right next
16 door to one another, into a majority Black district
17 that includes Fayetteville and southern Clayton
18 County and the majority Black city of Griffin in
19 Spalding County.

20 Q. Is there a community of interest between
21 southern Fayette County and Clayton County?

22 A. Southern Fayette County is a little more
23 rural. Clayton County is more urbanized, so there
24 is that factor. But, again, those districts were
25 packed with Black voters. And I think that the

1 though, in the tables. We just kind of reviewed
2 them a moment ago.

3 Q. I believe you testified earlier you are
4 familiar with the demographics of Fayette County,
5 right?

6 A. Well, just generally speaking because of my
7 involvement in the Fayette County lawsuit back in
8 the early part of the decade, the one that stretched
9 into 2014, 2015 actually.

10 Q. On this plan, your illustrative 16 also
11 runs from northern Clayton County down into the very
12 southern part of Spalding County, right?

13 A. It does.

14 Q. Did you identify a community of interest
15 between northern Clayton County and the rural part
16 of Spalding County that you've included in it?

17 A. Again, it is my belief that the
18 African-American community in Clayton County, even
19 though it's somewhat more urbanized, would not mind
20 being in a second majority Black senate district in
21 Clayton, Henry and Griffin County. Henry is
22 suburban, and so it fits well with either one of
23 those two. It's an in-between area.

24 I mean you've got lots of vertical
25 districts in your plan. This is not particularly

1 Lamar as rural counties?

2 A. I would say they're ex-urban. They're part
3 of the Atlanta MSA, so the Census Bureau determines
4 their commonalities there that place them in the
5 same MSA as downtown Atlanta.

6 Q. And then your split of Griffin on
7 illustrative 28 is along the city boundaries; is
8 that correct?

9 A. I believe so. No problem with that, is
10 there?

11 Q. Do you know if that corresponds to the
12 voting precincts in Spalding County?

13 A. I would have to check the table. But I
14 think that if you're splitting along municipal
15 lines, even though it's important to be aware of
16 VTDs and precincts, they do change. They're
17 constantly changing in Georgia. So I don't know
18 right off the top of my head whether there is a
19 split of the VTD or not. Can we check? We can look
20 and see. I'm sort of curious now.

21 Q. You can't really tell on the map either.

22 A. Well, let's check.

23 Q. Okay, where would we check?

24 A. What is the plan components of the
25 illustrative Senate plan?

1 Q. Is that Exhibit 02 that we had --

2 A. Isn't it broken out by VTD?

3 MR. TYSON: Let's go off the record for
4 just a second.

5 (Off the record).

6 BY MR. TYSON:

7 Q. Mr. Cooper, during the break we just
8 confirmed that I don't think either of us believe
9 there is a split of a precinct in this Griffin area,
10 that there may be a precinct split in a different
11 part of Spalding County.

12 A. And it could relate strictly to staying
13 within the plus or minus one percent. I don't know
14 that to be a fact, but perhaps that is the reason.

15 Q. So let's go to District 17. So your
16 discussion on that begins on page 43. From the
17 bottom of 44 over to the top of 45 in paragraph 103
18 you criticize enacted 17 for splitting multiple
19 counties as it extends out to Morgan County. Do you
20 see that?

21 A. It extends out to Morgan and up to
22 Walton in kind of a circular fashion.

23 Q. And you also criticize in here Districts 10
24 and 43 for being districts that are packed, right?

25 A. Where do you see that? I don't doubt that

1 A. Is it? I would have to check.

2 Q. I'll hand you what's marked as Exhibit 7,
3 which is Exhibit C. Walton and Morgan Counties are
4 also in the Atlanta MSA, right?

5 A. Yes.

6 Q. And so enacted District 17 still stays
7 within the Atlanta MSA even though it includes
8 Walton and Morgan Counties, right?

9 A. Yes. Do you have a bigger -- I need to
10 look at enacted District 17 though.

11 Q. Page 44, Figure 17C will show you the
12 borders of it.

13 A. Okay. That's still in Atlanta MSA, okay,
14 as is 17, as I've drawn it. But you will agree that
15 Morgan County is rather rural as well, right?

16 Q. I would consider Spalding and Morgan to be
17 pretty rural counties.

18 A. But Henry County would be ex-urban and
19 suburban.

20 MR. TYSON: Why don't we go off the
21 record for just a second.

22 (Recess 12:38 p.m. - 1:17 p.m.)

23 Q. Mr. Cooper, we're going to turn next to
24 Senate District 23. And before we get to 23, on
25 Figure 18 on page 49, Senate District 22 is wholly

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1 splits.

2 Q. But you would agree that District 23 does
3 cross regional commission boundaries, right?

4 A. It does. But it's also adding in districts
5 that have been identified as part of the Black Belt,
6 Baldwin and Twiggs specifically and probably
7 Wilkinson, too.

8 Q. So you've separated in this plan Hancock
9 and Warren Counties. Are there differences between
10 those counties that led you to separate them?

11 A. Well, they're separated, but it's
12 conceivable they could be put in district -- one
13 could be put in 23. It's not dramatically
14 different. So it would fit into District 23. But
15 to do so would have created an issue with one
16 person, one vote, I think. It would also not have
17 been quite as reasonably shaped.

18 Q. In your division of Wilkes County, I
19 believe you said is along County Commission
20 boundaries; is that right?

21 A. That's correct. I just followed the
22 boundaries established by Wilkes County as recently
23 as this time last year.

24 Q. And you would agree that that split divided
25 the city of Washington, Georgia, right?

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1 A. It did. It did, between two different
2 commission districts.

3 Q. Looking at Figure 19B on page 51 --

4 A. Let me back up. It does not divide -- the
5 illustrative District 23 follows commission lines
6 except that once it reaches the town of Washington
7 on the southwest side it just follows the town
8 boundaries. So it's not like people aren't going to
9 be able to figure out which district they're in.

10 Q. And so you didn't follow the commission
11 boundaries on that western side of Washington, but
12 you followed the city boundaries in the split?

13 A. Yes. They're more permanent probably than
14 commission boundaries -- although annexations are
15 common in Georgia, so that may not hold.

16 Q. Do you know the racial impact of following
17 the boundary line you followed in the split of the
18 city of Washington?

19 A. Not off the top of my head, no.

20 Q. So in looking back at Figure 19A in
21 illustrative Senate District 23, what is the
22 community of interest between Richmond County and
23 Twiggs County?

24 A. Both counties are part of the Black Belt.
25 Richmond County, of course, is a consolidated city,

1 and I did.

2 Q. So you made a change to the enacted plan in
3 Clark County on your illustrative plan with the goal
4 of making the counties whole but unrelated to the
5 creation of the new Black majority district?

6 A. I think so. I don't think deviation would
7 come into play there. The shape of the districts
8 comes into play, so there could have been any number
9 of factors. And certainly you could maintain that
10 all of my illustrative districts, the Plaintiffs'
11 plan, and split Clark County should you wish to do
12 so. That can be done.

13 Q. So staying with the same area, making
14 Jackson County whole was also not part of the effort
15 to create Senate Districts 17, 23 or 28 as majority
16 Black districts, right?

17 A. That is true.

18 Q. And Coffee County down in south Georgia,
19 you making it whole was not related to your efforts
20 to make Senate District 17, 23 or 28 majority Black,
21 right?

22 A. Probably not. Again, there is a ripple
23 effect with these Senate districts, and deviation is
24 in play. And I'm also worried about, in some
25 instances, protecting the incumbents because I've

1 looked at municipal splits.

2 Q. Actually, let me do it this way. Aside
3 from county splits, municipal splits, regional
4 commission splits and CBSA splits, did you look at
5 any other jurisdictional splits when you were
6 working on this report?

7 A. Yes. Municipalities.

8 Q. And I was excluding municipalities.

9 A. Oh, I'm sorry. Okay. Well, the VTDs. The
10 illustrative plan has fewer VTDs.

11 Q. Let me ask a better question. Is there any
12 jurisdictional split analysis you conducted
13 comparing the illustrative plan to the enacted plan
14 that you did not include the results of in your
15 report.

16 A. I don't think so, maybe because I couldn't
17 think of another angle to take into consideration.

18 Q. Going to paragraph 121. We're on the home
19 stretch of the Senate plan here.

20 You say that the illustrative plan modifies
21 35 of the 56 districts in the enacted plan.

22 Correct?

23 A. Correct.

24 Q. And that's more than half of all the
25 districts, right?

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1 A. Correct; however, you can still maintain
2 these illustrative districts that I've drawn that
3 are new majority Black districts with fewer
4 modifications to the enacted plan districts. It
5 would, however, result in more splits in some of the
6 other counties involved. So there's a trade-off
7 there. I opted for looking at this in terms of pure
8 traditional redistricting principles, and that would
9 be not to worry so much about core retention and
10 think more about county splits and MSA splits and
11 regional commission splits which are more permanent.

12 Q. So it's correct that you have not created a
13 plan that includes majority Blacks in Districts 17,
14 23 and 28 that modifies fewer districts than 35,
15 right?

16 A. At some point I did, but it also had more
17 county splits. And so I made a decision to reduce
18 the county splits at the expense of maintaining what
19 are often just ephemeral enacted plan districts that
20 you guys changed even in mid decade, like you did in
21 2015 and 2014. So they are very volatile in terms
22 of their lines, whereas county lines in Georgia and
23 even the regional commission lines are unlikely to
24 change.

25 Q. In paragraph 122, the illustrative plan has

1 goes down into Griffin; is that right?

2 A. Right, which is a majority Black city.

3 Q. And in the process, the city of Locust
4 Grove looks like it's divided on the illustrative
5 plan; is that right?

6 A. Locust Grove is split, right.

7 Q. Would it be correct to say that you used
8 Black population from enacted District 116 when you
9 extended -- I'm sorry. Hang on.

10 House District 117 is a new majority Black
11 district, right?

12 A. What about it?

13 Q. Is a new majority Black district, right?

14 A. It is, yes.

15 Q. What was the basis for connecting part of
16 the city of Locust Grove with part of Griffin?

17 A. By and large probably one person, one vote.
18 It was a clear -- there was a clear dividing line
19 there at the precinct level I'm pretty sure.

20 Q. And so the only connection between Locust
21 Grove and Griffin you can identify is one necessary
22 to get one person, one vote?

23 A. Well, there are -- I mean Locust Grove is a
24 stone's throw from the Spalding County line,
25 metaphorically speaking anyway. So there are

1 connections, of course.

2 Q. What are some of those connections?

3 A. They are ex-urban and in some places rural.
4 I've driven through Locust Grove. It's a pretty
5 town. There are obvious connections. The two towns
6 are very close. Griffin and Locust Grove are not
7 far apart at all.

8 Q. So the geographic proximity would be the
9 primary basis for connecting them?

10 A. That would be one basis.

11 Q. What are others?

12 A. Others would be the opportunity to create a
13 new majority Black district in an area that is
14 growing in terms of Black population but not seeing
15 a commensurate increase in majority Black districts
16 over the past 15 years.

17 Q. And District 117 as configured divides the
18 city of Griffin as well, right?

19 A. Part of Griffin is taken out of House
20 District 117. Again, I think it's probably the
21 precinct level. But basically it's following the
22 main highway there, State Route 16 I think it is.

23 Q. And in the geography of House Defendant 117
24 between Locust Grove and Griffin, you would agree
25 there's intervening rural white population, right?

1 see a problem. They're lovely districts.

2 Q. And for Fayette County, you would agree
3 that the southern part of illustrative District 69
4 and the southern part of illustrative District 77
5 are in more heavily white areas and rural areas of
6 Fayette County, right?

7 A. Yes. The part of -- the area that's south
8 of the city of Fayetteville is probably majority
9 white. But I've not -- again, you seem to be very
10 focused on the race of people at one point or
11 another within a district, and I just am not that
12 concerned about getting to that level of detail when
13 I'm drawing a plan.

14 Q. You would agree that illustrative Districts
15 68, 69 and 77 both connect more urban population
16 with more rural population, right?

17 A. Not so much. I mean it's pretty urbanized
18 there from Fayetteville north. Once you go further
19 south, yes, but that's not as densely populated. So
20 the rural population would be a minority in 77 and
21 69. I know there are probably people who live in
22 Atlanta who would think that Fayetteville is rural.
23 But I mean it is a town, it's urbanized.

24 Q. So your testimony is in 68, 69 and 77 there
25 is probably some rural population but it's a small

1 group at the bottom of those districts?

2 A. Yeah. I think it would be a minority of
3 the population in the districts, I believe. But I'm
4 just talking off the top of my head, and I am not
5 looking at block-level data and not able to really
6 give you a definitive answer as to where the exact
7 dividing line would be between urban and rural with
8 77, 69 and 68, other than the further south you go
9 the more rural it would get. Although, it's still
10 very suburban, frankly. It's overwhelmingly
11 suburban until you get down to around Woolsey
12 probably, and maybe that's more rural.

13 Q. So let's move next to the eastern Black
14 Belt area. And here you indicate that you have
15 drawn a new majority Black district, which is
16 District 133; is that right?

17 A. Yes.

18 Q. To do that, according to paragraph 169, you
19 unpacked, as I read it, 128, 129, 130, 131 and 132,
20 correct?

21 A. Yes.

22 Q. Do you have your population summary report
23 for the illustrative plan handy?

24 A. I do. Oh, you mean just the percentage?

25 Q. Yes.

1 Q. Going back a page just to the overview of
2 House District 133 on Figure 31. Just go back one
3 page to look at the overall view.

4 What is the geographically compact Black
5 community contained in House District 133?

6 A. It is found in Hancock County, Taliaferro
7 County, Warren County, part of Wilkes. Wilkinson is
8 majority white but still a significant Black
9 population and a significant Black population in
10 Baldwin County. So it's slightly elongated, but
11 it's easy to follow. It's following county
12 boundaries basically except for the area in Baldwin
13 where I made a Herculean effort to follow municipal
14 boundaries; and Wilkes, which is following County
15 Commission lines that were just established last
16 winter. So I don't see how this could possibly be
17 considered to not follow traditional redistricting
18 principles.

19 Q. And in the creation of House District 133
20 you also had to move the boundaries for House
21 District 128, right?

22 A. I would have to go back and look at the
23 enacted plan. What figure is that?

24 Q. So Figure 30 and 31 on --

25 A. Wait. I guess I do have the enacted plan.

1 Okay.

2 Q. And so on the illustrative plan, House
3 District 128 splits four counties, right, Burke,
4 Jefferson, Johnson and Lawrence?

5 A. Yes, it would split four counties, I
6 believe.

7 Q. Do you know if that's the most counties any
8 single House district splits on their plan?

9 A. I think that might be.

10 Q. And the adjustments to 128 were necessary
11 to create the additional majority Black District
12 133?

13 A. There may be ways to reconsider how 128 is
14 drawn. Again, I wanted to avoid pairing incumbents.
15 It's not a traditional redistricting principle per
16 se, but it seems to be so important -- and I don't
17 off the top of my head know exactly where the
18 incumbent lives in 128, but that was a factor I'm
19 sure.

20 Q. And House District 126 also splits four
21 counties, right, Screven, Burke, Jefferson and
22 Richmond?

23 A. It does split those counties, right.

24 Q. And in the enacted plan, in this same area,
25 Screven, Burke, Jefferson, Johnson, Lawrence were

1 A. Yes.

2 Q. And you describe illustrative District 171
3 as along the Highway 19 corridor, right?

4 A. Yes, it follows Highway 19.

5 Q. What is the community of interest that
6 connects --

7 A. US Highway 19.

8 Q. US Highway 19.

9 What is the community of interest that
10 connects Albany and Thomasville, Georgia?

11 A. Well, they're not very far apart. And
12 there is a Senate district down there that would
13 include all of 171 except for the Thomasville part.
14 So the state is determined, the legislature is also
15 determined that that area is okay to draw into a
16 single Senate district. So the only thing I've
17 really done is add a little extension into Thomas
18 County in Thomasville to what they have already
19 identified is an area where a Senate district can be
20 drawn.

21 Q. So the community of interest you identify
22 as the enacted Senate district, and then Thomas
23 County is adjacent to that?

24 A. Yes.

25 Q. Any other --

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1 A. No, I have not.

2 Q. So it's --

3 A. But I do know that US Highway 19 is.

4 Q. And so it's fair to say you didn't utilize
5 this particular document when you were creating
6 illustrative 117, right?

7 A. Well, it just shows that there is, present
8 day -- although 2014 is no longer present day, but
9 it's certainly the modern era -- a study and an
10 interest in maintaining the historic route between
11 Albany and Thomasville. It shows there is a
12 connection there between the governments.

13 Q. We can set that document aside.

14 Looking back at page 78, Figure 32, on the
15 enacted plan there's one House district that's
16 wholly within Dougherty County, District 153, right?

17 A. Right.

18 Q. And on the illustrative plan on page 80,
19 the next page, Figure 33, there's now no longer one
20 district that is wholly within Dougherty County,
21 correct?

22 A. That is correct; however, the illustrative
23 plan splits Dougherty County three ways, and the
24 enacted plan splits it four ways. So there's that.
25 Why is that, I wonder.

1 Black population into 145.

2 Q. And show you extended District 143 further
3 north into Macon -- into Bibb County but also
4 further south into Twiggs County, right?

5 A. Yes.

6 Q. And then you extended District 142 south
7 out of Bibb County into north Houston County,
8 correct?

9 A. Yes.

10 Q. And then that freed up enough Black
11 population for you to extend 145 out into Monroe
12 County starting in downtown Macon, right?

13 A. Yes.

14 Q. And so, unlike the enacted plan which has
15 two districts wholly within Bibb County, the
16 illustrative plan has no districts that are wholly
17 within Bibb County, right?

18 A. That is true.

19 Q. And District 145, as you've configured it,
20 is only 50.2 percent AP Black VAP, right?

21 A. That's correct.

22 Q. So can you walk me through what downtown
23 Macon has in common with this piece of Forsyth
24 County over towards Upson County in District 145?

25 A. It's in the Macon/Bibb MSA. And there is

1 some Black population in that precinct, but I
2 believe it's a majority white precinct. But that
3 was mainly because I had to make sure that the
4 deviation was within plus or minus one percent.
5 Ninety percent plus of the population in 145 under
6 the illustrative plan lives Macon/Bibb.

7 Q. And you would agree that District 142
8 extends out of Macon/Bibb County MSA into the Warner
9 Robins MSA, right?

10 A. Right, which has a significant Black
11 population.

12 Q. So unlike 145 where it's the same MSA, 142
13 crosses MSAs?

14 A. That is true. But it's part of the
15 consolidated Warner Robins, Macon consolidated
16 statistical area, because they're adjacent, right
17 next to one another. Metropolitan Macon -- actually
18 -- I'm looking for the commission map.

19 Q. This?

20 A. No.

21 MR. SAVITZKY: For the record, I'm
22 handing him Exhibit 10.

23 MR. TYSON: Thank you.

24 A. So the middle Georgia commission includes
25 Bibb, Houston, Peach, Pulaski, and going further

1 north, Crawford, Monroe, Jones, Putnam, Baldwin,
2 Wilkinson, Twiggs. So I'm staying entirely within
3 the middle Georgia commission with House District
4 145.

5 Q. And Baldwin County is in that middle
6 district commission, too, right?

7 A. That's true.

8 Q. The House District 142 is 52.51 percent AP
9 Black VAP. Did you analyze how much of the
10 population in 142 is the Air Force base in Houston
11 County?

12 A. I did not. I know you came after me for
13 putting the Air Force base in the original Senate
14 District 23, I believe, so I took care of it there.
15 But they can vote. They're citizens, right? Most
16 military personnel are citizens, so why not.

17 Q. Is it your understanding that military
18 personnel in Georgia tend to be registered to vote
19 in Georgia?

20 A. I don't know the percentage of voters on
21 the military base who are registered, no.

22 Q. Let's move to the supplemental plan
23 information. Mr. Cooper, going to paragraph 184,
24 you indicate that you stayed within a one and a half
25 percent, plus or minus, population deviation limits,

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1 A. Yes. And so what? Why does that matter?
2 I'm happy to bring Dawson back into a single county.

3 Q. I guess what I'm trying to get to is you,
4 in paragraphs 189 and 190 talk about having fewer
5 county splits in the enacted plan. But that's only
6 because you unsplit some counties in parts of the
7 state far away from where you added new majority
8 Black districts, right?

9 A. To a certain extent. But why does that
10 matter? I've produced a plan that splits fewer
11 counties. So if that's an important metric, and it
12 is, then the illustrative plan based on split
13 counties and county splits and VTD splits is
14 basically on par with the enacted plan.

15 Q. But it's only on par with the enacted plan
16 if counties in north Georgia unrelated to the
17 creation of new majority Black districts are unsplit
18 in the drawing process, right?

19 A. Well, the thing is, is this ripple effect
20 that does begin to be a factor, along with
21 incumbents. So it was apparent to me that I could
22 avoid splitting a couple of counties up there while
23 protecting incumbents. So, yes, I avoided splitting
24 them. And because of that we have split fewer
25 counties.

1 Q. So when you made Gordon County whole, it's
2 your testimony that that was in part from the ripple
3 effect of making changes?

4 A. It could have been. I honestly don't
5 recall. I may not have even done it with the
6 knowledge that I was unsplitting the enacted plan
7 split in Gordon County. It's a small county, nice
8 rectangular county, and it may have just happened.

9 Q. We can set Mr. Morgan's report aside.
10 Turning to page 86, paragraph 192, you have the
11 split report for the CBSAs, and the illustrative
12 plan and the enacted plan are the same in terms of
13 CBSAs that are whole, right?

14 A. Right.

15 Q. And the illustrative plan splits slightly
16 more CBSAs than the enacted plan on your CBSA splits
17 column, right?

18 A. That's correct, it splits four more, so I
19 guess roughly two percent more.

20 Q. And for the Senate, was there any other
21 geographic wholeness analysis you did that is not
22 reported in this report?

23 A. Well, you didn't mention regional
24 commission splits. The illustrative House plan has
25 223 discrete splits for regional commissions, and

1 Thank you for your time today. That's all the
2 questions I have. Mr. Savitzky has some questions
3 for you, so I'll hand you off to him.

4 MR. SAVITZKY: Thanks. And, yes, just a
5 few. I'm not going to keep us here too much
6 longer.

7 EXAMINATION

8 BY MR. SAVITZKY:

9 Q. Let's turn back to paragraph 10 of your
10 report, page five. So you were talking to Mr. Tyson
11 about the traditional redistricting principles that
12 are mentioned here in paragraph 10. And we talked
13 specifically about respecting communities of
14 interest. Are municipalities an example of a
15 community of interest in your view?

16 A. Well, yes, they can be. But they're not
17 the be all and end all because municipalities can
18 have a long history of being racially segregated, so
19 there would be other factors that one would have to
20 take into consideration because you want to respect
21 other kinds of communities of interest, like
22 neighborhoods and history.

23 Q. So could core-based statistical areas also
24 be a community of interest that one might consider?

25 A. Yes.

1 Q. Could regional commissions be a type of
2 community of interest that one might consider?

3 A. Absolutely. If one were to draw a plan for
4 the state legislature I would think that you would
5 look at those maps in the process of drawing the
6 plans.

7 Q. Could transportation corridors be a
8 community of interest that one might consider?

9 A. Well, yes. That's one of the key
10 components of determining what counties are in an
11 MSA, transportation factors.

12 Q. And could socioeconomic connections or
13 commonalities form a community of interest?

14 A. Absolutely.

15 Q. And could historical or cultural
16 connections form a community of interest?

17 A. Unquestionably.

18 Q. You mentioned at one point the shared
19 history that Black Americans have. Would you agree
20 that at times Black communities in different areas
21 of a state may also have difference sets of
22 interests that are unrelated to that broader shared
23 history?

24 A. Well, yes, but they all have that broader
25 shared district which connects African-Americans in

1 county and VTD boundaries; is that right?

2 A. Yes.

3 Q. And are you addressing here the
4 illustrative plan's compliance with the traditional
5 districting principle of following political
6 subdivision lines?

7 A. Yes, because I made every effort to avoid
8 splitting VTDs and, in fact, most plans -- the
9 Senate plan is superior in terms of VTD splits
10 compared to the enacted plan. And the House plan is
11 the same.

12 Q. So just moving on, we talked some about the
13 regions that you looked at, Regions A, B, C and D.
14 Would you say that those regions were hard
15 boundaries that you applied in drawing districts?

16 A. No. I just developed regional areas at the
17 outset and did not think of them as being hard
18 boundaries, just boundaries that I could rely upon
19 to examine whether or not a majority Black district
20 could be created in or around those regions.

21 Q. So would it be fair to say -- and maybe I'm
22 just restating what you just said -- but would it be
23 fair to say that those regions sort of focused your
24 inquiry at the outset into whether it was possible
25 to draw additional Black majority Districts?

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1 A. Right. Those were the regions that I
2 looked at -- or the set of counties, initially.

3 Q. Turning to paragraph 30, just to clarify
4 for the record, are the boundaries of Region C that
5 you identified the boundaries of Senate District 12?

6 A. Yes.

7 Q. So when you see that shape on some of the
8 maps of the regions we talked about, that's just
9 saying District 12, right?

10 A. Right.

11 Q. Now I just want to look at --

12 A. Enacted Senate District 12.

13 Q. Enacted Senate District 12. Thank you.

14 Just looking at -- starting at page 24.

15 Just for the record I want to get the increase in
16 population for some of these areas. I know you
17 talked to Mr. Tyson about percentage increase.
18 Starting with page 24, so starting just with the
19 Atlanta MSA -- and looking at page 24, Figure 6 in
20 your report -- what is the total increase
21 population, Black population in the Atlanta metro
22 over the last decade?

23 A. It's up by over -- almost 500,000 people.

24 The numbers is here in one of my paragraphs here, is
25 it not? It's up from 1.8 million to almost 2.2

1 page 60 of your report, Figure 24. Just looking at
2 that chart, does what we just talked about, about
3 the purpose of this comparison between Black voters
4 in majority Black districts versus white voters in
5 majority white district, is that also true for this
6 chart with respect to those metrics for the House
7 side of things?

8 A. Yes.

9 Q. Just to clarify, you discussed with Mr.
10 Tyson some changes in the Senate plan that united
11 Clark, Jackson and Coffee counties. Is it possible
12 that ripple effects from the other changes that you
13 made opened the possibility of uniting those
14 counties in your illustrative map?

15 A. Yes.

16 Q. And just looking at Figure 29A and turning
17 to specific districts, this is your illustrative
18 2021 -- sorry.

19 A. I've got it now.

20 MR. TYSON: 29A --

21 MR. SAVITZKY: It's mislabeled.

22 A. Wait. There are two 29As, aren't there.

23 MR. TYSON: I believe the second 29A on
24 page 71 is actually 29B, because this is the
25 configuration of the illustrative plan, not the

1 enacted plan.

2 A. That is confusing.

3 BY MR. SAVITZKY

4 Q. So looking at what should be labeled 29B,
5 the map on page 71 of your report.

6 A. It does have in the legend -- and I was
7 really looking at the legend during the deposition.
8 It does show that that's the illustrative plan.

9 Q. Just to clarify for the record, you
10 mentioned that there were commonalities between the
11 communities of Locust Grove and Griffin. Was
12 proximity one of those?

13 A. Well, that's what I was trying to say, yes.
14 It's not far from one to the other. Regardless of
15 your race, they're close.

16 Q. And was the character of those communities
17 in terms of being suburban or ex-urban versus urban
18 a commonality that you identified?

19 A. I think so. They're both small towns, so
20 they're certainly ex-urban.

21 Q. In your view did those commonalities
22 support uniting those communities in a compact
23 district?

24 A. I see no reason why you can't.

25 Q. And now looking at pages 78, starting at

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1 78, you discussed with Mr. Tyson the illustrative
2 District 171, and specifically you were discussing
3 connections between Albany and Thomasville. You
4 mentioned the Georgia Budget and Policy Institute
5 designation of counties as being in the Black Belt.
6 Did you consider that a connection between Albany
7 and Thomasville?

8 A. Yes.

9 Q. You mentioned the relevant proximity to one
10 another --

11 A. Yes. Highway 19.

12 Q. You mentioned Highway 19, that connection
13 as well?

14 A. Yes.

15 Q. In just looking at Exhibit 10, the Regional
16 Commissions, do you view the placement of those
17 counties in Regional Commissions is a connection
18 that they share as well?

19 A. They're both in southwest Georgia Regional
20 Commission, exactly.

21 Q. And just looking at paragraph 200 of your
22 report, the socioeconomic analysis, you note
23 Dougherty, Thomas and Mitchell counties all have
24 comparatively high Black poverty rates.

25 A. Yes.

1 Q. Do you view that as a connection between
2 those areas as well?

3 A. Yes.

4 Q. Do you think those connections support
5 connecting those areas in the district?

6 A. Absolutely.

7 Q. You spoke to Mr. Tyson about plans being on
8 par with respect to splits. If your plan had one or
9 two more county splits would you still conclude that
10 they're basically on par with one another?

11 MR. TYSON: Object to the form.

12 A. Yes. I'm giving them the benefit of the
13 doubt. We have one less split county in the Senate
14 plan and one less in the House plan. So I'm still
15 saying they're on par.

16 Q. But if your plan had one more than the
17 illustrative plan, would they still be -- I think
18 your words were basically on par?

19 MR. TYSON: Object to the form.

20 A. Yes.

21 BY MR. SAVITZKY:

22 Q. If your plan had one or two more county
23 splits than the enacted plan, would you still be
24 confident that your plan is consistent with
25 traditional districting principles?

1 imagine that an algorithm might be able to produce a
2 plan -- that may be crazy -- and someone could do
3 something from that, I don't know.

4 Q. Mr. Cooper, did you prioritize race over
5 other traditional districting considerations in
6 drawing your illustrative map?

7 A. Absolutely not.

8 MR. SAVITZKY: That's all.

9 FURTHER EXAMINATION

10 BY MR. TYSON:

11 Q. I have a few questions in response to that.
12 Mr. Cooper, Mr. Savitzky asked you about what
13 different things could form communities of interest.
14 Do you recall that?

15 A. Yes.

16 Q. Could cores of existing districts also form
17 a community of interest?

18 A. If there were cores maybe that extend
19 beyond a handful of years, perhaps under certain
20 circumstances, sure.

21 Q. And you considered the boundaries of Senate
22 District 12 to be a community of interest in a
23 region, didn't you?

24 A. I did in the sense that it's a district
25 that you had enacted as part of your Senate plan.

EXHIBIT R

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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA

GEORGIA STATE CONFERENCE OF)	No.
NAACP, et al.,)	1:21-CV-5338-ELB-SCJ-
)	SDG
Plaintiff,)	
)	
vs.)	
)	
STATE OF GEORGIA, et al.,)	
)	
Defendant.)	
_____)	

VIDEOTAPED 30(b)(6) and 30(b)(1) DEPOSITION OF
 LEGISLATIVE AND CONGRESSIONAL REAPPORTIONMENT OFFICE
 (MS. GINA WRIGHT)
 January 26, 2023
 9:17 a.m.
 18 Capitol Square SW
 Atlanta, Georgia

Reported by: Marcella Daughtry, RPR, RMR
 CA CSR 14315
 GA No. 6595-1471-3597-5424

1 to that at that time. I think I was able to get them --
2 well, we did have a meeting in order for me to explain
3 the midst of -- being in the middle of changing districts
4 would be a very challenging time to change their
5 precincts, but it's possible that I did look at their
6 pending precinct layer that they chose not to adopt at
7 that time.

8 Q There's a college in Oxford, right?

9 A I don't know.

10 Q Okay. Would splitting a college be splitting a
11 community of interest?

12 A It could be defined as such.

13 Q Okay.

14 A We don't have information on college campuses,
15 though, in our system to show us where those defined
16 boundaries are. And we did bump into that at a public
17 hearing from another college, who questioned the same
18 thing. And in their case it had to do with the precincts
19 dividing the campus. We were holding the precincts and,
20 therefore, it split the campus. But without being given
21 that information to define those communities, it's very
22 hard to know where that would be defined -- what that
23 would be defined as.

24 Q You mentioned earlier that sometimes you need
25 to split precincts in order to meet deviation

1 requirements?

2 A Yes.

3 Q Do you recall why you split this precinct?

4 A I do not. Population -- I'm sure it would have
5 been population based.

6 Q Do you know the racial composition of the
7 precinct that is split on this image?

8 A No, I do not.

9 Q When you were discussing drawing the
10 Congressional map, did anyone ever ask you to split a
11 precinct?

12 A In specific terms, no; but knowing that to get
13 the deviations to zero, I think that was known that that
14 would be the way that you would achieve that.

15 Q There was an understanding that as a
16 consequence of some of the requests, precincts would need
17 to be split?

18 A No, not as a -- not as a consequence of the
19 request, but as a consequence of getting the deviation to
20 a perfect zero deviation, it would be virtually
21 impossible to go through the map -- and I haven't tried
22 it -- but to try and draw a zero deviation map without
23 splitting a precinct.

24 Q Okay. Do you remember talking -- do you
25 remember the working session we were talking about

1 A Who did I have these discussions --

2 Q Yes.

3 A -- with?

4 That would have been with Chairman Kennedy.

5 Q So did Chairman Kennedy convey Senator
6 Strickland's position about SD 17 to you?

7 A I don't know that he conveyed a position about
8 it.

9 Q Okay.

10 A I think the idea was to draw a district that
11 would be a Republican district.

12 Q So Chairman Kennedy told you to draw a district
13 that would allow Strickland to win?

14 A I don't know that it's -- it's hard to bring
15 out explicit details of conversations because I don't
16 know that he said that word for word --

17 Q Yeah, I understand.

18 A -- verbatim, but that was the understanding. I
19 think for all the senators there was, you know, drawing a
20 district that would allow any incumbent senator to
21 continue to be reelected was something that they
22 considered.

23 Q Was there any direction about how Chairman
24 Kennedy wanted you to draw SD 17?

25 A I don't know if -- if I recall specific

1 A -- which caused then the effect of moving.

2 Q Okay. Do you think new Senate District 48 is
3 compact?

4 A Yes.

5 Q Going back to the Senate District 17, which you
6 can see on page 1 of Exhibit 8, do you think Senate
7 District 17 is compact?

8 A It is not as compact as some districts would
9 be. Some of that may be in part due to the shapes of the
10 county lines there that cause it to have a bit of a
11 jagged appearance, but it is not as compact as other
12 districts might be.

13 Q Do you recall why Newton County is split
14 between Senate District 17 and 48?

15 A It had previously been split between them.

16 Q Right. Did you talk about trying to make that
17 county whole as part of the enacted plan?

18 A I don't recollect a conversation about trying
19 to make Newton County whole. And both of the senators
20 who represent it do a lot of work in that county, so
21 they -- neither of them mentioned trying to give it up.

22 MR. CANTER: How long have we been going?

23 THE VIDEOGRAPHER: 36 minutes.

24 MR. CANTER: I'm going to provide to the court
25 reporter Exhibit -- what should be marked as Exhibit 11.

1 sequence, so...

2 A I understand.

3 Q Yes. I just wanted to ask, you spoke at one
4 point about communities of interest and how you -- about
5 how you implement that as a map drawer. And just a
6 couple of follow-up questions about that.

7 Could a city or town or sort of geographic
8 community be a community of interest?

9 A It could be if they defined themselves or felt
10 that they were a community of interest.

11 Q And let me back up for a second. Would it be
12 fair to say that a community of interest is a community
13 of some shared interest that's capable of representation?

14 A Are you -- you're saying to define a community
15 of interest?

16 Q Yeah.

17 A Yes. I think that that's more or less what it
18 would be, something that has a shared resource or a
19 shared interest of some sort.

20 Q It could be a shared economic or commercial
21 interest?

22 A Yes.

23 Q It could be -- I think you mentioned this
24 earlier, but it could be a connection to a certain, you
25 know, road or transportation infrastructure?

1 A Transportation sometimes, but I think more
2 often than not, communities of interest are sharing
3 something more, yeah, a little bit more connecting, I
4 think.

5 Q It could be a shared interest in a school
6 system?

7 A Yes.

8 Q It could be shared characteristics of people in
9 a community, folks that work in the same place or have
10 similar needs?

11 A Sure. There are a lot of ways to define it, I
12 think.

13 Q Would you consider metropolitan or micropolitan
14 statistical areas, those areas that are defined by the
15 Census, as potential communities of interest?

16 A Not really. Those are a little larger than
17 what I would think of as a community of interest.

18 Q Okay. And is it possible when you are thinking
19 about communities of interest, to take into account all
20 of the different communities of interest that might
21 possibly exist in an area?

22 A Could you say that one more time?

23 Q Is it possible to take into account all the
24 different communities of interest that you might find or
25 that might exist in an area or --

1 A Yeah, I think --

2 Q -- on a map?

3 A I'm not sure I'm clearly understanding the
4 question, but I think there are possible ways where
5 communities of interest might overlap in certain areas.
6 It could be because they're different -- there are
7 different shared interests in a similar area, so it's
8 very hard to gauge exactly what one might and define as a
9 community of interest. Because in one case they might
10 define themselves as that here, and then other people in
11 that same community might not define themselves as a
12 community.

13 Q Okay. I don't -- I don't think I have --
14 actually have any other questions, but thank you so much,
15 Ms. Wright.

16 A Thank you. Hope you feel better.

17 MR. SAVITZKY: Thanks.

18 MR. JAUGSTETTER: Okay. Anybody else on Zoom?

19 Okay. Anybody else in the room?

20 MR. TYSON: I have some questions. If I can
21 just grab your microphone.

22

23 EXAMINATION

24 BY MR. TYSON:

25 Q All right, Ms. Wright. Good afternoon.

EXHIBIT S

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

)	
ALPHA PHI ALPHA FRATERNITY INC.,)	
A NONPROFIT ORGANIZATION ON BEHALF)	
OF MEMBERS RESIDING IN GEORGIA;)	
SIXTH DISTRICT OF THE AFRICAN)	
METHODIST EPISCOPAL CHURCH, A)	
GEORGIA NONPROFIT ORGANIZATION;)	
ERIC T. WOODS; KATIE BAILEY GLENN;)	
PHIL BROWN; JANICE STEWART,)	CIVIL ACTION NO.
)	1:21-CV-05337-SCJ
PLAINTIFFS,)	
)	
v.)	
)	
BRAD RAFFENSPERGER, IN HIS)	
OFFICIAL CAPACITY AS SECRETARY)	
OF STATE OF GEORGIA,)	
)	
DEFENDANT.)	

VIDEO RECORDED DEPOSITION OF LISA HANDLEY
(TAKEN by DEFENDANT)
ATTENDING VIA ZOOM IN WASHINGTON, D.C.
FEBRUARY 16, 2023

ALSO PRESENT: Alison Bos
VIDEOGRAPHER: James Downie

REPORTED BY: Meredith R. Schramek
Registered Professional Reporter
Notary Public
(Via Zoom in Mecklenburg County,
North Carolina)

1 Q And what's the other one?

2 A It's usually referred to as Kings EI or it's
3 also been referred to as EI Iterative.

4 Q Okay. And is it your opinion that using that
5 statistical analysis, you cannot determine whether
6 party polarization better explains voting behavior than
7 race polarization? That they can't be disentangled?

8 A That analysis tells me black and white voters
9 are voting differently. It does not explain why
10 they're voting differently.

11 Q Is it your opinion that in looking at the
12 data that you provided that the combination of
13 different races that you analyzed forecloses the
14 ability for one to determine whether party better
15 explains voter behavior than race?

16 A You'd have to repeat that. I'm sorry. I
17 don't understand that question.

18 MR. JACOUTOT: No problem. Can the court
19 reporter repeat it so I make sure we get it back the
20 way I said it?

21 (Record read as requested.)

22 THE WITNESS: I would say that looking at
23 democratic primaries takes race out of the equation and
24 therefore provides some evidence that, at least in
25 those contests, that party can't be explaining the

1 different voting patterns.

2 BY MR. JACOUTOT:

3 Q Okay. And so isn't another way of putting it
4 that -- what you just said, that looking at democratic
5 primaries actually controls for the party in
6 determining -- I'll leave it at that.

7 A In a very narrow sense, yes.

8 Q What's narrow about it?

9 A You're looking at how people who chose to
10 vote in the democratic primary are selecting candidates
11 and therefore, they've already selected the party.
12 They've all decided that they were Democrats. It
13 doesn't explain why they've chosen to participate in
14 the democratic primary versus the republican primary.

15 Q Okay. Does it matter -- strike that.

16 But I guess my -- to my question, though,
17 that you said in a narrow sense I'm right when I phrase
18 it this way, is it correct to say, though, that looking
19 only at a party's primary elections controls for party
20 in that analysis?

21 MS. LAKIN: Objection.

22 THE WITNESS: In the sense that everyone
23 has -- everyone who's participating is of the same
24 party, you are controlling for party.

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EXHIBIT T

Alpha Phi Alpha Fraternity, Inc. v. Raffensperger,

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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

ALPHI PHI ALPHA FRATERNITY, INC.,,
a nonprofit organization on
behalf of members residing in
Georgia; SIXTH DISTRICT OF THE
AFRICAN METHODIST EPISCOPAL
CHURCH, a Georgia nonprofit
organization; ERIC T. WOODS;
KATIE BAILEY GLENN; PHIL BROWN;
JANICE STEWART,

Plaintiffs,

vs.

CASE NO. 1:21-CV-05337-SCJ

BRAD RAFFENSPERGER, in his
official capacity as Secretary
of Georgia,

Defendant.

DEPOSITION of JASON M. WARD, Ph.D.

February 8, 2023

9:00 a.m.

Taylor English Duma, LLP

1600 Parkwood Circle, Suite 200

Atlanta, GA 30339

Lucy C. Rateau, CCR, RPR

1 research into civil and voting rights in
2 Mississippi. They have an extensive archive.

3 Q. That raises a question. Your CV, Exhibit
4 3, at the very end, the last page which is numbered
5 page 35, has your professional memberships. And
6 you've got three listed there. I don't think you've
7 got any other sorts of organizational memberships
8 listed in your CV. Am I right about that?

9 A. I don't. Those would be professional
10 memberships. In my capacity as a historian, those
11 are the memberships I keep current.

12 Q. Are there any other organizations to which
13 you belong?

14 A. Certainly none of a professional context.
15 None come to mind that would be relevant to the
16 content of this work or report.

17 Q. Are you a member of any advocacy
18 organizations?

19 A. No.

20 Q. At the end of the second paragraph on page
21 22, the fourth line up, "Race has been the most
22 consistent predictor of partisan preference in
23 Georgia." Do you agree with that?

24 A. I do.

25 Q. Have you looked at other factors that would

1 influence partisan preference in Georgia besides
2 race?

3 A. I acknowledge that there are others. I
4 would stand by the claim that race is a more
5 consistent predictor, indicator than socioeconomic
6 status or educational level.

7 Q. Do you actually mention those in the
8 report?

9 A. I do not.

10 Q. But you're telling me now you think
11 socioeconomic level has something to do with
12 partisan preference?

13 A. I was simply giving examples of other
14 factors that one might point to or discuss in
15 relation to why people vote for one party or the
16 other. I'm not offering a professional opinion
17 about the degree to which those factors correlate.

18 Q. But since you are saying in your report
19 that race is the most consistent factor affecting
20 partisan preference, can you tell me as you sit here
21 today what you believe the other factors are?

22 A. I believe there are other factors. I
23 believe that you can document cases where one's
24 class status, socioeconomic status, educational
25 level, those have been studied, those have been