

**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

**DEFENDANT’S RESPONSES AND OBJECTIONS TO PLAINTIFFS’  
STATEMENT OF ADDITIONAL MATERIAL FACTS**

Defendant Brad Raffensperger, in his official capacity as Secretary of State (“Defendant”) pursuant to Rule 56 of the Federal Rules of Civil Procedure and Local Rule 56.1 submits these Responses and Objections to Plaintiffs’ Statement of Additional Material Facts [Doc. 246] (“SAMF”).

As an initial matter, Defendant objects to the titles and headings used throughout the SAMF as such do not comply with LR 56.1(B)(1) in that they are argumentative statements unsupported by evidence. They are not repeated in this response. Similarly, Defendant objects to Plaintiffs’ titles, characterizations, and/or descriptions of any exhibits cited in the SAMF to the

extent that they deviate from the language or evidence contained in those exhibits.

Defendant's responses and objections to the statements are as follows:

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.

**RESPONSE:** Defendant admits that the Court may consider this evidence for purposes of the summary judgment motion.

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.

**RESPONSE:** Defendant admits that the Court may consider this evidence for purposes of the summary judgment motion.

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

**RESPONSE:** Defendant admits that the Court may consider this evidence for purposes of the summary judgment motion.

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.

**RESPONSE:** Defendant admits that the Court may consider this evidence for purposes of the summary judgment motion.

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.

**RESPONSE:** Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. Further, the facts are immaterial to the claims and defenses in this case because language access is not at issue.

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.

**RESPONSE:** Objection. The fact does not comply with LR 56.1(B)(1) because it is stated as argument rather than as a statement of fact. Further, the evidence does not support the fact because Ms. Wright testified that the

input from Democratic members was included in the redistricting plans.

Deposition of Gina Wright [Doc. 225] (“Wright Dep.”) 59:5-60:7.

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.

**RESPONSE:** Defendant admits that the Court may consider this evidence for purposes of the summary judgment motion.

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.

**RESPONSE:** Defendant admits that the Court may consider this evidence for purposes of the summary judgment motion.

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.

**RESPONSE:** Defendant admits that the Court may consider this evidence for purposes of the summary judgment motion.

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.

**RESPONSE:** Defendant admits that the Court may consider this evidence for purposes of the summary judgment motion.

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.

**RESPONSE:** Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered.

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.

**RESPONSE:** Defendant admits that the Court may consider this evidence for purposes of the summary judgment motion.

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

**RESPONSE:** Objection. The fact does not comply with LR 56.1(B)(1) because it does not cite to evidence by page or paragraph number. Further, the evidence cited does not support the fact because no racial or partisan information is included in the cited evidence.

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.

**RESPONSE:** Objection. The fact is immaterial to the motion before the Court because Plaintiffs did not move for summary judgment and further, it is not cited in Plaintiffs’ Response [Doc. 244].

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.

**RESPONSE:** Objection. The fact is immaterial to the motion before the Court because Plaintiffs did not move for summary judgment and further, it is not cited in Plaintiffs' Response [Doc. 244].

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.

**RESPONSE:** Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. Further, the fact is immaterial to the motion before the Court because Plaintiffs did not move for summary judgment and it is not cited in Plaintiffs' Response [Doc. 244].

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.

**RESPONSE:** Objection. The fact is immaterial to the motion before the Court because Plaintiffs did not move for summary judgment and further, it is not cited in Plaintiffs' Response [Doc. 244].

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.

**RESPONSE:** Objection. The fact is immaterial to the motion before the Court because Plaintiffs did not move for summary judgment and further, it is not cited in Plaintiffs’ Response [Doc. 244].

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.

**RESPONSE:** Objection. The fact is immaterial to the motion before the Court because Plaintiffs did not move for summary judgment and further, it is not cited in Plaintiffs’ Response [Doc. 244].

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.

**RESPONSE:** Objection. The fact is immaterial to the motion before the Court because Plaintiffs did not move for summary judgment and further, it is not cited in Plaintiffs' Response [Doc. 244].

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.

**RESPONSE:** Objection. The fact is immaterial to the motion before the Court because Plaintiffs did not move for summary judgment and further, it is not cited in Plaintiffs' Response [Doc. 244].

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.

**RESPONSE:** Objection. The fact is immaterial to the motion before the Court because Plaintiffs did not move for summary judgment and further, it is not cited in Plaintiffs' Response [Doc. 244].

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.

**RESPONSE:** Objection. The fact is immaterial to the motion before the Court because Plaintiffs did not move for summary judgment and further, it is not cited in Plaintiffs' Response [Doc. 244].

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.

**RESPONSE:** Objection. The fact is immaterial to the motion before the Court because Plaintiffs did not move for summary judgment and further, it is not cited in Plaintiffs' Response [Doc. 244].

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

**RESPONSE:** Objection. The fact and the footnote do not comply with LR 56.1(B)(1) because they are not separately numbered. Further, the fact is

immaterial to the claims and defenses in this case because the rate of growth of population is not relevant in a Section 2 case.

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

**RESPONSE:** Objection. The fact is immaterial to the claims and defenses in this case because the rate of growth of population is not relevant in a Section 2 case.

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.

**RESPONSE:** Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered.

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.

**RESPONSE:** Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered.

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.

**RESPONSE:** Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. Further, the fact is immaterial to the claims and defenses in this case because the rate of growth of population is not relevant in a Section 2 case.

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.

**RESPONSE:** Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered.

31. During that same period of time, the White population in Georgia decreased by 51,764. Cooper Report Pt. 1 ¶ 50, Fig. 5.

**RESPONSE:** Objection. The fact is immaterial to the claims and defenses in this case because the rate of growth of population is not relevant in a Section 2 case.

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.

**RESPONSE:** Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. Further, the fact is immaterial to the claims and defenses in this case because the rate of growth of population is not relevant in a Section 2 case.

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.

**RESPONSE:** Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered.

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.

**RESPONSE:** Objection. The fact is immaterial to the claims and defenses in this case because the rate of growth of population is not relevant in a Section 2 case.

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.

**RESPONSE:** Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. Further, the fact is immaterial to the claims and defenses in this case because the rate of growth of population is not relevant in a Section 2 case.

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.

**RESPONSE:** Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered.

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.

**RESPONSE:** Objection. The fact is immaterial to the claims and defenses in this case because the rate of growth of population is not relevant in a Section 2 case.

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.

**RESPONSE:** Objection. The fact is immaterial to the claims and defenses in this case because the rate of growth of population is not relevant in a Section 2 case. Further, the evidence cited does not support the fact because Mr. Cooper testified there is no uniform definition of the Black Belt in Georgia. Deposition of William Cooper [Doc. 221] (“Cooper Dep.”) 80:14-83:24.

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.

**RESPONSE:** Objection. The fact is immaterial to the claims and defenses in this case because the rate of growth of population is not relevant in a Section 2 case. Further, the evidence cited does not support the fact because Mr. Cooper testified there is no uniform definition of the Black Belt in Georgia. Cooper Dep. 80:14-83:24.

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.

**RESPONSE:** Objection. The fact is immaterial to the claims and defenses in this case because the rate of growth of population is not relevant in a Section 2 case. Further, the evidence cited does not support the fact

because Mr. Cooper testified there is no uniform definition of the Black Belt in Georgia. Cooper Dep. 80:14-83:24.

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.

**RESPONSE:** Objection. The fact is immaterial to the claims and defenses in this case because the rate of growth of population is not relevant in a Section 2 case. Further, the evidence cited does not support the fact because Mr. Cooper testified there is no uniform definition of the Black Belt in Georgia. Cooper Dep. 80:14-83:24.

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.

**RESPONSE:** Objection. The fact is immaterial to the claims and defenses in this case because the rate of growth of population is not relevant in a Section 2 case. Further, the evidence cited does not support the fact because Mr. Cooper testified there is no uniform definition of the Black Belt in Georgia. Cooper Dep. 80:14-83:24.

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.

**RESPONSE:** Objection. The fact is immaterial to the claims and defenses in this case because the rate of growth of population is not relevant in a Section 2 case. Further, the evidence cited does not support the fact because Mr. Cooper testified there is no uniform definition of the Black Belt in Georgia. Cooper Dep. 80:14-83:24.

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.

**RESPONSE:** Objection. The fact is immaterial to the claims and defenses in this case because the rate of growth of population is not relevant in a Section 2 case. Further, the evidence cited does not support the fact because Mr. Cooper testified there is no uniform definition of the Black Belt in Georgia. Cooper Dep. 80:14-83:24.

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.

**RESPONSE:** Objection. The fact is immaterial to the claims and defenses in this case because the rate of growth of population is not relevant in a Section 2 case. Further, the evidence cited does not support the fact

because Mr. Cooper testified there is no uniform definition of the Black Belt in Georgia. Cooper Dep. 80:14-83:24.

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.

**RESPONSE:** Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. Further, the fact is immaterial to the claims and defenses in this case because the rate of growth of population is not relevant in a Section 2 case.

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.

**RESPONSE:** Objection. The fact is immaterial to the claims and defenses in this case because the rate of growth of population is not relevant in a Section 2 case.

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.

**RESPONSE:** Objection. The fact is immaterial to the claims and defenses in this case because the rate of growth of population is not relevant in a Section 2 case.

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.

**RESPONSE:** Objection. The fact is immaterial to the claims and defenses in this case because the rate of growth of population is not relevant in a Section 2 case.

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.

**RESPONSE:** Objection. The fact is immaterial to the claims and defenses in this case because the rate of growth of population is not relevant in a Section 2 case.

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.

**RESPONSE:** Objection. The fact is immaterial to the claims and defenses in this case because the rate of growth of population is not relevant in a Section 2 case.

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.

**RESPONSE:** Objection. The fact is immaterial to the claims and defenses in this case because the rate of growth of population is not relevant in a Section 2 case.

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.

**RESPONSE:** Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. Further, the fact is immaterial to the

claims and defenses in this case because the rate of growth of population is not relevant in a Section 2 case.

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.

**RESPONSE:** Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered.

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.

**RESPONSE:** Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered.

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.

**RESPONSE:** Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered.

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.

**RESPONSE:** Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered.

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.

**RESPONSE:** Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered and is stated as argument rather than as fact.

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 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.

**RESPONSE:** Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered and is stated as argument rather than as fact.

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).

**RESPONSE:** Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered and states a legal conclusion and argument rather than a fact.

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.

**RESPONSE:** Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered.

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.

**RESPONSE:** Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered.

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

**RESPONSE:** Defendant admits that the Court may consider this evidence for purposes of the summary judgment motion.

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.

**RESPONSE:** Defendant admits that the Court may consider this evidence for purposes of the summary judgment motion.

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.

**RESPONSE:** Defendant admits that the Court may consider this evidence for purposes of the summary judgment motion.

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.

**RESPONSE:** Defendant admits that the Court may consider this evidence for purposes of the summary judgment motion.

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.

**RESPONSE:** Objection. The evidence cited does not support the fact because Mr. Cooper testified there is no uniform definition of the Black Belt in Georgia. Cooper Dep. 80:14-83:24.

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.

**RESPONSE:** Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. Further, Mr. Cooper did not utilize his regions in drawing districts and utilized different reasons for creating the various regions. Cooper Dep. 95:17-97:15, 142:15-143:7.

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.

**RESPONSE:** Objection. The evidence cited does not support the fact stated because Mr. Cooper did not utilize his regions in drawing districts and utilized different reasons for creating the various regions. Cooper Dep. 95:17-97:15, 142:15-143:7.

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.

**RESPONSE:** Defendant admits that the Court may consider this evidence for purposes of the summary judgment motion.

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.

**RESPONSE:** Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. Further, the evidence cited does not

support the fact stated because Mr. Cooper also testified that there is no uniform definition for the Black Belt, so any statement about areas of the state is in “very general terms.” Cooper Dep. 83:15-24.

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.

**RESPONSE:** Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. Further, the evidence cited does not support the fact stated because Mr. Cooper also testified that there is no uniform definition for the Black Belt, so any statement about areas of the state is in “very general terms.” Cooper Dep. 83:15-24.

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.

**RESPONSE:** Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered.

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.

**RESPONSE:** Defendant admits that the Court may consider this evidence for purposes of the summary judgment motion.

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.

**RESPONSE:** Defendant admits that the Court may consider this evidence for purposes of the summary judgment motion.

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](https://www.house.ga.gov/Documents/CommitteeDocuments/2021/Legislative_and_Congressional_Reapportionment/2021-2022%20House%20Reapportionment%20Committee%20Guidelines.pdf).

**RESPONSE:** Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered.

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.

**RESPONSE:** Objection. The evidence cited does not support the fact stated, because Mr. Cooper was only referring to how he attempts to comply with the traditional redistricting principle of compactness.

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.”).

**RESPONSE:** Objection. The evidence cited does not support the fact stated because Mr. Cooper testified that he only was able to minimize the number of county splits by making counties whole in other parts of the state. Cooper Dep. 202:22-204:8.

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.

**RESPONSE:** Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. Further, the evidence cited does not support the fact stated because Mr. Cooper testified that he only was able to minimize the number of county splits by making counties whole in other parts of the state. Cooper Dep. 202:22-204:8.

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.

**RESPONSE:** Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered.

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.

**RESPONSE:** Objection. The evidence cited does not support the fact stated because Mr. Cooper testified that he only was able to minimize the number of county splits by making counties whole in other parts of the state that were unrelated to adding additional majority-Black districts. Cooper Dep. 202:22-204:8.

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.

**RESPONSE:** Objection. The evidence cited does not support the fact stated because Mr. Cooper testified that he only was able to minimize the number of county splits by making counties whole in other parts of the state that were unrelated to adding additional majority-Black districts. Cooper Dep. 202:22-204:8.

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.

**RESPONSE:** Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. Further, Mr. Cooper testified that the population deviations he used on the House plan was higher than that of the enacted plan. Cooper Dep. 200:7-16.

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.

**RESPONSE:** Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered and states a legal conclusion, rather than a fact.

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.”).

**RESPONSE:** Defendant admits that the Court may consider this evidence for purposes of the summary judgment motion.

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.

**RESPONSE:** Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. Further, Mr. Cooper testified that he did not follow these communities consistently, splitting them in some places,

and was unable to identify any socioeconomic data below the county level.

Cooper Dep. 143:2-7, 162:22-163:9.

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.

**RESPONSE:** Defendant admits that the Court may consider this evidence for purposes of the summary judgment motion.

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.

**RESPONSE:** Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered.

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.

**RESPONSE:** Defendant admits that the Court may consider this evidence for purposes of the summary judgment motion.

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

**RESPONSE:** Defendant admits that the Court may consider this evidence for purposes of the summary judgment motion.

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.

**RESPONSE:** Objection. The evidence cited does not support the fact because Mr. Cooper testified that there was no metric to use to determine if race predominated in the creation of a district plan. Cooper Dep. 40:24-42:5.

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.

**RESPONSE:** Objection. The evidence cited does not support the fact stated because Mr. Cooper also testified that his preliminary injunction plans had the most majority-Black districts of any plans he drew for the Georgia legislature. Cooper. Dep. 34:16-35:5.

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.

**RESPONSE:** Objection. The evidence cited does not support the fact stated because Mr. Morgan was testifying only about compactness scores and voting district splits.

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”).

**RESPONSE:** Defendant admits that the Court may consider this evidence for purposes of the summary judgment motion.

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.

**RESPONSE:** Defendant admits that the Court may consider this evidence for purposes of the summary judgment motion.

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.

**RESPONSE:** Defendant admits that the Court may consider this evidence for purposes of the summary judgment motion.

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.

**RESPONSE:** Defendant admits that the Court may consider this evidence for purposes of the summary judgment motion.

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.

**RESPONSE:** Defendant admits that the Court may consider this evidence for purposes of the summary judgment motion.

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

**RESPONSE:** Objection. The evidence cited does not support the fact stated because Mr. Cooper testified that his State Senate Plan only had fewer split counties because he unsplit counties that were unrelated to the creation of new majority-Black districts. Cooper Dep. 150:2-152:1.

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.

**RESPONSE:** Objection. The evidence cited does not support the fact stated because Mr. Cooper testified that his State Senate Plan only had fewer split counties because he unsplit counties that were unrelated to the creation of new majority-Black districts. Cooper Dep. 150:2-152:1.

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.

**RESPONSE:** Defendant admits that the Court may consider this evidence for purposes of the summary judgment motion.

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.

**RESPONSE:** Defendant admits that the Court may consider this evidence for purposes of the summary judgment motion.

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.

**RESPONSE:** Defendant admits that the Court may consider this evidence for purposes of the summary judgment motion.

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.

**RESPONSE:** Defendant admits that the Court may consider this evidence for purposes of the summary judgment motion.

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.

**RESPONSE:** Defendant admits that the Court may consider this evidence for purposes of the summary judgment motion.

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

**RESPONSE:** Objection. The evidence cited does not support the fact stated because Mr. Cooper testified that his State House Plan only had fewer split counties because he unsplit counties that were unrelated to the creation of new majority-Black districts. Cooper Dep. 202:22-204:8.

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.

**RESPONSE:** Objection. The evidence cited does not support the fact stated because Mr. Cooper testified that his State House Plan only had similar numbers of split counties because he unsplit counties that were unrelated to the creation of new majority-Black districts. Cooper Dep. 202:22-204:8.

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.

**RESPONSE:** Defendant admits that the Court may consider this evidence for purposes of the summary judgment motion.

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.

**RESPONSE:** Defendant admits that the Court may consider this evidence for purposes of the summary judgment motion.

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.

**RESPONSE:** Defendant admits that the Court may consider this evidence for purposes of the summary judgment motion.

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.

**RESPONSE:** Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered.

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.

**RESPONSE:** Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. Further, Mr. Cooper testified that the population deviations he used on the House plan was higher than that of the enacted plan. Cooper Dep. 200:7-16.

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.”).

**RESPONSE:** Defendant admits that the Court may consider this evidence for purposes of the summary judgment motion.

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...”).

**RESPONSE:** Objection. The evidence cited does not support the fact stated because Ms. Wright testified that the jagged shape was the result of county lines. Wright Dep. 195:5-12.

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.

**RESPONSE:** Objection. The evidence cited does not support the fact stated because Mr. Cooper testified that he did not review data below the county level and did not consider educational attainment or labor force participation for all districts he included in his report. Cooper Dep. 159:5-24, 162:22-163:9.

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

**RESPONSE:** Objection. The evidence cited does not support the fact stated because it relies solely on visual evidence for the conclusion that Illustrative Senate District 17 is "much more compact."

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.

**RESPONSE:** Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. Further, Ms. Wright testified that Newton County was previously split and neither Senator requested to remove their district from the county. Wright Dep. 195:13-21.

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.”).

**RESPONSE:** Defendant admits that the Court may consider this evidence for purposes of the summary judgment motion.

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).”).

**RESPONSE:** Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. Further, the evidence cited does not support the fact stated because Mr. Cooper testified that he did not review data below the county level and did not consider educational attainment or

labor force participation for all districts he included in his report. Cooper Dep. 159:5-24, 162:22-163:9.

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).

**RESPONSE:** Defendant admits that the Court may consider this evidence for purposes of the summary judgment motion.

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

**RESPONSE:** Defendant admits that the Court may consider this evidence for purposes of the summary judgment motion.

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.

**RESPONSE:** Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. Further, the evidence cited does not support the fact stated because Mr. Cooper testified that he included counties in Illustrative Senate District 23 that were not part of the Georgia Budget and Policy Institute designation, which included Athens-Clarke County as a part of the Black Belt. Cooper Dep. 81:11-83:9.

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)”).

**RESPONSE:** Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. Further, the evidence cited does not support the fact stated because Mr. Cooper testified that he did not review data below the county level and did not consider poverty rates or labor force participation for all districts he included in his report. Cooper Dep. 159:5-24, 162:22-163:9.

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.”).

**RESPONSE:** Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered.

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.”).

**RESPONSE:** Objection. The evidence cited does not support the fact stated because Mr. Cooper was unable to identify a consistent reason for separating and including counties in Illustrative Senate District 23 in that portion of his deposition.

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.").

**RESPONSE:** Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. Further, the evidence cited does not support the fact stated because Mr. Cooper testified that Illustrative Senate District 23 divided the city of Washington, Georgia. Cooper Dep. 143:18-144:2.

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

**RESPONSE:** Defendant admits that the Court may consider this evidence for purposes of the summary judgment motion.

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.

**RESPONSE:** Defendant admits that the Court may consider this evidence for purposes of the summary judgment motion.

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.”).

**RESPONSE:** Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. Further, the evidence cited does not support the fact stated because Mr. Cooper testified that he did not review data below the county level and did not consider poverty rates or labor force participation for all districts he included in his report. Cooper Dep. 159:5-24, 162:22-163:9.

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).”).

**RESPONSE:** Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. Further, the evidence cited does not support the fact stated because Mr. Cooper testified that he did not review data below the county level and did not consider labor force participation for all districts he included in his report. Cooper Dep. 159:5-24, 162:22-163:9

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.”).

**RESPONSE:** Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. Further, the evidence cited does not support the fact stated because Mr. Cooper was unable to identify a consistent reason for separating and including counties in Illustrative Senate District 28 in that portion of his deposition.

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.”).

**RESPONSE:** Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. Further, the evidence cited does not support the fact stated because Mr. Cooper was unable to identify a consistent reason for separating and including counties in Illustrative Senate District 28 in that portion of his deposition.

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.”).

**RESPONSE:** Objection. The evidence cited does not support the fact stated because Mr. Cooper was unable to identify a consistent reason for separating and including areas in Illustrative Senate District 28 in that portion of his deposition.

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.

**RESPONSE:** Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. Further, the evidence cited does not support the fact stated because Mr. Cooper was unable to identify a

consistent reason for separating and including cities in Illustrative Senate District 28 in that portion of his deposition.

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

**RESPONSE:** Defendant admits that the Court may consider this evidence for purposes of the summary judgment motion.

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, Spaulding, 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, 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).”).

**RESPONSE:** Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. Further, the evidence cited does not support the fact stated because Mr. Cooper testified that he did not review data below the county level and did not consider educational attainment or labor force participation for all districts he included in his report. Cooper Dep. 159:5-24, 162:22-163:9.

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.”).

**RESPONSE:** Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. Further, the evidence cited does not support the fact stated because Mr. Cooper was unable to identify a consistent reason for separating and including counties in Illustrative House District 74 in that portion of his deposition.

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, 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).”).

**RESPONSE:** Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. Further, the evidence cited does not support the fact stated because Mr. Cooper testified that he did not review data below the county level and did not consider educational attainment or labor force participation for all districts he included in his report. Cooper Dep. 159:5-24, 162:22-163:9.

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 Spalding 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.").

**RESPONSE:** Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. Further, the evidence cited does not support the fact stated because Mr. Cooper was unable to identify a consistent reason for separating and including counties in Illustrative House District 117 in that portion of his deposition.

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.

**RESPONSE:** Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. Further, the evidence cited does not support the fact stated because Mr. Cooper was unable to identify a consistent reason for separating and including areas in Illustrative House District 117 in that portion of his deposition.

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.”).

**RESPONSE:** Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. Further, the evidence cited does not support the fact stated because Mr. Cooper was unable to identify a consistent reason for separating and including areas in Illustrative House District 117 in that portion of his deposition.

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.”).

**RESPONSE:** Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. Further, the evidence cited does not support the fact stated because Mr. Cooper was unable to identify a consistent reason for separating and including areas in Illustrative House District 117 in that portion of his deposition.

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.”).

**RESPONSE:** Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. Further, the evidence cited does not support the fact stated because Mr. Cooper was unable to identify a consistent reason for separating and including counties in Illustrative House

District 133 in that portion of his deposition and had no consistent definition of the Black Belt. Cooper Dep. 83:15-24.

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).”).

**RESPONSE:** Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. Further, the evidence cited does not support the fact stated because Mr. Cooper testified that he did not review data below the county level and did not consider educational attainment or labor force participation for all districts he included in his report. Cooper Dep. 159:5-24, 162:22-163:9.

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.").

**RESPONSE:** Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. Further, the evidence cited does not support the fact stated because Mr. Cooper was unable to identify where incumbents lived or a consistent reason for separating and including counties in districts surrounding Illustrative House District 133 in that portion of his deposition.

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.”).

**RESPONSE:** Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered.

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.”).

**RESPONSE:** Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. Further, the evidence cited does not support the fact stated because Mr. Cooper identified multiple reasons for his configuration of district lines in this area in that portion of his deposition.

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.

**RESPONSE:** Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. Further, the evidence cited does not support the fact stated because Mr. Cooper identified multiple reasons for his

configuration of district lines in this area in that portion of his deposition and did not review socioeconomic data below the county level. Cooper Dep. 159:5-24, 162:22-163:9.

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.”).

**RESPONSE:** Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. Further, the evidence cited does not support the fact stated because Mr. Cooper identified multiple reasons for his configuration of district lines in this area in that portion of his deposition.

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.”).

**RESPONSE:** Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. Further, the evidence cited does not support the fact stated because Mr. Cooper identified multiple reasons for his configuration of district lines in this area in that portion of his deposition.

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.”).

**RESPONSE:** Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. Further, the evidence cited does not support the fact stated because Mr. Cooper testified that he broke MSA and

other boundaries and did not include all counties in a regional commission in Illustrative House District 145. Cooper Dep. 197:22-199:7.

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.”).

**RESPONSE:** Defendant admits that the Court may consider this evidence for purposes of the summary judgment motion.

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.").

**RESPONSE:** Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. Further, the evidence cited does not support the fact stated because Mr. Cooper testified that he did not the consistently follow the historic transportation corridor. Cooper Dep. 191:5-193:12.

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.").

**RESPONSE:** Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. Further, the evidence cited does not support the fact stated because Mr. Cooper testified that he included counties that were not part of the Georgia Budget and Policy Institute designation, which included Athens-Clarke County as a part of the Black Belt. Cooper Dep. 81:11-83:9

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.

**RESPONSE:** Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. Further, the evidence cited does not support the fact stated because Mr. Cooper testified that he did not review data below the county level and did not consider poverty rates or labor force

participation for all districts he included in his report. Cooper Dep. 159:5-24, 162:22-163:9.

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.”).

**RESPONSE:** Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. Further, the evidence cited does not support the fact stated because Mr. Cooper testified in that portion of his deposition that he was relying on the similarities of towns and not primarily on district shapes.

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.”).

**RESPONSE:** Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. Further, the evidence cited does not support the fact stated because there is no “Clark” County and Mr. Cooper testified that he only was able to minimize the number of county splits by making counties whole in other parts of the state. Cooper Dep. 202:22-204:8.

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.”).

**RESPONSE:** Objection. The evidence cited does not support the fact stated. The first citation involved Mr. Morgan discussing *his own* illustrative plans, not Mr. Cooper's. The second citation cuts off Mr. Morgan's answer that his opinion about Mr. Cooper's plans was “that there was a focus on race to the detriment of these other redistricting factors.” Morgan Dep. 305:12-23.

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.”).

**RESPONSE:** Defendant admits that the Court may consider this evidence for purposes of the summary judgment motion.

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.

**RESPONSE:** Objection. The evidence cited does not support the fact stated. Mr. Morgan was discussing a comparison between his illustrative plans and the enacted plans, not Mr. Cooper's plans.

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.”).

**RESPONSE:** Objection. The evidence cited does not support the fact stated. Mr. Morgan was discussing a comparison between his illustrative plans and the enacted plans, not Mr. Cooper's plans.

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.

**RESPONSE:** Defendant admits that the Court may consider this evidence for purposes of the summary judgment motion. Defendant further

notes that Mr. Cooper would offer no opinion about what compliance with the Voting Rights Act meant for particular plans. Cooper Dep. 52:22-53:10.

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.”).

**RESPONSE:** Defendant admits that the Court may consider this evidence for purposes of the summary judgment motion.

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.

**RESPONSE:** Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. Further, the evidence cited does not support the fact stated because these citations refer in part to Mr. Morgan's illustrative plans.

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.

**RESPONSE:** Defendant admits that the Court may consider this evidence for purposes of the summary judgment motion.

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.

**RESPONSE:** Defendant admits that the Court may consider this evidence for purposes of the summary judgment motion.

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.

**RESPONSE:** Defendant admits that the Court may consider this evidence for purposes of the summary judgment motion.

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.

**RESPONSE:** Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered.

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.

**RESPONSE:** Defendant admits that the Court may consider this evidence for purposes of the summary judgment motion.

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.

**RESPONSE:** Defendant admits that the Court may consider this evidence for purposes of the summary judgment motion.

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

**RESPONSE:** Defendant admits that the Court may consider this evidence for purposes of the summary judgment motion. Defendant further notes that this acknowledgement only applied to general-election contests

examined by Dr. Handley, and not the primary contests. *See, e.g.* Alford Rep. p. 8 (“But looking at the Democratic primary contests, as reported in Dr. Handley’s Appendix C1-C7, the contrast to the pattern in the partisan general elects [sic] is stark.”)

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.

**RESPONSE:** Defendant admits that the Court may consider this evidence for purposes of the summary judgment motion. Defendant further notes that this acknowledgement only applied to general-election contests examined by Dr. Handley, and not the primary contests. *See, e.g.* Alford Rep. p. 8 (“But looking at the Democratic primary contests, as reported in Dr. Handley’s Appendix C1-C7, the contrast to the pattern in the partisan general elects [sic] is stark.”)

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.

**RESPONSE:** Defendant admits that the Court may consider this evidence for purposes of the summary judgment motion.

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>.

**RESPONSE:** Defendant admits that the Court may consider this evidence for purposes of the summary judgment motion.

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.

**RESPONSE:** Defendant admits that the Court may consider this evidence for purposes of the summary judgment motion.

176. Dr. Handley found that Black legislative candidates preferred by Black voters almost always lose outside of Black-majority districts in the

racess 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.

**RESPONSE:** Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered.

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.

**RESPONSE:** Objection. The evidence cited does not support the fact. While Dr. Handley did write the portion quoted in the conclusion of her report, there are many areas Dr. Handley examined where white voters did not consistently bloc vote to defeat the candidates supported by Black voters.

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.

**RESPONSE:** Defendant admits that the Court may consider this evidence for purposes of the summary judgment motion.

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.

**RESPONSE:** Defendant admits that the Court may consider this evidence for purposes of the summary judgment motion.

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

**RESPONSE:** Defendant admits that the Court may consider this evidence for purposes of the summary judgment motion.

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.

**RESPONSE:** Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered and because it is stated as argument rather than as a statement of fact.

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.

**RESPONSE:** Objection. The fact does not comply with LR 56.1(B)(1) because it is stated as argument rather than as a statement of fact. Further, the evidence cited is not separately numbered.

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.

**RESPONSE:** Defendant admits that the Court may consider this evidence for purposes of the summary judgment motion.

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.

**RESPONSE:** Objection. The evidence cited does not support the fact because the term “affirmative” analysis is vague and undefined. Further, the fact is immaterial to the claims and defenses in this case because Dr. Alford does not need to conduct any separate analysis in order for the Court to rule in Defendant’s favor.

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.

**RESPONSE:** Objection. The fact does not comply with LR 56.1(B)(1) because it is stated as argument rather than as a statement of fact. Further, the fact is immaterial to the claims and defenses in this case because Dr. Alford does not need to conduct any separate analysis in order for the Court to rule in Defendant's favor.

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.

**RESPONSE:** Defendant admits that the Court may consider this evidence for purposes of the summary judgment motion.

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 [Doc. 242-6] ("Ward Report") 1, 13, 17-18,22.

**RESPONSE:** Defendant admits that the Court may consider this evidence for purposes of the summary judgment motion.

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.

**RESPONSE:** Defendant admits that the Court may consider this evidence for purposes of the summary judgment motion.

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.

**RESPONSE:** Objection. The evidence cited does not support the fact stated. Although it is undisputed that the quoted language is found on page 18 of Dr. Ward’s report, Dr. Ward does not opine on what “caused” the phenomenon that he describes in the quotation.

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.

**RESPONSE:** Defendant admits that the Court may consider this evidence for purposes of the summary judgment motion.

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.

**RESPONSE:** Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered.

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.

**RESPONSE:** Objection. The evidence cited does not support the fact stated. Plaintiffs’ quotation from Dr. Ward’s deposition is incomplete. Dr. Ward testified, “I acknowledge that there are other[] [factors]. I would stand by the claim that race is a more consistent predictor, indicator than socioeconomic status or educational level.” Ward Dep. 78:3-6.

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.

**RESPONSE:** Objection. The evidence cited does not support the fact. Dr. Jones specifically testified in this citation that she did not evaluate partisanship and did not consider partisanship as a motivation for turnout in her report.

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.

**RESPONSE:** Objection. The fact is immaterial to the claims and defenses regarding Defendant’s motion because Defendant did not move for summary judgment based on the totality of the circumstances.

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.

**RESPONSE:** Objection. The fact is immaterial to the claims and defenses regarding Defendant’s motion because Defendant did not move for summary judgment based on the totality of the circumstances.

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

**RESPONSE:** Objection. The fact is immaterial to the claims and defenses regarding Defendant’s motion because Defendant did not move for summary judgment based on the totality of the circumstances.

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.

**RESPONSE:** Objection. The evidence cited does not support the fact stated. Dr. Ward refers on page 23 of his report to a statement by DeKalb County Senator Fran Millar with regard to Sunday voting.

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

**RESPONSE:** Objection. The fact is immaterial to the claims and defenses regarding Defendant’s motion because Defendant did not move for summary judgment based on the totality of the circumstances.

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.

**RESPONSE:** Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered. Further, the fact is immaterial to the claims and defenses regarding Defendant’s motion because Defendant did not move for summary judgment based on the totality of the circumstances.

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.

**RESPONSE:** Objection. The evidence cited does not support the fact because the deposition testimony is not regarding racial appeals. Further, the fact is immaterial to the claims and defenses regarding Defendant’s motion because Defendant did not move for summary judgment based on the totality of the circumstances.

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.

**RESPONSE:** Objection. The fact is immaterial to the claims and defenses regarding Defendant’s motion because Defendant did not move for summary judgment based on the totality of the circumstances.

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.

**RESPONSE:** Objection. The fact is immaterial to the claims and defenses regarding Defendant’s motion because Defendant did not move for summary judgment based on the totality of the circumstances. Defendant further states that Sen. Perdue was unsuccessful in the Republican primary against Governor Kemp.

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.

**RESPONSE:** Objection. The fact is immaterial to the claims and defenses regarding Defendant’s motion because Defendant did not move for

summary judgment based on the totality of the circumstances and no claims about congressional districts are present in this case.

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.

**RESPONSE:** Objection. The fact does not comply with LR 56.1(B)(1) because it is not separately numbered.

Respectfully submitted this 3rd day of May, 2023.

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**CERTIFICATE OF COMPLIANCE**

Pursuant to L.R. 7.1(D), the undersigned hereby certifies that the foregoing Statement has been prepared in Century Schoolbook 13, a font and type selection approved by the Court in L.R. 5.1(B).

/s/ Bryan P. Tyson

Bryan P. Tyson

# EXHIBIT A

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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 Kennedy, Mr. Tyson and Ms. Paradise and other senators?

2 A The changes, I think, came at the request of  
3 the senator, and then Chairman Kennedy authorized to try  
4 and see if we could do what he had requested.

5 Q At the request of the senator, what senator are  
6 you referring to?

7 A Senator Rhett.

8 Q So there was the map that was published first?

9 A Uh-huh.

10 Q And then Senator Rhett requested changes?

11 A Uh-huh.

12 Q And as a consequence of that, you made changes?

13 A Yes.

14 Q And then another map was published?

15 A Yes.

16 Q Were there any other changes requested?

17 A I cannot recall. That one stands out. I  
18 remember doing that one. I don't recall if there were  
19 others in that draft.

20 Q Why does it stand out?

21 A I have drawn a lot of maps, so...

22 Q Yeah. So why does that one stand out?

23 A Because in committee, I remember there was  
24 discussion over the change, that that was in the  
25 committee meeting, so that one sticks out. That may have

1 been the only one that went into that final version  
2 because other -- other changes might have gone into the  
3 other version, the first presented version before we got  
4 to that, but there were members, you know, putting  
5 changes in.

6 That one just jumps out at me. That may have  
7 been the only one that went into that last version.

8 Q Did you speak with anyone else in addition to  
9 the people you referred to for any reason about the State  
10 Senate map?

11 A I probably spoke with a lot of senators  
12 regarding that map.

13 Q Right. Right. Okay.

14 A So I don't want to list all 56 of the  
15 members --

16 Q Yeah.

17 A -- that were here then, but I spoke with a lot  
18 of members at that point, from the time -- especially  
19 when the map was made public, those that requested  
20 things.

21 Q Did you speak with anyone in the House about  
22 drawing the State Senate map?

23 A I don't think so.

24 Q Did you speak with anyone outside of the  
25 General Assembly about drawing the State Senate map?

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.

# EXHIBIT B

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 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 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

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

Page 35

1 of any plans that you drew for the Georgia  
2 legislature, right?

3 A. I think that's probably safe to say. I  
4 drew them differently here and there, but I don't  
5 think I drew any that had more than seven districts.

6 Q. And I know you referenced -- and I've been  
7 there with you -- drawing 180 House districts is not  
8 an easy proposition. Have you ever drawn state-wide  
9 legislative plans for Georgia before your  
10 involvement in the Alpha Phi Alpha case?

11 A. Yes.

12 Q. And what was that?

13 A. I guess it's okay to divulge. I mean I've  
14 worked --

15 MR. SAVITZKY: I'll just caution the  
16 witness that if there's some non-public work  
17 that you did for an attorney, you should  
18 exercise care.

19 A. Well, I did a little work for a law firm in  
20 Atlanta in the 2011, 2012 period. A lawsuit was not  
21 filed. It was a fairly small project, but it did  
22 involve House and Senate plans -- or at least  
23 certainly House plans. I'm not sure about Senate.

24 Q. And I believe when we spoke about this in a  
25 prior case, that was the Bondurant Mixson and Elmore

1 district" in your work?

2 A. I probably did in Gwinnett County.

3 Q. And how would you define a coalition  
4 district when you use that term?

5 A. A coalition of minority plaintiffs, in  
6 other words, typically it would be African-Americans  
7 and Latinos, but in Gwinnett County it was  
8 African-Americans, Latinos and Asian-Americans. In  
9 some places out West you would have a coalition of  
10 African-Americans, Latinos and native Americans,  
11 indigenous population, certainly in Arizona.

12 Q. In your work do you ever use the term  
13 "ability to elect districts"?

14 A. I probably have almost never used that term  
15 because that's sort of the Gingles 2, Gingles 3  
16 expert. But I might have accidentally. If you know  
17 of one case where I used that term, I probably  
18 should have not used it because that's not my  
19 bailiwick.

20 Q. That's helpful. Thank you.

21 So you're aware that race can predominate  
22 in the drawing of a redistricting plan, right?

23 A. It could.

24 Q. Do you have a way you would determine in  
25 your work if race predominated in a districting

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.

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

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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 Q. So when you're drawing maps you take the  
2 Voting Rights Act into account though, right?

3 A. Well, yes. I mean I pay attention to the  
4 demographics of a region or a county. So I'm aware  
5 of the minority population, not just Black  
6 population but other minorities as well.

7 Q. And when you're drawing maps and taking the  
8 Voting Rights Act into account, is the way you think  
9 about compliance with the Voting Rights Act in that  
10 context, the non-dilution of minority voting  
11 strength?

12 MR. SAVITZKY: Objection; vague.

13 Although, if you understand it you can answer.

14 A. Well, it is in a simple Gingles one  
15 fashion, but ultimately a statistician would have to  
16 also be called in to examine whether a district that  
17 is 50 percent Black is a district that would meet  
18 Gingles 2 and Gingles 3 prongs. So that's a general  
19 statement. I think what I've said in paragraph 10  
20 is a pretty common recitation of the traditional  
21 redistricting principles.

22 Q. And so is it correct to say then that you  
23 as a map drawer would not offer an opinion of  
24 whether a particular district complied with the  
25 Voting Rights Act because you would need a

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 before.

2 A. Not in a paper format, but I did review it  
3 as a PDF.

4 Q. And is this the document that's referenced  
5 in footnote 10 of your report, Education in  
6 Georgia's Black Belt: Policy Solutions to Help  
7 Overcome a History of Exclusion.

8 A. Yes. Both documents have October 2019  
9 publication date.

10 Q. So it's safe to say then that you relied on  
11 this document in preparing your report about the  
12 Black Belt, right?

13 A. Yes, the contemporary Black Belt.

14 Q. So let's turn to page number five of this  
15 report. Could you read the very first sentence at  
16 the top of that page?

17 A. "There is no uniform definition for the  
18 Black Belt."

19 Q. Do you agree that there's no uniform  
20 definition for the Black Belt?

21 A. I think that's a reasonable statement.

22 Q. And the definition that the Georgia Budget  
23 and Policy Institute used was a general description  
24 where the majority of people in an area are Black or  
25 live in poverty, right?

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1           A. Yes. I think the focus was on school  
2 districts.

3           Q. And in looking at the map that's here on  
4 page five of the report, it appears that's the same  
5 map produced on page 11 of your report, right?

6           A. Yes.

7           Q. And that map includes Savannah and Chatham  
8 County as part of the Black Belt, right?

9           A. It does, as part of the contemporary Black  
10 Belt, again based on school enrollment and poverty.

11          Q. And it includes Athens, Georgia, Clark  
12 County as part of the contemporary Black Belt; is  
13 that right?

14          A. Yes.

15          Q. And it includes Glenn County and Brunswick  
16 on the coast as part of the contemporary Black Belt?

17          A. It believe so.

18          Q. And you relied on this report to determine  
19 which counties were in the Black Belt for purpose of  
20 your focus area that you looked at for your report,  
21 right?

22          A. Yes. I just wanted to see if the area that  
23 I had outlined around Augusta was also an area that  
24 the Georgia Budget and Policy Institute had  
25 identified.

1 Q. And you would agree that Glascock County  
2 near Augusta they did not consider part of the  
3 contemporary Black Belt, right?

4 A. That's true.

5 Q. Did you consider Glascock County as part of  
6 the contemporary Black Belt in your map drawing?

7 A. It's part of the majority Black districts.  
8 It's a very small county. And it's right in the  
9 center, so it's included in both Senate District 2  
10 and House District 133 I believe -- not 133. I will  
11 have to double-check. But it's one of the House  
12 districts as majority Black. I believe it's in one  
13 of the House districts as majority Black maybe even  
14 under the enacted plan.

15 Q. And it's correct that you did utilize all  
16 the counties that the Georgia Budget and Policy  
17 Institute identified as Black Belt counties as part  
18 of your analysis of the contemporary Black Belt,  
19 right?

20 A. Well, I'm just using this as general  
21 background information. That's not to say that you  
22 can't draw majority Black districts outside of the  
23 areas that GBPI identified as part of their  
24 contemporary Black Belt based on student enrollment  
25 and poverty.

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

1 Q. And so in creating your illustrative plans  
2 you rely in part on the history of the experience of  
3 Black Americans and the commonality that goes with  
4 that as the basis for a community of interest,  
5 right?

6 A. I think that's legitimate, yes.

7 Q. On your map of regions, you are also aware  
8 that the Census Bureau has different statistical  
9 areas for Warner Robins and Houston County and for  
10 Bibb County, right?

11 A. Yes. But then they have a new category  
12 that they call a consolidated statistical area where  
13 they combine them and say they're adjacent. For  
14 example, the Athens area is now part of a  
15 consolidated statistical area with the Atlanta MSA.  
16 So they've got this extra layer of commonality.

17 Q. And so it's fair to say then for all the  
18 different regions in your report that you're just  
19 looking for things that they have in common; some  
20 based on regional commission, some based on census,  
21 some based on historical Black Belt, it just depends  
22 on that particular region?

23 A. Yeah. I mean all that is in the  
24 background. When you're drawing a plan there's a  
25 lot of -- sort of an amorphous quality to what

1 you're working on because there are different ways  
2 of interpreting things.

3 Q. In designing your regions you could have  
4 included other counties in those regions but you  
5 just chose not to, right?

6 A. I wasn't definitively choosing not to. As  
7 I was drawing the plans some districts looked more  
8 viable in terms of shape than others. Contiguity is  
9 an issue. So there was a multiplicity of factors,  
10 as you know, when you're drawing a plan. I'm  
11 comfortable with what I've drawn. I think it would  
12 hold up well against anything that the state has  
13 done today or historically, and would hold up  
14 elsewhere in the country if I drew them in other  
15 states.

16 Q. I'm not quite jumping ahead to the  
17 districts yet. I'm talking about the regions. Were  
18 the regions still being formed while you were  
19 drawing the districts then?

20 A. What do you mean?

21 Q. Well, you've identified these four regions  
22 that you focused on. And my question was you could  
23 have included other counties in those regions but  
24 you choose not to. And then you gave an answer  
25 about districts. So I wanted to understand --

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

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1 illustrative Senate District 23 is only 50.21  
2 percent AP Black VAP, right?

3 A. Right. It might be a little bit higher on  
4 CVAP. I'm not really looking at that.

5 Q. So in looking at illustrative District 23,  
6 it includes counties both from your Region B and  
7 from Region D, right?

8 A. That is true.

9 Q. And it includes counties that are located  
10 in the -- I'm sorry. It includes counties that are  
11 outside of the central Savannah River area regional  
12 commission, correct?

13 A. Yes. The counties of Wilkinson and Baldwin  
14 and Twiggs are in middle Georgia.

15 Q. So if you were looking at these particular  
16 regions, why then does illustrative District 23  
17 cross regions to create this new majority Black  
18 district?

19 A. Well, the regions are informative and  
20 instructive, but they're not cast in stone. You can  
21 certainly cross regions, as your plan does. As I've  
22 mentioned previously, I think, I've got fewer  
23 splints of the regional planning districts than in  
24 the enacted plan. Very close, but there's a three  
25 or four commission difference in terms of the

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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 changed the district but still want to make sure  
2 that the incumbent is assigned to the district  
3 that's been changed, if possible, without pairing  
4 incumbents. So all of those factors come into play.  
5 And I frankly don't recall the sequence of events  
6 that would have led me specifically to make Clark  
7 County whole or make Coffee County whole, because  
8 there were incumbents -- and, again, I'm using the  
9 January '22 data set that we got from you guys. And  
10 I have not attempted to take into account the  
11 November '22 election results and the residences of  
12 the incumbents under that scenario. And so other  
13 things could change clearly to take that into  
14 account in the next illustrative plan, should there  
15 be one.

16 Q. And you would agree with me that of the  
17 five counties that you unsplit on the illustrative  
18 plan, all of those counties are not majority Black,  
19 right?

20 A. Well, they're not majority Black voting  
21 age. Newton County is almost 50 percent. It's  
22 49.7. Columbia is 20.8. Coffee and Clark, there's  
23 a significant Black population in those two  
24 counties. It's 26.2 for Clark and 29.2 for Coffee.  
25 The only one that is overwhelmingly white really is

1 Jackson County in the north.

2 Q. We can set that aside for the moment. You  
3 can set Mr. Morgan's report aside. You might want  
4 to hold onto the map for just a second.

5 A. Okay.

6 Q. Going to paragraph 119 of your report, you  
7 talk about regional splits.

8 A. Yes.

9 Q. And you run this based on the regional  
10 commissions that we've discussed and also the 39  
11 federally-designated core-based statistical areas in  
12 Georgia; is that right?

13 A. Right.

14 Q. So is the map of the MSAs and other  
15 geography that we have, I believe, as Exhibit 7, the  
16 map of the core-based statistical areas in Georgia?

17 A. Yes. This map shows both MSAs,  
18 Metropolitan Statistical Areas, which have  
19 populations that are greater than 50,000 in the  
20 combined counties they cover, but it also includes  
21 smaller counties with populations of 10,000 and  
22 above. Those are called micropolitan statistical  
23 areas.

24 So I think there are 10 or 12 MSAs and  
25 maybe more than that in terms of micropolitan

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1 Paragraph 125, you compare the labor force  
2 participation rates in Fayette, Spalding and Clayton  
3 Counties, right?

4 A. Yes.

5 Q. Did you compare the labor force  
6 participation rates in any of the other districts  
7 aside from Senate District 28 on the illustrative  
8 plan?

9 A. On the illustrative plan I did not do that.  
10 Although, you can quickly get that information just  
11 by going into CDs. That kind of analysis could just  
12 go on forever. This is just an example to show that  
13 there are similarities in District 28, even though  
14 Clayton County is fairly urban and Spalding less so.

15 Q. And did you look at, for example, the  
16 number of bachelor degree, the rate of that for  
17 Fayette, Spalding, and Clayton Counties?

18 A. I did not report it. I believe that -- I  
19 would have to look at the data. Fayette County has  
20 very high socioeconomic statistics. In fact, it --  
21 and I'm talking about the Black population here. It  
22 outscores the white population in many, many of the  
23 other counties in the state. It's high income,  
24 suburban, ex-urban Black population.

25 Q. Is it a distinct --

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1 data after the districts were drawn or before?

2 A. The actual documentation, after. But there  
3 are some things that I knew without even accessing  
4 the charts. I knew that Senate District 23 would be  
5 significantly poorer than say Senate District 28.  
6 And I knew that Senate District 28 would be much  
7 better off financially, the African-American  
8 population and the white population, than say Senate  
9 District 12. Of course, that's already there. It's  
10 the enacted plan. But that's where I drew the new  
11 House district -- so the things that I knew that I  
12 did not necessarily need in terms of drawing the  
13 plan.

14 Q. And this ACS data, you can't display it by  
15 any particular method on Maptitude while you're  
16 drawing maps, right?

17 A. You could. You could.

18 Q. Did you?

19 A. I did not. I think really it's better to  
20 look at county level data. There is less of a  
21 margin of error.

22 Q. And to be clear, when you're talking about  
23 these various districts, you're not looking below  
24 the county layer to any split counties; you're  
25 looking only in total county rates, right?

1           A. Correct. I will say that next year you'll  
2 be able to get a breakout of the present enacted  
3 plan in the ACS by the enacted Senate and House  
4 districts. That's reported starting next year, I  
5 believe, with the -- I guess it would be the 2018 -  
6 2022 ACS. But then I wouldn't be able to take that  
7 apart and look at the illustrative plan, because  
8 it's not an enacted plan so the Census Bureau is not  
9 going to run that analysis.

10           Q. Understood.

11                   We're going to move to the House map. Do  
12 you want a break or keep on going?

13           A. I don't care.

14           Q. Okay. We'll plow ahead into the House.

15                   So let's begin in the same place. We start  
16 with a number of majority Black districts. And you  
17 would agree that from Figure 23 on page 59 that when  
18 you apply the 2020 census numbers to the prior House  
19 district plan there were 47 majority Black  
20 districts, right?

21           A. Yes.

22                   Q. And the 2021 enacted House plan increased  
23 that number of majority Black districts by two, to  
24 49, right?

25           A. Yes.

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1 of the western division of the historic Dixie  
2 Highway recognized by the Southwest Georgia Regional  
3 Commission.

4 A. Yes.

5 Q. And then you reference a Corridor  
6 Management Plan from 2014 in a Footnote 32, right?

7 A. Right.

8 (Exhibit 17 marked.)

9 Q. I'm going to hand you what I've marked as  
10 Defendant's 17. Is this the Corridor Management  
11 Plan that you referenced in that footnote?

12 A. I think. There it is, 1.2, Corridor  
13 Management Plan.

14 Q. Do you recall how you located this  
15 particular Corridor Management Plan that you cited  
16 in your report?

17 A. I was looking around for information about  
18 US Highway 19 and found it.

19 Q. Was that after you drew the illustrative  
20 District 171?

21 A. In this particular case it probably was.

22 Q. So after you drew the district you were  
23 hunting around looking for information about Highway  
24 19 and what it connected; is that fair to say?

25 A. I did look at that. I mean I knew that

1 Highway 19 was, in a sense, a historical highway.  
2 US highways of that vintage with a 19 on it go way  
3 back in time, so it's not like there haven't been  
4 transportation connections between Thomasville and  
5 Albany since the 1930s.

6 Q. So turning to page seven of Exhibit 17, you  
7 see there's a heading 1.6, "How to Use the CMP".

8 A. Yes.

9 Q. And it says that the CMP should be utilized  
10 in conjunction with the associated planning  
11 documents, including -- and then it lists a series  
12 of five other documents. Do you see that?

13 A. Yes.

14 Q. Did you ever review any of those five  
15 documents?

16 A. No, I did not.

17 Q. And going to 1.7 there is a route  
18 description that begins at the Albany Welcome Center  
19 and it's almost kind of a metes-and-bounds-like set  
20 of bullets of where this route proceeds. Do you see  
21 that?

22 A. Yes.

23 Q. Have you analyzed whether all the pieces  
24 listed in 1.7 of this route description are included  
25 in illustrative 117?

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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.

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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,

1 right?

2 A. Right. Even though the guidelines  
3 established by the General Assembly did not really  
4 specify that it was necessary to stay within that  
5 range, that's the range that the enacted plan was in  
6 so I just stuck to that range.

7 Q. You would agree that the deviation on the  
8 illustrative plan as a whole is higher than the  
9 deviation on the House enacted plan?

10 A. Right, it's slightly higher, like a couple  
11 of tenths of a percentage point or so.

12 Q. But either way, the illustrative plan did  
13 increase the total deviation over the enacted plan  
14 even if only slightly, right?

15 A. Well, it's only slightly, so it's a  
16 meaningless distinction.

17 Q. And you note that you have one fewer county  
18 split in the enacted plan in Figure 37; is that  
19 right?

20 A. One less split county. And the same number  
21 of county splits, because that's a different metric.

22 Q. So we'll go back to Exhibit Number 9. And  
23 if you could turn with me to page 45 of Mr. Morgan's  
24 report.

25 Mr. Cooper, are you with me on page 45 of

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1 more carefully than it. Ben Hill is 38 percent  
2 apparently.

3 Q. So kind of like we did in the other plan, I  
4 was looking to see which of those counties you  
5 unsplit related to the creation of the five new  
6 majority Black districts. And the only ones I could  
7 identify that were somewhere close were Lamar,  
8 McDuffie and Jones. Were any of these other  
9 counties unsplit related to the creation of the five  
10 new majority Black districts?

11 A. Ben Hill perhaps because of the ripple  
12 effect. So some of that spills out. I mean even  
13 though Ben Hill is not one of the majority Black,  
14 potentially a new majority Black district, it's not  
15 that far from the area.

16 Q. Any other counties you can identify?

17 A. Well, I've not attempted to identify these.  
18 Oconee is not split, but it's close to a majority  
19 Black Senate district. And House District 133  
20 almost borders on Oconee -- and maybe it does. I  
21 need to look at the map. It's very close.

22 Q. You would agree that Dawson County with one  
23 and a half percent Black population is nowhere close  
24 to any of the new majority Black districts you  
25 created, right?

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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.

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

Page 204

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

# EXHIBIT C

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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

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

# EXHIBIT D

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 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

# EXHIBIT E

EXPERT REPORT OF JOHN R. ALFORD, Ph.D.

**Scope of Inquiry**

I have been retained by the Georgia Secretary of State and State Election Board as an expert to provide analysis related to *Grant v. Raffensperger*, *Alpha Phi Alpha v. Raffensperger*, and *Pendergrass v. Raffensperger*. All three cases allege the current U.S. Congressional, state Senate, and state House districts in Georgia violate Section 2 of the Voting Rights Act. In early 2022, I provided a report and testified in the preliminary injunction hearing in this matter. I have examined the reports and supplemental reports provided by plaintiffs' experts Dr. Maxwell Palmer, and Dr. Lisa Handley in this case. My rate of compensation in this matter is \$500 per hour.

**Qualifications**

I am a tenured full professor of political science at Rice University. At Rice, I have taught courses on redistricting, elections, political representation, voting behavior and statistical methods at both the undergraduate and graduate level. Over the last thirty years, I have worked with numerous local governments on districting plans and on Voting Rights Act issues. I have previously provided expert reports and/or testified as an expert witness in voting rights and statistical issues in a variety of court cases, including on behalf of the U.S. Attorney in Houston, the Texas Attorney General, a U.S. Congressman, and various cities and school districts.

In the 2000 round of redistricting, I was retained as an expert to provide advice to the Texas Attorney General in his role as Chair of the Legislative Redistricting Board. I subsequently served as the expert for the State of Texas in the state and federal litigation involving the 2001 redistricting for U.S. Congress, the Texas Senate, the Texas House of Representatives, and the Texas State Board of Education. In the 2010 round of redistricting in Texas, I was again retained as an expert by the State of Texas to assist in defending various state election maps and systems including the district maps for the U.S. Congress, the Texas Senate, the Texas House of Representatives, and the current at large system for electing Justices to the State Supreme Court

and Court of Appeals, as well as the winner-take-all system for allocating Electoral College votes.

I have also worked as an expert on redistricting and voting rights cases at the state and/or local level in Alabama, Arkansas, Florida, Georgia, Kansas, Louisiana, Michigan, Mississippi, New Mexico, New York, Pennsylvania, Washington, and Wisconsin. The details of my academic background, including all publications in the last ten years, and work as an expert, including all cases in which I have testified by deposition or at trial in the last four years, are covered in the attached CV (Appendix 1).

### **Data and Sources**

In preparing this report, I have reviewed the reports filed by the plaintiffs' experts in this case. I have relied on the analysis provided to date by Dr. Palmer and Dr. Handley in their expert reports in this case. I have also relied on various election and demographic data provided by Dr. Palmer and Dr. Handley in their disclosures related to their reports in this case. In addition, I relied on data on turnout by race for the 2022 Republican Primary election provided to counsel by the Georgia Secretary of State, and 2022 precinct-level election results for that election downloaded from the publicly available website of the Georgia Secretary of State.

### **Dr. Palmer's Reports**

Dr. Palmer, in his report in *Pendergrass v. Raffensperger* dated 12/12/2022, provides the results of an EI election analysis that he used to assess Racially Polarized Voting (RPV) in each of 40 contests between 2012 and 2022, and reports the results in his Tables 1 through 6 for five U.S. Congressional districts and as a combined focus area. Similarly, in his report in *Grant v. Raffensperger* dated 12/12/2022, Dr. Palmer provides the EI results for the same 40 contests between 2012 and 2022 as reported in his Tables 2 through 6, for three Georgia House and two Georgia Senate focus areas. The race of the candidate preferred by Black voters is indicated in Dr. Palmer's tables with an asterisk by the name of each Black candidate, and the absence of an asterisk indicating a non-Black candidate. Across the 40 reported contests 19 of the preferred candidates are Black and 21 are non-Black, providing an ideal, almost equal distribution, for comparing both Black and white voter support for Black-preferred candidates that happen to be Black, with Black voter support for Black-preferred candidates that happen not to be Black.

However, despite having this data identified in his reports and the associated opportunity analyze it, there is no discussion of the impact, if any, that the race of the candidate might have on the behavior of Black or white voters in these contests. Also, Dr. Palmer provides no party labels in these tables, and does not mention the party of candidates in his discussion of the results of his analysis.

As evident in Dr. Palmer's Tables 1-6 in his *Pendergrass* report, and Tables 2-6 in his *Grant* report, the pattern of polarization is quite striking. Black voter support for their preferred candidate is typically in the 90 percent range and scarcely varies at all across the ten years examined from 2012 to 2022. Nor does it vary in any meaningful degree from the top of the ballot elections for U.S. President to down-ballot contests like Public Service Commissioner. While slightly more varied, estimated white voter opposition to the Black-preferred candidate is typically above 80 percent. In the *Pendergrass* Table 1 for the combined focus area, Dr. Palmer reports estimates of Black voter support that only varies between 96 and 99 percent when results are rounded to the nearest percent. White voter opposition to the Black preferred candidate is slightly more varied, but still remarkably stable, ranging in *Pendergrass* Table 1 only from 84.5% to 91.4 percent.

What accounts for this remarkable stability in the divergent preferences of Black and white voters across years and offices? It is clearly not Black voter's preference for Black candidates, or white voter's disinclination to vote for Black candidates. At 98.5 percent, the average Black support for the 19 Black candidates identified as Black in Palmer's *Pendergrass* Table 1 is indeed nearly universal, but so is the average 98.4 percent support for the 21 candidates identified as non-Black in Table 1. Similarly, the average white vote in opposition to the 19 candidates identified as Black in *Pendergrass* Table 1 is a clearly cohesive 88.1 percent, but so is the average 87.1 percent white voter opposition to the 21 candidates identified as non-Black. The same can said for Dr. Palmer's results in his *Grant* report where, for example, the average Black support for the 19 candidates identified as Black in Table 2 is 98.2 percent, and Black voter support for the 21 candidates identified as non-Black is a nearly identical 98.1 percent. Similarly, the average white vote in opposition to the 19 candidates identified as Black in *Grant* Table 2 is a clearly cohesive 90.1 percent, but so is the average 89.1 percent white voter opposition to the 21 candidates identified as non-Black.

If we do consider the party affiliation of the candidates, the pattern over these election contests is stark in both the *Grant* report and the *Pendergrass* report. In all 40 contests the candidate of choice of Black voters is the Democrat and the candidate of choice of white voters is the Republican.

In contrast, the race of the candidates does not appear to be influential. Black voter support for Black Democratic candidates is certainly high, as Dr. Palmer's Tables 2 through 6 in *Grant* and Tables 1 through 5 in *Pendergrass* clearly show, but those same figures also show Black voter support in the same high range for white Democratic candidates as it is for Black Democratic candidates. Similarly, white voter support for Black Democratic candidates is very low, but white voter support for white Democratic candidates is also very low.<sup>1</sup> In other words, there appears to be just one overarching attribute of candidates that uniformly leads to their relative acceptability or unacceptability among white voters and Black voters alike. And it is not the candidate's race. It is their party affiliation.

For example, in the 2022 contest for Governor in Dr. Palmer's *Pendergrass* Table 1 (his combined focus region) Stacey Abrams, the Black Democratic candidate, gets an estimated 98.5% of the Black vote, but in the same election in the adjacent Lt. Governor contest Charlie Bailey, a white Democrat, gets an almost identical estimated 98.4% of the Black vote. Looking at White voters a similar pattern is clear. Abrams gets an estimated 10.3% of the white vote, but in the same election in the adjacent Lt. Governor contest Baily, the white Democrat, received a similar estimated 12.1% of the white vote.

Similarly, in the 2021 U.S. Senate runoffs in Dr. Palmer's *Pendergrass* Table 1 (his combined focus region) Raphael Warnock, the Black Democratic candidate gets an estimated 98.7% of the Black vote, but in the same election in the other Senate contest Jon Ossoff, a white Democrat gets an identical estimated 98.7% of the Black vote. Looking at white voters a similar pattern is clear. Warnock, the Black Democratic candidate, gets an estimated 15.2% of the white vote, but in the same election in the other Senate contest, Ossoff, the White Democrat, gets an almost identical estimated 14.5% of the white vote.

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<sup>1</sup> The limited evidence from the 2022 endogenous elections provided in Dr. Palmer's supplemental reports do not contradict this broad pattern.

Moving beyond his EI analysis, Dr. Palmer also provides reconstituted election results to demonstrate the success rate of Black preferred candidates in his focus areas. Given that as mentioned above the Black preferred candidate is always the Democratic candidate and given the dominance of political party in the EI results as discussed above, it is no surprise that these tables show stable performance for Democratic candidates across the 40 contests, regardless of race. For example, in Dr. Palmer's Table 7 in his *Pendergrass* report, the average vote share for the Democratic candidate is 41.7 percent in the 19 contests where the Democratic candidate is Black, and a very similar 42.3 percent in the 21 contests where the Democratic candidate is not Black.

In short, all that Dr. Palmer's analysis demonstrates is that Black voters provide uniformly high levels of support for Democratic candidates and white voters provide uniformly high levels of support for Republican candidates. There is no indication in these EI results that the high levels of Black voter support for Democratic candidates is connected in any meaningful way to the race of the Democratic or Republican candidates. Similarly, there is no indication in these results that the high levels of white voter support for the Republican candidates is connected in any meaningful way to the race of the Democratic or Republican candidates.

### **Dr. Handley's Report**

Dr. Handley's December 12, 2022 report in *Alpha Phi Alpha* focuses first on general elections, and reports results similar to those reported by Dr. Palmer. Black voters support Democratic candidates and white voters support Republican candidates. She indicates that she has chosen to focus on racially contested elections, so this limits the ability to see whether this partisan pattern varies at all with the race of the candidates, but in the two contests without a Black Democrat, the Ossoff 2020 Senate contest and 2021 runoff, the results for both Black and White voters are very similar to the results for the racially contested elections, as was the case in Dr. Palmer's larger set of general elections.

Unlike Dr. Palmer, Dr. Handley also analyzes eleven racially contested statewide Democratic primaries. The results in these primaries are very different from the general election patterns. The general election pattern is a very important contrast to keep in mind when evaluating the results for these eleven primary contests. In the general elections, Black support for the Democratic candidate is very high and very stable in the upper 90% range. Similarly,

White voter opposition to the Democratic candidates is also high and stable in the 80 percent and up range.

While there is not currently a bright-line court standard for determining the level of support needed under *Gingles* prongs 2 and 3 to demonstrate cohesion, multiple plaintiffs' experts have recently discussed a minimum of 60 percent threshold for cohesion in a two-person contest. Simply having a preferred candidate (50 percent plus 1 in a two-candidate contest) is not sufficient. This is, of course, true by definition. If simply having a preferred candidate was sufficient to establish cohesion, then the *Gingles* 2 threshold test would always be met in two candidate contests and thus not actually constitute a test at all. As Dr. Palmer notes on page 4 of his *Pendergrass* report, "[i]f the group's support is roughly evenly divided between the two candidates, then the group does not cohesively support a single candidate". Even if a more stringent 75 percent or 80 percent threshold was the cohesion threshold standard, the results for the general elections provided by both Dr. Palmer and Dr. Handley clearly establish partisan polarization, with Blacks always favoring Democratic candidates at stable levels well above 80 percent, and whites favoring Republican candidates at similarly stable levels, typically above 80 percent.

Applying the 60 percent threshold for cohesion to the 40 general election contests in Dr. Palmer's *Grant* report or the 40 general election contests in Dr. Palmer's *Pendergrass* report, produces the same clear result. In 40 out of 40 contests, Black voters provide cohesive support to the Democratic candidate and white voters provide cohesive support to the opposing Republican candidate. This unequivocal result is what Palmer references as supporting his conclusion of polarized voting. As he states on pages 5-6 of his December 12, 2022 *Grant* report:

*Black voters are extremely cohesive, with a clear candidate of choice in all 40 elections. In contrast to Black voters, Figure 2 shows that White voters are highly cohesive in voting in opposition to the Black-preferred candidate in every election across the five focus areas. Table 1 lists the average level of support for the Black-preferred candidate for Black and White voters in each focus area. Across all five focus areas, Black voters support their preferred candidate with an average of 98.5% and a minimum of 95.2% of the vote, and White voters support Black-preferred candidates with an average of 8.3% and a maximum of 17.7% of the vote. This is strong evidence of racially polarized voting across all five focus areas.*

The same can be said for the 16 general election contests that Dr. Handley includes for each of her seven focus regions as reported in her Appendix C1-C7. In every one of the 16 contests examined in all seven regions, Black voter support for the Democratic candidate clearly exceeds 60 percent and in all the regular elections (excluding the one 20 candidate special Senate election in 2020) exceeded 90 percent. White voters provided cohesive support to the opposing Republican candidates exceeding 60% in every contest with the sole exception of the 2022 Senate contest in Appendix 1, where the white estimated vote fell just short of 60 percent at 59.3 percent.

As Dr. Handley, herself, states on page 9 of her December 23, 2022 Report:

*Overall, the average percentage of Black vote for the 16 Black-preferred candidates is 96.1%. The average percentage of White vote for these 16 Black-preferred candidates across the seven areas is 11.2%. (When Ossoff is excluded, and only Black-preferred Black candidates are considered, the average White vote is slightly lower: 11.1 %.) The highest average White vote for any of the 16 candidates is 14.4% for Raphael Warnock in his 2022 general election bid for re-election. While the percentage of White support for candidates preferred by Black voters varies across the areas, in five of the seven areas the average did not even reach 10%. White crossover voting was the highest in the Eastern Atlanta Metro Region (Map 1), but only about one third of White voters typically supported the Black-preferred Black candidates in this area.*

She finds similarly clear evidence of polarization when she considers the analysis of state legislative elections included in her Appendix B1 and B2, stating on page 9 of her December 23, 2022:

*Nearly every one of the 54 of the state legislative elections analyzed (53 of the 54 contests, or 98.1%) was racially polarized. The estimates of Black and White support for the state legislative candidates in these contests analyzed can be found in Appendices B1 (State Senate) and B2 (State House). Black voters were quite cohesive in supporting Black candidates in these state legislative contests: on average, 97.4% of Black voters supported their preferred Black state senate candidates, and 91.5% supported their preferred Black state house candidate. Very few White voters supported these candidates, however: Black-preferred Black state senate candidates garnered, on average, 10.1% of the White vote; Black-preferred Black state house candidates received, on average, 9.8% of the White vote.*

Based on their summary descriptions of their general election analysis, it is clear that both Dr. Palmer and Dr. Handley know what a convincing pattern of polarization looks like. That clear pattern is not present once candidate party labels are removed from the contest. Dr. Palmer

makes no effort to address this issue of conflating polarization in support for Democratic versus Republican candidates with racial polarization. Dr. Handley attempts to address the issue by providing analysis for eleven Democratic primaries in each of her seven focus regions.

But looking at the Democratic primary contests, as reported in Dr. Handley's Appendix C1-C7, the contrast to the pattern in the partisan general elects is stark. As detailed above, the pattern of Black voter support for Democratic candidates and white voter support for their Republican opponents in general elections is near universal, and both Black and white voters show strong and highly stable levels of cohesion. In contrast the pattern Dr. Handley identifies in the Democratic primaries is far from universal or stable. The support of Black voters for Black candidates varies widely, and seldom reaches above 80 percent. Similarly, white voter support for Democratic candidates is typically below 20% in the general elections, but in the primaries white support for Black candidates varies widely and is often fairly evenly divided. In many of the contests within Dr. Handley's six focus regions, for example, the votes of Blacks, whites, or both are divided too evenly to characterize the voting as cohesive. Even ignoring any concern for establishing minority or majority cohesion and applying a very loose standard of Blacks and whites simply preferring different candidates, Dr. Handley is only able to conclude that "the majority (55.8%) of the contests I analyzed were racially polarized" (page 10), a level not much above chance, and far below the 100 percent or 98.1 percent reported for general elections.

If we consider the *Gingles* 2 and 3 cohesion thresholds, even this slight result disappears. Using even a modest 60% standard for voter cohesion, Black voters vote cohesively for Black candidates in only 35 contests out of 77 (46 percent). If we add the instances where Blacks vote cohesively for white candidate that rises to 49 contests (64 percent of the 77 total). In those 49 contests, white voters cohesively opposed the Black preference in only 10 contests (20 percent of the 49 contests).

### **Herschel Walker Senate Race**

The recent 2022 Republican U.S. Senate primary provides an additional racially contested primary to consider. Among the six candidates, the majority winner was Herschel Walker, one of the three Black candidates. Given that Black voters were less than 12 percent of the voters in any county in the state in that primary, and that Walker received a majority of the vote in every county in Georgia, it is clear the Walker was the preferred candidate among White voters

in the Republican primary. This can be seen as well in an initial look at EI estimates for the area covered in Dr. Handley's Appendix A1, reproduced below in Table 1 (Eastern Atlanta Metro Region – Map Area 1, Dekalb, Henry, Morgan, Newton, Rockdale, and Walton). With an estimated 62 percent support among Black voters, and 67 percent support among white voters, Walker is the preferred candidate of both Black and white voters in the Republican primary.

Table 1; Ecological Estimates of Voting Patterns by Race in the 2022 Republican U.S. Senate Primary for Dr. Handley's Eastern Atlanta Metro Region

Last Name	Candidate Race	Black support	95% Confidence Interval		White Support	95% Confidence Interval		Other Support	95% Confidence Interval	
			Low	High		Low	High		Low	High
Herschel Walker	Black	<b>62.4%</b>	57.8%	67.4%	<b>67.0%</b>	66.3%	67.6%	5.3%	1.8%	11.7%
Kelvin King	Black	<b>10.1%</b>	7.7%	12.8%	<b>2.5%</b>	2.0%	3.0%	17.5%	12.5%	22.5%
"Jon" McColumn	Black	<b>3.0%</b>	1.7%	4.8%	<b>0.9%</b>	0.6%	1.2%	22.4%	18.8%	25.4%
Gary Black	white	<b>12.8%</b>	9.6%	16.2%	<b>15.3%</b>	14.5%	16.0%	9.3%	3.3%	17.0%
Latham Saddler	white	<b>7.1%</b>	4.1%	10.7%	<b>12.7%</b>	11.9%	13.5%	15.7%	7.8%	24.0%
Josh Clark	white	<b>4.5%</b>	2.7%	6.8%	<b>1.6%</b>	1.1%	2.2%	29.8%	23.7%	35.3%

## Summary Conclusions

The partisan general election analysis report by Dr. Palmer and Dr. Handley show that Black voters cohesively support Democratic candidates, regardless of whether those candidates are Black or White. Similarly, white voters cohesively vote for Republican candidates, and in opposition to Democratic candidates, regardless of whether those Democratic candidates are Black or white. Thus, it is cohesive Black voter support for *Democratic* candidates, and white voter support for *Republican* candidates that the general election analysis reveals, not cohesive Black voter support for *Black* candidates and white voter support for *white* candidates.

Nonetheless, the voting pattern is clearly one of partisan polarized voting, with both highly cohesive Black vote for the Democrat and highly cohesive white vote for the Republican candidate. The more limited analysis of Democratic primaries reported by Dr. Handley shows a very different picture of voting behavior from the general elections. Nothing even approaching the levels of Black and white cohesion seen in the general elections appears anywhere in the

primary contests, and the overall patterns are mixed and variable even within the same set of voters on the same day as we see in the multiple contests in the 2018 Democratic primary. Similarly, the 2022 U.S. Senate Republican primary indicates that white Republican primary voters are willing to support a Black Republican candidate over multiple white opponents.

February 6, 2023

A handwritten signature in black ink, appearing to read "John R. Alford", is written over a horizontal line.

John R. Alford, Ph.D.

# **Appendix 1**

**CV**

**John R. Alford**  
Curriculum Vitae  
January 2023

Dept. of Political Science  
Rice University - MS-24  
P.O. Box 1892  
Houston, Texas 77251-1892  
713-348-3364  
jra@rice.edu

**Employment:**

Professor, Rice University, 2015 to present.  
Associate Professor, Rice University, 1985-2015.  
Assistant Professor, University of Georgia, 1981-1985.  
Instructor, Oakland University, 1980-1981.  
Teaching-Research Fellow, University of Iowa, 1977-1980.  
Research Associate, Institute for Urban Studies, Houston, Texas, 1976-1977.

**Education:**

Ph.D., University of Iowa, Political Science, 1981.  
M.A., University of Iowa, Political Science, 1980.  
M.P.A., University of Houston, Public Administration, 1977.  
B.S., University of Houston, Political Science, 1975.

**Books:**

*Predisposed: Liberals, Conservatives, and the Biology of Political Differences.* New York: Routledge, 2013. Co-authors, John R. Hibbing and Kevin B. Smith.

**Articles:**

“Political Orientations Vary with Detection of Androstenone,” with Amanda Friesen, Michael Gruszczynski, and Kevin B. Smith. **Politics and the Life Sciences.** (Spring, 2020).

“Intuitive ethics and political orientations: Testing moral foundations as a theory of political ideology.” with Kevin Smith, John Hibbing, Nicholas Martin, and Peter Hatemi. **American Journal of Political Science.** (April, 2017).

“The Genetic and Environmental Foundations of Political, Psychological, Social, and Economic Behaviors: A Panel Study of Twins and Families.” with Peter Hatemi, Kevin Smith, and John Hibbing. **Twin Research and Human Genetics.** (May, 2015.)

“Liberals and conservatives: Non-convertible currencies.” with John R. Hibbing and Kevin B. Smith. **Behavioral and Brain Sciences** (January, 2015).

“Non-Political Images Evoke Neural Predictors Of Political Ideology.” with Woo-Young Ahn, Kenneth T. Kishida, Xiaosi Gu, Terry Lohrenz, Ann Harvey, Kevin Smith, Gideon Yaffe, John Hibbing, Peter Dayan, P. Read Montague. **Current Biology.** (November, 2014).

“Cortisol and Politics: Variance in Voting Behavior is Predicted by Baseline Cortisol Levels.” with Jeffrey French, Kevin Smith, Adam Guck, Andrew Birnie, and John Hibbing. **Physiology & Behavior**. (June, 2014).

“Differences in Negativity Bias Underlie Variations in Political Ideology.” with Kevin B. Smith and John R. Hibbing. **Behavioral and Brain Sciences**. (June, 2014).

“Negativity bias and political preferences: A response to commentators Response.” with Kevin B. Smith and John R. Hibbing. **Behavioral and Brain Sciences**. (June, 2014).

“Genetic and Environmental Transmission of Political Orientations.” with Carolyn L. Funk, Matthew Hibbing, Kevin B. Smith, Nicholas R. Eaton, Robert F. Krueger, Lindon J. Eaves, John R. Hibbing. **Political Psychology**, (December, 2013).

“Biology, Ideology, and Epistemology: How Do We Know Political Attitudes Are Inherited and Why Should We Care?” with Kevin Smith, Peter K. Hatemi, Lindon J. Eaves, Carolyn Funk, and John R. Hibbing. **American Journal of Political Science**. (January, 2012)

“Disgust Sensitivity and the Neurophysiology of Left-Right Political Orientations.” with Kevin Smith, John Hibbing, Douglas Oxley, and Matthew Hibbing, **PlosONE**, (October, 2011).

“Linking Genetics and Political Attitudes: Re-Conceptualizing Political Ideology.” with Kevin Smith, John Hibbing, Douglas Oxley, and Matthew Hibbing, **Political Psychology**, (June, 2011).

“The Politics of Mate Choice.” with Peter Hatemi, John R. Hibbing, Nicholas Martin and Lindon Eaves, **Journal of Politics**, (March, 2011).

“Not by Twins Alone: Using the Extended Twin Family Design to Investigate the Genetic Basis of Political Beliefs” with Peter Hatemi, John Hibbing, Sarah Medland, Matthew Keller, Kevin Smith, Nicholas Martin, and Lindon Eaves, **American Journal of Political Science**, (July, 2010).

“The Ultimate Source of Political Opinions: Genes and the Environment” with John R. Hibbing in **Understanding Public Opinion**, 3rd Edition eds. Barbara Norrander and Clyde Wilcox, Washington D.C.: CQ Press, (2010).

“Is There a ‘Party’ in your Genes” with Peter Hatemi, John R. Hibbing, Nicholas Martin and Lindon Eaves, **Political Research Quarterly**, (September, 2009).

“Twin Studies, Molecular Genetics, Politics, and Tolerance: A Response to Beckwith and Morris” with John R. Hibbing and Cary Funk, **Perspectives on Politics**, (December, 2008). This is a solicited response to a critique of our 2005 APSR article “Are Political Orientations Genetically Transmitted?”

“Political Attitudes Vary with Physiological Traits” with Douglas R. Oxley, Kevin B. Smith, Matthew V. Hibbing, Jennifer L. Miller, Mario Scalora, Peter K. Hatemi, and John R. Hibbing, **Science**, (September 19, 2008).

“The New Empirical Biopolitics” with John R. Hibbing, **Annual Review of Political Science**, (June, 2008).

“Beyond Liberals and Conservatives to Political Genotypes and Phenotypes” with John R. Hibbing and Cary Funk, **Perspectives on Politics**, (June, 2008). This is a solicited response to a critique of our 2005 APSR article “Are Political Orientations Genetically Transmitted?”

“Personal, Interpersonal, and Political Temperaments” with John R. Hibbing, **Annals of the American Academy of Political and Social Science**, (November, 2007).

“Is Politics in our Genes?” with John R. Hibbing, **Tidsskriftet Politik**, (February, 2007).

“Biology and Rational Choice” with John R. Hibbing, **The Political Economist**, (Fall, 2005)

“Are Political Orientations Genetically Transmitted?” with John R. Hibbing and Carolyn Funk, **American Political Science Review**, (May, 2005). (The main findings table from this article has been reprinted in two college level text books - Psychology, 9th ed. and Invitation to Psychology 4th ed. both by Wade and Tavris, Prentice Hall, 2007).

“The Origin of Politics: An Evolutionary Theory of Political Behavior” with John R. Hibbing, **Perspectives on Politics**, (December, 2004).

“Accepting Authoritative Decisions: Humans as Wary Cooperators” with John R. Hibbing, **American Journal of Political Science**, (January, 2004).

“Electoral Convergence of the Two Houses of Congress” with John R. Hibbing, in **The Exceptional Senate**, ed. Bruce Oppenheimer, Columbus: Ohio State University Press, (2002).

“We’re All in this Together: The Decline of Trust in Government, 1958-1996.” in **What is it About Government that Americans Dislike?**, eds. John Hibbing and Beth Theiss-Morse, Cambridge: Cambridge University Press, (2001).

“The 2000 Census and the New Redistricting,” **Texas State Bar Association School Law Section Newsletter**, (July, 2000).

“Overdraft: The Political Cost of Congressional Malfeasance” with Holly Teeters, Dan Ward, and Rick Wilson, **Journal of Politics** (August, 1994).

"Personal and Partisan Advantage in U.S. Congressional Elections, 1846-1990" with David W. Brady, in **Congress Reconsidered** 5th edition, eds. Larry Dodd and Bruce Oppenheimer, CQ Press, (1993).

"The 1990 Congressional Election Results and the Fallacy that They Embodied an Anti-Incumbent Mood" with John R. Hibbing, **PS** 25 (June, 1992).

"Constituency Population and Representation in the United States Senate" with John R. Hibbing. **Legislative Studies Quarterly**, (November, 1990).

"Editors' Introduction: Electing the U.S. Senate" with Bruce I. Oppenheimer. **Legislative Studies Quarterly**, (November, 1990).

"Personal and Partisan Advantage in U.S. Congressional Elections, 1846-1990" with David W. Brady, in **Congress Reconsidered** 4th edition, eds. Larry Dodd and Bruce Oppenheimer, CQ Press, (1988). Reprinted in *The Congress of the United States, 1789-1989*, ed. Joel Silby, Carlson Publishing Inc., (1991), and in *The Quest for Office*, eds. Wayne and Wilcox, St. Martins Press, (1991).

"Can Government Regulate Fertility? An Assessment of Pro-natalist Policy in Eastern Europe" with Jerome Legge. **The Western Political Quarterly** (December, 1986).

"Partisanship and Voting" with James Campbell, Mary Munro, and Bruce Campbell, in **Research in Micropolitics. Volume 1 - Voting Behavior**. Samuel Long, ed. JAI Press, (1986).

"Economic Conditions and Individual Vote in the Federal Republic of Germany" with Jerome S. Legge. **Journal of Politics** (November, 1984).

"Television Markets and Congressional Elections" with James Campbell and Keith Henry. **Legislative Studies Quarterly** (November, 1984).

"Economic Conditions and the Forgotten Side of Congress: A Foray into U.S. Senate Elections" with John R. Hibbing, **British Journal of Political Science** (October, 1982).

"Increased Incumbency Advantage in the House" with John R. Hibbing, **Journal of Politics** (November, 1981). Reprinted in *The Congress of the United States, 1789-1989*, Carlson Publishing Inc., (1991).

"The Electoral Impact of Economic Conditions: Who is Held Responsible?" with John R. Hibbing, **American Journal of Political Science** (August, 1981).

"Comment on Increased Incumbency Advantage" with John R. Hibbing, Refereed communication: **American Political Science Review** (March, 1981).

"Can Government Regulate Safety? The Coal Mine Example" with Michael Lewis-Beck, **American Political Science Review** (September, 1980).

### **Awards and Honors:**

CQ Press Award - 1988, honoring the outstanding paper in legislative politics presented at the 1987 Annual Meeting of the American Political Science Association. Awarded for "The Demise of the Upper House and the Rise of the Senate: Electoral Responsiveness in the United States Senate" with John Hibbing.

### **Research Grants:**

National Science Foundation, 2009-2011, "Identifying the Biological Influences on Political Temperaments", with John Hibbing, Kevin Smith, Kim Espy, Nicolas Martin and Read Montague. This is a collaborative project involving Rice, University of Nebraska, Baylor College of Medicine, and Queensland Institute for Medical Research.

National Science Foundation, 2007-2010, "Genes and Politics: Providing the Necessary Data", with John Hibbing, Kevin Smith, and Lindon Eaves. This is a collaborative project involving Rice, University of Nebraska, Virginia Commonwealth University, and the University of Minnesota.

National Science Foundation, 2007-2010, "Investigating the Genetic Basis of Economic Behavior", with John Hibbing and Kevin Smith. This is a collaborative project involving Rice, University of Nebraska, Virginia Commonwealth University, and the Queensland Institute of Medical Research.

Rice University Faculty Initiatives Fund, 2007-2009, "The Biological Substrates of Political Behavior". This is in assistance of a collaborative project involving Rice, Baylor College of Medicine, Queensland Institute of Medical Research, University of Nebraska, Virginia Commonwealth University, and the University of Minnesota.

National Science Foundation, 2004-2006, "Decision-Making on Behalf of Others", with John Hibbing. This is a collaborative project involving Rice and the University of Nebraska.

National Science Foundation, 2001-2002, dissertation grant for Kevin Arceneaux, "Doctoral Dissertation Research in Political Science: Voting Behavior in the Context of U.S. Federalism."

National Science Foundation, 2000-2001, dissertation grant for Stacy Ulbig, "Doctoral Dissertation Research in Political Science: Sub-national Contextual Influences on Political Trust."

National Science Foundation, 1999-2000, dissertation grant for Richard Engstrom, "Doctoral Dissertation Research in Political Science: Electoral District Structure and Political Behavior."

Rice University Research Grant, 1985, Recent Trends in British Parliamentary Elections.

Faculty Research Grants Program, University of Georgia, Summer, 1982. Impact of Media Structure on Congressional Elections, with James Campbell.

## **Papers Presented:**

"The Physiological Basis of Political Temperaments" 6th European Consortium for Political Research General Conference, Reykjavik, Iceland (2011), with Kevin Smith, and John Hibbing.

"Identifying the Biological Influences on Political Temperaments" National Science Foundation Annual Human Social Dynamics Meeting (2010), with John Hibbing, Kimberly Espy, Nicholas Martin, Read Montague, and Kevin B. Smith.

"Political Orientations May Be Related to Detection of the Odor of Androstenone" Annual meeting of the Midwest Political Science Association, Chicago, IL (2010), with Kevin Smith, Amanda Balzer, Michael Gruszczynski, Carly M. Jacobs, and John Hibbing.

"Toward a Modern View of Political Man: Genetic and Environmental Transmission of Political Orientations from Attitude Intensity to Political Participation" Annual meeting of the American Political Science Association, Washington, DC (2010), with Carolyn Funk, Kevin Smith, and John Hibbing.

"Genetic and Environmental Transmission of Political Involvement from Attitude Intensity to Political Participation" Annual meeting of the International Society for Political Psychology, San Francisco, CA (2010), with Carolyn Funk, Kevin Smith, and John Hibbing.

"Are Violations of the EEA Relevant to Political Attitudes and Behaviors?" Annual meeting of the Midwest Political Science Association, Chicago, IL (2010), with Kevin Smith, and John Hibbing.

"The Neural Basis of Representation" Annual meeting of the American Political Science Association, Toronto, Canada (2009), with John Hibbing.

“Genetic and Environmental Transmission of Value Orientations” Annual meeting of the American Political Science Association, Toronto, Canada (2009), with Carolyn Funk, Kevin Smith, Matthew Hibbing, Pete Hatemi, Robert Krueger, Lindon Eaves, and John Hibbing.

“The Genetic Heritability of Political Orientations: A New Twin Study of Political Attitudes” Annual Meeting of the International Society for Political Psychology, Dublin, Ireland (2009), with John Hibbing, Cary Funk, Kevin Smith, and Peter K Hatemi.

“The Heritability of Value Orientations” Annual meeting of the Behavior Genetics Association, Minneapolis, MN (2009), with Kevin Smith, John Hibbing, Carolyn Funk, Robert Krueger, Peter Hatemi, and Lindon Eaves.

“The Ick Factor: Disgust Sensitivity as a Predictor of Political Attitudes” Annual meeting of the Midwest Political Science Association, Chicago, IL (2009), with Kevin Smith, Douglas Oxley Matthew Hibbing, and John Hibbing.

“The Ideological Animal: The Origins and Implications of Ideology” Annual meeting of the American Political Science Association, Boston, MA (2008), with Kevin Smith, Matthew Hibbing, Douglas Oxley, and John Hibbing.

“The Physiological Differences of Liberals and Conservatives” Annual meeting of the Midwest Political Science Association, Chicago, IL (2008), with Kevin Smith, Douglas Oxley, and John Hibbing.

“Looking for Political Genes: The Influence of Serotonin on Political and Social Values” Annual meeting of the Midwest Political Science Association, Chicago, IL (2008), with Peter Hatemi, Sarah Medland, John Hibbing, and Nicholas Martin.

“Not by Twins Alone: Using the Extended Twin Family Design to Investigate the Genetic Basis of Political Beliefs” Annual meeting of the American Political Science Association, Chicago, IL (2007), with Peter Hatemi, John Hibbing, Matthew Keller, Nicholas Martin, Sarah Medland, and Lindon Eaves.

“Factorial Association: A generalization of the Fulker between-within model to the multivariate case” Annual meeting of the Behavior Genetics Association, Amsterdam, The Netherlands (2007), with Sarah Medland, Peter Hatemi, John Hibbing, William Coventry, Nicholas Martin, and Michael Neale.

“Not by Twins Alone: Using the Extended Twin Family Design to Investigate the Genetic Basis of Political Beliefs” Annual meeting of the Midwest Political Science Association, Chicago, IL (2007), with Peter Hatemi, John Hibbing, Nicholas Martin, and Lindon Eaves.

“Getting from Genes to Politics: The Connecting Role of Emotion-Reading Capability” Annual Meeting of the International Society for Political Psychology, Portland, OR, (2007.), with John Hibbing.

“The Neurological Basis of Representative Democracy.” Hendricks Conference on Political Behavior, Lincoln, NE (2006), with John Hibbing.

“The Neural Basis of Representative Democracy” Annual meeting of the American Political Science Association, Philadelphia, PA (2006), with John Hibbing.

“How are Political Orientations Genetically Transmitted? A Research Agenda” Annual meeting of the Midwest Political Science Association, Chicago Illinois (2006), with John Hibbing.

"The Politics of Mate Choice" Annual meeting of the Southern Political Science Association, Atlanta, GA (2006), with John Hibbing.

"The Challenge Evolutionary Biology Poses for Rational Choice" Annual meeting of the American Political Science Association, Washington, DC (2005), with John Hibbing and Kevin Smith.

"Decision Making on Behalf of Others" Annual meeting of the American Political Science Association, Washington, DC (2005), with John Hibbing.

"The Source of Political Attitudes and Behavior: Assessing Genetic and Environmental Contributions" Annual meeting of the Midwest Political Science Association, Chicago Illinois (2005), with John Hibbing and Carolyn Funk.

"The Source of Political Attitudes and Behavior: Assessing Genetic and Environmental Contributions" Annual meeting of the American Political Science Association, Chicago Illinois (2004), with John Hibbing and Carolyn Funk.

"Accepting Authoritative Decisions: Humans as Wary Cooperators" Annual Meeting of the Midwest Political Science Association, Chicago, Illinois (2002), with John Hibbing

"Can We Trust the NES Trust Measure?" Annual Meeting of the Midwest Political Science Association, Chicago, Illinois (2001), with Stacy Ulbig.

"The Impact of Organizational Structure on the Production of Social Capital Among Group Members" Annual Meeting of the Southern Political Science Association, Atlanta, Georgia (2000), with Allison Rinden.

"Isolating the Origins of Incumbency Advantage: An Analysis of House Primaries, 1956-1998" Annual Meeting of the Southern Political Science Association, Atlanta, Georgia (2000), with Kevin Arceneaux.

"The Electorally Indistinct Senate," Norman Thomas Conference on Senate Exceptionalism, Vanderbilt University; Nashville, Tennessee; October (1999), with John R. Hibbing.

"Interest Group Participation and Social Capital" Annual Meeting of the Midwest Political Science Association, Chicago, Illinois (1999), with Allison Rinden.

"We're All in this Together: The Decline of Trust in Government, 1958-1996." The Hendricks Symposium, University of Nebraska, Lincoln. (1998)

"Constituency Population and Representation in the United States Senate," Electing the Senate; Houston, Texas; December (1989), with John R. Hibbing.

"The Disparate Electoral Security of House and Senate Incumbents," American Political Science Association Annual Meetings; Atlanta, Georgia; September (1989), with John R. Hibbing.

"Partisan and Incumbent Advantage in House Elections," Annual Meeting of the Southern Political Science Association (1987), with David W. Brady.

"Personal and Party Advantage in U.S. House Elections, 1846-1986" with David W. Brady, 1987 Social Science History Association Meetings.

"The Demise of the Upper House and the Rise of the Senate: Electoral Responsiveness in the United States Senate" with John Hibbing, 1987 Annual Meeting of the American Political Science Association.

"A Comparative Analysis of Economic Voting" with Jerome Legge, 1985 Annual Meeting of the American Political Science Association.

"An Analysis of Economic Conditions and the Individual Vote in Great Britain, 1964-1979" with Jerome Legge, 1985 Annual Meeting of the Western Political Science Association.

"Can Government Regulate Fertility? An Assessment of Pro-natalist Policy in Eastern Europe" with Jerome Legge, 1985 Annual Meeting of the Southwestern Social Science Association.

"Economic Conditions and the Individual Vote in the Federal Republic of Germany" with Jerome S. Legge, 1984 Annual Meeting of the Southern Political Science Association.

"The Conditions Required for Economic Issue Voting" with John R. Hibbing, 1984 Annual Meeting of the Midwest Political Science Association.

"Incumbency Advantage in Senate Elections," 1983 Annual Meeting of the Midwest Political Science Association.

"Television Markets and Congressional Elections: The Impact of Market/District Congruence" with James Campbell and Keith Henry, 1982 Annual Meeting of the Southern Political Science Association.

"Economic Conditions and Senate Elections" with John R. Hibbing, 1982 Annual Meeting of the Midwest Political Science Association. "Pocketbook Voting: Economic Conditions and Individual Level Voting," 1982 Annual Meeting of the American Political Science Association.

"Increased Incumbency Advantage in the House," with John R. Hibbing, 1981 Annual Meeting of the Midwest Political Science Association.

### **Other Conference Participation:**

Roundtable Participant – Closing Round-table on Biopolitics; 2016 UC Merced Conference on Bio-Politics and Political Psychology, Merced, CA.

Roundtable Participant “Genes, Brains, and Core Political Orientations” 2008 Annual Meeting of the Southwestern Political Science Association, Las Vegas.

Roundtable Participant “Politics in the Laboratory” 2007 Annual Meeting of the Southern Political Science Association, New Orleans.

Short Course Lecturer, "What Neuroscience has to Offer Political Science" 2006 Annual Meeting of the American Political Science Association.

Panel chair and discussant, "Neuro-scientific Advances in the Study of Political Science" 2006 Annual Meeting of the American Political Science Association.

Presentation, "The Twin Study Approach to Assessing Genetic Influences on Political Behavior" Rice Conference on New Methods for Understanding Political Behavior, 2005.

Panel discussant, "The Political Consequences of Redistricting," 2002 Annual Meeting of the American Political Science Association.

Panel discussant, "Race and Redistricting," 1999 Annual Meeting of the Midwest Political Science Association.

Invited participant, "Roundtable on Public Dissatisfaction with American Political Institutions", 1998 Annual Meeting of the Southwestern Social Science Association.

Presentation, "Redistricting in the '90s," Texas Economic and Demographic Association, 1997.

Panel chair, "Congressional Elections," 1992 Annual Meeting of the Southern Political Science Association.

Panel discussant, "Incumbency and Congressional Elections," 1992 Annual Meeting of the American Political Science Association.

Panel chair, "Issues in Legislative Elections," 1991 Annual Meeting of the Midwest Political Science Association.

Panel chair, "Economic Attitudes and Public Policy in Europe," 1990 Annual Meeting of the Southern Political Science Association

Panel discussant, "Retrospective Voting in U.S. Elections," 1990 Annual Meeting of the Midwest Political Science Association.

Co-convener, with Bruce Oppenheimer, of Electing the Senate, a national conference on the NES 1988 Senate Election Study. Funded by the Rice Institute for Policy Analysis, the University of Houston Center for Public Policy, and the National Science Foundation, Houston, Texas, December, 1989.

Invited participant, Understanding Congress: A Bicentennial Research Conference, Washington, D.C., February, 1989.

Invited participant--Hendricks Symposium on the United States Senate, University of Nebraska, Lincoln, Nebraska, October, 1988

Invited participant--Conference on the History of Congress, Stanford University, Stanford, California, June, 1988.

Invited participant, "Roundtable on Partisan Realignment in the 1980's", 1987 Annual Meeting of the Southern Political Science Association.

## **Professional Activities:**

### **Other Universities:**

Invited Speaker, Annual Lecture, Psi Kappa -the Psychology Club at Houston Community College, 2018.

Invited Speaker, Annual Allman Family Lecture, Dedman College Interdisciplinary Institute, Southern Methodist University, 2016.

Invited Speaker, Annual Lecture, Psi Sigma Alpha – Political Science Dept., Oklahoma State University, 2015.

Invited Lecturer, Department of Political Science, Vanderbilt University, 2014.

Invited Speaker, Annual Lecture, Psi Kappa -the Psychology Club at Houston Community College, 2014.

Invited Speaker, Graduate Student Colloquium, Department of Political Science, University of New Mexico, 2013.

Invited Keynote Speaker, Political Science Alumni Evening, University of Houston, 2013.

Invited Lecturer, Biology and Politics Masters Seminar (John Geer and David Bader), Department of Political Science and Biology Department, Vanderbilt University, 2010.

Invited Lecturer, Biology and Politics Senior Seminar (John Geer and David Bader), Department of Political Science and Biology Department, Vanderbilt University, 2008.

Visiting Fellow, the Hoover Institution, Stanford University, 2007.

Invited Speaker, Joint Political Psychology Graduate Seminar, University of Minnesota, 2007.

Invited Speaker, Department of Political Science, Vanderbilt University, 2006.

**Member:**

Editorial Board, Journal of Politics, 2007-2008.

Planning Committee for the National Election Studies' Senate Election Study, 1990-92.

Nominations Committee, Social Science History Association, 1988

**Reviewer for:**

American Journal of Political Science

American Political Science Review

American Politics Research

American Politics Quarterly

American Psychologist

American Sociological Review

Canadian Journal of Political Science

Comparative Politics

Electoral Studies

Evolution and Human Behavior

International Studies Quarterly

Journal of Politics  
Journal of Urban Affairs  
Legislative Studies Quarterly  
National Science Foundation  
PLoS ONE  
Policy Studies Review  
Political Behavior  
Political Communication  
Political Psychology  
Political Research Quarterly  
Public Opinion Quarterly  
Science  
Security Studies  
Social Forces  
Social Science Quarterly  
Western Political Quarterly

### **University Service:**

Member, University Senate, 2021-2023.

Member, University Parking Committee, 2016-2022.

Member, University Benefits Committee, 2013-2016.

Internship Director for the Department of Political Science, 2004-2018.

Member, University Council, 2012-2013.

Invited Speaker, Rice Classroom Connect, 2016.

Invited Speaker, Glasscock School, 2016.

Invited Speaker, Rice Alumni Association, Austin, 2016.

Invited Speaker, Rice Alumni Association, New York City, 2016.

Invited Speaker, Rice TEDxRiceU , 2013.

Invited Speaker, Rice Alumni Association, Atlanta, 2011.

Lecturer, Advanced Topics in AP Psychology, Rice University AP Summer Institute, 2009.

Scientia Lecture Series: "Politics in Our Genes: The Biology of Ideology" 2008

Invited Speaker, Rice Alumni Association, Seattle, San Francisco and Los Angeles, 2008.

Invited Speaker, Rice Alumni Association, Austin, Chicago and Washington, DC, 2006.

Invited Speaker, Rice Alumni Association, Dallas and New York, 2005.

Director: Rice University Behavioral Research Lab and Social Science Computing Lab, 2005-2006.

University Official Representative to the Inter-university Consortium for Political and Social Research, 1989-2012.

Director: Rice University Social Science Computing Lab, 1989-2004.

Member, Rice University Information Technology Access and Security Committee, 2001-2002

Rice University Committee on Computers, Member, 1988-1992, 1995-1996; Chair, 1996-1998, Co-chair, 1999.

Acting Chairman, Rice Institute for Policy Analysis, 1991-1992.

Divisional Member of the John W. Gardner Dissertation Award Selection Committee, 1998

Social Science Representative to the Educational Sub-committee of the Computer Planning Committee, 1989-1990.

Director of Graduate Admissions, Department of Political Science, Rice University, 1986-1988.

Co-director, Mellon Workshop: Southern Politics, May, 1988.

Guest Lecturer, Mellon Workshop: The U.S. Congress in Historical Perspective, May, 1987 and 1988.

Faculty Associate, Hanszen College, Rice University, 1987-1990.

Director, Political Data Analysis Center, University of Georgia, 1982-1985.

### **External Consulting:**

Expert Witness, Soto Palmer v. Hobbs, (Washington State), racially polarized voting analysis, 2022.

Expert Witness, Pendergrass v. Raffensperger, (Georgia State House and Senate), racially polarized voting analysis, 2022.

Expert Witness, LULAC, et al. v. Abbott, et al., Voto Latino, et al. v. Scott, et al., Mexican American Legislative Caucus, et al. v. Texas, et al., Texas NAACP v. Abbott, et al., Fair Maps Texas, et al. v. Abbott, et al., US v. Texas, et al. (consolidated cases) challenges to Texas Congressional, State Senate, State House, and State Board of Education districting, 2022.

Expert Witness, Robinson/Galmon v. Ardoin, (Louisiana), racially polarized voting analysis, 2022.

Expert Witness, Christian Ministerial Alliance et al v. Arkansas, racially polarized voting analysis, 2022.

Expert Witness, Johnson v. Wisconsin Elections Commission, 2022.

Expert Witness, Rivera, et al. v. Schwab, Alonzo, et al. v. Schwab, Frick, et al. v. Schwab, (consolidated cases) challenge to Kansas congressional map, 2022.

Expert Witness, Grant v. Raffensperger, challenge to Georgia congressional map, 2022

Expert Witness, Brooks et al. v. Abbot, challenge to State Senate District 10, 2022.

Expert Witness, Elizondo v. Spring Branch ISD, 2022.

Expert Witness, Portugal v. Franklin County, et al., challenge to Franklin County, Washington at large County Commissioner's election system, 2022.

Consulting Expert, Gressman Math/Science Petitioners, Pennsylvania Congressional redistricting, 2022.

Consultant, Houston Community College – evaluation of election impact for redrawing of college board election districts, 2022.

Consultant, Lone Star College – evaluation of election impact for redrawing of college board election districts, 2022.

Consultant, Killeen ISD – evaluation of election impact for redrawing of school board election districts, 2022.

Consultant, Houston ISD – evaluation of election impact for redrawing of school board election districts, 2022.

Consultant, Brazosport ISD – evaluation of election impact for redrawing of school board election districts, 2022.

Consultant, Dallas ISD – evaluation of election impact for redrawing of school board election districts, 2022.

Consultant, Lancaster ISD – redrawing of all school board member election districts including demographic analysis and redrawing of election districts, 2021.

Consultant, City of Baytown – redrawing of all city council member election districts including demographic analysis and redrawing of election districts, 2021.

Consultant, Goose Creek ISD – redrawing of all board member election districts including demographic analysis and redrawing of election districts, 2021.

Expert Witness, Bruni et al. v. State of Texas, straight ticket voting analysis, 2020.

Consulting Expert, Sarasota County, VRA challenge to district map, 2020.

Expert Witness, Kumar v. Frisco ISD, TX, racially polarized voting analysis, 2019.

Expert Witness, Vaughan v. Lewisville ISD, TX, racially polarized voting analysis, 2019.

Expert Witness, Johnson v. Ardoin, (Louisiana), racially polarized voting analysis, 2019.

Expert Witness, Flores et al. v. Town of Islip, NY, racially polarized voting analysis, 2018.

Expert Witness, Tyson v. Richardson ISD, racially polarized voting analysis, 2018.

Expert Witness, Dwight v. State of Georgia, racially polarized voting analysis, 2018.

Expert Witness, NAACP v. East Ramapo Central School District, racially polarized voting analysis, 2018.

Expert Witness, Georgia NAACP v. State of Georgia, racially polarized voting analysis, 2018.