

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

ANNIE LOIS GRANT; QUENTIN T.
HOWELL; ELROY TOLBERT; TRIANA
ARNOLD JAMES; EUNICE SYKES;
ELBERT SOLOMON; DEXTER
WIMBISH; GARRETT REYNOLDS;
JACQUELINE FAYE ARBUTHNOT;
JACQUELYN BUSH; and MARY NELL
CONNER,

Plaintiffs,

v.

BRAD RAFFENSPERGER, in his official
capacity as the Georgia Secretary of State;
WILLIAM S. DUFFEY, JR., in his official
capacity as chair of the State Election
Board; MATTHEW MASHBURN, in his
official capacity as a member of the State
Election Board; SARA TINDALL
GHAZAL, in her official capacity as a
member of the State Election Board;
EDWARD LINDSEY, in his official
capacity as a member of the State Election
Board; and JANICE W. JOHNSTON, in
her official capacity as a member of the
State Election Board,

Defendants.

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

**SECOND DECLARATION OF JONATHAN P. HAWLEY IN SUPPORT OF
PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT**

I, Jonathan P. Hawley, hereby declare under penalty of perjury under the laws of the United States as follows:

1. I am over the age of 18 and competent to make this declaration. I am an associate with the law firm Elias Law Group LLP and am admitted to practice law in the States of Washington, California, and Montana and the District of Columbia and before multiple federal courts of appeals and district courts. I am admitted in this Court *pro hac vice* in the above-captioned matter as counsel for Plaintiffs.

2. I submit this declaration to provide the Court true and correct copies of certain documents submitted in support of Plaintiffs' motion for partial summary judgment.

Exhibit 24 is true and correct copy of the declaration of Annie Lois Grant, *see* ECF No. 20-5, dated January 13, 2022.

Exhibit 25 is a true and correct copy of the declaration of Quentin T. Howell, *see* ECF No. 20-6, dated January 12, 2022.

Exhibit 26 is a true and correct copy of the declaration of Elroy Tolbert, *see* ECF No. 20-7, dated January 11, 2022.

Exhibit 27 is a true and correct copy of the declaration of Triana Arnold James, *see* ECF No. 20-9, dated January 10, 2022.

Exhibit 28 is a true and correct copy of the declaration of Eunice Sykes, *see* ECF No. 20-10, dated January 12, 2022.

Exhibit 29 is a true and correct copy of the declaration of Elbert Solomon, *see* ECF No. 20-11, dated January 10, 2022.

Exhibit 30 is a true and correct copy of the declaration of Dexter Wimbish, *see* ECF No. 20-12, dated January 11, 2022.

Exhibit 31 is a true and correct copy of the declaration of Garrett Reynolds, dated April 22, 2023.

Exhibit 32 is a true and correct copy of the declaration of Jacqueline Faye Arbuthnot, dated April 24, 2023.

Exhibit 33 is a true and correct copy of the declaration of Jacquelyn Bush, dated April 28, 2023.

Exhibit 34 is a true and correct copy of excerpts from the deposition transcript of Annie Lois Grant, *see* ECF No. 169, dated December 14, 2022.

Exhibit 35 is a true and correct copy of excerpts from the deposition transcript of Quentin T. Howell, *see* ECF No. 170, dated December 14, 2022.

Exhibit 36 is a true and correct copy of excerpts from the deposition transcript of Elroy Tolbert, *see* ECF No. 175, dated February 9, 2023.

Exhibit 37 is a true and correct copy of excerpts from the deposition transcript of Triana Arnold James, *see* ECF No. 171, dated December 7, 2022.

Exhibit 38 is a true and correct copy of excerpts from the deposition transcript of Eunice Sykes, *see* ECF No. 174, dated December 14, 2022.

Exhibit 39 is a true and correct copy of excerpts from the deposition transcript of Elbert Solomon, *see* ECF No. 173, dated December 9, 2022.

Exhibit 40 is a true and correct copy of excerpts from the deposition transcript of Dexter Wimbish, *see* ECF No. 176, dated December 6, 2022.

Exhibit 41 is a true and correct copy of excerpts from the deposition transcript of Garrett Reynolds, *see* ECF No. 172, dated January 25, 2023.

Exhibit 42 is a true and correct copy of excerpts from the deposition transcript of Jacqueline Faye Arbuthnot, *see* ECF No. 166, dated January 24, 2023.

Exhibit 43 is a true and correct copy of excerpts from the deposition transcript of Jacquelyn Bush, *see* ECF No. 167, dated January 24, 2023.

Exhibit 44 is a true and correct copy of excerpts from the deposition transcript of Mary Nell Conner, *see* ECF No. 168, dated February 9, 2023.

Exhibit 45 is a true and correct copy of excerpts from the deposition transcript of Blakeman B. Esselstyn, *see* ECF No. 179, dated February 16, 2023.

Exhibit 46 is a true and correct copy of excerpts from the deposition transcript of Dr. John R. Alford, *see* ECF No. 181-1, dated February 23, 2023.

Exhibit 47 is a true and correct copy of excerpts from the deposition transcript of Dr. Maxwell Palmer, *see* ECF No. 183, dated February 22, 2023.

3. Additionally, I submit this declaration to provide the Court an index of the exhibits filed in support of Plaintiffs' motion for partial summary judgment that also appear elsewhere on the docket.

Exhibit	Attorney Declaration	ECF No.
Expert Report of Blakeman B. Esselstyn, dated December 5, 2022	Declaration of Jonathan P. Hawley in Support of Plaintiffs' Motion for Partial Summary Judgment, Ex. 1	191-1
	Declaration of Jonathan P. Hawley in Opposition to Defendants' Motion for Summary Judgment, Ex. 1	206-1
Expert report of Dr. Maxwell Palmer, dated December 12, 2022	Declaration of Jonathan P. Hawley in Support of Plaintiffs' Motion for Partial Summary Judgment, Ex. 2	191-2
	Declaration of Jonathan P. Hawley in Opposition to Defendants' Motion for Summary Judgment, Ex. 2	206-2
Supplemental expert report of Dr. Maxwell Palmer, dated December 22, 2022	Declaration of Jonathan P. Hawley in Support of Plaintiffs' Motion for Partial Summary Judgment, Ex. 3	191-3
	Declaration of Jonathan P. Hawley in Opposition to Defendants' Motion for Summary Judgment, Ex. 3	206-3

Exhibit	Attorney Declaration	ECF No.
Expert report of Dr. Orville Vernon Burton, dated December 5, 2022	Declaration of Jonathan P. Hawley in Support of Plaintiffs' Motion for Partial Summary Judgment, Ex. 4	191-4
	Declaration of Jonathan P. Hawley in Opposition to Defendants' Motion for Summary Judgment, Ex. 4	206-4
Rebuttal expert report of John B. Morgan, dated January 23, 2023	Declaration of Jonathan P. Hawley in Support of Plaintiffs' Motion for Partial Summary Judgment, Ex. 6	191-6, 191-7, 191-8, 191-9
	Declaration of Jonathan P. Hawley in Opposition to Defendants' Motion for Summary Judgment, Ex. 5	206-5
Expert report of Dr. John R. Alford, dated February 6, 2023	Declaration of Jonathan P. Hawley in Support of Plaintiffs' Motion for Partial Summary Judgment, Ex. 7	191-10
	Declaration of Jonathan P. Hawley in Opposition to Defendants' Motion for Summary Judgment, Ex. 6	206-6
Declaration of Annie Lois Grant, dated January 13, 2022	Declaration of Jonathan P. Hawley in Support of Plaintiffs' Motion for Preliminary Injunction, Ex. 5	20-5
	Second Declaration of Jonathan P. Hawley in Support of Plaintiffs' Motion for Partial Summary Judgment, Ex. 24	___-1

Exhibit	Attorney Declaration	ECF No.
Declaration of Quentin T. Howell, dated January 12, 2022	Declaration of Jonathan P. Hawley in Support of Plaintiffs' Motion for Preliminary Injunction, Ex. 6	20-6
	Second Declaration of Jonathan P. Hawley in Support of Plaintiffs' Motion for Partial Summary Judgment, Ex. 25	___-2
Declaration of Elroy Tolbert, dated January 11, 2022	Declaration of Jonathan P. Hawley in Support of Plaintiffs' Motion for Preliminary Injunction, Ex. 7	20-7
	Second Declaration of Jonathan P. Hawley in Support of Plaintiffs' Motion for Partial Summary Judgment, Ex. 26	___-3
Declaration of Triana Arnold James, dated January 10, 2022	Declaration of Jonathan P. Hawley in Support of Plaintiffs' Motion for Preliminary Injunction, Ex. 9	20-9
	Second Declaration of Jonathan P. Hawley in Support of Plaintiffs' Motion for Partial Summary Judgment, Ex. 27	___-4
Declaration of Eunice Sykes, dated January 12, 2022	Declaration of Jonathan P. Hawley in Support of Plaintiffs' Motion for Preliminary Injunction, Ex. 10	20-10
	Second Declaration of Jonathan P. Hawley in Support of Plaintiffs' Motion for Partial Summary Judgment, Ex. 28	___-5

Exhibit	Attorney Declaration	ECF No.
Declaration of Elbert Solomon, dated January 10, 2022	Declaration of Jonathan P. Hawley in Support of Plaintiffs' Motion for Preliminary Injunction, Ex. 11	20-11
	Second Declaration of Jonathan P. Hawley in Support of Plaintiffs' Motion for Partial Summary Judgment, Ex. 29	____-6
Declaration of Dexter Wimbish, dated January 11, 2022	Declaration of Jonathan P. Hawley in Support of Plaintiffs' Motion for Preliminary Injunction, Ex. 12	20-12
	Second Declaration of Jonathan P. Hawley in Support of Plaintiffs' Motion for Partial Summary Judgment, Ex. 30	____-7

Dated: May 3, 2023

Respectfully submitted,

By: **Jonathan P. Hawley**
Jonathan P. Hawley*
ELIAS LAW GROUP LLP
1700 Seventh Avenue,
Suite 2100
Seattle, Washington 98101
Phone: (206) 656-0179
Facsimile: (206) 656-0180
Email: JHawley@elias.law

Counsel for Plaintiffs

*Admitted *pro hac vice*

EXHIBIT 24

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

ANNIE LOIS GRANT; QUENTIN T.
HOWELL; ELROY TOLBERT; THERON
BROWN; TRIANA ARNOLD JAMES;
EUNICE SYKES; ELBERT SOLOMON;
and DEXTER WIMBISH;

Plaintiffs,

v.

BRAD RAFFENSPERGER, in his official
capacity as the Georgia Secretary of State;
REBECCA N. SULLIVAN, in her official
capacity as the Acting Chair of the State
Election Board; SARA TINDALL
GHAZAL, in her official capacity as a
member of the State Election Board;
MATTHEW MASHBURN, in his official
capacity as a member of the State Election
Board; and ANH LE, in her official
capacity as a member of the State Election
Board,

Defendants.

CIVIL ACTION FILE
NO. _____

**DECLARATION OF ANNIE LOIS GRANT
IN SUPPORT OF
PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

Pursuant to 20 U.S.C. § 1746, I, Annie Lois Grant, declare as follows:

1. My name is Annie Lois Grant. I am over the age of 18, have personal knowledge of the facts stated in this declaration, and can competently testify to their truth.

2. I am a Black citizen of the United States and the State of Georgia.

3. I possess all the qualifications of a Georgia voter: I am a citizen, I am at least 18 years old, I am not serving a sentence for a felony conviction, I have not been found mentally incompetent by a judge, and I am a legal resident of Georgia.

4. I am specifically registered to vote at 1191 Green Acres Drive, Union Point, GA 30669, which is located in Senate District 24 and House District 124 under the newly elected legislative maps.

5. I have previously voted in prior state legislative elections in Georgia and I intend to vote in future state legislative elections in Georgia.

DATED: January 13, 2022

By: Annie L. Grant
Annie Lois Grant

EXHIBIT 25

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

ANNIE LOIS GRANT; QUENTIN T.
HOWELL; ELROY TOLBERT; THERON
BROWN; TRIANA ARNOLD JAMES;
EUNICE SYKES; ELBERT SOLOMON;
and DEXTER WIMBISH;

Plaintiffs,

v.

BRAD RAFFENSPERGER, in his official
capacity as the Georgia Secretary of State;
REBECCA N. SULLIVAN, in her official
capacity as the Acting Chair of the State
Election Board; SARA TINDALL
GHAZAL, in her official capacity as a
member of the State Election Board;
MATTHEW MASHBURN, in his official
capacity as a member of the State Election
Board; and ANH LE, in her official
capacity as a member of the State Election
Board,

Defendants.

CIVIL ACTION FILE
NO. _____

**DECLARATION OF QUENTIN T. HOWELL
IN SUPPORT OF
PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

Pursuant to 20 U.S.C. § 1746, I, Quentin T. Howell, declare as follows:

EXHIBIT 26

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

ANNIE LOIS GRANT; QUENTIN T.
HOWELL; ELROY TOLBERT; THERON
BROWN; TRIANA ARNOLD JAMES;
EUNICE SYKES; ELBERT SOLOMON;
and DEXTER WIMBISH;

Plaintiffs,

v.

BRAD RAFFENSPERGER, in his official
capacity as the Georgia Secretary of State;
REBECCA N. SULLIVAN, in her official
capacity as the Acting Chair of the State
Election Board; SARA TINDALL
GHAZAL, in her official capacity as a
member of the State Election Board;
MATTHEW MASHBURN, in his official
capacity as a member of the State Election
Board; and ANH LE, in her official
capacity as a member of the State Election
Board,

Defendants.

CIVIL ACTION FILE
NO. _____

**DECLARATION OF ELROY TOLBERT
IN SUPPORT OF
PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

Pursuant to 20 U.S.C. § 1746, I, Elroy Tolbert, declare as follows:

1. My name is Elroy Tolbert. I am over the age of 18, have personal knowledge of the facts stated in this declaration, and can competently testify to their truth.

2. I am a Black citizen of the United States and the State of Georgia.

3. I possess all the qualifications of a Georgia voter: I am a citizen, I am at least 18 years old, I am not serving a sentence for a felony conviction, I have not been found mentally incompetent by a judge, and I am a legal resident of Georgia.

4. I am specifically registered to vote at 301 Barrington Hall Dr, Apt. 209 Macon, GA 31220, which is located in Senate District 18 and House District 144 under the newly elected legislative maps.

5. I have previously voted in prior state legislative elections in Georgia and I intend to vote in future state legislative elections in Georgia.

DATED: ^{1/11/2022} _____

By: Elroy Tolbert
Elroy Tolbert

EXHIBIT 27

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

ANNIE LOIS GRANT; QUENTIN T.
HOWELL; ELROY TOLBERT; THERON
BROWN; TRIANA ARNOLD JAMES;
EUNICE SYKES; ELBERT SOLOMON;
and DEXTER WIMBISH;

Plaintiffs,

v.

BRAD RAFFENSPERGER, in his official
capacity as the Georgia Secretary of State;
REBECCA N. SULLIVAN, in her official
capacity as the Acting Chair of the State
Election Board; SARA TINDALL
GHAZAL, in her official capacity as a
member of the State Election Board;
MATTHEW MASHBURN, in his official
capacity as a member of the State Election
Board; and ANH LE, in her official
capacity as a member of the State Election
Board,

Defendants.

CIVIL ACTION FILE
NO. _____

**DECLARATION OF TRIANA ARNOLD JAMES
IN SUPPORT OF
PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

Pursuant to 20 U.S.C. § 1746, I, Triana Arnold James, declare as follows:

1. My name is Triana Arnold James. I am over the age of 18, have personal knowledge of the facts stated in this declaration, and can competently testify to their truth.

2. I am a Black citizen of the United States and the State of Georgia.

3. I possess all the qualifications of a Georgia voter: I am a citizen, I am at least 18 years old, I am not serving a sentence for a felony conviction, I have not been found mentally incompetent by a judge, and I am a legal resident of Georgia.

4. I am specifically registered to vote at 3007 Summer Breeze Drive, Villa Rica, GA 30180, which is located in Senate District 30 and House District 64 under the newly elected legislative maps.

5. I have previously voted in prior state legislative elections in Georgia and I intend to vote in future state legislative elections in Georgia.

DATED: ^{1/10/2022}

By: 
_____ Triana Arnold James

EXHIBIT 28

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

ANNIE LOIS GRANT; QUENTIN T.
HOWELL; ELROY TOLBERT; THERON
BROWN; TRIANA ARNOLD JAMES;
EUNICE SYKES; ELBERT SOLOMON;
and DEXTER WIMBISH;

Plaintiffs,

v.

BRAD RAFFENSPERGER, in his official
capacity as the Georgia Secretary of State;
REBECCA N. SULLIVAN, in her official
capacity as the Acting Chair of the State
Election Board; SARA TINDALL
GHAZAL, in her official capacity as a
member of the State Election Board;
MATTHEW MASHBURN, in his official
capacity as a member of the State Election
Board; and ANH LE, in her official
capacity as a member of the State Election
Board,

Defendants.

CIVIL ACTION FILE
NO. _____

**DECLARATION OF EUNICE SYKES
IN SUPPORT OF
PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

Pursuant to 20 U.S.C. § 1746, I, Eunice Sykes, declare as follows:

1. My name is Eunice Sykes. I am over the age of 18, have personal knowledge of the facts stated in this declaration, and can competently testify to their truth.

2. I am a Black citizen of the United States and the State of Georgia.

3. I possess all the qualifications of a Georgia voter: I am a citizen, I am at least 18 years old, I am not serving a sentence for a felony conviction, I have not been found mentally incompetent by a judge, and I am a legal resident of Georgia.

4. I am specifically registered to vote at 2320 McIntosh Drive, Locust Grove, GA 30248, which is located in Senate District 25 and House District 117 under the newly elected legislative maps.

5. I have previously voted in prior state legislative elections in Georgia and I intend to vote in future state legislative elections in Georgia.

DATED: ^{1/12/2022} _____

By: Eunice Sykes
Eunice Sykes

EXHIBIT 29

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

ANNIE LOIS GRANT; QUENTIN T.
HOWELL; ELROY TOLBERT; THERON
BROWN; TRIANA ARNOLD JAMES;
EUNICE SYKES; ELBERT SOLOMON;
and DEXTER WIMBISH;

Plaintiffs,

v.

BRAD RAFFENSPERGER, in his official
capacity as the Georgia Secretary of State;
REBECCA N. SULLIVAN, in her official
capacity as the Acting Chair of the State
Election Board; SARA TINDALL
GHAZAL, in her official capacity as a
member of the State Election Board;
MATTHEW MASHBURN, in his official
capacity as a member of the State Election
Board; and ANH LE, in her official
capacity as a member of the State Election
Board,

Defendants.

CIVIL ACTION FILE
NO. _____

**DECLARATION OF ELBERT SOLOMON
IN SUPPORT OF
PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

Pursuant to 20 U.S.C. § 1746, I, Elbert Solomon, declare as follows:

1. My name is Elbert Solomon. I am over the age of 18, have personal knowledge of the facts stated in this declaration, and can competently testify to their truth.

2. I am a Black citizen of the United States and the State of Georgia.

3. I possess all the qualifications of a Georgia voter: I am a citizen, I am at least 18 years old, I am not serving a sentence for a felony conviction, I have not been found mentally incompetent by a judge, and I am a legal resident of Georgia.

4. I am specifically registered to vote at 815 Eagle Drive, Griffin, GA 30223, which is located in Senate District 16 and House District 117 under the newly elected legislative maps.

5. I have previously voted in prior state legislative elections in Georgia and I intend to vote in future state legislative elections in Georgia.

DATED: ^{1/10/2022} _____

By: Elbert Solomon
Elbert Solomon

EXHIBIT 30

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

ANNIE LOIS GRANT; QUENTIN T.
HOWELL; ELROY TOLBERT; THERON
BROWN; TRIANA ARNOLD JAMES;
EUNICE SYKES; ELBERT SOLOMON;
and DEXTER WIMBISH;

Plaintiffs,

v.

BRAD RAFFENSPERGER, in his official
capacity as the Georgia Secretary of State;
REBECCA N. SULLIVAN, in her official
capacity as the Acting Chair of the State
Election Board; SARA TINDALL
GHAZAL, in her official capacity as a
member of the State Election Board;
MATTHEW MASHBURN, in his official
capacity as a member of the State Election
Board; and ANH LE, in her official
capacity as a member of the State Election
Board,

Defendants.

CIVIL ACTION FILE
NO. _____

**DECLARATION OF DEXTER WIMBISH
IN SUPPORT OF
PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

Pursuant to 20 U.S.C. § 1746, I, Dexter Wimbish, declare as follows:

1. My name is Dexter Wimbish. I am over the age of 18, have personal knowledge of the facts stated in this declaration, and can competently testify to their truth.

2. I am a Black citizen of the United States and the State of Georgia.

3. I possess all the qualifications of a Georgia voter: I am a citizen, I am at least 18 years old, I am not serving a sentence for a felony conviction, I have not been found mentally incompetent by a judge, and I am a legal resident of Georgia.

4. I am specifically registered to vote at 420 Country Club Drive, Griffin, GA 30223, which is located in Senate District 16 and House District 74 under the newly elected legislative maps.

5. I have previously voted in prior state legislative elections in Georgia and I intend to vote in future state legislative elections in Georgia.

DATED: ^{1/11/2022}

By: *Dexter Maynard Wimbish*
Dexter Wimbish

EXHIBIT 31

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

ANNIE LOIS GRANT et al.,

Plaintiffs,

v.

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

Defendants.

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

**DECLARATION OF GARRETT REYNOLDS IN SUPPORT OF
PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT**

Pursuant to 20 U.S.C. § 1746, I, Garrett Reynolds, declare as follows:

1. My name is Garrett Reynolds. I am over the age of 18, have personal knowledge of the facts stated in this declaration, and can competently testify to their truth.
2. I am a Black citizen of the United States and the State of Georgia.
3. I possess all the qualifications of a Georgia voter: I am a citizen, I am at least 18 years old, I am not serving a sentence for a felony conviction, I have not been found mentally incompetent by a judge, and I am a legal resident of Georgia.

4. I am specifically registered to vote at 134 Keswick Manor Drive, Tyrone, Georgia 30290 in Fayette County, which is located in Senate District 16 and House District 68 under Georgia's enacted legislative plans.

5. I have previously voted in prior legislative elections in Georgia and I intend to vote in future legislative elections in Georgia.

DATED: 4/22/2023

BY: Garrett Reynolds
Garrett Reynolds

EXHIBIT 32

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

ANNIE LOIS GRANT et al.,

Plaintiffs,

v.

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

Defendants.

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

**DECLARATION OF JACQUELINE FAYE ARBUTHNOT IN SUPPORT
OF PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT**

Pursuant to 20 U.S.C. § 1746, I, Jacqueline Faye Arbuthnot, declare as follows:

1. My name is Jacqueline Faye Arbuthnot. I am over the age of 18, have personal knowledge of the facts stated in this declaration, and can competently testify to their truth.
2. I am a Black citizen of the United States and the State of Georgia.
3. I possess all the qualifications of a Georgia voter: I am a citizen, I am at least 18 years old, I am not serving a sentence for a felony conviction, I have not been found mentally incompetent by a judge, and I am a legal resident of Georgia.

4. I am specifically registered to vote at 1126 Crestworth Crossing, Powder Springs, Georgia 30127 in Paulding County, which is located in Senate District 31 and House District 64 under Georgia's enacted legislative plans.

5. I have previously voted in prior legislative elections in Georgia and I intend to vote in future legislative elections in Georgia.

DATED: 4/24/2023

BY: JACQUELINE FAYE ARBUTHNOT
Jacqueline Faye Arbuthnot

EXHIBIT 33

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

ANNIE LOIS GRANT et al.,

Plaintiffs,

v.

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

Defendants.

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

**DECLARATION OF JACQUELYN BUSH IN SUPPORT OF PLAINTIFFS’
MOTION FOR PARTIAL SUMMARY JUDGMENT**

Pursuant to 20 U.S.C. § 1746, I, Jacquelyn Bush, declare as follows:

1. My name is Jacquelyn Bush. I am over the age of 18, have personal knowledge of the facts stated in this declaration, and can competently testify to their truth.
2. I am a Black citizen of the United States and the State of Georgia.
3. I possess all the qualifications of a Georgia voter: I am a citizen, I am at least 18 years old, I am not serving a sentence for a felony conviction, I have not been found mentally incompetent by a judge, and I am a legal resident of Georgia.

4. I am specifically registered to vote at 110 Bristol Court, Fayetteville, Georgia 30215 in Fayette County, which is located in Senate District 16 and House District 74 under Georgia's enacted legislative plans.

5. I have previously voted in prior legislative elections in Georgia and I intend to vote in future legislative elections in Georgia.

DATED: 4/28/2023

BY: *Jacquelyn Bush*
Jacquelyn Bush

EXHIBIT 34

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

ANNIE LOIS GRANT, et al.,)

)

Plaintiffs,)

)

v.) CIVIL ACTION FILE NO.

) 1:22-CV-00122-SCJ

BRAD RAFFENSPERGER, in his)

official capacity as the)

Georgia Secretary of State,)

et al.,)

)

Defendants.)

* * *

Remote Videoconference Deposition of

ANNIE LOIS GRANT

December 14, 2022

4:27 p.m.

By Marcia Arberman, CCR B-1059

1 A Yes. I see the Plaintiffs. I'm trying to
2 scroll up. Wait a minute. Here we go.

3 Q Yeah. I think your attorney is going to
4 have to scroll for you.

5 A Uh-huh.

6 Q Okay, all right. And have you reviewed this
7 document before?

8 A I read this one. Yes.

9 Q Okay. And if I could direct you and your
10 counsel to paragraph 11. And that's on page 4. It
11 starts at the bottom of page 4 and then goes to the
12 top of page 5. And that paragraph begins with
13 "Plaintiff Annie Louis Grant is a black citizen of the
14 United States and the state of Georgia." Let me know
15 when you can see what I'm talking about.

16 A I do.

17 Q Okay. Thank you.

18 Can you review that paragraph 11 and --

19 A I have.

20 Q Okay, great. And is the information
21 contained in that paragraph about you -- is all of
22 that correct and accurate?

23 A It is. And if I can say so, it's exactly
24 what I was saying, just in different words. My words
25 were layman -- as a layman person.

EXHIBIT 35

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

ANNIE LOIS GRANT, et al.,)

)

Plaintiffs,)

)

v.) CIVIL ACTION FILE NO.

) 1:22-CV-00122-SCJ

BRAD RAFFENSPERGER, in his)

official capacity as the)

Georgia Secretary of State,)

et al.,)

)

Defendants.)

* * *

Remote Videoconference Deposition of
QUENTIN T. HOWELL

December 14, 2022

1:03 p.m.

By Marcia Arberman, CCR B-1059

Grant, Annie Lois, et al.v. Raffensperger, Brad, Et Al.

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1 A I don't remember looking at one. I mean,
2 most of this stuff happened about a year ago. So I
3 know I didn't read nothing like this about it. It's
4 more than one complaint?

5 Q Well, yeah. I'll tell you, the lawsuit was
6 filed in January. And the complaint was amended
7 twice, the most recent one being this. I'm scrolling
8 to the top. It's got a stamp that says October 28th.
9 Do you see that? 10/28/22.

10 A Okay.

11 Q But you don't recall seeing it. Do you even
12 recall somebody telling you it's been filed?

13 A I don't remember. I didn't read it, if
14 that's what you're asking me.

15 Q I'll scroll down. There's a paragraph that
16 specifically talks about you. I'll put that up on the
17 screen. Paragraph 12. And this goes over just a
18 couple lines to the next page, but I want you to read
19 this.

20 A Out loud?

21 Q No, no. Just to yourself, just to yourself.
22 Tell me when you've gotten to the end, and I'll scroll
23 down to the next page.

24 A Go ahead.

25 Q (Scrolling.)

Grant, Annie Lois, et al.v. Raffensperger, Brad, Et Al.

Page 61

1 A Okay.

2 Q All right. I just want to confirm with you,
3 going back up to where paragraph 12 starts, it says in
4 the second line you're a registered voter. We've
5 established that already, right? You are a registered
6 voter, correct?

7 A Am I a registered voter?

8 Q Yes, sir.

9 A Yes, sir.

10 Q And it says you intend to vote in future
11 legislative elections; is that correct?

12 A Yes, sir, the Good Lord willing.

13 Q You're a resident of Baldwin County, right?

14 A Yes, sir.

15 Q And you're in Senate District 25 and House
16 District 133 under the enacted plans, that is, those
17 enacted in 2021, right?

18 A Yes, sir.

19 Q It goes on to say you were unable to elect
20 candidates of your choice to the Georgia State Senate
21 and Georgia House despite strong electoral support for
22 those candidates from other black voters in your
23 community. Is that true?

24 A Yeah. I would agree with that, brother.

25 Q Why are you unable to elect candidates of

Grant, Annie Lois, et al.v. Raffensperger, Brad, Et Al.

Page 62

1 your choice in this new district?

2 A Well, the district lines has broken up, and
3 it dilutes the power of the African-American
4 community. Then our community voice can't be heard.

5 THE WITNESS: I see his lips moving, but
6 I don't hear nothing.

7 BY MR. HOWELL:

8 Q Are you talking -- I didn't have a question.

9 A Oh, I thought your lips was moving. I
10 thought you were saying something. I was just saying
11 I couldn't hear you.

12 Q I think you -- you told me earlier you voted
13 in the general election in November, right?
14 November 2020.

15 A You mean the midterm election.

16 Q Well, when I say general, I mean as opposed
17 to the primaries earlier in the year.

18 A I didn't miss one.

19 Q Do you remember who you voted for for the
20 Georgia State Senate in the November 2022 election?

21 A In November?

22 Q Yes, sir.

23 A For State Senate it was Valerie Rogers.

24 Q Did she win?

25 A No, sir, she did not.

EXHIBIT 36

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

ANNIE LOIS GRANT, et al.,

Plaintiffs,

vs.

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

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

Defendants.

DEPOSITION OF ELROY TOLBERT
Taken by Remote Conference
February 9, 2023
9:04 a.m.

Valerie N. Almand, RPR, CRR, CRC

1 Q. Do you have any notes or memos or other
2 documents that relate in any way to this case?

3 A. No, I don't.

4 Q. All right. Mr. Tolbert, can you state
5 your current address for the record.

6 A. [REDACTED]
7 Macon, Georgia [REDACTED]

8 Q. How long have you lived in Macon?

9 A. Since 1988.

10 Q. Have you always lived at that same
11 address?

12 A. No I haven't.

13 Q. And for the record, what county do you
14 live in?

15 A. Bibb, Macon-Bibb.

16 Q. You said that was [REDACTED] ?

17 A. [REDACTED].

18 Q. Can you spell that?

19 A. [REDACTED]

20 Q. I want to make sure I'm referring to the
21 correct address when I ask about it. Where did
22 you live before the [REDACTED] ?

23 A. [REDACTED]. That's also Macon.

24 Q. Is that the same county?

25 A. Yes.

1 Q. Okay. And when did you move from
2 [REDACTED] to your current address?

3 A. 2017.

4 Q. When did you move to the [REDACTED]
5 address?

6 A. 1999.

7 Q. All right. And how long have you lived
8 in Macon-Bibb County?

9 A. Since '88.

10 Q. What about the state of Georgia?

11 A. All my life.

12 Q. What other counties have you resided in
13 in Georgia?

14 A. Baldwin County.

15 Q. What time period was that?

16 A. That's where I was born.

17 Q. Okay. Makes it pretty easy. Some
18 plaintiffs have moved all around, so their
19 residential history was quite lengthy.

20 A. Right.

21 Q. And just to be clear for the record, have
22 you ever resided in any other state?

23 A. No, I haven't.

24 Q. And where are you testifying from today?

25 A. Macon.

EXHIBIT 37

Grant, Annie Lois, et al.v. Raffensperger, Brad, Et Al.

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

ANNIE LOIS GRANT, et al.,)
Plaintiffs,) CIVIL ACTION FILE NO.
v.) 1:22-CV-00122-SCJ
BRAD RAFFENSPERGER, in his)
official capacity as the)
Georgia Secretary of State,)
et al.,)
Defendants.)

COAKLEY PENDERGRASS, et al.,)
Plaintiffs,)
v.) CIVIL ACTION FILE NO.
BRAD RAFFENSPERGER, et al.,) 1:21-CV-05339-SCJ
Defendants.)

The DEPOSITION of:

TRIANA ARNOLD JAMES

Being taken pursuant to stipulations herein:

Before Kathryn Taylor, CCR

WEDNESDAY, DECEMBER 7, 2022 | Commencing at 4:00 p.m.

All parties, including the court reporter, appeared by
videoconference.

Job No. 5609351

Grant, Annie Lois, et al.v. Raffensperger, Brad, Et Al.

Page 46

1 Second Amended Complaint in this action.

2 Does that come up on your screen? Oh, excuse
3 me. Do you see on your screen where it says, Second
4 Amended Complaint?

5 A. Yes.

6 Q. Okay. And have you seen this document
7 before?

8 A. Yes.

9 Q. Do you recall when?

10 A. No.

11 Q. Have you read through this document before?

12 A. Yes.

13 Q. Okay.

14 A. I believe I have.

15 Q. Do you generally know the allegations
16 contained in this document?

17 A. Yes.

18 Q. Okay. I'm going to direct your attention to
19 Paragraph 15, which I'm moving towards. Do you see
20 Paragraph 15 here?

21 A. Can you make it a little bigger?

22 Q. Yes.

23 A. I'm not as young as I used to be. Yes.

24 Q. Okay. And let me -- let me know if you need
25 to read through it real quickly, but does this

Page 46

Grant, Annie Lois, et al.v. Raffensperger, Brad, Et Al.

Page 47

1 paragraph here accurately describe the facts as they
2 pertain to you?

3 A. Yes.

4 Q. And I'll just scroll down real quick so you
5 can kind of see the end of it and just make sure.

6 A. Yes.

7 Q. Okay. See here on the -- let's see, I'm
8 going to see if I can highlight this for you. See
9 where it says, "She is a resident of Douglas County."
10 "She" referring to you, "is a resident of Douglas
11 County and located in Senate District 30 and House
12 District 64 under the enacted plans."

13 A. Yes, I see it.

14 Q. Okay. And you said you did vote in the most
15 recent election?

16 A. Yes.

17 Q. Was your selection for Senate District 30
18 successful in the most recent election?

19 A. There was no -- there was no challenger in
20 District 30.

21 Q. Okay. Was it just an incumbent inside
22 District 30 then?

23 A. Yes.

24 Q. Okay. And what -- do you recall what party
25 the incumbent was?

Page 47

1 A. Republican.

2 Q. Okay. And House District 64, was your
3 selection for House District 64 successful in the 2022
4 general?

5 A. I don't think I voted -- I don't think I
6 selected anyone in that -- in that district.

7 Q. Okay. And you said it was a Republican
8 incumbent in Senate 30. Is it fair to say you didn't
9 select anyone for that district?

10 A. There was nothing to select.

11 Q. Oh, okay. Okay. During the 2021 special
12 session in the Georgia General Assembly, did you reach
13 out to any legislator concerning the redistricting
14 issues raised in the complaint here?

15 A. Yes.

16 Q. Who did you reach out to?

17 A. I believe I wrote an e-mail to the governor.

18 Q. E-mail to the governor? Did you reach out to
19 any legislators in the General Assembly?

20 A. Yes.

21 Q. Which ones?

22 A. What was his name? I believe -- I think his
23 last name is Jackson, and he represented 64 when I was
24 in the 67, so yeah.

25 Q. Okay. Did you testify in the Georgia General

EXHIBIT 38

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

ATLANTA DIVISION

ANNIE LOIS GRANT, et al.,

Plaintiffs,

vs.

CIVIL ACTION FILE NO.:

1:22-CV-00122-SCJ

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

Defendants.

(Appearance via Video Conference)

DEPOSITION OF:

EUNICE SYKES

DATE:

December 14, 2022

TIME:

10:00 a.m.

LOCATION:

Home of Eunice Sykes

[REDACTED]

Locust Grove, Georgia

TAKEN BY:

Counsel for the Defendants

REPORTED BY:

Mary K. Stepp, Court Reporter

(Appearance via Video Conference)

1 for you signing on to this case?

2 A. Say that again.

3 Q. Is there any kind of contract for you
4 signing on to this case?

5 A. No.

6 Q. Are you being paid?

7 A. No.

8 Q. Have you received anything of value in
9 exchange for your participation as a plaintiff in
10 this case?

11 A. No.

12 Q. All right. Ms. Sykes, I'd like to share
13 my screen again.

14 (Off-record discussion.)

15 MS. CLAPP: Now I'm displaying for
16 Ms. Sykes the Second Amended Complaint, which I'd
17 like to mark as Exhibit 2.

18 (Defendant's Exhibit No. 2 was marked for
19 identification.)

20 BY MS. CLAPP:

21 Q. Ms. Sykes, have you seen this document
22 before? I'll scroll through it before you answer, if
23 you'll give me just a moment.

24 Your name is in paragraph 16. Have you
25 seen this document before?

1 A. Yes.

2 Q. Okay. When did you see it?

3 A. Uhm, probably within the last month or so.

4 Q. So is it safe to say you saw it in the
5 month of November?

6 A. Yes.

7 Q. And have you read this document in its
8 entirety?

9 A. No.

10 Q. So you don't know the specifics of the
11 allegations contained in this document?

12 A. I -- I know the general specifics, yes.

13 Q. Okay. Would you describe the general
14 allegations made in the complaint, as to your
15 understanding?

16 A. Uhm, this is about redistricting, drawing
17 lines across the state that make it difficult for
18 minorities to show up to vote. And it makes it
19 difficult for them to be a part of the voter process
20 by way of certain things that are happening. Like
21 standing in long lines and not being able to take
22 breaks, that sort of thing.

23 Q. Are you at a minimum familiar with this
24 paragraph in which you're mentioned, this paragraph
25 16?

1 A. Yes.

2 Q. And would you agree with its
3 representations of your position in this matter?

4 A. Yes.

5 Q. Now, did you reach out to any legislators
6 during the 2021 special session concerning the
7 redistricting issues raised in your complaint?

8 A. No.

9 Q. How about before the special session?

10 A. I am a member of an organization that
11 stays in touch with our legislators on the various
12 issues in the State of Georgia.

13 Q. What organization would that be?

14 A. It's a sorority.

15 Q. Okay. What sorority is that?

16 A. Alpha Kappa Alpha sorority.

17 Q. Do you hold any leadership positions with
18 them?

19 A. No.

20 Q. And what year did you become a member?

21 A. I've been a member all my life. For
22 years.

23 Q. Is that something you joined in undergrad?

24 A. No. Grad.

25 Q. Oh, you were a grad. Sorry.

EXHIBIT 39

Grant, Annie Lois, et al.v. Raffensperger, Brad, Et Al.

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

ANNIE LOIS GRANT, et al.,
Plaintiffs,

CIVIL ACTION FILE

vs.

NO. 1:22-CV-00122-SCJ

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

Defendants.

DEPOSITION OF ELBERT SOLOMON
TAKEN BY REMOTE VIDEOCONFERENCE

December 9, 2022
2:10 p.m.

REPORTED REMOTELY BY:
LAURA R. SINGLE, CCR-B-1343

Grant, Annie Lois, et al.v. Raffensperger, Brad, Et Al.

Page 40

1 MS. LAROSS: Thank you. I very much
2 appreciate your help with this.

3 MS. RUTAHINDURWA: No problem.

4 BY MS. LAROSS:

5 Q. Mr. Solomon, so paragraph 17 begins with
6 Plaintiff Elbert Solomon is a black citizen of the
7 United States and the State of Georgia. Do you see
8 where I'm referring -- what I'm referring to?

9 A. Yes.

10 Q. If you could just take a moment and read
11 through the entirety of paragraph 17. I think it
12 goes on to the next page. If you could tell me if
13 all of the information contained in that paragraph is
14 accurate.

15 MS. RUTAHINDURWA: And just let me know when
16 to scroll down, Mr. Solomon.

17 THE WITNESS: You can scroll down.

18 That's the end of it, of 17. I finished
19 reading it.

20 BY MS. LAROSS:

21 Q. Perfect. Thank you.

22 Is everything in that paragraph accurate
23 still today?

24 A. It is accurate.

25 Q. I do think you mentioned that you voted in

EXHIBIT 40

Grant, Annie Lois, et al.v. Raffensperger, Brad, Et Al.

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

ANNIE LOIS GRANT; QUENTIN T.
HOWELL; ELROY TOLBERT; THERON
BROWN; TRIANA ARNOLD JAMES; EUNICE
SYKES; ELBERT SOLOMON; DEXTER
WIMBISH; GARRETT REYNOLDS;
JACQUELINE FAYE ARBUTHNOT;
JACQUELINE BUSH; and
MARY NELL CONNER,

Plaintiffs,

CIVIL ACTION FILE

vs.

NO. 1:22-CV-00122-SCJ

BRAD RAFFENSPERGER, in his official
capacity as the Georgia Secretary
of State; WILLIAM S. DUFFY, JR.,
in his official capacity as chair
of the State Election Board;
MATTHEW MASHBURN, in his official
capacity as a member of the State
Election Board; EDWARD LINDSEY,
in his official capacity as a
member of the State Election Board;
and JANICE W. JOHNSTON, in her
official capacity as a member of
the State Election Board,

Defendants.

TAKEN BY REMOTE VIDEO-CONFERENCE
DEPOSITION OF DEXTER WIMBISH
December 6, 2022, 9:31 a.m.

Carolyn J. Smith, CCR, RPR, RMR, CCR-A-1361

1 before?

2 A Yes.

3 Q When was that?

4 A Early -- is this the -- this is the recent
5 second amended that was filed in October. So it
6 would have been sent out sometime in October of
7 2022. I don't know what day -- I don't know what
8 day I received it.

9 Q Uh-huh (affirmative), but you did receive
10 it, um, at some point after October 28 --

11 A Right --

12 Q -- 2022?

13 A -- right.

14 Q Okay. Have you actual- -- have you read
15 this particular version of the complaint, the Second
16 Amended Complaint?

17 A I have not.

18 Q Okay. Do you know all the allegations
19 contained in this document?

20 A Uh, I guess I know the overall, um, tenor
21 of the document and the allegations that are
22 brought, yeah.

23 Q Okay. I'm going to direct your attention
24 to paragraph 18. Getting there. Uh, here on page 9
25 of the second amended complaint.

Grant, Annie Lois, et al.v. Raffensperger, Brad, Et Al.

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1 Uh, do you see that?

2 A Yes.

3 Q Okay. And is the information -- or let me
4 first ask you.

5 Uh, have you read through paragraph --
6 paragraph 18 of the Second Amended Complaint that,
7 uh, I'm showing here?

8 A I'm reading it now for --

9 Q Okay.

10 A -- the first time.

11 Q Yeah. Take your time. It goes to the
12 next page too. So if you want me to flip down, let
13 me know.

14 A Yeah, flip it down. Okay.

15 Q Okay. So you've -- you've read the
16 paragraph 18 now?

17 A Uh-huh (affirmative).

18 Q And is the information contained in this
19 paragraph accurate as it relates to you?

20 A Yes.

21 Q Okay. Now, you -- according to
22 paragraph 18, you reside in Senate District 16; is
23 that correct?

24 A Is that Marty Harbin's district?

25 Q Um, I am not sure. Does that number --

EXHIBIT 41

Grant, Annie Lois, et al.v. Raffensperger, Brad, Et Al.

Page 1

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

4
5 CIVIL ACTION NUMBER: 1:22-CV-00122-SCJ

6 ANNIE LOIS GRANT; et al.,

7 Plaintiff(s),

8 vs.

9 BRAD RAFFENSPERGER, in his
10 official capacity as the Georgia
11 Secretary of State, et al.,

12 Defendant(s).

13

14

15 DEPOSITION TESTIMONY OF:

16 GARRETT REYNOLDS

17 January 25, 2023

18 3 p.m. Eastern Time

19 VIA REMOTE VIDEO-CONFERENCE

20

21

22

23 COURT REPORTER:

24 Angela Smith McGalliard,

25 RPR, CRR, CCR

1 (Defendant's Exhibit
2 2 was marked for
3 identification.)

4 Q. And now I'm going to bring up
5 what will be marked as Defendant's Exhibit
6 2. And this is going to be what I believe
7 is the Second Amended Complaint that has
8 been filed by -- Let me scroll back up.
9 And do you see this screen on the diagram
10 where it says Second Amended Complaint, Mr.
11 Reynolds?

12 A. Yes.

13 Q. And are you familiar with either
14 this document or a version of this document
15 as it relates to the litigation?

16 A. Yes.

17 Q. Have you read this document?

18 A. Not in detail.

19 Q. Okay. Are you familiar generally
20 with the allegations in the Complaint?

21 A. I am.

22 Q. And I'm going to scroll down to
23 paragraph nineteen of the Complaint, which
24 I believe is on page nine -- page ten.

25 Do you see paragraph nineteen

Grant, Annie Lois, et al.v. Raffensperger, Brad, Et Al.

Page 40

1 that starts out: Plaintiff Garrett
2 Reynolds?

3 A. I do.

4 Q. I'm just going to ask you to
5 quickly read to yourself that paragraph and
6 let me know when you've finished reading
7 it.

8 A. Okay.

9 Q. Does it end at the word Georgia
10 General Assembly?

11 A. Yes, it does.

12 Q. And, Mr. Reynolds, do you
13 recognize the allegations contained in this
14 paragraph?

15 A. I do.

16 Q. And was that information that you
17 read true and accurate as it relates to
18 you?

19 A. Yes.

20 Q. And we touched on this a little
21 bit earlier, and it was in the paragraph
22 that you just read, but you reside in State
23 Senate District 16; is that correct?

24 A. Yes.

25 Q. And you mentioned that you voted

EXHIBIT 42

Grant, Annie Lois, et al.v. Raffensperger, Brad, Et Al.

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

ANNIE LOIS GRANT, et al.,)
)
Plaintiffs,) CIVIL ACTION FILE
) NO. 1:22-CV-00122-SCJ
v.)
)
BRAD RAFFENSPERGER, in his)
official capacity as the)
Georgia Secretary of State,)
et al.,)

VOLUME I

The deposition of JACQUELINE ARBUTHNOT taken pursuant to the stipulations contained herein; all formalities waived, excluding the reading and signing of the deposition; before Heather D. Williams, CCR; taken on January 24th, 2023, via Zoom teleconference, commencing at 3:00 p.m.

1 A No.

2 Q And have you discussed this deposition with anyone
3 other than your lawyer?

4 A No.

5 Q Did you review anything to prepare for this
6 deposition?

7 A Yes.

8 Q And what did you review?

9 A The documents that you said I received from the
10 attorney, only.

11 Q Without divulging any attorney-client privilege
12 information, or the nature, or form of any communication you've
13 had with your attorney, why did you look at those documents?

14 A To refresh my memory.

15 Q So looking at those documents helped to refresh your
16 recollection as to the events that you will testify about today?

17 A Yes.

18 Q And do you have any documents or notes with you today?

19 A No.

20 Q Shifting gears again, Ms. Arbuthnot. Could you please
21 state your full name for the record?

22 A Jacqueline Faye Arbuthnot.

23 Q And Ms. Arbuthnot, what is your current address?

24 A [REDACTED] Powder Springs, Georgia

25 [REDACTED]

Grant, Annie Lois, et al.v. Raffensperger, Brad, Et Al.

Page 11

1 Q Okay. What county is that in?

2 A Paulding.

3 Q And the city you said is Powder Springs; correct?

4 A Correct.

5 Q And how long have you lived at that address?

6 A About 18 years, plus.

7 Q And have you lived anywhere else in the past two
8 years?

9 A No.

10 Q And you recall where you lived before moving to your
11 current address?

12 A In Mississippi. You said the address? Pardon me.

13 Q No. And how long did you live in Mississippi for?

14 A 30-plus years.

15 Q And is the address you provided earlier the only
16 address that you have lived in since moving from Mississippi to
17 Georgia?

18 A There's been others.

19 Q Okay. And do you recall what those were?

20 A I can't quite remember the numbers, but it was Bakers
21 Mill, here in Georgia -- Atlanta. Let's see. I lived in
22 Fairburn, and College Park, as a matter of fact, when I first
23 got here -- in Georgia.

24 Q And so how long have you lived in Paulding County?

25 A The 18 years at my home address.

EXHIBIT 43

Grant, Annie Lois, et al.v. Raffensperger, Brad, Et Al.

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

ANNIE LOIS GRANT, et al.,)
)
Plaintiffs,) CIVIL ACTION FILE
) NO. 1:22-CV-00122-SCJ
v.)
)
BRAD RAFFENSPERGER, in his)
official capacity as the)
Georgia Secretary of State,)
et al.,)

The deposition of JACQUELYN BUSH taken pursuant to the stipulations contained herein; all formalities waived, excluding the reading and signing of the deposition; before Heather D. Williams, CCR; taken on January 24th, 2023, via Zoom teleconference, commencing at 11:00 a.m.

1 that relate any way to this case?

2 A No.

3 Q All right. Okay. For the record, will you please
4 state your full name and your current address?

5 A Jacquelyn Bush. [REDACTED] Fayetteville,
6 Georgia [REDACTED].

7 Q Is that within the city limits of Fayetteville?

8 A No. Actually, it's outside of the city limits.

9 Q Okay. And which county is that in?

10 A Fayette.

11 Q And how long have you lived at that [REDACTED] [REDACTED]
12 [REDACTED] address?

13 A Since October of 1987.

14 Q All right. And did you have any other addresses
15 before 1987?

16 A No.

17 Q Where did you reside before that [REDACTED]
18 address?

19 A In College Park.

20 Q And what time frame would that have been?

21 A That would have been probably two years prior to
22 moving here -- so the two years prior.

23 Q And where did you live before College Park?

24 A Stone Mountain, Georgia.

25 Q What time period was that?

EXHIBIT 44

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

ANNIE LOIS GRANT, et al.,

Plaintiffs,

vs.

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

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

DEPOSITION OF MARY NELL CONNER
Taken by Remote Conference
February 9, 2023
2:57 p.m.

Valerie N. Almand, RPR, CRR, CRC

1 Q. And have you discussed this deposition
2 with anyone other than your attorney?

3 A. No.

4 Q. Did you review anything today to prepare
5 for your deposition?

6 A. No.

7 Q. Okay. Do you have any notes or memos or
8 other documents that relate in any way to this
9 case?

10 A. No.

11 Q. Okay. And will you please state your
12 full name and your current address for the record.

13 A. Mary Nell Conner. My address, [REDACTED],
14 [REDACTED],
15 Locust Grove, Georgia, ZIP Code [REDACTED]

16 Q. Okay. And how long have you lived at
17 that address?

18 A. Four years.

19 Q. In what year and month did you move to
20 that address?

21 A. August 31st of 2018.

22 Q. Do you know what county that's in?

23 A. Henry.

24 Q. And where did you live before [REDACTED]
[REDACTED]?

1 A. [REDACTED] [REDACTED] [REDACTED] in Stockbridge.

2 Q. Do you know why you moved?

3 A. I purchased a home.

4 Q. Okay. And what county was that [REDACTED]
5 [REDACTED] address in?

6 A. That was in Henry County as well.

7 Q. Okay. How long were you at the [REDACTED]
8 [REDACTED] address?

9 A. Five years.

10 Q. Okay. And how long have you lived in
11 Henry County overall?

12 A. Ten years.

13 Q. And where did you live before Henry
14 County?

15 A. Clayton County, Georgia.

16 Q. Did you ever reside in any other state?

17 A. Prior to Georgia, yes.

18 Q. And what states was that?

19 A. Michigan, Farmington Hills, Michigan.

20 Q. Anywhere else?

21 A. Kansas City, Missouri.

22 Q. Was there anywhere else?

23 A. Chicago, Illinois.

24 Q. And what time period did you live in
25 Farmington, Michigan?

EXHIBIT 45

1 generally shifted District 25 to the north and west
2 into areas including those that had been occupied by
3 Senate District 17.

4 And so it's kind of swapping areas that
5 had been in Senate District 25 in the enacted map
6 into illustrative District 17, and in doing so
7 making Senate District 25 significantly more
8 compact.

9 So that was a kind of a long answer to
10 the question of why. And always -- I'm getting into
11 the broken record here, but doing this while
12 considering other traditional redistricting
13 criteria.

14 Q And in talking about considering other
15 traditional redistricting criteria, looking at
16 Senate 17 on the illustrative plan, it looks to me
17 like it has four split counties in it: Greene,
18 Baldwin, Newton and Walton Counties.

19 How did you take into account the
20 traditional principle of avoiding county splits in
21 the creation of Senate District 17?

22 A I considered it in balance with the
23 other principles, and weighing the other
24 considerations and factors that I was trying to
25 adhere to, I ended up with that number of county

1 splits in that district.

2 I'm just going to see if Figure 3 -- it
3 looks like previous incarnation of District 17 might
4 have had three splits. It's a little hard to say
5 from Figure 3. I'm going to zoom in.

6 Q My count was that Senate 17 on the
7 enacted had three county splits and Senate 25 on the
8 enacted had two county splits.

9 A Okay. So that might have been part of
10 my consideration as well just its predecessor ha
11 three county splits.

12 Q And so adding a county split you felt
13 was still complying with the traditional principle
14 of avoiding jurisdiction splits?

15 A Taken in conjunction with all the other
16 considerations, yes.

17 Q On Figure 4 -- this is going to be a
18 little bit harder to see. Because I don't think
19 it's another map that really shows it. But District
20 20 on the illustrative plan begins, I believe, in
21 Jenkins County just south of Senate District 23 and
22 runs all the day past Macon. And I believe that's
23 into Dooley County.

24 Can you explain what community of
25 interest explains the configuration of Senate

1 District 20 on the illustrative plan?

2 A Let me take a moment. To answer your
3 question, I don't think it's possible to say that
4 there is a community of interest that explains the
5 configuration of District 20, not one -- one
6 community of interest.

7 Q Then can you walk me through then
8 what -- what does explain the boundaries of Senate
9 District 20 as you've drawn in on the illustrative
10 plan?

11 A So, again, I can refer back to Figure 3
12 showing the enacted plan, and you can sort of
13 see how District 20 looks in the enacted plan. I
14 think it's also instructive to look at 26 in the
15 enacted plan and then compare that in Figure 3 with
16 Figure 4 and see how much smaller District 26
17 becomes.

18 So 26 goes from spanning pieces of,
19 what? Seven counties, I think, to being just in two
20 counties. So that -- and I know you can't see in
21 Figure 4, but I'm pretty sure that Senate District
22 26 is just in Macon-Bibb and Houston Counties.

23 So in making District 26, the
24 configuration that it has, and removing the splits
25 from Bibb County, which as I recall was split three

1 ways, there's kind of a void that needs to be filled
2 and expanding the area of District 20 in that
3 direction, I guess to the north, was -- that's part
4 of why it was done the way it was as well as changes
5 to District 23.

6 I'm just looking back and forth. But,
7 yeah. So it was kind of a way of trying to
8 harmonize the shape of District 20 as it was
9 adjacent to Senate District 26 and Senate District
10 23.

11 Q Do you recall, did you draw Senate
12 Districts 23 and 26 first and then fill in around
13 them with 17 and 20?

14 A That's an interesting question, Mr.
15 Tyson. You don't really draw the districts one at a
16 time. Well, you can. But the way that I typically
17 work in the software is to take census geography and
18 assign it -- change its assignment from being in one
19 to being in another.

20 So if I'm changing the southern edge of
21 Senate District 23, I'm going to either assign --
22 and depending on whether I'm removing areas or
23 adding areas, the adjacent district is going to get
24 those -- the areas that were removed, for example.

25 So in essence when I'm drawing Senate

1 A Good question. I would -- I guess in
2 this -- I did use the word community. Maybe
3 population would have been a better choice of words
4 because some folks would -- would characterize
5 racial groups as a community of interest. And so I
6 think some people would say that that is -- that
7 they, as you described, could be considered one
8 community.

9 Often as I'm drawing a map I guess I can
10 think of them both as a community with a shared
11 interest or a shared characteristic I should say.
12 But also they are -- they have their distinctive
13 elements as well.

14 Q In the configuration of districts 23,
15 the counties that you split kind of starting in the
16 north, then going around are Wilkes, Greene,
17 Baldwin, Richmond and McDuffie Counties, right?

18 A Yes.

19 Q And are you aware that for each of those
20 county splits you included the highest concentration
21 of black voters in the county Senate District 23 and
22 the more white population portion of the county
23 outside of District 23?

24 A I am not aware that that's the case.

25 Q Okay. Let me mark --

1 A And, yeah, if you can just be able to
2 refer back to that wording as we -- as we go to
3 another exhibit because, again, I just wanted to
4 make sure I understand the just kind of mathematical
5 relationship you're describing.

6 Q Certainly. We're going to look at a
7 chart.

8 A Okay.

9 Q I just introduced Exhibit Number 9,
10 which is Mr. Morgan's report in this case.

11 A Yep.

12 Q And I'd like for us to go to Page number
13 17. Let me know when you're there.

14 A 17, yes.

15 Q And I believe you said you reviewed Mr.
16 Morgan's report as part of your preparation for this
17 deposition.

18 A Yes.

19 Q So on page 17 there's a chart for --
20 that has each of the five-county split with a
21 portion in District 23 and outside of District 23.
22 Do you see that?

23 A Yes.

24 Q And in each case the portion of the
25 county in District Senate 23 has a higher AP Black

1 VAP percentage in the portion outside of Senate
2 District 23 on the illustrative plan, right?

3 A Yes.

4 Q And were you aware that -- I think you
5 said you weren't -- that every county split you made
6 in Senate District 23 had this type of racial
7 differentiation on the population?

8 A Okay. I misunderstood your question. I
9 thought you were talking about the -- you said
10 something about the highest concentration, and I
11 thought you were saying that I had somehow selected
12 the highest concentration possible in isolating one
13 section of a county from the other section.

14 You used that superlative term highest,
15 and I thought you were saying that I had taken --
16 like if I was taking precincts, that there's no
17 other combination of precincts that I could have
18 taken that would have been higher than what I took.

19 So that's what I understood. And that's
20 why I wanted to maybe refer back to the way you had
21 asked the question.

22 So, yes, I have looked at this chart.
23 There is something that I don't agree with in terms
24 of Mr. Morgan's characterization here. In the
25 preceding paragraph he says that I took the lion's

1 share or the construction takes the lion's share --
2 I'm paraphrasing a little bit -- of the black
3 population of each of those counties into the
4 district.

5 But in Greene County the black
6 population outside District 23 is actually more
7 numerous, and in the case of the AP Black voting age
8 population, the fourth column of numbers, it's --
9 well, both, really. Both of the black population
10 columns of numbers show that there's significantly
11 more black people outside District 23 than inside.

12 Q And just to be clear, you're looking at
13 the raw number of individuals, not the percentage of
14 those individuals as compared to the remaining
15 population, is that right?

16 A Right. My under -- yes.

17 Q Have you evaluated whether Senate
18 District 23 would still be majority black if you
19 removed any of these county splits?

20 MR. HAWLEY: Objection to the extent
21 that, Mr. Esselstyn, your answer implicates
22 draft maps or draft reports. But otherwise,
23 you can answer.

24 A I don't recall doing so.

25 Q Okay. I'll put this one away and go

1 is that right?

2 A So -- after I'd drawn the first
3 illustrative plan. So the area in Bibb County did
4 not change from the PI plan to the December '22
5 plan. Baldwin County did change a little bit. So
6 my review of the comments and such was in late 2022.

7 Q Thank you. We've been going about an
8 hour and half and I'm going to move to District 25.
9 Do you want to take a break at this point, Mr.
10 Esselstyn?

11 A Sure. Sounds good.

12 MR. TYSON: We can go off the record.

13 (Recess.)

14 Q (By Mr. Tyson) All right, Mr. Esselstyn.
15 I want to turn next to Senate District 25, which is
16 on Figure 6, Page 13 of your report. Do you see
17 that?

18 A Yes.

19 Q And looking at Senate District 25 as
20 drawn on the illustrative plan, it includes portions
21 of Clayton County and portions of Henry County,
22 right?

23 A That's correct.

24 Q So in terms of the decision to connect
25 this part of Clayton with Henry County, can you tell

1 me what factors went into putting those two counties
2 together in District 25?

3 A I'm trying to recall. Again, this is
4 one that I did not -- I altered part of Fayette
5 County for the December 2022 plan but did not change
6 the orientation or the alignment of District 25.

7 Let me look back at what it looked like
8 under the enacted plan.

9 Yeah, I don't recall specific reasons
10 other than the kind of trial and error, as I
11 mentioned, that a lot of this is kind of iterative
12 in. I would have maybe looked at different
13 possibilities, and this one seemed to be the best
14 combination.

15 Q Okay. And creating District 25 where
16 you have -- I know we talked earlier about District
17 10 that runs down that eastern side of Henry County
18 to Butts County.

19 A Yes.

20 Q Do you see that? Are you aware of the
21 racial makeup of the components of Districts 10, the
22 different counties that you included in District 10?

23 A I'm sorry. Could you ask the -- repeat
24 the question? And I aware --

25 Q Sure.

1 A I believe so.

2 Q So can you tell me about anything the
3 geography encompassed on this Senate District 28 has
4 in common besides the racial makeup of the people in
5 it?

6 A So again, when I'm looking at
7 communities of interest and the communities of
8 interest principle, I'm not trying to make sure that
9 every piece of a district has some unifying factor.
10 So I will say I remember, for example, that the
11 shape of the part that goes down into Coweta is
12 trying to keep most of -- it's either Newton or
13 Newman.

14 Q Newnan, yes.

15 A Newnan. Thank you.

16 -- keep most of that in one district.
17 So that was an example. That's kind of the -- in
18 thinking about communities of interest trying not
19 to, you know, cut that community in half. So that
20 was a consideration.

21 But as far as trying to ensure that
22 every -- every corner has something in common with
23 every other corner, that was not part of my
24 calculus.

25 Q And you'd agree that Newnan was whole on

1 the enacted Senate plan in 28 as well, right,
2 because Coweta was whole as a county?

3 A I think that's right. Just let me
4 quickly check Figure 3.

5 Yes. But I think that Douglas County
6 was divided. I may be getting this confused with
7 the House plan. But I believe that Douglas County
8 was divided in the enacted plan but is made whole in
9 the illustrative plan.

10 Q Which one? Douglas County?

11 A I think so.

12 Q Okay. And in the illustrative plan,
13 District 35 you know makes Douglas whole but it also
14 connects portions of Fulton County with parts of
15 south Paulding County, right?

16 A Right.

17 Q Do you know the racial makeup of that
18 part of south Paulding County?

19 A No. I mean do I know? I don't know it
20 off the top of my head. There are -- probably one
21 of the exhibits we could look at would give me a
22 clue but -- or a better informed answer.

23 Q Okay. Were you aware of any connections
24 between Paulding County and Fulton County when you
25 configured illustrative District 35 this way?

1 A Yeah.

2 Q And in the House plan here Douglas
3 County is divided to allow District 64 to connect
4 these pieces of Fulton and south Paulding, right?

5 A Yeah. I mean, if we were to look back
6 at how it was -- it's hard to see in Figure 12. But
7 I might say that there is a portion of Douglas
8 County included in the district which serves as a
9 connection between Fulton and Paulding Counties, the
10 portions in Fulton and Paulding Counties.

11 And this is an example of -- the smaller
12 population size of these districts means that I
13 don't think I could have kept Douglas County whole
14 because, as I recall, its population is around
15 145,000 people and these districts are 60,000, so --

16 Q And aside from being in the Atlanta
17 metro area, as you identified, for connecting parts
18 of Fulton and Paulding in the Senate plan, is there
19 anything else you can identify -- a community that's
20 kept whole in Senate District -- I mean, House
21 District 64?

22 A Not that I can recall. There -- not
23 that I can recall.

24 Q So let's move over to south Metro,
25 Paragraph 50. And here we have two districts.

1 First District 74 that connects portions of Clayton
2 with portions of Fayette, is that right?

3 A Yes.

4 Q Do you know if the portion of Fayette in
5 that district is majority black?

6 A I don't.

7 Q Would it surprise you if it was 16.01 AP
8 black VAP in Fayette County in District 74?

9 A That's lower than I would expect. But I
10 -- I don't know that it wouldn't surprise me.

11 Q Do you consider the south part of
12 Fayette County to be a rural area?

13 A I don't have an opinion on that.

14 Q Okay. And so can you identify any
15 communities that are kept whole in House District
16 74?

17 A None that I can recall there. I think
18 -- is this the one where we talked about Irondale?
19 I -- I believe there were -- in the area in Clayton
20 County, I believe it was a census-designated place,
21 maybe not an incorporated one, but I have a, again,
22 somewhat hazy recollection that there is a community
23 that this was drawn to keep mostly intact.

24 Q Okay. Do you recall if that
25 census-designated place was in Clayton or Fayette

1 Q And you don't know because you didn't
2 look at political data if Districts 117 and 74
3 currently have Republican incumbents?

4 A I did not.

5 Q Is there any community you can identify
6 in District 117 that is being kept whole in its
7 configuration on the illustrative plan?

8 A Not with the information I have in front
9 of me or based on memory, but there may be some. I
10 just -- I don't have -- as I said, not based on what
11 I have in my mind or in front of me.

12 Q Who would you need to have to determine
13 that?

14 A Maps of things like incorporated areas
15 or census-designated places, other campus-type
16 things, whether they are educational institutions
17 or military facilities, that sort of thing, other
18 parks, those -- those kinds of communities of
19 interest that have clearly defined boundaries as
20 opposed to the kind that --

21 Well, that would be a layer, if they
22 were also a layer of kind of community -- defined
23 communities, that would be another thing I could
24 look at and specify.

25 Perhaps minority groups, if -- sometimes

1 deviation number in your written report, just in the
2 exhibits, right?

3 A That's right.

4 Q Is the way that you determined that the
5 illustrative plan complied with the traditional
6 principle of population equality for the House the
7 same as the methods you used for making that
8 determination for the Senate illustrative plan?

9 A I think generally, yes.

10 Q In paragraph 57 you talk about
11 compactness. And we, again, have the average scores
12 for four of the five metrics and then a cut edge
13 score. Would you expect average compaction scores
14 to be the same if 155 of the 180 districts on a plan
15 are the same?

16 A No. I mean, it could be. But --

17 Q Okay.

18 A -- that's saying that --

19 Q Okay. So you didn't break out the
20 compactness scores for the 25 districts that you
21 changed. You only reported here in Table 6 the
22 average for all 180 districts for four of those five
23 measures, and then over on Table 7 the scores for
24 just the new majority black districts, right?

25 A That's right. In the text of the

1 report. But the -- the attachments include
2 compactness scores for all the districts in both
3 enacted and illustrative as well as other summary
4 and metrics.

5 Q And was your method of determining that
6 the plan complied with the traditional principle of
7 compactness generally the same process for the House
8 illustrative plan as for the Senate Illustrative
9 plan?

10 A Yes.

11 Q And for Figure 17, like the Senate,
12 these charts -- the only districts on these four
13 charts that are from the illustrative plan are the
14 colored lines. And the gray lines are districts on
15 the enacted plan, right?

16 A That's right.

17 I'm sorry. If you -- if you wouldn't
18 mind repeating that question again. I just tuned
19 out for a moment.

20 Q Sure. In Figure 17, the --

21 A Yes.

22 Q -- in all four charts the only districts
23 from the illustrative plan on those charts are the
24 colored lines. The gray lines refer or are
25 districts on the enacted plan, right?

1 A That's correct.

2 Q Do you recall that Mr. Tyson asked you
3 about the Maptitude software's ability to shade
4 racial demographic information while you're
5 undertaking map drawing?

6 A I do.

7 Q And you mentioned that you have used
8 that shading, including in the development of your
9 illustrative plans, correct?

10 A Correct.

11 Q My question is: Do you always have that
12 shading function on when you're map drawing?

13 A No.

14 Q Did you always have that shading
15 function toggled on when you were drawing your
16 illustrative Senate and House maps in this case?

17 A No.

18 Q Does Maptitude provide other means of
19 assessing racial and other demographic information
20 other than shading?

21 A Yes.

22 Q Did you use that shading function to
23 make any outcome determinative line drawing
24 decisions? Let me phrase that a different way.

25 A Okay.

1 Q When you -- when you had that shading
2 function toggled and you could see it, did you use
3 the information that that shading provided -- did
4 that information predominate in any given line
5 drawing decision you made when you were preparing
6 you illustrative maps?

7 A No, it did not.

8 Q I'd like to talk briefly now about some
9 of the comparative characteristics, particularly
10 kind of the more general discussion that you had
11 with Mr. Tyson earlier in the deposition. And
12 again, just so it's clear in the record, is it fair
13 to say that some of the traditional redistricting
14 principles that you drew in accordance with and
15 analyzed in your report can be understood in
16 isolation for a single map?

17 A I'm sorry. Could you repeat the
18 question?

19 Q Certainly. Are there certain
20 redistricting criteria that can be analyzed -- the
21 compliance with which can be analyzed simply by
22 looking at a single piece of information from a
23 given map?

24 A Oh, yes. Yeah, for like contiguity.
25 And, again, it's helpful to use the Maptitude

EXHIBIT 46

2/23/2023

Coakley Pendergrass, et. al., v. Brad Raffensperger, et. al.

Dr. John Alford

Page 1

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

_____)	
COAKLEY PENDERGRASS, et al.,)	
)	
Plaintiffs,)	
vs.)	
)	Civil Action No.
BRAD RAFFENSPERGER, in his)	2:21-CV-05449-SCJ
official capacity as the)	
Georgia Secretary of State,)	
et al.,)	
)	
Defendants.)	
_____)	

ANNIE LOIS GRANT, et al.,)	
)	
Plaintiffs,)	
vs.)	Civil Action No.
)	1:22-CV-00122-SCJ
BRAD RAFFENSPERGER, in his)	
official capacity as the)	
Georgia Secretary of State,)	
et al.,)	
)	
Defendants.)	
_____)	

Videotaped deposition of DR. JOHN ALFORD, taken remotely in the above-captioned cause, before Rachel F. Gard, CSR, RPR, CRR, commencing at the hour of 11:00 a.m. Eastern on Thursday, February 23, 2023.

DIGITAL EVIDENCE GROUP
1730 M Street, NW, Suite 812
Washington, D.C. 20036
(202) 232-0646

1 government except making sure everybody is
2 carrying a pistol.

3 But certainly for any court, as it was for
4 the court that Brennan was working with, you can't
5 approach an issue like the legitimacy of an
6 application of the Voting Rights Act, if you're
7 going to blind yourself to evidence presented by
8 the plaintiffs as convincing, solid evidence that
9 their expert backs that shows that the racial cue
10 in the election makes no difference at all to the
11 behavior, voting behavior of blacks or whites.

12 Q So we've been going for about 90 minutes
13 now. It might be -- we might be approaching a
14 good time to take a break. But before we do, I
15 just want to have a couple follow-up questions to
16 what we've been talking about.

17 The first one is: Just when -- and we'll
18 get into this more a little later on. But you
19 just suggested that the analysis that you're
20 purporting to undertake doesn't have a causation
21 element. But when you say that these results
22 demonstrate that the polarization is on account as

1 party affiliation, how can that be construed as
2 anything but a causal conclusion? Isn't that by
3 necessity what "on account of" means? You're
4 looking for a factor that explains the reasons for
5 something, not merely observing what the data --
6 not merely, not merely seeing what the data on its
7 face demonstrates, I guess that's my question.

8 A That's a good question. I think so the
9 issue that you're going to get at is sort of, is
10 this -- when we look at the data, we can clearly
11 see that these groups vote difference in a party
12 sense, blacks are voting for the Democrat
13 overwhelmingly, whites are voting for the
14 Republican overwhelmingly. So that appears to
15 demonstrate the party of the candidate appears to
16 be having an effect, right.

17 That's compatible with a whole lot of
18 arguments about partisan causation, okay. It is
19 not evidence of causation. It's evidence that it
20 might be fruitful and certainly suggests that
21 there may be some connection. It's an awfully
22 strong pattern, durable across -- up and down the

1 ballot and across the country, it's an awfully
2 durable element if it doesn't have some causal
3 connection. But in and of itself, right, it just
4 ultimately is a correlation. It is not a causal
5 inquiry.

6 So it is definitely evidence of a clear
7 partisan voting pattern, right. There's a clear
8 connection between the party label and the
9 candidate and the behavior of the voters. But
10 whether that connection is causal or not is a
11 different kind of inquiry. EI is never going to
12 answer a causation question. It can barely answer
13 a correlated question, unless the evidence is
14 really as clear as it is here, right.

15 So the question -- the answer is that is
16 the evidence here is clearly compatible with any
17 number of arguments in which partisanship might be
18 causal. That's not the case, right. So, for
19 example, what we saw here was that the party of
20 the candidate didn't make any difference to this
21 pattern at all. So all I'm asking to be
22 recognized here is if a pattern shows no

1 established causation or not. All you've
2 established there is that you don't want to
3 discuss causation.

4 Q But as you just noted -- we'll get into
5 this as well. Causation with the data we have in
6 front of us is difficult to ascertain, correct?

7 A So we're moving into the area that's more
8 about kind of philosophy of science than it is
9 about redistricting, okay. So causation is a big
10 topic in political science now. Causation is a
11 big topic in the sciences in general. To the
12 degree we see ourselves as a science, we're a
13 lot -- we're now very actively involved in trying
14 to transform ourselves from an associational
15 discipline into a causal discipline, which means
16 we do a lot of experimental work. We have a lot
17 of quasiexperimental work. We have really
18 fancy -- we now have two separate individuals in
19 our department that just teach causal methodology.
20 I can promise you, it looks nothing like this at
21 all.

22 Establishing causation is a very difficult

1 scientific issue, and it's really kind of
2 fundamental. It's being thrown around here in the
3 common sense term of causation. It's not the
4 scientific sense of causation. So I don't think
5 anything -- when people say, well, isn't "on
6 account of race" the same thing as establishing
7 causation? In a colloquial sense, maybe. Even in
8 a legal sense, probably. In a scientific sense,
9 no.

10 Q Okay.

11 A In a scientific sense, I've never seen any
12 work done in terms of the evidence that the Court
13 is looking for or relies on that's come anywhere
14 within a hundred miles of a causal analysis.

15 Q So then you would agree that the data we
16 have, certainly the data we have in front of us in
17 this case, is insufficient to draw conclusions as
18 to causation, certainly in a scientific sense,
19 correct?

20 A But the only thing we can draw from this
21 is the evidence we have is very strong evidence
22 that voters respond differently according to the

EXHIBIT 47

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

ANNIE LOIS GRANT, et al.,

Plaintiffs,

v.

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

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

Defendants.

COAKLEY PENDERGRASS, et al.,

Plaintiffs,

v.

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

BRAD RAFFENSPERGER, et al.,
Defendants.

VIDEOTAPED ZOOM DEPOSITION OF
MAXWELL PALMER, Ph.D.

February 22, 2023
9:28 A.M.

Lee Ann Barnes, CCR-1852B, RPR, CRR, CRC

1 A. I'm not if he was using the same data that
2 was available to him. He might just be using the
3 results of my report and not looking at the data
4 itself.

5 COURT REPORTER: Excuse me. Could you
6 repeat the objection, please? It was spoken
7 over.

8 MR. JACOUTOT: It was just object to form.

9 COURT REPORTER: Thank you.

10 BY MR. HAWLEY:

11 Q. With that data and with the methodology
12 that you applied to reach your results, Dr. Palmer,
13 is it possible for Dr. Alford to make a subjective
14 determination as to causation, which is to say, why
15 voters voted the way they did?

16 MR. JACOUTOT: Object to form.

17 THE WITNESS: I -- I don't believe so.

18 MR. HAWLEY: Okay. That's all I have.

19 MR. JACOUTOT: Okay. And I don't have any
20 follow-up, so I think we can call it a day.

21 VIDEOGRAPHER: All right. The time on the
22 monitor is 11:51 a.m. We're going off the
23 record.

24 (Deposition concluded at 11:51 a.m.)

25 (Pursuant to Rule 30(e) of the Federal