EXHIBIT B

Preliminary Report on the Newly Enacted Georgia State House and Senate Plans

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I. Introduction

Summary Conclusion Voting in the six areas of Georgia that I studied for this project is racially polarized. This polarization impedes the ability of Black voters to elect candidates of their choice unless districts are drawn that provide Black voters with an opportunity to elect their preferred candidates to the state legislature. As demonstrated by illustrative state house and state senate plans, the newly enacted state legislative plans (Enacted State House Plan and Enacted State Senate Plan) fail to offer Black voters an opportunity to elect their preferred candidates in areas of the state where voting is racially polarized and where majority Black opportunity districts could have been created. The failure of the Enacted Plans to provide more Black opportunity districts dilutes the opportunity of Black voters to participate in the electoral process and to elect candidates of their choice to the Georgia state legislature.

Scope of Project I was retained by plaintiffs in this case as an expert to conduct an analysis of voting patterns by race in several areas in the State of Georgia to determine whether voting in these areas is racially polarized. In addition, I was asked to assess the ability of Black voters to elect their candidates of choice in these areas of the Enacted Plans compared to the illustrative plans (Illustrative State House and Illustrative State Senate Plan) drawn by plaintiffs' expert demographer, Bill Cooper, in this litigation.[1]

II. Professional Background and Experience

I have over thirty-five years of experience as a voting rights and redistricting expert. I have advised scores of jurisdictions and other clients on minority voting rights and redistricting-related issues. I have served as an expert in dozens of voting rights cases. My clients have included state and local jurisdictions, independent redistricting commissions (Arizona, Colorado, Michigan), the U.S. Department of Justice, national civil rights organizations, and such international organizations as the United Nations.

I have been actively involved in researching, writing, and teaching on subjects relating to voting rights, including minority representation, electoral system design, and redistricting. I co-

[1] I am being compensated at a rate of $300 an hour for work on this project.

authored a book, *Minority Representation and the Quest for Voting Equality* (Cambridge University Press, 1992), and co-edited a volume, *Redistricting in Comparative Perspective* (Oxford University Press, 2008), on these subjects. In addition, my research on these topics has appeared in peer-reviewed journals such as *Journal of Politics*, *Legislative Studies Quarterly*, *American Politics Quarterly*, *Journal of Law and Politics*, and *Law and Policy*, as well as law reviews (e.g., *North Carolina Law Review*) and a number of edited books. I hold a Ph.D. in political science from The George Washington University.

I have been a principal of Frontier International Electoral Consulting since co-founding the company in 1998. Frontier IEC specializes in providing electoral assistance in transitional democracies and post-conflict countries. In addition, I am a Visiting Research Academic at Oxford Brookes University in Oxford, United Kingdom. Attached to the end of this report as *Appendix D* is a copy of my curriculum vitae.

III. Analysis of Voting Patterns by Race

An analysis of voting patterns by race serves as the foundation of two of the three elements of the "results test" as outlined in *Thornburg v. Gingles*: a racial bloc voting analysis is needed to determine whether the minority group is politically cohesive; and the analysis is required to determine if whites are voting sufficiently as a bloc to usually defeat the candidates preferred by minority voters. The voting patterns of white and minority voters must be estimated using statistical techniques because direct information about the race of the voters is not, of course, available on the ballots cast.

To carry out an analysis of voting patterns by race, an aggregate level database must be constructed, usually employing election precincts as the units of observation. Information relating to the demographic composition and election results in these precincts is collected, combined, and statistically analyzed to determine if there is a relationship between the racial composition of the precincts and support for specific candidates across the precincts.

Standard Statistical Techniques Three standard statistical techniques have been developed over time to estimate vote choices by race: homogeneous precinct analysis, ecological

regression, and ecological inference.[2] Two of these analytic procedures – homogeneous precinct analysis and ecological regression – were employed by the plaintiffs' expert in *Thornburg v. Gingles*, have the benefit of the Supreme Court's approval in that case, and have been used in most subsequent voting rights cases. The third technique, ecological inference, was developed after the *Gingles* decision and was designed, in part, to address some of the disadvantages associated with ecological regression analysis. Ecological inference analysis has been introduced and accepted in numerous district court proceedings.

Homogeneous precinct (HP) analysis is the simplest technique. It involves comparing the percentage of votes received by each of the candidates in precincts that are racially or ethnically homogeneous. The general practice is to label a precinct as homogeneous if at least 90 percent of the voters or voting age population is composed of a single race. In fact, the homogeneous results reported are not estimates – they are the actual precinct results. However, most voters in Georgia do not reside in homogeneous precincts and voters who reside in homogeneous precincts may not be representative of voters who live in more racially diverse precincts. For this reason, I refer to these percentages as estimates.

The second statistical technique employed, *ecological regression* (ER), uses information from all precincts, not simply the homogeneous ones, to derive estimates of the voting behavior of minorities and whites. If there is a strong linear relationship across precincts between the percentage of minorities and the percentage of votes cast for a given candidate, this relationship can be used to estimate the percentage of minority voters supporting the candidate.

The third technique, *ecological inference* (EI), was developed by Professor Gary King. This approach also uses information from all precincts but, unlike ecological regression, it does not rely on an assumption of linearity. Instead, it incorporates maximum likelihood statistics to produce estimates of voting patterns by race. In addition, it utilizes the method of bounds, which uses more of the available information from the precinct returns as well as providing more

[2] For a detailed explanation of homogeneous precinct analysis and ecological regression see Bernard Grofman, Lisa Handley and Richard Niemi, *Minority Representation and the Quest for Voting Equality* (Cambridge University Press, 1992). See Gary King, *A Solution to the Ecological Inference Problem* (Princeton University Press, 1997) for a more detailed explanation of ecological inference.

information about the voting behavior being estimated.[3] Unlike ecological regression, which can produce percentage estimates of less than 0 or more than 100 percent, ecological inference was designed to produce only estimates that fall within the possible limits. However, EI does not guarantee that the estimates for all of the candidates add to 100 percent for each of the racial groups examined.

Database To analyze voting patterns by race using aggregate level information, a database that combines election results with demographic information is required. This database is almost always constructed using election precincts as the unit of analysis. The demographic composition of the precincts is based on voter registration or turnout by race if this information is available; if it is not, then voting age population or citizen voting age population is used. Georgia collects voter registration data by race, and the 2016, 2018, and 2020 reports of turnout counts by race and ethnicity were obtained from the Georgia Secretary of State's office for inclusion in the database.

To build the Georgia dataset used for this racial bloc voting analysis, 2016, 2018, and 2020 precinct-level shapefiles were acquired from the Voting and Election Science Team. These shapefiles were joined to precinct-level election returns from the Georgia Secretary of State's office, which were processed and cleaned by OpenElections. The 2020 Census Block shapefiles, and total and voting age populations by race and ethnicity, were obtained from the Census FTP portal.

The election returns for the 2016, 2018, and 2020 election cycles were disaggregated down to the level of the 2020 Census block. This block-level dataset was then reaggregated up to the level of the 2020 voting districting, taking into account splits of the voting districts by the implemented and proposed plans.

Plan comparisons were made using the Georgia newly enacted state senate and house plans, which were acquired as census block equivalency files. The Illustrative state house and senate files were obtained from plaintiffs' expert demographer, Bill Cooper, also as census block equivalency files.

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[3] The following is an example of how the method of bounds works: if a given precinct has 100 voters, of whom 75 are Black and 25 are white, and the Black candidate received 80 votes, then at least 55 of the Black voters voted for the Black candidate and at most all 75 did. (The method of bounds is less useful for calculating estimates for white voters, as anywhere between none of the whites and all of the whites could have voted for the candidate.)

Statewide elections analyzed All recent statewide election contests that included Black candidates were analyzed.[4] The general elections included the 2021 Special U.S. Senate runoff, the 2020 U.S. Senate Special general election, and the 2018 general election contests for Governor, Commissioner of Insurance, and School Superintendent. I also analyzed recent statewide Democratic primaries that included Black candidates, including the 2018 Democratic primaries for Governor, Lieutenant Governor, Commissioner of Insurance, School Superintendent, and Commissioner of Labor. Republican primaries were not examined because the overwhelming majority of Black voters who participate in primaries cast their ballots in Democratic rather than Republican primaries. As a consequence, Democratic primaries are far more probative than Republican primaries in ascertaining the candidates preferred by Black voters.[5]

Geographic areas analyzed I examined voting patterns in six areas of Georgia where the Illustrative Plans offer districts with majority Black voting age populations (BVAP),[6] that the Enacted Plans fail to provide. Although the Illustrative Plans offers more majority Black state senate and state house districts than the seven found in the six regions discussed below,[7] my analysis focuses on these six areas because the majority Black districts in these areas are readily identifiable as "additional" when portions of the Enacted and Illustrative districts are compared. The six areas of interest, the set of Illustrative and Enacted districts being compared in each of

[4] In addition to the five recent general election contests that included Black candidates, I analyzed the two contests in which Jon Ossoff ran – the 2021 runoff for U.S. Senate and the November 2020 general election for U.S. Senate.

[5] In addition, producing reliable estimates for Black voters in Republican primaries would not have been possible.

[6] Black voting age population has been calculated by counting all persons who are 18 or older who checked "Black or African American" on their census form. This includes persons who are single-race Black or any part Black (i.e., persons of two or more races who indicate "Black" as one of the races), including Hispanic Black.

[7] The Enacted Plans create 14 majority Black VAP state senate districts and 49 majority Black VAP state house districts. The Illustrative Plans create 19 majority Black VAP state senate districts and 54 majority Black VAP state house districts.

these areas, and the counties encompassed by these areas,[8] are listed in Table 1. The additional majority Black districts offered in each area by the Illustrative Plans are bolded.

Table 1: Georgia Areas of Interest Analyzed

Area of Interest	Illustrative Districts	Enacted Districts	Counties
State Senate Districts			
Eastern Atlanta Metro Region (Map 1)	10 **17** 43	10 17 43	Dekalb, Henry, Morgan, Newton, Rockdale, Walton
Southern Atlanta Metro Region (Map 2)	16 **28** 34 44	16 28 34 44	Clayton, Coweta, Douglas, Fayette, Heard, Henry, Lamar, Meriwether, Pike, Spalding, Upson
East Central Georgia with Augusta (Map 3)	22 **23** 25 26	22 23 25 26	Baldwin, Bibb, Burke, Butts, Columbia, Emanuel, Glascock, Hancock, Henry, Houston, Jasper, Jefferson, Jenkins, Johnson, Jones, McDuffie, Macon, Morgan, Peach, Putnam, Richmond, Screven, Taliaferro, Twiggs, Walton, Warren, Washington, Wilkinson
State House Districts			
Southeastern Atlanta Metro Region (Map 4)	**73** 75 78 109 **110** 111 129 131	74 75 78 115 116 117 118 134	Butts, Clayton, Fayette, Henry, Jasper, Lamar, Monroe, Newton, Putnam, Spalding

[8] All counties that overlapped any of the Illustrative or Enacted districts in the area were included in the analysis unless the county is very large (population over 500,000) and less than 10% of the county's population is encompassed by an Illustrative or Enacted district in the area.

Central Georgia (Map 5)	120 128 **144** 145	124 128 133 155	Baldwin, Burke, Clarke, Glascock, Greene, Hancock, Jefferson, Johnson, Jones, Laurens, McDuffie, Morgan, Oglethorpe, Putnam, Taliaferro, Walton, Warren, Washington, Wilkes, Wilkinson
Southwest Georgia (Map 6)	151 **153** 171 173	151 152 153 171	Brooks, Chattahoochee, Decatur, Dougherty, Grady, Lee, Lowndes, Marion, Mitchell, Schley, Seminole, Stewart, Sumter, Terrell, Thomas, Webster, Worth

IV. Findings

Voting is racially polarized in the six areas of Georgia I examined Voting is racially polarized in the six areas of Georgia that I examined. In all seven recent general elections I analyzed, Black voters were cohesive in supporting their preferred candidates and the white voters' bloc voted against these candidates. The average percentage of the white vote for Black-preferred Black candidates is no higher than 13.8% in these six areas (13.8% is the average white vote for Raphael Warnock in 2021 across the six areas).

Recent Democratic primaries that included Black candidates were also consistently racially polarized in all six areas. The only regular exceptions to this were the two recent Democratic primaries in which Black voters supported white candidates (Jon Ossoff in the 2020 primary for U.S. Senate and Jim Barksdale in his bid for the Democratic nomination for U.S. Senate in 2016). The estimates of Black and white voting patterns for these statewide general and Democratic primaries can be found in *Appendix A.*

My examination of voting patterns in these areas also included state legislative elections. A state legislative contest was analyzed if the previously existing state house or state senate district was wholly contained within one of the areas or overlapped with the additional majority Black Illustrative district(s) in an area. In addition, I looked only at biracial contests (that is, contests that included both Black and white candidates). There were eight recent state senate contests and 16 state house contests that met these criteria. All 24 of these state legislative elections were racially polarized. None of the Black candidates competing in the state senate contest analyzed garnered as much as 8% of the white vote – the average over the eight contests was only 4.6%. Black candidates fared slightly better in the state house contests, averaging 9.4% of the white vote. The

only Black candidates to win were the candidates who ran in majority Black state legislative districts.

The estimates of Black and white voting patterns for the state legislative election contests analyzed can be found in *Appendix B.*

The Previous Plans failed to provide Black voters with opportunities to elect their preferred candidates that the Illustrative Plans would provide Legislative districts in the previous plans located in the same areas as the additional Illustrative majority Black districts failed to provide Black voters with an opportunity to elect their candidates of choice in past state legislative elections. Table 2 lists the previous state senate and house districts that overlap with the additional majority Black districts offered by the Illustrative Plans. A previous district must incorporate at least 5% of the Illustrative district to be included in the table, and the percentage of the Illustrative district included is specified. The shaded districts are the previous districts I have used as comparison districts – they are almost always the previous districts with the largest overlap with the additional majority Black Illustrative districts.

Table 2: Overlap of Additional Illustrative State Legislative Districts with Previous State Legislative Districts

Illustrative State Senate Plan	Previous State Senate Plan	% of Illustrative District in Previous District	BVAP %		Illustrative State House Plan	Previous State House Plan	% of Illustrative District in Previous District	BVAP %
017	010	17.6%	74.98%		073	063	13.6%	71.31%
017	017	53.7%	41.72%		073	073	38.0%	35.12%
017	043	28.5%	68.74%		073	075	6.4%	74.27%
					073	078	41.8%	68.59%
023	022	13.4%	58.76%					
023	023	30.3%	35.62%		110	073	19.4%	35.12%
023	025	22.7%	28.50%		110	111	23.1%	51.56%
023	026	29.5%	60.14%		110	130	57.5%	36.30%
028	016	40.7%	22.00%		144	120	12.6%	26.62%
028	034	27.7%	68.34%		144	128	23.6%	54.62%
028	044	31.6%	72.43%		144	144	15.0%	27.24%
					144	145	48.8%	38.94%
					153	153	33.4%	65.15%
					153	171	36.1%	38.61%
					153	172	8.1%	27.69%
					153	173	21.4%	35.38%

According to Table 2, Illustrative senate district 17 overlaps the most with Previous state senate district 17. Previous state senate district 17, with a BVAP of 41.72%, did not elect state senators that were the candidates of choice of Black voters. In 2016, Richard Jeffares won the seat with overwhelming support from white voters and virtually no support from Black voters. Brian Strickland's election in 2018 followed the same pattern: nearly all of the white voters cast their vote for him and virtually none of the Black voters did so. The estimates for these two contests can be found in Appendix B.[9]

[9] The 2020 election is not included in Appendix B because only white candidates competed. However, my analysis of the election indicates that white voters again provided overwhelming support to Strickland, while Black voters overwhelmingly supported his opponent, who was defeated.

Previous state senate district 23, with the highest overlap percentage with Illustrative state senate district 23, has had only one recent contested election. The estimates for this election can be found in Appendix B. Over 90% of white voters supported the White candidate, Max Burns, while Black voters overwhelmingly supported his Black opponent, Ceretta Smith, who lost the contest.

Illustrative state senate district 28 overlaps the most with Previous state senate district 16, which had a 22.0% BVAP. The 2020 election contest for this seat was racially polarized, with over 90% of white voters supporting the winning white candidate and well over 90% of the Black voters supporting his Black opponent. (See Appendix B.) Only white candidates competed for the seat in 2018; [10] there was no contested election in this district in 2016.

Although Table 2 indicates that Illustrative state house district 73 overlaps the most with Previous state house district 78, which did provide Black voters with an opportunity to elect their candidates of choice, Illustrative District 73 is an additional majority Black district because Previous state house district 73 was not an effective Black district. Previous state house district 73, with a 35.12% BVAP, had one recent election that included a Black candidate. In this 2016 election, the Black candidate garnered nearly all of the Black vote but none of the white vote and lost to the candidate supported by white voters.[11] (See Appendix B.)

Illustrative house district 110 overlaps the most with Previous district 130, which had a BVAP of 36.30%. The only recent contested election for this seat was in 2020. White voters overwhelmingly supported the winner, while Black voters overwhelmingly supported his Black opponent. (See Appendix B.)

Recent elections in Previous state house district 145, which has the highest overlap with Illustrative state house district 144, also failed to provide Black voters with an opportunity to elect their candidates of choice. The district elections in 2016 and 2020 (there was no contested

[10] Because the 2018 election for this district included only white candidates, it is not included in Appendix B. However, my analysis of this election contest indicates that it was also starkly polarized and the candidate supported by Black voters lost to the candidate supported by white voters.

[11] The 2020 election included only white candidates and therefore is not in Appendix B. However, my analysis of the election contest indicates that it was racially polarized and the candidate overwhelmingly preferred by Black voters was defeated by the candidate of choice of white voters. There was no contested election in 2018.

election in 2018) were starkly polarized and the Black candidate, despite overwhelming support from Black voters, lost to the white voters' candidate of choice. (See Appendix B.)

There have been no recent contested elections in Previous state house district 171 – the district that Illustrative state house district 153 overlaps with the most. The district had a BVAP of 36.1% and consistently elected a white Republican to the Georgia state house.

The Enacted Plans continue to fail to provide Black voters with opportunities to elect their preferred candidates that the Illustrative Plans would provide In order to determine if a proposed district is likely to provide minority voters with an opportunity to elect their candidates of choice, a district-specific, functional analysis is necessary. This assessment depends not only upon the demographic composition of the district but the voting patterns in that district and whether the candidates preferred by minority voters can actually win in the district – this is what is meant by "functional." In the case of the Enacted and Illustrative districts, election results recompiled to conform to the boundaries of the newly enacted and illustrative districts must be used to make this determination.

The best election contests to use for a functional analysis are recent elections that included a viable major party minority candidate supported by minority voters but not by white voters. Five recent statewide general election contests in Georgia satisfy these conditions: the 2021 and 2020 special general and special runoff elections for U.S. Senate, with Raphael Warnock; the 2018 race for Governor, in which Stacey Abrams ran; and the 2018 contests for Commissioner of Insurance and School Superintendent, in which Black candidates Janice Laws and Otha Thornton competed, respectively. After recompiling the election results for these five contests to conform to the boundaries of the districts, an average of the five vote proportions for the Black-preferred candidates was calculated. I refer to this average as the general election effectiveness score (GE score).

To provide an indication of how Black-preferred candidates would fare in Democratic primaries (Black voters are far more likely to choose to vote in Democratic primaries than Republican primaries in Georgia), six recent statewide Democratic primaries were used to construct a Democratic primary "effectiveness" score (DPr score). The primaries chosen, and the name of the Black candidate supported by Black voters in each of these primary contests, are as follows:

- 2018 Governor with Stacey Abrams

- 2018 Lieutenant Governor with Tirana Arnold James
- 2018 Commissioner of Insurance with Janice Laws
- 2018 School Superintendent with Otha Thornton
- 2018 Commissioner of Labor with Fred Quinn
- 2018 Secretary of State with Dee Dawkins-Haigler

If a district is majority BVAP or has a significant BVAP and recompiled election results for that district produced a score of at least 0.5 on both the GE and the DPr indices, I deemed the district likely to provide Black voters with an opportunity to elect their candidates of choice. If not, I deemed the district not likely to provide Black voters with an opportunity to elect their candidates of choice (i.e., the candidates preferred by Black voters would typically lose to candidates preferred by white voters). As the plan comparison tables (Plan Comparison Tables 1-6), below, will show, Black voters would have a greater opportunity to elect their candidates of choice in the Illustrative legislative districts highlighted than in the Enacted districts in the same area.

In all six areas of Georgia that I examined, voting is racially polarized, and the Enacted Plans fail to provide seven majority Black districts that would provide Black voters with the opportunity to elect their candidates of choice that the Illustrative Plans demonstrate can be drawn. The following provides a brief description of the six areas, along with maps and district comparison tables.

Eastern Atlanta Metro Region Voting is racially polarized in this area – in all seven of the general elections and in five of the eight Democratic primaries, Black and white voters supported different candidates. The Enacted Senate Plan fails to provide a majority Black opportunity district that the Illustrative Plan offers in this area (labeled District 17), as shown in Map and Comparison Table 1.

Southern Atlanta Metro Region Voting in the seven general elections and six of the eight Democratic primaries analyzed was racially polarized. The Enacted Senate Plan fails to provide a majority Black opportunity district that the Illustrative Plan offers in this area (District 28), as shown in Map and Comparison Table 2.

East Central Georgia Voting in the seven general elections and six of the eight Democratic primaries was racially polarized in this area of the State. The Enacted Senate Plan fails to provide a

majority Black opportunity district that the Illustrative Plan offers in this area (District 23), as shown in Map and Comparison Table 3.

Southeastern Atlanta Metro Region Voting is racially polarized in this area – in all seven of the general elections and six of the eight Democratic primaries, Black and white voters supported different candidates. The Enacted House Plan fails to draw two Black majority opportunity districts that the Illustrative Plan offers in this area (Districts 73 and 110), as shown in Map and Comparison Table 4.

Central Georgia Voting in the seven of the general elections analyzed and in at least four of the eight Democratic primaries was racially polarized in this area of the State. The Enacted House Plan fails to provide a majority Black opportunity district that the Illustrative Plan offers in this area (District 144), as shown in Map and Comparison Table 5.

Southwest Georgia Voting is racially polarized in this area of the State. In all seven of the general elections and at least four of the eight Democratic primaries, Black and white voters supported different candidates. The Enacted State House Plan fails to provide a majority Black opportunity district that the Illustrative plan offers in this area (District 153), as shown in Map and Comparison Table 6.

Map 1: Eastern Atlanta Metro Region

Map 1a: Illustrative State Senate Districts 10, 17 and 43

Map 1b: Enacted State Senate Districts 10, 17, and 43

Comparison Table 1

Illustrative District	BVAP %	GE score	DPr score		Enacted District	BVAP %	GE score	DPr score
10	69.8%	0.809	0.599		10	71.5%	0.758	0.638
17	62.5%	0.635	0.631		17	32.0%	0.352	0.575
43	58.1%	0.614	0.613		43	64.3%	0.686	0.623

Map 2: Southern Atlanta Metro Region

Map 2a: Illustrative State Senate Districts 16, 28, 34, and 44

Map 2b: Enacted State Senate Districts 16, 28, 34, and 44

Comparison Table 2

Illustrative District	BVAP %	GE score	DPr score		Enacted District	BVAP %	GE score	DPr score
16	19.0%	0.283	0.517		16	22.7%	0.317	0.528
28	52.7%	0.592	0.606		28	19.5%	0.287	0.527
34	77.8%	0.863	0.623		34	69.5%	0.791	0.618
44	55.1%	0.623	0.612		44	71.3%	0.834	0.600

Map 3: East Central Georgia

Map 3a: Illustrative State Senate Districts 22, 23, 25, and 26

Map 3b: Enacted State Senate Districts 22, 23, 25, and 26

Comparison Table 3

Illustrative District	BVAP %	GE score	DPr score		Enacted District	BVAP %	GE score	DPr score
22	52.2%	0.593	0.599		22	56.5%	0.647	0.603
23	50.5%	0.519	0.588		23	35.5%	0.378	0.585
25	22.0%	0.254	0.539		25	33.5%	0.374	0.572
26	54.0%	0.600	0.611		26	57.0%	0.608	0.585

Map 4: Southeastern Atlanta Metro Area

Map 4a: Illustrative State House Districts 73, 75, 78, 109, 110, 111, 129, 131

Map 4b: Enacted State House Districts 74, 75, 78, 115, 116, 117, 118, 134

Comparison Table 4

Illustrative District	BVAP %	GE score	DPr Score		Enacted District	BVAP %	GE score	DPr Score
73	60.6%	0.661	0.630		74	25.5%	0.341	0.577
75	68.0%	0.805	0.616		75	74.4%	0.831	0.621
78	55.1%	0.648	0.611		78	71.6%	0.773	0.613
109	55.9%	0.610	0.617		115	52.3%	0.546	0.623
110	52.4%	0.561	0.588		116	58.1%	0.651	0.630
111	55.8%	0.582	0.622		117	36.6%	0.414	0.591
129	21.1%	0.246	0.540		118	23.6%	0.253	0.551
131	25.1%	0.268	0.531		134	33.6%	0.342	0.540

Map 5: Central Georgia

Map 5a: Illustrative State House Districts 120, 128, 144, 145

Map 5b: Enacted State House Districts 124, 128, 133, and 155

Comparison Table 5

Illustrative District	BVAP %	GE Score	DPr Score		Enacted District	BVAP %	GE Score	DPr Score
120	26.2%	0.437	0.519		124	25.6%	0.366	0.534
128	56.1%	0.486	0.566		128	50.4%	0.463	0.566
144	50.5%	0.535	0.585		133	36.5%	0.422	0.582
145	21.1%	0.273	0.529		155	35.9%	0.313	0.569

Map 6: Southwest Georgia

Map 6a: Illustrative State House Districts 151, 153, 171, and 173

Map 6b: Enacted State House Districts 151, 152, 153, and 171

Comparison Table 6

Illustrative District	BVAP %	GE Score	DPr Score		Proposed District	BVAP %	GE Score	DPr Score
151	56.6%	0.528	0.633		151	42.4%	0.443	0.603
153	58.0%	0.538	0.638		152	26.1%	0.273	0.615
171	35.6%	0.322	0.590		153	67.9%	0.636	0.651
173	27.6%	0.288	0.582		171	39.6%	0.352	0.588

Additional majority BVAP districts in the Illustrative Plans draw population from Enacted districts that would fail to provide an opportunity to elect As the previous discussion demonstrates, the Enacted State Senate and House Plans fail to provide Black voters with an opportunity to elect their candidates of choice in areas of the State where voting is racially polarized and where the Illustrative Plans show majority BVAP districts can be drawn. The seven additional majority Black Illustrative districts I focus on in this report were all drawn by pulling in population from at least one district in an Enacted Plan that fails to provide Black voters with an opportunity to elect their preferred candidates. The two tables below, Table 3 and Table 4, identify the Enacted districts that overlap with each Illustrative district analyzed by at least 5%, the percent of the Enacted district that overlaps with the Illustrative district, and indicate which of the Enacted districts are Black opportunity districts and which are not by reporting the percentage BVAP, and the GE and DPr scores. (*Appendix C* contains the same comparative information for the Illustrative and Previous State House and State Senate Plans.)

Table 3: Illustrative and Enacted State Senate District Overlaps

New Illustrative State Senate District	Overlaps with Enacted State Senate Districts	% Illustrative District in Enacted District	Effectiveness of Enacted Districts		
			BVAP %	GE score	DPr score
17	10	20.2%	71.5	0.758	0.638
	17	37.9%	32.0	0.352	0.575
	43	30.4%	64.3	0.686	0.623
	25	6.1%	33.5	0.374	0.572
23	22	13.4%	56.5	0.647	0.603
	23	31.1%	35.5	0.378	0.585
	25	22.7%	33.5	0.374	0.572
	26	32.9%	57.0	0.608	0.585
28	16	44.3%	22.7	0.317	0.528
	34	26.1%	69.5	0.791	0.618
	44	29.7%	71.3	0.834	0.600

Table 4: Illustrative and Enacted State House District Overlaps

New Illustrative State House District	Overlaps with Enacted State House Districts	% Illustrative District in Enacted District	Effectiveness of Enacted Districts		
			BVAP %	GE score	DPr score
73	74	38.2%	25.5	0.341	0.577
	75	8.8%	74.4	0.831	0.621
	78	46.2%	71.6	0.773	0.613
	116	6.9%	58.1	0.651	0.630
110	74	9.9%	25.5	0.341	0.577
	116	8.7%	58.1	0.651	0.630
	117	39.6%	36.6	0.414	0.591
	134	41.8%	33.6	0.342	0.540
144	124	12.5%	25.6	0.366	0.534
	128	32.4%	50.4	0.463	0.566
	133	36.7%	36.5	0.422	0.582
	149	15.0%	29.4	0.312	0.556
153	153	31.0%	68.0	0.636	0.651
	171	36.1%	39.6	0.352	0.588
	173	27.1%	36.3	0.357	0.618

VII. Conclusion

My analysis of voting patterns by race found that the Black community in the six areas of Georgia that I examined is cohesive in supporting their preferred candidates and that white voters consistently bloc vote to defeat these candidates in areas where Black majority opportunity districts could have been created but were not. Racially polarized voting substantially impedes the ability of Black voters to elect candidates of their choice to the Georgia state legislature in these areas unless districts are drawn to provide Black voters with this opportunity. The Enacted State Senate and House Plans dilute the voting strength of Black voters in Georgia by failing to create additional districts in these areas that offer Black voters an opportunity to elect their candidates of choice to the state legislature.

***

I reserve the right to modify and/or supplement my opinions, as well as to offer new opinions.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Respectfully submitted and executed on January 7, 2022.

Dr. Lisa Handley

Appendix A

Eastern Atlanta Metro Region (Area 1)	Race	Party	Estimates of Voting Patterns by Race in Recent Statewide Elections					
			Black Voters			White Voters		
			HP	ER	EI	HP	ER	EI
2021 Runoffs								
US Special Senate Runoff								
Raphael Warnock	B	D		103.6	99.6		37.5	33.8
Kelly Loeffler	W	R		-3.8	0.4		62.4	66.3
US Senate Runoff								
Jon Ossoff	W	D		103.6	99.4		36.6	32.7
David Perdue	W	R		-3.6	0.5		63.4	67.0
2020 General								
US Senate								
Jon Ossoff	W	D		100.6	99.4		35.0	31.7
Shane Hazel	W	L		2.0	2.0		2.1	2.1
David Perdue	W	R		-2.6	0.5		62.9	68.0
US Special Senate								
Raphael Warnock	B	D		71.3	75.2		30.3	27.2
Doug Colllins	W	R		-1.1	0.6		22.1	23.8
Kelly Loeffler	W	R		-2.5	0.7		37.3	40.0
Others				32.3	31.7		10.3	8.7
2018 General								
Governor								
Stacey Abrams	B	D	98.0	103.2	99.5		33.6	34.4
Ted Metz	W	L	0.2	0.1	0.2		1.5	1.3
Brian Kemp	W	R	1.8	-3.3	0.4		64.9	64.7
Commissioner of Insurance								
Janice Laws	B	D	96.2	101.5	99.5		30.6	31.2
Donnie Foster	W	L	1.5	1.6	1.4		3.8	3.9
Jim Beck	W	R	2.3	-3.0	0.5		65.6	66.7
School Superintendent								
Otha Thornton	B	D	96.9	102.8	99.4		29.1	30.4
Richard Woods	W	R	3.1	-2.8	0.5		70.8	69.6
2020 Democratic Primary								
US Senate								
James Knox	B	D	3.3	4.3	4.1		0.0	0.8
Jon Ossoff	W	D	62.5	60.6	60.7		53.9	53.4
Marckeith DeJesus	B	D	3.3	4.5	4.3		0.6	0.0
Maya Dillard Smith	B	D	8.5	10.8	10.9		1.3	1.3
Sarah Riggs Amico	W	D	11.4	13.0	12.6		5.8	6.1
Teresa Pike Tomlinson	W	D	8.4	3.5	5.9		38.1	37.0
Tricia Carpenter McCracken	W	D	2.6	3.2	3.2		0.2	0.5

Eastern Atlanta Metro Region (Area 1)	Race	Party	Estimates of Voting Patterns by Race in Recent Statewide Elections					
			Black Voters			White Voters		
			HP	ER	EI	HP	ER	EI
2018 Democratic Primary								
Governor								
Stacey Abrams	B	D	87.5	87.4	88.7		62.4	64.0
Stacey Evans	W	D	12.5	12.6	11.3		37.6	36.1
Lieutenant Governor								
Sarah Riggs Amico	W	D	43.0	38.8	38.8		93.9	94.0
Triana Arnold James	B	D	57.0	61.2	61.2		6.1	6.0
Commissioner of Insurance								
Cindy Zeldin	W	D	28.2	20.8	23.4		82.5	83.7
Janice Laws	B	D	71.8	79.2	76.6		17.6	16.2
Commissioner of Labor								
Fred Quinn	B	D	53.5	54.8	54.7		32.3	31.7
Richard Keatley	W	D	46.5	45.3	45.3		67.7	68.3
Secretary of State								
Dee Dawkins-Haigler	B	D	41.0	40.8	41.5		21.4	22.4
John Barrow	W	D	39.2	35.8	35.4		68.0	67.3
Rakeim Hadley	B	D	19.8	23.3	23.2		10.6	10.3
School Superintendent								
Otha Thornton	B	D	49.7	52.4	52.6		22.6	22.9
Sam Mosteller	B	D	17.7	17.9	17.3		23.0	22.3
Sid Chapman	W	D	32.6	29.6	30.2		54.4	54.8
2016 Democratic Primary								
US Senate								
Cheryl Copeland	B	D	45.1	47.7	47.0	22.9	24.9	24.7
Jim Barksdale	W	D	52.5	50.5	51.1	69.8	67.7	67.6
John Coyne	W	D	2.4	1.8	2.5	7.3	7.5	7.6

Southern Atlants Metro Region (Area 2)	Race	Party	Estimates of Voting Patterns by Race in Recent Statewide Elections					
			Black Voters			White Voters		
			HP	ER	EI	HP	ER	EI
2021 Runoffs								
US Special Senate Runoff								
Raphael Warnock	B	D		114.3	99.2		6.8	8.1
Kelly Loeffler	W	R		-14.2	0.8		93.2	82.0
US Senate Runoff								
Jon Ossoff	W	D		114.1	98.1		6.3	7.5
David Perdue	W	R		-14.1	0.7		93.7	92.7
2020 General								
US Senate								
Jon Ossoff	W	D		110.7	99.3	9.0	5.5	5.7
Shane Hazel	W	L		2.3	2.2	1.3	2.2	2.5
David Perdue	W	R		-12.9	0.7	89.7	92.4	91.9
US Special Senate								
Raphael Warnock	B	D		77.4	77.3	6.8	5.2	5.1
Doug Colllins	W	R		-5.6	0.7	34.1	35.4	34.5
Kelly Loeffler	W	R		-8.5	0.7	50.8	51.9	51.7
Others				36.6	37.2	8.3	7.5	7.4
2018 General								
Governor								
Stacey Abrams	B	D		112.3	99.2	10.2	4.0	5.3
Ted Metz	W	L		0.2	0.5	0.7	1.3	1.4
Brian Kemp	W	R		-12.5	0.7	89.1	94.7	93.4
Commissioner of Insurance								
Janice Laws	B	D		109.9	99.3	10.3	3.4	3.9
Donnie Foster	W	L		1.9	1.9	1.8	2.7	3.1
Jim Beck	W	R		-11.9	0.7	87.9	93.9	93.3
School Superintendent								
Otha Thornton	B	D		110.8	99.4	10.0	2.8	3.7
Richard Woods	W	R		-10.8	0.6	90.0	97.2	96.3
2020 Democratic Primary								
US Senate								
James Knox	B	D		4.4	4.0		2.9	3.9
Jon Ossoff	W	D		58.0	58.1		54.1	53.6
Marckeith DeJesus	B	D		4.5	4.8		1.3	1.6
Maya Dillard Smith	B	D		11.0	11.6		0.9	1.3
Sarah Riggs Amico	W	D		12.7	12.2		12.9	13.1
Teresa Pike Tomlinson	W	D		6.4	6.6		26.2	24.7
Tricia Carpenter McCracken	W	D		3.0	3.0		1.6	2.2

Southern Atlants Metro Region (Area 2)	Race	Party	Estimates of Voting Patterns by Race in Recent Statewide Elections					
			Black Voters			White Voters		
			HP	ER	EI	HP	ER	EI
2018 Democratic Primary								
Governor								
Stacey Abrams	B	D	84.7	89.3	88.7		46.0	47.6
Stacey Evans	W	D	15.3	10.7	11.2		54.0	52.4
Lieutenant Governor								
Sarah Riggs Amico	W	D	44.5	39.1	37.8		89.1	88.4
Triana Arnold James	B	D	55.5	60.9	62.2		10.8	11.8
Commissioner of Insurance								
Cindy Zeldin	W	D	27.0	23.8	23.4		57.1	58.6
Janice Laws	B	D	73.0	76.3	76.6		42.7	41.5
Commissioner of Labor								
Fred Quinn	B	D	49.9	50.3	51.1		46.3	44.0
Richard Keatley	W	D	50.1	49.8	48.8		53.8	55.7
Secretary of State								
Dee Dawkins-Haigler	B	D	30.9	33.2	24.3		24.6	25.7
John Barrow	W	D	44.5	40.7	39.0		65.9	65.1
Rakeim Hadley	B	D	24.6	26.0	27.2		9.3	8.2
School Superintendent								
Otha Thornton	B	D	47.2	52.0	52.4		20.3	24.5
Sam Mosteller	B	D	18.1	16.1	15.9		30.0	27.8
Sid Chapman	W	D	34.7	32.0	32.4		49.7	46.5
2016 Democratic Primary								
US Senate								
Cheryl Copeland	B	D	48.3	49.1	49.7		31.2	31.9
Jim Barksdale	W	D	49.5	49.5	48.1		62.9	64.6
John Coyne	W	D	2.2	1.4	1.0		5.9	6.7

East Central Georgia (Area 3)	Race	Party	Estimates of Voting Patterns by Race in Recent Statewide Elections					
			Black Voters			White Voters		
			HP	ER	EI	HP	ER	EI
2021 Runoffs								
US Special Senate Runoff								
Raphael Warnock	B	D		109.2	99.3	12.8	6.0	8.7
Kelly Loeffler	W	R		-9.2	0.7	87.2	94.0	91.8
US Senate Runoff								
Jon Ossoff	W	D		108.9	99.3	12.6	5.9	8.5
David Perdue	W	R		-8.9	0.7	87.4	94.1	91.5
2020 General								
US Senate								
Jon Ossoff	W	D		104.7	99.0	11.9	5.3	6.5
Shane Hazel	W	L		2.4	2.4	1.6	1.8	1.6
David Perdue	W	R		-7.1	0.8	86.5	92.9	91.8
US Special Senate								
Raphael Warnock	B	D		70.3	72.1	8.6	4.1	4.0
Doug Colllins	W	R		-3.1	0.0	35.4	35.6	32.5
Kelly Loeffler	W	R		-6.0	0.9	46.4	52.8	51.4
Others				38.7	39.7	9.4	7.5	7.1
2018 General								
Governor								
Stacey Abrams	B	D		107.5	99.3	10.6	3.6	7.0
Ted Metz	W	L		0.3	0.6	0.5	0.9	0.3
Brian Kemp	W	R		-8.9	0.6	88.8	95.5	92.2
Comissioner of Insurance								
Janice Laws	B	D		105.0	99.2	10.7	3.1	5.6
Donnie Foster	W	L		1.5	1.5	1.6	2.2	2.2
Jim Beck	W	R		-6.5	0.8	87.6	94.7	92.6
School Superintendent								
Otha Thornton	B	D		109.8	na	10.6	2.9	5.7
Richard Woods	W	R		-5.7	na	89.4	97.1	94.3
2020 Democratic Primary								
US Senate								
James Knox	B	D	7.8	7.1	6.6		12.3	10.6
Jon Ossoff	W	D	40.9	45.8	46.3		43.1	41.3
Marckeith DeJesus	B	D	5.1	5.4	4.6		3.4	3.0
Maya Dillard Smith	B	D	16.7	14.6	15.1		3.6	4.7
Sarah Riggs Amico	W	D	14.5	14.7	14.1		14.1	15.1
Teresa Pike Tomlinson	W	D	11.1	8.5	8.4		18.6	20.5
Tricia Carpenter McCracken	W	D	4.0	3.9	3.7		4.8	5.1

East Central Georgia (Area 3)	Race	Party	Estimates of Voting Patterns by Race in Recent Statewide Elections					
			Black Voters			White Voters		
			HP	ER	EI	HP	ER	EI
2018 Democratic Primary								
Governor								
Stacey Abrams	B	D	78.0	83.8	82.8	30.9	41.2	47.3
Stacey Evans	W	D	22.0	16.2	17.1	69.1	58.7	52.4
Lieutenant Governor								
Sarah Riggs Amico	W	D	47.4	43.8	52.6	67.7	78.5	82.7
Triana Arnold James	B	D	52.6	56.2	57.4	32.3	21.5	17.0
Commissioner of Insurance								
Cindy Zeldin	W	D	18.9	19.7	19.1	38.9	51.4	54.7
Janice Laws	B	D	81.1	80.3	80.9	61.1	48.6	45.4
Commissioner of Labor								
Fred Quinn	B	D	53.6	55.5	55.1	40.9	40.5	40.6
Richard Keatley	W	D	46.4	44.5	44.9	59.1	59.3	59.5
Secretary of State								
Dee Dawkins-Haigler	B	D	22.3	24.9	27.4	11.3	16.4	14.0
John Barrow	W	D	65.2	59.3	54.9	85.8	77.3	79.5
Rakeim Hadley	B	D	12.5	15.8	18.0	2.8	6.2	4.3
School Superintendant								
Otha Thornton	B	D	46.2	50.2	50.6	17.2	21.1	24.9
Sam Mosteller	B	D	19.2	18.1	17.8	31.2	29.8	29.9
Sid Chapman	W	D	34.5	31.8	31.9	51.6	49.1	45.4
2016 Democratic Primary								
US Senate								
Cheryl Copeland	B	D	48.1	49.7	50.2	22.4	24.3	24.2
Jim Barksdale	W	D	48.5	47.1	46.6	71.7	70.5	69.2
John Coyne	W	D	3.3	3.2	3.5	5.9	5.3	5.7

Southeastern Atlanta Metro Region (Area 4)	Race	Party	Estimates of Voting Patterns by Race in Recent Statewide Elections					
			Black Voters			White Voters		
			HP	ER	EI	HP	ER	EI
2021 Runoffs								
US Special Senate Runoff								
Raphael Warnock	B	D		113.1	99.3	14.6	7.9	7.7
Kelly Loeffler	W	R		-13.1	0.8	85.4	92.1	92.3
US Senate Runoff								
Jon Ossoff	W	D		113.0	99.3	14.2	7.5	7.2
David Perdue	W	R		-13.0	0.7	85.8	92.5	92.8
2020 General								
US Senate								
Jon Ossoff	W	D		109.3	na	13.4	6.8	6.9
Shane Hazel	W	L		2.3	na	1.8	2.1	2.3
David Perdue	W	R		-11.7	na	84.8	91.1	92.7
US Special Senate								
Raphael Warnock	B	D		76.3	76.3	10.2	6.3	6.0
Doug Colllins	W	R		-5.1	0.7	34.1	34.5	34.4
Kelly Loeffler	W	R		-8.0	0.6	46.7	51.9	51.9
Others				36.8	36.9	8.9	7.2	7.3
2018 General								
Governor								
Stacey Abrams	B	D		11.5	99.2	12.4	4.9	5.3
Ted Metz	W	L		0.2	0.5	0.7	12.5	1.3
Brian Kemp	W	R		-11.7	0.8	86.9	93.9	93.9
Commissioner of Insurance								
Janice Laws	B	D		109.1	99.3	12.2	4.2	4.1
Donnie Foster	W	L		1.9	1.8	2.0	2.6	2.9
Jim Beck	W	R		-10.9	0.7	85.8	93.1	93.8
School Superintendent								
Otha Thornton	B	D		110.2	99.3	12.0	3.6	4.0
Richard Woods	W	R		-10.2	0.7	88.0	96.4	96.0
2020 Democratic Primary								
US Senate								
James Knox	B	D		4.4	4.1		2.3	2.6
Jon Ossoff	W	D		57.3	57.9		57.3	57.9
Marckeith DeJesus	B	D		4.5	4.4		1.2	1.5
Maya Dillard Smith	B	D		11.3	11.5		2.2	2.3
Sarah Riggs Amico	W	D		12.8	12.4		13.1	13.0
Teresa Pike Tomlinson	W	D		6.6	6.7		22.9	23.0
Tricia Carpenter McCracken	W	D		3.2	3.2		1.1	1.7

Southeastern Atlanta Metro Region (Area 4)	Race	Party	Estimates of Voting Patterns by Race in Recent Statewide Elections					
			Black Voters			White Voters		
			HP	ER	EI	HP	ER	EI
2018 Democratic Primary								
Governor								
Stacey Abrams	B	D	84.5	88.4	88.6		45.2	44.9
Stacey Evans	W	D	15.5	11.6	11.4		54.7	54.7
Lieutenant Governor								
Sarah Riggs Amico	W	D	43.9	39.4	38.6		90.6	88.0
Triana Arnold James	B	D	56.1	60.6	61.3		9.7	12.1
Commissioner of Insurance								
Cindy Zeldin	W	D	26.7	23.7	23.7		55.0	56.2
Janice Laws	B	D	73.3	76.3	76.4		45.1	44.1
Commissioner of Labor								
Fred Quinn	B	D	50.3	51.4	51.6		44.7	44.9
Richard Keatley	W	D	49.7	48.6	48.4		55.4	55.5
Secretary of State								
Dee Dawkins-Haigler	B	D	31.7	33.7	35.0		24.6	25.7
John Barrow	W	D	43.8	40.2	38.7		70.2	68.3
Rakeim Hadley	B	D	34.4	26.0	26.0		5.3	6.2
School Superintendent								
Otha Thornton	B	D	47.3	50.8	51.4		21.5	24.8
Sam Mosteller	B	D	18.3	16.7	16.8		30.4	29.4
Sid Chapman	W	D	34.4	32.5	32.8		48.1	46.3
2016 Democratic Primary								
US Senate								
Cheryl Copeland	B	D	47.9	48.0	49.2		33.6	30.6
Jim Barksdale	W	D	49.5	50.0	48.7		61.8	65.6
John Coyne	W	D	2.6	2.0	1.3		4.6	5.9

Central Georgia (Area 5)	Race	Party	Estimates of Voting Patterns by Race in Recent Statewide Elections					
			Black Voters			White Voters		
			HP	ER	EI	HP	ER	EI
2021 Runoffs								
US Special Senate Runoff								
Raphael Warnock	B	D		100.1	99.0	13.5	10.9	17.0
Kelly Loeffler	W	R		-0.1	1.2	86.5	89.1	83.0
US Senate Runoff								
Jon Ossoff	W	D		99.9	98.9	13.3	10.6	16.7
David Perdue	W	R		0.0	1.1	86.7	89.2	83.3
2020 General								
US Senate								
Jon Ossoff	W	D		95.6	98.9	12.6	9.6	15.1
Shane Hazel	W	L		1.8	1.8	1.4	1.9	0.8
David Perdue	W	R		2.6	1.0	85.9	88.4	84.4
US Special Senate								
Raphael Warnock	B	D		64.8	65.4	9.1	7.8	10.2
Doug Colllins	W	R		2.2	1.2	36.1	34.7	33.3
Kelly Loeffler	W	R		-2.4	0.6	46.0	49.9	46.4
Others				35.2	36.5	8.7	7.7	8.1
2018 General								
Governor								
Stacey Abrams	B	D		99.1	na	10.7	7.4	16.3
Ted Metz	W	L		0.1	na	0.6	0.8	0.7
Brian Kemp	W	R		0.6	na	88.7	91.8	83.2
Commissioner of Insurance								
Janice Laws	B	D		96.4	98.6	10.9	7.4	15.1
Donnie Foster	W	L		1.3	1.2	1.5	2.0	2.3
Jim Beck	W	R		2.6	1.3	87.5	90.6	83.7
School Superintendent								
Otha Thornton	B	D		97.0	na	10.7	7.3	15.2
Richard Woods	W	R		2.7	na	89.3	92.7	84.8
2020 Democratic Primary								
US Senate								
James Knox	B	D	8.7	9.9	9.1		7.5	5.8
Jon Ossoff	W	D	40.3	45.4	44.8		44.7	45.2
Marckeith DeJesus	B	D	4.2	4.4	4.4		2.9	2.2
Maya Dillard Smith	B	D	12.9	12.4	12.5		4.5	3.9
Sarah Riggs Amico	W	D	16.4	16.0	16.7		15.3	14.9
Teresa Pike Tomlinson	W	D	14.0	7.9	9.0		21.7	26.4
Tricia Carpenter McCracken	W	D	3.5	4.0	3.6		3.3	2.4

Central Georgia (Area 5)	Race	Party	Estimates of Voting Patterns by Race in Recent Statewide Elections					
			Black Voters			White Voters		
			HP	ER	EI	HP	ER	EI
2018 Democratic Primary								
Governor								
Stacey Abrams	B	D	79.2	79.5	80.7		54.1	64.0
Stacey Evans	W	D	20.8	20.5	19.3		45.9	36.0
Lieutenant Governor								
Sarah Riggs Amico	W	D	45.7	46.0	45.2		77.4	75.9
Triana Arnold James	B	D	54.3	54.0	54.9		22.5	23.9
Commissioner of Insurance								
Cindy Zeldin	W	D	23.9	20.8	21.1		56.7	63.9
Janice Laws	B	D	76.1	79.3	78.8		43.3	35.9
Commissioner of Labor								
Fred Quinn	B	D	59.9	60.7	61.1		37.2	38.5
Richard Keatley	W	D	40.1	39.3	38.9		62.8	61.5
Secretary of State								
Dee Dawkins-Haigler	B	D	26.8	25.1	24.6		15.5	15.1
John Barrow	W	D	61.2	64.2	64.2		72.7	71.2
Rakeim Hadley	B	D	12.0	10.7	12.6		11.8	12.9
School Superintendent								
Otha Thornton	B	D	45.0	45.5	46.9		23.6	29.4
Sam Mosteller	B	D	19.7	20.3	19.1		23.3	18.0
Sid Chapman	W	D	35.3	34.2	33.5		53.2	50.3
2016 Democratic Primary								
US Senate								
Cheryl Copeland	B	D	48.1	48.6	49.4		23.1	18.6
Jim Barksdale	W	D	48.0	46.9	47.2		72.1	73.3
John Coyne	W	D	3.9	4.6	5.5		4.9	4.6

Southwest Georgia (Area 6)	Race	Party	Estimates of Voting Patterns by Race in Recent Statewide Elections					
			Black Voters			White Voters		
			HP	ER	EI	HP	ER	EI
2021 Runoffs								
US Special Senate Runoff								
Raphael Warnock	B	D	97.4	106.0	99.0	9.6	3.6	7.7
Kelly Loeffler	W	R	2.6	-6.0	1.0	90.4	96.4	92.4
US Senate Runoff								
Jon Ossoff	W	D	97.2	105.9	na	9.7	3.6	7.8
David Perdue	W	R	2.8	-5.9	na	90.3	96.4	92.2
2020 General								
US Senate								
Jon Ossoff	W	D	93.5	101.8	98.9	10.1	3.5	5.2
Shane Hazel	W	L	1.3	1.6	2.0	1.2	1.6	1.8
David Perdue	W	R	5.2	-3.4	0.7	88.7	94.9	92.6
US Special Senate								
Raphael Warnock	B	D	67.6	66.1	65.3	4.4	-0.8	0.2
Doug Colllins	W	R	1.3	-3.4	0.9	45.5	43.9	40.2
Kelly Loeffler	W	R	1.8	-1.7	1.0	37.3	44.5	44.8
Others			29.3	38.7	43.0	12.7	12.4	11.2
2018 General								
Governor								
Stacey Abrams	B	D	97.3	104.9	99.0	8.6	2.1	6.1
Ted Metz	W	L	0.2	0.3	0.5	0.6	0.5	0.5
Brian Kemp	W	R	2.5	-5.2	0.6	90.8	97.4	93.3
Commissioner of Insurance								
Janice Laws	B	D	95.5	102.5	99.0	9.3	2.3	5.1
Donnie Foster	W	L	1.4	1.6	2.0	1.4	1.3	1.4
Jim Beck	W	R	3.1	-4.1	0.8	89.4	96.4	93.1
School Superintendent								
Otha Thornton	B	D	95.8	102.7	99.1	8.9	1.8	4.5
Richard Woods	W	R	4.2	-2.7	0.8	91.1	98.2	95.6
2020 Democratic Primary								
US Senate								
James Knox	B	D	8.6	8.2	9.0		15.7	12.7
Jon Ossoff	W	D	50.9	44.9	44.5		10.7	12.5
Marckeith DeJesus	B	D	5.0	6.0	5.9		4.3	0.0
Maya Dillard Smith	B	D	11.8	13.5	14.5		6.6	5.7
Sarah Riggs Amico	W	D	11.3	12.9	12.1		18.4	19.8
Teresa Pike Tomlinson	W	D	8.7	11.0	10.8		36.6	40.0
Tricia Carpenter McCracken	W	D	3.8	3.3	3.4		7.5	6.6

Southwest Georgia (Area 6)	Race	Party	Estimates of Voting Patterns by Race in Recent Statewide Elections					
			Black Voters			White Voters		
			HP	ER	EI	HP	ER	EI
2018 Democratic Primary								
Governor								
Stacey Abrams	B	D	81.8	86.5	84.0		44.3	48.8
Stacey Evans	W	D	18.2	13.5	15.9		55.9	52.7
Lieutenant Governor								
Sarah Riggs Amico	W	D	39.2	39.2	38.9		74.6	70.1
Triana Arnold James	B	D	60.8	60.8	61.1		25.3	29.4
Commissioner of Insurance								
Cindy Zeldin	W	D	20.0	20.5	20.4		48.9	44.7
Janice Laws	B	D	80.0	79.6	79.6		51.2	54.3
Commissioner of Labor								
Fred Quinn	B	D	56.9	54.6	55.5		50.5	50.2
Richard Keatley	W	D	43.1	45.5	44.3		49.7	48.5
Secretary of State								
Dee Dawkins-Haigler	B	D	29.2	28.8	27.9		27.5	35.2
John Barrow	W	D	48.2	46.0	46.9		62.6	50.2
Rakeim Hadley	B	D	22.6	25.2	24.3		9.7	4.7
School Superintendent								
Otha Thornton	B	D	49.7	48.1	49.0		23.5	30.2
Sam Mosteller	B	D	17.8	19.8	16.2		24.3	33.2
Sid Chapman	W	D	32.5	32.0	31.7		52.1	45.2
2016 Democratic Primary								
US Senate								
Cheryl Copeland	B	D	48.3	52.0	49.3	42.7	45.9	46.9
Jim Barksdale	W	D	48.2	44.5	46.3	48.7	46.4	47.1
John Coyne	W	D	3.5	3.3	1.3	8.5	7.7	9.6

Appendix B

Recent State Senate Contests	Race	Party	Vote	Estimates of Voting Patterns by Race in Recent State Legislative Elections					
				Black Voters			White Voters		
				HP	ER	EI	HP	ER	EI
General Elections 2020									
State Senate 16 2020									
Cinquez Jester	B	D	31.8		102.7	99.0		4.3	6.0
Marty Harbin	W	R	68.2		-3.0	1.1		95.7	94.0
Black turnout/VAP			*57.3*						
White turnout/VAP			*73.4*						
State Senate 20 2020									
Julius Johnson	B	D	35.0		107.0	98.7		1.4	2.6
Larry Walker	W	R	65.0		-7.1	1.1		98.6	97.7
Black turnout/VAP			*56.2*						
White turnout/VAP			*67.0*						
State Senate 23 2020									
Ceretta Smith	B	D	40.7		101.6	98.7	8.4	2.7	4.8
Max Burns	W	R	59.3		-1.5	1.7	91.6	97.3	95.0
Black turnout/VAP			*56.3*						
White turnout/VAP			*64.3*						
State Senate 25 2020									
Veronica Brinson	B	D	32.3		110.9	98.8	13.1	3.5	7.4
Burt Jones	W	R	67.7		-11.0	0.7	86.9	96.5	92.5
Black turnout/VAP			*51.7*						
White turnout/VAP			*69.9*						
General Elections 2018									
State Senate 17 2018									
Phyllis Hatcher	B	D	45.5		115.7	99.1		1.1	2.9
Brian Strickland	W	R	54.5		-15.6	1.0		98.9	97.1
Black turnout/VAP			*48.0*						
White turnout/VAP			*60.0*						
State Senate 34 2018									
Valencia Seay	B	D	82.9		107.5	99.5		7.2	6.6
Tommy Smith	W	R	17.1		-7.5	0.4		92.8	90.1
Black turnout/VAP			*45.5*						
White turnout/VAP			*51.3*						
General Elections 2016									
State Senate 17 2016									
Bill Blackmon	B	D	40.4		116.7	99.4		2.0	3.0
Rick Jeffares	W	R	59.6		-16.6	1.1		98.0	97.0
Black turnout/VAP			*42.7*						
White turnout/VAP			*67.0*						
State Senate 43 2016									
Tonya Anderson	B	D	70.4	96.0	104.8	99.3		2.4	3.3
Janice Van Ness	W	R	29.6	4.0	-4.8	0.8		97.6	96.6
Black turnout/VAP			*47.5*						
White turnout/VAP			*60.6*						

Recent State House Contests	Race	Party	Vote	Estimates of Voting Patterns by Race in Recent State Legislative Elections					
				Black Voters			White Voters		
				HP	ER	EI	HP	ER	EI
General Elections 2020									
State House 63 2020									
Debra Bazemore	B	D	78.8		101.0	99.4		17.4	16.9
David Callahan	W	R	21.2		-1.2	0.6		82.8	83.4
Black turnout/VAP			*61.6*						
White turnout/VAP			*73.4*						
State House 110 2020					116.8	95.6		-3.1	2.9
Ebony Carter	B	D	44.2		-17.0	4.4		103.0	97.0
Clint Crowe	W	R	55.8						
Black turnout/VAP			*61.7*						
White turnout/VAP			*63.0*						
State House 129 2020									
Sharonda Bell	B	D	26.3		93.2	98.2		1.3	4.1
Susan Holmes	W	R	69.6		9.4	13.7		94.0	92.6
Joe Reed	W	I	4.2		-3.2	11.2		4.6	2.4
Black turnout/VAP			*49.3*						
White turnout/VAP			*73.0*						
State House 130 2020									
Sheila Henley	B	D	41.6		106.5	99.2		3.3	5.6
David Knight	W	R	58.4		-6.5	0.6		96.7	94.5
Black turnout/VAP			*53.8*						
White turnout/VAP			*65.7*						
State House 138 2020									
Marc Arnett	B	D	46.2		106.5	98.5		3.3	8.3
Mike Cheokas	W	R	53.9		-6.4	1.1		96.7	92.1
Black turnout/VAP			*49.2*						
White turnout/VAP			*55.6*						
State House 145 2020									
Quentin Howell	B	D	43.8		109.9	97.5		8.8	9.7
Ricky Williams	W	R	56.2		-9.9	1.4		91.5	90.1
Black turnout/VAP			*47.1*						
White turnout/VAP			*59.2*						
State House 173 2020									
Booker Gainor	B	D	40.6		103.1	96.8		5.5	8.1
Darlene Taylor	W	R	59.4		-3.0	3.1		94.4	91.8
Black turnout/VAP			*51.7*						
White turnout/VAP			*63.9*						
General Elections 2018									
State House 111 2018									
El-Mahdi Holly	B	D	56.6		124.1	96.7		-7.7	6.7
Geoffrey Cauble	W	R	43.4		-23.9	3.2		107.5	93.3
Black turnout/VAP			*48.3*						
White turnout/VAP			*61.7*						

Recent State House Contests	Race	Party	Vote	Estimates of Voting Patterns by Race in Recent State Legislative Elections					
				Black Voters			White Voters		
				HP	ER	EI	HP	ER	EI
State House 128 2018									
Mack Jackson	B	D	57.0		101.0	98.6	8.8	9.6	15.0
Jackson Williams	W	R	43.0		-0.9	1.0	91.2	90.5	85.0
Black turnout/VAP			*47.4*						
White turnout/VAP			*58.3*						
State House 152 2018									
Marcus Batten	B	D	26.0		102.7	98.6	8.9	1.1	3.7
Ed Rynders	W	R	74.0		-2.6	0.8	91.1	98.9	96.3
Black turnout/VAP			*45.2*						
White turnout/VAP			*56.0*						
State House 175 2018									
Treva Gear	B	D	28.5		92.1	74.9		4.6	5.4
John LaHood	W	R	71.5		7.2	23.5		95.3	94.7
Black turnout/VAP			*46.4*						
White turnout/VAP			*47.2*						
General Elections 2016									
State House 73 2016									
Rahim Talley	B	D	35.5		105.4	98.2		1.5	2.2
Karen Mathiak	W	R	64.5		-5.2	1.7		98.5	97.7
Black turnout/VAP			*46.4*						
White turnout/VAP			*63.5*						
State House 111 2016									
Darryl Payton	B	D	48.3		120.9	99.2		-4.3	5.7
Brian Strickland	W	R	51.7		-20.8	0.8		104.3	94.8
Black turnout/VAP			*40.7*						
White turnout/VAP			*70.5*						
State House 145 2016									
Floyd Griffin	B	D	43.4		108.1	99.3	14.6	6.7	8.6
Ricky Williams	W	R	56.6		-8.0	0.9	85.4	93.4	91.3
Black turnout/VAP			*43.3*						
White turnout/VAP			*52.0*						
State House 173 2016									
Tommy Hill	B	D	38.9		99.7	97.0	13.3	5.6	6.7
Darlene Taylor	W	R	61.1		0.2	3.1	86.7	94.5	93.4
Black turnout/VAP			*46.8*						
White turnout/VAP			*56.2*						
State House 177 2016									
Dexter Sharper	B	D	64.4		93.3	95.2		36.1	40.4
Deidra White	W	R	35.6		6.2	4.9		64.5	59.6
Black turnout/VAP			*30.6*						
White turnout/VAP			*65.1*						

Recent State House Contests	Race	Party	Vote	Estimates of Voting Patterns by Race in Recent State Legislative Elections					
				Black Voters			White Voters		
				HP	ER	EI	HP	ER	EI
Democratic Primaries 2018									
State House 152 2018									
Marcus Batten	B	D	57.9		60.8	63.3		40.2	37.1
Mary Egler	W	D	42.1		39.3	36.7		59.7	62.9
Black turnout/VAP			*14.3*						
White turnout/VAP			*1.1*						
State House 153 2018									
CaMia Whitaker Hopson	B	D	51.3	43.0	42.4	43.7		96.0	92.3
Darrel Ealum	W	D	48.7	57.0	57.5	56.3		4.7	6.6
Black turnout/VAP			*13.9*						
White turnout/VAP			*4.6*						
Democratic Primaries 2016									
State House 153 2016									
Darrel Ealum	W	D	56.8	43.2	40.3	40.1		90.9	92.0
Muarlean Edwards	B	D	29.8	42.8	45.3	44.4		-0.1	0.1
Antonio Screen	B	D	13.4	14.0	14.2	17.4		14.2	9.2
Black turnout/VAP			*14.9*						
White turnout/VAP			*14.9*						

Appendix C

Appendix Table C1: Effectiveness of Previous State Senate Districts that Overlap Additional Illustrative State Senate Districts

Illustrative State Senate Plan	Previous State Senate Plan	% of Illustrative District in Previous District	BVAP %	GE Score	Pr Score
017	010	17.6%	74.98%	0.786	0.634
017	017	53.7%	41.72%	0.451	0.604
017	043	28.5%	68.74%	0.726	0.630
023	022	13.4%	58.76%	0.670	0.605
023	023	30.3%	35.62%	0.376	0.580
023	025	22.7%	28.50%	0.315	0.556
023	026	29.5%	60.14%	0.630	0.584
028	016	40.7%	22.00%	0.308	0.521
028	034	27.7%	68.34%	0.779	0.617
028	044	31.6%	72.43%	0.838	0.603

Appendix Table C2: Effectiveness of Previous State House Districts that Overlap Additional Illustrative State House Districts

Illustrative State House Plan	Previous State House Plan	% of Illustrative District in Prior District	BVAP %	GE Score	Pr Score
073	063	13.6%	71.31%	0.739	0.625
073	073	38.0%	35.12%	0.413	0.596
073	075	6.4%	74.27%	0.821	0.617
073	078	41.8%	68.59%	0.769	0.616
110	073	19.4%	35.12%	0.413	0.596
110	111	23.1%	51.56%	0.557	0.620
110	130	57.5%	36.30%	0.390	0.553
144	120	12.6%	26.62%	0.323	0.570
144	128	23.6%	54.62%	0.491	0.562
144	144	15.0%	27.24%	0.345	0.559
144	145	48.8%	38.94%	0.428	0.581
153	153	33.4%	65.15%	0.619	0.646
153	171	36.1%	38.61%	0.325	0.586
153	172	8.1%	27.69%	0.273	0.582
153	173	21.4%	35.38%	0.376	0.616

Appendix D

Lisa R. Handley

CURRICULUM VITAE

Professional Experience

Dr. Handley has over thirty years of experience in the areas of redistricting and voting rights, both as a practitioner and an academician, and is recognized nationally and internationally as an expert on these subjects. She has advised numerous clients on redistricting and has served as an expert in dozens of redistricting and voting rights court cases. Her clients have included the U.S. Department of Justice, civil rights organizations, independent redistricting commissions and scores of state and local jurisdictions. Internationally, Dr. Handley has provided electoral assistance in more than a dozen countries, serving as a consultant on electoral system design and redistricting for the United Nations, UNDP, IFES, and International IDEA. In addition, Dr. Handley served as Chairman of the Electoral Boundaries Commission in the Cayman Islands.

Dr. Handley has been actively involved in research, writing and teaching on the subjects of redistricting and voting rights. She has co-written a book, Minority Representation and the Quest for Voting Equality (Cambridge University Press, 1992) and co-edited a volume (Redistricting in Comparative Perspective, Oxford University Press, 2008) on these subjects. Her research has also appeared in peer-reviewed journals such as *Journal of Politics*, *Legislative Studies Quarterly*, *American Politics Quarterly*, *Journal of Law and Politics*, and *Law and Policy,* as well as law reviews and edited books. She has taught political science undergraduate and graduate courses related to these subjects at several universities including the University of Virginia and George Washington University. Dr. Handley is a Visiting Research Academic at Oxford Brookes University in the United Kingdom.

Dr. Handley is the President of Frontier International Consulting, a consulting firm that specializes in providing electoral assistance in transitional and post-conflict democracies. She also works as an independent election consultant both in the United States and internationally.

Education

Ph.D. The George Washington University, Political Science, 1991

Present Employment

President, Frontier International Electoral Consulting LLC (since co-founding company in 1998).

Senior International Electoral Consultant Technical assistance for clients such as the UN, UNDP and IFES on electoral system design and boundary delimitation

Visiting Research Academic, Centre for Development and Emergency Practice (CENDEP), Oxford Brookes University

U.S. Clients since 2000

American Civil Liberties Union – redistricting consultant, expert testimony in Ohio partisan gerrymander challenge and challenge to Commerce Department inclusion of citizenship question on 2020 census form

Lawyers Committee for Civil Rights Under Law – expert testimony in challenges to statewide judicial elections in Texas and Alabama

US Department of Justice – expert witness testimony in several Section 2 and Section 5 cases)

Alaska: Redistricting Board (2000 and 2010) – redistricting consultation, expert witness testimony

Arizona: Independent Redistricting Board (2000 and 2010) – redistricting consultation

Colorado: Redistricting Commission (2020), Redistricting Board (2000 and 2010) – redistricting consultation

Connecticut: State Senate and State House of Representatives (2000 and 2010) – redistricting consultation

Florida: State Senate (2000) – redistricting consultation

Kansas: State Legislative Research Department (2000, 2010, 2020) – redistricting consultation

Louisiana: Louisiana Legislative Black Caucus (2000) – expert witness testimony

Massachusetts: State Senate (2000 and 2010) – redistricting consultation

Maryland: Attorney General (2000) – redistricting consultation

Michigan: Redistricting Commission (2020) – redistricting consultation

Miami-Dade County, Florida: County Attorney (2000 and 2010) – redistricting consultation

Nassau County, New York: Redistricting Commission (2000) – redistricting consultation

New Mexico: State House (2000) – redistricting consultation, expert witness testimony

New York: State Assembly (2000), State Senate (2020) – redistricting consultation

New York City: Redistricting Commission and Charter Commission (2001, 2011) – redistricting consultation and Section 5 submission assistance

New York State Court: Expert to the Special Master (drew congressional lines for state court)

Rhode Island: State Senate and State House (2000 and 2020) – redistricting consultation

Vermont: Secretary of State (2000) – redistricting consultation

International Clients since 2000

United Nations

- Afghanistan – electoral system design and district delimitation expert
- Bangladesh (UNDP) – redistricting expert
- Sierra Leone (UNDP) – redistricting expert
- Liberia (UNMIL, UN peacekeeping mission) – redistricting expert
- Democratic Republic of the Congo (MONUC, UN peacekeeping mission) – election feasibility mission, electoral system design and redistricting expert
- Kenya (UN) – electoral system design and redistricting expert
- Haiti (UN) – election feasibility mission, electoral system design and redistricting expert
- Zimbabwe (UNDP) – redistricting expert
- Lead Writer on the topic of boundary delimitation (redistricting) for ACE (Joint UN, IFES and IDEA project on the Administration and Cost of Elections Project)

International Foundation for Election Systems (IFES)

- Afghanistan – district delimitation expert
- Sudan – redistricting expert
- Kosovo – electoral system design and redistricting expert
- Nigeria – redistricting expert
- Nepal – redistricting expert
- Georgia – electoral system design and district delimitation expert
- Yemen – redistricting expert
- Lebanon – electoral system design and redistricting expert
- Malaysia – electoral system design and redistricting expert
- Myanmar – electoral system design and redistricting expert
- Ukraine – electoral system design and redistricting expert
- Pakistan – consultant for developing redistricting software
- Principal consultant for the Delimitation Equity Project – conducted research, wrote reference manual and developed training curriculum
- Writer on electoral boundary delimitation (redistricting), Elections Standards Project
- Training – developed training curriculum and conducted training workshops on electoral boundary delimitation (redistricting) in Azerbaijan and Jamaica

International Institute for Democracy and Electoral Assistance (International IDEA):

- Consultant on electoral dispute resolution systems
- Technology consultant on use of GIS for electoral district delimitation
- Training – developed training material and conducted training workshop on electoral boundary delimitation (redistricting) for African election officials (Mauritius)
- Curriculum development – boundary delimitation curriculum for the BRIDGE Project

Other international clients have included The Cayman Islands; the Australian Election Commission; the Boundary Commission of British Columbia, Canada; and the Global Justice Project for Iraq.

Publications

***Books**:*

Does Torture Prevention Work? Liverpool University Press, 2016 (served as editor and author, with Richard Carver)

Comparative Redistricting in Perspective, Oxford University Press, 2008 (first editor, with Bernard Grofman).

Delimitation Equity Project: Resource Guide, Center for Transitional and Post-Conflict Governance at IFES and USAID publication, 2006 (lead author).

Minority Representation and the Quest for Voting Equality, Cambridge University Press, 1992 (with Bernard Grofman and Richard Niemi).

***Academic Journal Articles**:*

"Drawing Electoral Districts to Promote Minority Representation" Representation, forthcoming, published online DOI:10.1080/00344893.2020.1815076.

"Evaluating national preventive mechanisms: a conceptual model," Journal of Human Rights Practice, Volume 12 (2), July 2020 (with Richard Carver).

"Minority Success in Non-Majority Minority Districts: Finding the 'Sweet Spot'," Journal of Race, Ethnicity and Politics, forthcoming (with David Lublin, Thomas Brunell and Bernard Grofman).

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"A Guide to 2000 Redistricting Tools and Technology" in The Real Y2K Problem: Census 2000 Data and Redistricting Technology, edited by Nathaniel Persily, New York: Brennan Center, 2000.

"1990s Issues in Voting Rights," Mississippi Law Journal, 65 (2), Winter 1995 (with Bernard Grofman).

"Minority Turnout and the Creation of Majority-Minority Districts," American Politics Quarterly, 23 (2), April 1995 (with Kimball Brace, Richard Niemi and Harold Stanley).

"Identifying and Remedying Racial Gerrymandering," Journal of Law and Politics, 8 (2), Winter 1992 (with Bernard Grofman).

"The Impact of the Voting Rights Act on Minority Representation in Southern State Legislatures," Legislative Studies Quarterly, 16 (1), February 1991 (with Bernard Grofman).

"Minority Population Proportion and Black and Hispanic Congressional Success in the 1970s and 1980s," American Politics Quarterly, 17 (4), October 1989 (with Bernard Grofman).

"Black Representation: Making Sense of Electoral Geography at Different Levels of Government," Legislative Studies Quarterly, 14 (2), May 1989 (with Bernard Grofman).

"Minority Voting Equality: The 65 Percent Rule in Theory and Practice," Law and Policy, 10 (1), January 1988 (with Kimball Brace, Bernard Grofman and Richard Niemi).

"Does Redistricting Aimed to Help Blacks Necessarily Help Republicans?" Journal of Politics, 49 (1), February 1987 (with Kimball Brace and Bernard Grofman).

***Chapters in Edited Volumes**:*

“Effective torture prevention,” Research Handbook on Torture, Sir Malcolm Evans and Jens Modvig (eds), Cheltenham: Edward Elgar, 2020 (with Richard Carver).

“Redistricting” in Oxford Handbook of Electoral Systems, Erik Herron Robert Pekkanen and Matthew Shugart (eds), Oxford: Oxford University Press, 2018.

“Role of the Courts in the Electoral Boundary Delimitation Process,” in International Election Remedies, John Hardin Young (ed.), Chicago: American Bar Association Press, 2017.

“One Person, One Vote, Different Values: Comparing Delimitation Practices in India, Canada, the United Kingdom, and the United States,” in Fixing Electoral Boundaries in India, edited by Mohd. Sanjeer Alam and K.C. Sivaramakrishman, New Delhi: Oxford University Press, 2015.

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"Boundary Delimitation" Topic Area for the Administration and Cost of Elections (ACE) Project, 1998. Published by the ACE Project on the ACE website (www.aceproject.org).

***Additional Writings of Note**:*

Amicus brief presented to the US Supreme Court in Gill v. Whitford, Brief of Political Science Professors as Amici Curiae, 2017 (one of many social scientists to sign brief)

Amicus brief presented to the US Supreme Court in Shelby County v. Holder, Brief of Historians and Social Scientists as Amici Curiae, 2013 (one of several dozen historians and social scientists to sign brief)

Amicus brief presented to the US Supreme Court in Bartlett v. Strickland, 2008 (with Nathaniel Persily, Bernard Grofman, Bruce Cain, and Theodore Arrington).

Recent Court Cases

Pending cases:

- Arkansas State Conference NAACP et al. v. Arkansas Board of Apportionment et al. (Case Number: 4:21-cv-01239-LPR) (Eastern District of Arkansas)
- League of Women Voters of Ohio et al. v. Ohio Redistricting Commission et al. (Case Number: 2021-1193) (Supreme Court of Ohio)
- League of Women Voters of Ohio et al. v. Governor DeWine (Case Number: 2021-1449) (Supreme Court of Ohio)

Ohio Philip Randolph Institute v. Larry Householder (2019) – partisan gerrymander challenge to Ohio congressional districts; testifying expert for ACLU on minority voting patterns

State of New York v. U.S. Department of Commerce/ New York Immigration Coalition v. U.S. Department of Commerce (2018-2019) – challenge to inclusion of citizenship question on 2020 census form; testifying expert on behalf of ACLU

U.S. v. City of Eastpointe (settled 2019) – minority vote dilution challenge to City of Eastpointe, Michigan, at-large city council election system; testifying expert on behalf of U.S. Department of Justice

Alabama NAACP v. State of Alabama (decided 2020) – minority vote dilution challenge to Alabama statewide judicial election system; testifying expert on behalf of Lawyers Committee for Civil Rights Under Law

Lopez v. Abbott (2017-2018) – minority vote dilution challenge to Texas statewide judicial election system; testifying expert on behalf of Lawyers Committee for Civil Rights Under Law

Personhuballuah v. Alcorn (2015-2017) – racial gerrymandering challenge to Virginia congressional districts; expert for the Attorney General and Governor of the State of Virginia

Perry v. Perez (2014) – Section 2 case challenging Texas congressional and state house districts; testifying expert for the U.S. Department of Justice

Jeffers v. Beebe (2012) – Arkansas state house districts; testifying expert for the Plaintiffs

State of Texas v. U.S. (2011-2012) – Section 5 case challenging Texas congressional and state house districts; testifying expert for the U.S. Department of Justice

In RE 2011 Redistricting Cases (2011-2012) – State legislative districts for State of Alaska; testifying expert for the Alaska Redistricting Board

EXHIBIT C

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

ATLANTA DIVISION

ALPHA PHI ALPHA FRATERNITY INC., et al.; *Plaintiffs*, vs. BRAD RAFFENSPERGER, in his official capacity as Secretary of State of Georgia. *Defendant*.	Case No. 1:21-cv-05337-SCJ

DECLARATION OF DR. ADRIENNE JONES
PRELIMINARY REPORT

January 7, 2022

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BACKGROUND AND QUALIFICATIONS

I am a political scientist and lawyer by education and training. I am an Assistant Professor of Political Science at Morehouse College in Atlanta, Georgia, and I teach political science and serve as the Pre-Law Director. I have taught political science at the university level for 22 years, since 1999.

I obtained a Ph.D. and M.Phil from the City University of New York Graduate Center. My primary Ph.D. training was in American Politics, with a minor in public policy. I also obtained a J.D. from the University of California at Berkeley School of Law. In addition to Morehouse College where I currently teach, I have taught at: The City College of New York, The Center for Workers Education, The University of Wisconsin at Platteville, and Radford University.

I have particular expertise in the history of racial discrimination in voting and the Voting Rights Act of 1965, 52 U.S.C. § 10301, et seq. (VRA). My doctoral dissertation titled, *The Voting Rights Act Under Siege: The Development of the Influence of Colorblind Conservatism on the Federal Government and the Voting Rights Act* presents my research on the VRA between 1965 and 2013. I have published two peer-reviewed articles on the VRA, *When Yes Means No: GOP Congressional Strategy and the Reauthorization of the VRA in 2006*, and *How to Win a "Long Game": The Voting Rights Act, the Republican Party, and the Politics of Counter-Enforcement* in Political Science Quarterly. I have also published lay opinion pieces about the VRA and Black American history and politics. I have made presentations on the same topics, including on the VRA at the Southern Political Science Association. My C.V. lists both my presentations and publications, and is included in the Appendix to this report. At present, I am writing articles and a book on the VRA based on my doctoral dissertation.

As a political science professor, I am regarded as the public law expert in my department. My courses are based in American Government, public policy, and law. These courses include, but have not been limited to, National Government, Constitutional Law I and II, Race and Law, Issues in Civil and Criminal Law, and similar courses. Presently, at Morehouse College, I teach Race and Law, National Government, Constitutional Law, and the Senior Seminar. I also serve as the campus pre-law director.

I am serving as an expert witness in *Fair Fight Action v. Raffensperger*, 1:18-cv-05391 (N.D. Ga. 2019) as an expert on the history of voter suppression in Georgia. In that case, the Court qualified me as an expert to testify about the history of voter suppression in Georgia. *Fair Fight Action v. Raffensperger*, 1:18-cv-05391 (N.D. Ga. 2019), Dkt. 577 at 11.

For my work in this case, I am being compensated $300 per hour. My compensation is not contingent on the analysis and opinions offered or on the outcome of this litigation.

STATEMENT OF PURPOSE

I have been asked by plaintiffs' counsel in this case to examine any relevant historical and contemporary evidence of certain social and historical factors, and how, if at all, these factors impair Black voters' ability to participate fully and equally in the political process and to elect candidates of their choice.

Specifically, I have focused my analysis on several factors set forth by the U.S. Senate Judiciary Committee during the amendment of Section 2 of the Voting Rights Act in 1982 and subsequently referenced by the Supreme Court in *Thornburg v. Gingles*,478 U.S. 30 (1986) (the "Senate Factors"). My report focuses on Senate Factors 1, 3, 6, and 7, which are:

- **Factor 1:** The "extent of any history of official discrimination in the state or political subdivision that touched the right of the members of the minority group to register, to vote, or otherwise to participate in the democratic process."
- **Factor 3:** The "extent to which the state or political subdivision has used unusually large election districts, majority vote requirements, anti-single shot provisions, or other voting practices or procedures that may enhance the opportunity for discrimination against the minority group."
- **Factor 6:** Whether "political campaigns have been characterized by overt or subtle racial appeals."
- **Factor 7:** The "extent to which members of the minority group have been elected to public office in the jurisdiction."

In conducting my analysis and reaching the opinions contained in this report, I have objectively examined different types of sources—including the legislative and judicial record, newspaper coverage, campaign literature, and public statements, along with the existing scholarship and the established historical background—to learn and describe the history of Georgia and its official relationship to Black voter access historically, to determine the practices that create barriers for Black voters to participate in elections in Georgia as voters and as candidates. Additionally, I examined Georgia's state Senate and House districting maps and historical election data, amongst other sources, to evaluate the degree to which Blacks have been elected to office.[1] I have weighed all of that material collectively in forming my opinions.

I have directed my research assistant, Andrea Evans, to assist me in this assignment on compiling and analyzing data pursuant to my instructions and supervision, particularly related to Senate Factor 7.

[1] See Part III, *infra*, for a more detailed description.

SUMMARY OF OPINIONS

My major opinions are summarized briefly as follows:

Factor 1: Georgia has an undisputed history of discrimination against Black citizens with regard to the franchise, in particular but not limited to Black citizens registering to vote and voting. The state has used traditional Jim Crow tactics including, poll taxes, literacy and understanding tests, the white primary, and the County Unit System.

Factor 3: Georgia has made significant use of voting practices and procedures that enhance the opportunity for discrimination against Black Georgians. Georgia has used, and continues to use, at large voting systems, majority vote requirements and numbered posts, redistricting, restrictions on running for office, felony disenfranchisement, which all enhance the opportunity to dilute the votes of Black citizens. Georgia has also used numerous practices in regulating voter registration (including voter purges, Exact Match, and where voter registration services are offered) and practices regarding the time, locations, and manner of registration and voting, which disproportionately impact Black voters. Many voting practices exercised by Georgia have routinely been adopted with the intention to ensure the ability to limit Black citizen access to the ballot box and to elected office. But regardless of intent, these are voting practice and procedures that disproportionately restrict Black voter access affect the ability of Black people in Georgia to participate equally.

Black citizens have not enjoyed the assumption that they have the right to vote or that the right is sacrosanct because the state has routinely used methods listed in Factor 3.

Factor 6: Political campaigns have historically and presently been characterized by overt and subtle racial appeals. Traditionally explicit racial appeals were made in political campaigns during Constitutional debate and campaigns for public office. Before 1966, every Georgia governor ran on a platform that included blatantly racist, anti-Black appeals. Since the 1970s, the popularity of blatant appeals has receded and so political campaigns have engaged in both explicit appeals and *implicit* appeals, i.e., dog-whistle politics, to galvanize and mobilize white voters in the state. Racial appeals are de rigueur, and effective in political campaigns in the state.

Factor 7:
Black Georgians have been and continue to be underrepresented in public office. Despite persistently making up a significant portion of the state population, Georgia Blacks have faced barriers to being elected to public office, both historically and contemporarily. Since 1965, out of the 365 total seats in the U.S. Congress allocated to Georgia, only 12, or 3.28%, have been occupied by Black officials. At the state level, only two Black people have been elected to non-judicial statewide office in its entire 233 years. There are, moreover, areas in the state, including areas that are at issue in this lawsuit, that have not elected any Black officials to the Georgia Assembly for at least the last fifteen years (the time period of my analysis given the availability of publicly available districting maps).

DISCUSSION

I. The State of Georgia Has a History of Official Discrimination in Voting and Has Used a Bevy of Methods that Hinder Black Georgians' Ability to Participate in the Political Process (Factors 1 and 3)

Courts have repeatedly recognized Georgia's long history of official discrimination in voting.

> Georgia's history of discrimination "has been rehashed so many times that the Court can all but take judicial notice thereof. Generally, Georgia has a history chocked full of racial discrimination at all levels. This discrimination was ratified into state constitutions, enacted into state statutes, and promulgated in state policy. Racism and race discrimination were apparent and conspicuous realities, the norm rather than the exception."

Wright v. Sumter Cty. Bd. of Elections & Registration, 301 F. Supp. 3d 1297, 1310 (M.D. Ga. 2018) (quoting *Brooks v. State Bd. of Elections*, 848 F. Supp. 1548, 1560 (S.D. Ga. 1994)), *aff'd*, 979 F.3d 1282 (11th Cir. 2020); *Ga. State Conf. of the NAACP v. Fayette Cty. Bd. of Comm'rs*, 950 F. Supp. 2d 1294, 1314 (N.D. Ga. 2013) (recognizing "Georgia's undisputed history of discrimination"), *aff'd in part, vacated in part, rev'd in part and remanded*, 775 F.3d 1336 (11th Cir. 2015); *see also Johnson v. Miller*, 864 F. Supp. 1354, 1379–80 (S.D. Ga. 1994) ("[W]e have given formal judicial notice of the State's past discrimination in voting, and have acknowledged it in the recent cases."), *aff'd and remanded sub nom. Miller v. Johnson*, 515 U.S. 900 (1995).

In the nine decades from the end of Reconstruction through the passage of Civil Rights Act in 1965, Georgia emerged as the leader of state-sponsored voter suppression. During this period, Georgia state and local officials "adopted virtually every one of the traditional 'expedients' to obstruct the exercise of the franchise by blacks, including literacy and understanding tests, the poll tax, felony disenfranchisement laws, onerous residency requirements, cumbersome registration procedures, voter challenges and purges, the abolition of elective offices, the use of discriminatory redistricting and apportionment schemes, the expulsion of elected blacks from office, and the adoption of primary elections in which only whites were allowed to vote."[2] It is no surprise that legal experts have observed that "No state was more systematic and thorough in its efforts to deny or limit voting and office holding by blacks" than Georgia. [3]

Much has changed since the Jim Crow era, but that past remains with us today. As a scholar whose work is focused on the 1965 Voting Rights Act, I will focus my discussion here primarily on the particular forms and instances of official election and voting-related discrimination in Georgia that have persisted in the modern period, defined as the period starting from the 1960s to the present. In doing so, however, I will also highlight the ways in which the devices and mechanisms that have burdened Black political participation in more recent times often have their roots in the more explicit discriminatory measures of Jim Crow.

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[2] McDonald, Laughlin. *A Voting Rights Odyssey: Black Enfranchisement in Georgia*. Cambridge University Press, 2003, 3.
[3] McDonald, *Odyssey*, 2.

A. The Voting Rights Act and New Measures to Suppress and Dilute the Black Vote.

1) Persistent Resistance to the Voting Rights Act

Considered the crown jewel of civil rights legislation,[4] the VRA was designed to solve the problem of Black voter access and exclusion of Black Americans from the polity. Georgia resisted the VRA from its inception. When the VRA of 1965 was being debated in Congress, Georgia representatives complained vehemently that the law was an inappropriate imposition on states' sovereignty. Then-Georgia Governor Carl Sanders wrote to President Lyndon B. Johnson "urging defeat of the voting rights bill."[5] In his nine-page letter, Sanders argued that states determine all aspects of voting. He objected to the prohibition of literacy tests, and called the empowerment of federal registrars "extreme." Overall, Sanders considered the VRA "unnecessary," despite the state's culture of voter discrimination or, more accurately, because of it.[6]

Once the VRA passed, Georgia joined as a plaintiff with South Carolina in a lawsuit attacking the constitutionality of the VRA.[7] When the lawsuit failed, Georgia simply refused to comply with the law generally and with the preclearance process specifically for almost a decade and half.[8]

In the early years of VRA enforcement, Georgia refused to submit new laws for preclearance. Between 1965 and 1967, the state submitted exactly *one* of its hundreds of voting law changes to the U.S. Department of Justice ("DOJ") for preclearance.[9] And, the state resisted the requirements to ensure registration and ballot casting by all state citizens. A 1968 report of the U.S. Commission on Civil Rights reported that in 34 counties in Georgia, fewer than 10% of Black citizens were registered. In the state's 21 counties with Black voting age majorities, an average of only 15% of Black Georgians were registered, compared to 91% of whites.[10] By 1982, preclearance compliance by the state had improved but approximately 361 acts of the General Assembly and an unknown number of local changes went unsubmitted.[11]

Even through the most-recent reauthorization of the VRA, Georgia continued to oppose the legislation. In 2006, Georgia Congressional representatives took the lead in opposing

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[4] Herbert H. Denton, *Reagan Signs Voting Rights Act Extension*, WASH. POST, June 30, 1982, https://www.washingtonpost.com/archive/politics/1982/06/30/reagan-signs-voting-rights act-extension/b59370f1-fc93-4e2f-b417-2b614ea55910/ (quoting President Reagan as calling the right to vote "the crown jewel of American liberties").
[5] McDonald, *Odyssey*, 3.
[6] McDonald, *Odyssey*, 11-12.
[7] *See* Brief on Behalf of the State of Georgia, 1965 WL 115335, *South Carolina v. Katzenbach*, 383 U.S. 301 (1966).
[8] U.S. Department of Justice, "Number of Changes Submitted under Section 5 and Reviewed by the Department of Justice, by State and Year, 1965-December 31, 1980"
[9] U.S. Department of Justice, "Number of Changes Submitted under Section 5 and Reviewed by the Department of Justice, by State and Year, 1965-December 31, 1980."
[10] U.S. Commission on Civil Rights, Political Participation (Washington, D.C. Government Printing Office, 1968), pp. 232-39.
[11] McDonald, *Odyssey*, 175

reauthorization of the temporary provision of the VRA in particular, Section 5 and preclearance. After the two parties agreed to renew the Act "as is," Georgia Representative Lynn Westmoreland led colleagues in a demand for debate to express on the record their opposition to the VRA and to preclearance in particular. Despite the assertion by Westmoreland and the "Rebels" that preclearance was no longer necessary,[12] Georgia's submissions to the DOJ continued to be met with objections for failing to show that a submitted change has neither a discriminatory purpose nor a discriminatory effect.[13]

Georgia's resistance to the VRA is consistent with its history of resisting the expansion of voting rights to Black citizens at every turn. Just two years after Georgia was re-admitted to the Union following the Civil War, it was again evicted when the legislature expelled its Black elected officials.[14] As soon as the Reconstruction period closed in 1877, Georgia adopted a new Constitution, and officially imposed barriers to Black voters yet *again*.[15] As Justice Ginsburg described:

> After a brief interlude of black suffrage enforced by federal troops but accompanied by rampant violence against blacks, Georgia held a constitutional convention in 1877. Its purpose, according to the convention's leader, was to "'fix it so that the people shall rule and the Negro shall never be heard from.'" In pursuit of this objective, Georgia enacted a cumulative poll tax, requiring voters to show they had paid past as well as current poll taxes; one historian described this tax as the "most effective bar to Negro suffrage ever devised."[16].

Other mechanisms were also introduced with the explicit aim of resisting the expansion of voting rights to Black citizens. In 1890, the Georgia state legislature gave political parties the exclusive power to regulate and conduct primary elections.[17] And in 1894, the legislature adopted a law

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[12] Wallsten, Peter, and Johanna Neuman. "Voting Rights Act Renewal Divides GOP." *Los Angeles Times*, July 12, 2006. https://www.latimes.com/archives/la-xpm-2006-jul-12-na-voting12-story.html. (describing Westmoreland as complaining that the VRA "unfairly targeting his home region because of its past -- and failing to account for progress in racial relations" and also acknowledging that he would "feel fine" if preclearance was not reauthorized).
[13] *See, e.g.*, Thomas E. Perez, U.S. Assistant Attorney Gen. to Dennis R. Dunn, Ga. Deputy Attorney Gen. (Dec. 21, 2012) (objecting to state legislation moving the election date for mayoral and commissioner elections for the consolidated government of Augusta-Richmond from November to July as DOJ's analysis found it would a retrogressive effect on the ability of minority voters to elect candidates of choice to office and state did not show it was not motivated by a discriminatory purpose); Thomas E. Perez, U.S. Assistant Attorney Gen. to Andrew S. Johnson, Arnold, Stafford, & Randolf & B. Jay Swindell, McCullough & Swindell (Aug. 27, 2012) (objection to redistricting plan for the Board of Education and Board of Commissioners for Long County, Georgia, which would need to be approved by the state, because the under the proposed plan African American voters experience avoidable retrogression of their ability to elect candidate their choice); Loretta King, Acting Assistant Attorney Gen. to Thurbert E. Baker, Georgia Attorney Gen. (May 29, 2009) (objecting to exact match voter registration protocol).
[14] United States Statutes at Large, 41 Cong. Ch. 299, July 15, 1870, 16 Stat. 363-64; Gabriel J. Chin, "The Voting Rights Act of 1867: The Constitutionality of Federal Regulation of Suffrage during Reconstruction," 82 N.C. L. Rev. 1581 (2004); McDonald, Odyssey, 24.
[15] McDonald, *Odyssey*, 36-37.
[16] *Miller v. Johnson*, 515 U.S. 900, 936–37 (1995) (Ginsburg, J., dissenting) (quoting McDonald, Binford, & Johnson, Georgia, in Quiet Revolution in the South 68 (C. Davidson & B. Grofman eds. 1994) (quoting Robert Toombs) & A. Stone, Studies in the American Race Problem 354–355 (1908)).
[17] Ga. Laws 1890, p. 210.

which required the racial designation of voters.[18] In 1900, the Georgia Democratic Party adopted rules limiting voting in all state primaries to whites.[19] Georgia continued to use a whites-only Democratic primary and defend that practice in courts,[20] even several years after the U.S. Supreme Court's 1944 *Smith v. Allright* ruling that the conduct of primary elections is a "state function" (that should not violate the 15th Amendment).[21] And after the passage of the Civil Rights Act of 1957, one of the federal government's first major pieces of legislation protecting Black voting rights, the Georgia General Assembly responded by adopting a resolution by unanimous vote calling for the repeal of the Fourteenth and Fifteenth Amendments because they were "malignant acts of arbitrary power" and "are null and void and of no effect."[22] Then in 1958, Georgia adopted a more difficult voter registration test.[23]

2) At-Large Voting Systems

Key to Georgia's resistance to expansion of the franchise to Black citizens after the passage of the VRA was a widespread shift to at-large election schemes by local governments and school boards. At-large voting systems, where all voters cast their ballots for all candidates in the jurisdiction, can dilute Black votes, even where large numbers of Black citizens are registered to vote. This is because Black voters who could constitute a majority of a would-be district often do not have sufficient numbers to constitute a majority across at-large jurisdictions, which combine districts. Thus, the state, by passing legislation which authorized at-large schemes, facilitated local jurisdictions blocking Black voters from electing their preferred candidates by submerging them in white majorities.[24] As the Supreme Court observed in holding that Section 5 of the VRA was applicable to a change from district to at-large voting for county supervisors: "Voters who are members of a racial minority might well be in the majority in one district, but in a decided minority in the county as a whole. This type of change could therefore nullify their ability to elect the candidate of their choice just as would prohibiting some of them from voting."[25]

In relationship to districting and at-large voting systems, the Supreme Court's 1973 decision, *White v. Regester*, "gave a huge boost to the voting rights enforcement campaign in Georgia."[26] In *White*, the Supreme Court invalidated an at-large election district in Texas as unconstitutional

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[18] Ga. Laws 1894, pp. 1 15, 1 17.
[19] Numan v. Bartley, The Creation of Modern Georgia, (Athens: University of Georgia Press, 1983), p. 139.
[20] *King v. Chapman*, 62 F. Supp. 639 (M.D. Ga. 1945), *aff'd*, 154 F.2d 460 (5th Cir. 1946).
[21] 321 U.S. 649, 661 (1944) (overruling *Grovey v. Townsend*, 295 U.S. 45, 52-53 (1935), which had held that a Texas county clerk's compliance with the Democratic party rule was not unconstitutional because there was no state action involved.).
[22] Ga. Laws 1957, p. 348.
[23] Ga. Laws 1958, p. 269. The test required voter registration applicants either pass a literacy test or correctly answer 20 of 30 questions. The questions included: "1. What is a republican form of government?"; "11. Who is the Solicitor General of the State Judicial Circuit in which you live and who is the Judge of such Circuit? (If such Circuit has more than one Judge, name them all.)"; "19. How does the Constitution of Georgia provide that a county site may be changed?" *See* Questions and Answers Under Section 19 of 1958 Registration law (Act. No. 321), https://vault.georgiaarchives.org/digital/collection/adhoc/id/546/rec/6.
[24] For example, the Georgia Assembly changed the law in 1972 so that the members of the Board of Commissioners of Wilkes County, Georgia "would be elected at large, while still required to reside in the districts previously used." *Wilkes Cty., Ga. v. United States*, 450 F. Supp. 1171, 1173 (D.D.C.), *aff'd*, 439 U.S. 999 (1978).
[25] *Allen v. State Bd. of Elections*, 393 U.S. 544, 569 (1969).
[26] McDonald, *Odyssey*, 159.

based on a theory of vote dilution.[27] The Court held in *White* that single member districts were necessary to integrate Black voters and to allow them the potential to elect candidates of their choice.[28]

Subsequently, many challenges were filed in Georgia against the at-large jurisdiction systems used in city and school board elections—none of which had been precleared by the Department of Justice.[29] Federal courts struck down a number of at-large systems challenged in court. In Fulton County, for example, a federal district court found that under the at-large voting system no Black representatives had been elected to the Fulton County Commission despite Black Georgians making up a "substantial minority population."[30] Similar decisions applied to local government and school board lawsuits across the state.[31]

But the use of at-large districts, which can deprive Black voters of the opportunity to elect candidates of their choice, continues today. In 2015, Fayette County's at large method of electing members to the Fayette County board of commissioners and board of education was enjoined by a federal district court for violating Section 2 of the VRA.[32] A Black candidate was elected to the Fayette County Board of Commissioners for the first time under the Court's remedial plan.[33] *See also* discussion of recent example of the use of at-large districts for Sumter County school board, Part I.6.i., *infra*.

3) Majority Vote Requirements and Numbered Posts

Majority vote requirements and numbered posts were used by some of Georgia's elected officials as a tactic that could be used to replace the impact of the infamous County Unit System, which had limited the ability of Black Georgians to elect a candidate of their choice.

Under the County Unit System, formally instituted in 1917, the 121 "rural" counties were each assigned 2 points, the 30 "town" counties were each granted 4 points, and the 8 "urban" counties were each granted 6 points. Most of the Black population in the state lived in town and urban counties. Because the 121 ruralities constituted a majority of the counties, the points accrued by rural counties trumped the 'electoral' shares of town and urban counties. A state-wide candidate who carried the Democratic primary with the most points, was elected.[34] The system was, as described by a federal court, "employed to destroy black voting strength."[35] It was ultimately struck down by the Supreme Court in the 1963 decision *Gray v. Sanders*, which held that Georgia's County Unit System violated the 14th Amendment Equal Protection Clause, and represented a failure of the "one person, one vote" imperative.[36]

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[27] *White v. Regester*, 412 U.S. 755, 770 (1973).
[28] *White v. Regester*, at 769.
[29] McDonald, *Odyssey*, 158-163.
[30] *Pitts v. Busbee*, 395 F. Supp. 35, 40-41 (N.D. Ga. 1975), *vacated on other grounds*, 536 F.2d 56 (5th Cir. 1976).
[31] McDonald, *Odyssey*, 160.
[32] *Georgia State Conference of NAACP v. Fayette Cty Bd. of Com'rs*, 118 F. Supp. 3d 1338, 1339 (N.D. Ga. 2015).
[33] *Georgia State Conference of NAACP*, 118 F. Supp. 3d at 1340.
[34] Buchanan, Scott. "County Unit System." In *New Georgia Encyclopedia*, August 21, 2020. https://www.georgiaencyclopedia.org/articles/counties-cities-neighborhoods/county-unit-system.
[35] *Busbee v. Smith*, 549 F. Supp. 494, 499 (D.D.C. 1982), *aff'd*, 459 U.S. 1166 (1983).
[36] 372 U.S. 368, 381 (1963).

The very next year, the Georgia legislature adopted a statewide comprehensive majority-vote requirement. The champion of enacting the requirement, Denmark Groover, was reported to have explained that "a majority vote would again provide protection which he said was removed with the death of the county unit system, indicating it would thwart election control by Negroes and other minorities."[37] Before the Senate Rules Committee, Groover explained a majority vote requirement was necessary because "We have a situation when the federal government interceded to increase the registration of Negro voters."[38]

Groover's comments exposed the discriminatory effects that a facially race-neutral majority vote system brought about. Where there are more than two candidates running for a position, under a plurality-vote system, whoever gets the most votes wins. But under a majority-vote system, the two candidates who receive the most votes must have a runoff. That means that whenever a Black candidate runs for office, especially in instances where the Black candidate runs against two white candidates, white voters have the opportunity to coalesce around the white candidate at the run-off stage if the Black candidate had received a plurality in the general election. In *City of Rome, Georgia v. United States*, 446 U.S. 156, 183-84 (1980), the Supreme Court upheld a lower court's finding that Rome, Georgia's majority vote scheme "significantly" decreased the opportunity for a Black candidate to be elected in the situation described above. The Court explained that "even if [the Black candidate] gained a plurality of votes in the general election, [he] would still have to face the runner-up white candidate in a head-to-head runoff election in which, given bloc voting by race and a white majority, [he] would be at a severe disadvantage."[39] Similarly, in *Rogers v. Lodge*, the majority vote requirement was found to was found "to submerge the will of the minority" and thus "deny the minority's access to the system." 458 U.S. 613, 627 (1982).

Majority vote and number posts requirements continue to be used in Georgia today.[40] As the DOJ explained, in the context of objecting to a change to a majority vote requirement for city council in the City of Tignall in Wilkes County: "Minority candidates who are forced into head-to-head contests with white candidates in [a] racially polarized voting environment are more likely to lose than would be the case under the existing system with concurrent terms and a plurality vote requirement."[41]

The legislation enacting a majority-vote requirement statewide was accompanied by a numbered-post requirement—meaning that candidates for seats on multi-seat bodies are required to run for

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[37] Kousser, J. Morgan, Colorblind Injustice: Minority Voting Rights and the Undoing of the Second Reconstruction. University of North Carolina Press, 1999, 229.

[38] *Id.* The legislation that passed the Georgia Assembly and became law and 1964 was separately introduced and had the support of an "Election Laws Study Committee," both required a majority vote in primaries and general elections for all, or nearly all, local and state offices. *Id.* at 228.

[39] *City of Rome v. United States*, 446 U.S. 156, 184 (1980) (quoting *City of Rome, Ga. v. United States*, 472 F. Supp. 221, 244 (D.D.C. 1979)).

[40] Ga. Code Ann. § 21-2-501 (providing "no candidate shall be nominated...or elected to public office ...unless such candidate shall have received a majority of the votes cast" with certain exceptions).

[41] Letter to Melvin P. Kopecky, Kopecky & Roberts from Bill Lann Lee, U.S. Acting Assistant Attorney General to (Mar. 17, 2000), https://www.justice.gov/crt/records/vot/obj_letters/letters/GA/GA-2640.pdf.

specific seats.[42] The Supreme Court affirmed the district court's finding in *Rogers v. Lodge*, that such a "requirement that candidates run for specific seats . . . prevents a cohesive political group from concentrating on a single candidate," and thus "minimize[s] the voting strength of racial minorities."[43]

4) Redistricting

While under the auspices of the VRA's preclearance regime, Georgia deliberately used discriminatory districting maps to limit the Black vote. One such example of this was in 1971, when the state made new districts for Congress. The plan divided Black Atlanta into three districts, making the traditionally Black 5th district into a majority white one. The plan specifically excluded the residences of Andrew Young and Maynard Jackson, two Black candidates for Congress, to prevent them from running, but included the residences of several potential white 5th District candidates. White state legislators drummed up support for the plan by threatening that, if the 5th district maintained a Black majority, it was highly likely that Julian Bond, another potential Black candidate would be elected to Congress.[44] Georgia representatives insisted that the proposed districting plan was necessary to protect the state, despite its severely irregular shape. When Georgia sought to have the district plan precleared, the federal government objected, forcing the state to return Young and Jackson's residences to the 5th district and to increase the Black percentage in the 5th district from 38% to 44%. In 1972 under the revised redistricting plan, Andrew Young was elected, making him "the first black person elected to Congress from Georgia since Reconstruction."[45]

Georgia's 1981 redistricting plans again drew objections including the plans for congressional, state and local redistricting. In a repeat of the antics of the early 1970s, white legislators rejected the plan proposed by the Black politician from Fulton County, Julian Bond, in favor of a plan that would maintain white majority voting strength.[46] Julian Bond's proposed plan to increase the percentage of the Black vote in the 5th Congressional district to 69% was rejected. Legislators complained that the plan would cause white flight and racial discord.[47] Instead, white legislators submitted a plan that would reduce the power of Back voters in Fulton County.[48]

The resulting court challenge by Georgia to the Department of Justice denial of preclearance of the 1981 districting plan, is notable. The case was reviewed by the United States District Court for the District of Columbia.[49] The state argued its districting was driven by a desire to create a district for white "mountain counties . . . which were described as having peculiarly unified interests and concerns."[50] The district court found that racial discrimination was the purpose of the 1981 plan, and it noted that the state treated Black and white districts which held unified interests, in a disparate manner. The court also made an explicit finding that the chair of the

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[42] McDonald, *Odyssey*, 99.
[43] 458 U.S. at 627.
[44] McDonald, *Odyssey*, 149-150.
[45] Jones, Bartlett C., *Flawed Triumphs: Andy Young at the United Nations*, University Press of America, 1996, 3.
[46] *Busbee v. Smith*, 549 F. Supp. 494, 499 (D.D.C. 1982); McDonald, *Odyssey*, 168.
[47] *Busbee v. Smith*, 549 F. Supp. at 507, 510.
[48] McDonald, *Odyssey*, 169-173.
[49] *Busbee v. Smith*, 549 F. Supp. 494, 499 (D.D.C. 1982), *aff'd*, 459 U.S. 1166 (1983).
[50] *Busbee v. Smith*, 549 F. Supp. 494, 499 (D.D.C. 1982), *aff'd*, 459 U.S. 1166 (1983).

Georgia House appropriations committee, Joe Mack Wilson, who dominated the redistricting process in the lower chamber and who often expressed his hate for "blacks and Republicans," was a "racist."[51] Ultimately, the state districting plan included a 65% Black voting percentage in the 5th district. That plan resulted in the election of John Lewis to the 5th congressional in 1986 in a contest against Julian Bond.[52]

Unfortunately, the misuse of race in redistricting has continued into the 21st Century. Indeed, there is "compelling" evidence that "race predominated" the 2015-mid-decade redistricting of two house districts in the General Assembly.[53] *Atlanta Magazine* reported, "lawmakers decided to swap out heavily black and Latino areas" in, among others, a house district in Henry County, an area at issue in this case, "with nearby precincts that leaned Republican," allowing a white Republican incumbent to "eke[] out a victory" two years later.[54] Henry County's House District 111 was redistricted to decrease the Black share of the voting age population by "just over 2%," which "likely changed the outcome of the 2016 election" because without the change, the district "would have become significantly more diverse."[55] In 2016, the white Republican, Brian Strickland, defeated Black Democratic challenger, Darryl Payton by just 950 votes.[56]

5) New Restrictions on Running for Office

As part of its effort to prevent Black representation since passage of the VRA in 1965, the Georgia government has also arbitrarily changed the requirements for running for office. For example, in 1972, when John E. White, of Albany, Georgia, an employee of the Dougherty County Board of Education, announced that he would run for a seat in the Georgia House of Representatives, the first Black candidate to do so since Reconstruction, the Board adopted a new rule, "Rule 58", the following month. Rule 58 required Board employees to take an unpaid leave of absence while running for or serving in a government office.[57] White subsequently ran for office three times and lost more than $11,000 in unpaid salary as a result. White sued, arguing that Rule 58 had not been precleared under the VRA even though it was a "standard, practice or procedure with respect to voting," enacted by a covered jurisdiction. White stressed that he was the first Black person to run for the General Assembly from the county and that no

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[51] *Busbee v. Smith*, 549 F. Supp. at 500.
[52] Dudley Clendinen, "Ex Colleague Upsets Julian Bond in Atlanta Congressional Runoff," *The New York Times*, September 3, 1986.
[53] *Georgia State Conf. of NAACP v. Georgia*, 312 F. Supp. 3d 1357, 1365 (N.D. Ga. 2018).
[54] Thomas Wheatley, "*How Redrawing Districts has Kept Georgia Incumbents in Power*," *Atlanta Magazine*, January 12, 2018. https://www.atlantamagazine.com/news-culture-articles/redrawing-districts-kept-georgia-incumbents-power/.
[55] *Georgia State Conf. of NAACP v. Georgia*, 312 F. Supp. 3d 1357, 1363 (N.D. Ga. 2018)
[56] "Georgia 111th District State house Results: Brian Strickland Wins," *The New York Times*, August 1, 2017. https://www.nytimes.com/elections/2016/results/georgia-state-house-district-111; Nat'l Democratic Redistricting Committee "Eric Holder and Democrats begin redistricting wars in Georgia," October 11, 2017. https://democraticredistricting.com/eric-holder-and-democrats-begin-redistricting-wars-in-georgia.
When this districting was later challenged as an unconstitutional racial gerrymander, the court found "compelling" evidence that race predominated in the drawing of those district lines, but ultimately denied a preliminary injunction because state officials had denied the use of race under oath, and binding Supreme Court case law created an especially elevated standard for establishing unconstitutional racial gerrymandering in the absence of direct evidence. *Georgia State Conf. of NAACP v. Georgia*, 312 F. Supp. 3d 1357, 1367 (N.D. Ga. 2018).
[57] *Dougherty County, Georgia Bd. of Ed. v. White*, 439 U.S. 32, 34 (1978).

other Dougherty County employees had been subject to the same rule. Ultimately, the Supreme Court held that Rule 58 should have been submitted for preclearance. The Court enjoined application of the law and ordered preclearance compliance. The Court explained: "By imposing a financial loss on [Board] employees who choose to become candidates, [the Rule] makes it more difficult for them to participate in the democratic process and, consequently, restricts the field from which the voters may select their representatives."[58]

6) Official Elimination, Weakening or Increased Oversight of a Position After a Black Person is Elected.

Another tactic that has long been used by Georgia government officials to dilute the power of Black voters is to respond to the election of a Black candidate in local government by weakening or eliminating the office to which the Black candidate was elected. In September of 1868, just a few months after Georgia ratified the 14th Amendment and elected a Republican governor, the state legislators (on a bipartisan basis) forcibly removed the identifiable Black legislators from the states house in 1868, save those who could not be identified "because their fair complexion (sic) made it impossible to prove that they were African American."[59] These changes to local government entities and districts continue today.

i. A School Board Example: Sumter County, Georgia

The General Assembly has assisted counties in changing district lines when government entities like a school board, have become majority Black.

Sumter County is in Southwest Georgia. The County includes part of the city of Andersonville and the cities of Americus and Plains. Today, the population of Sumter County is 52.3% Black and 47.2% white. The Sumter County school population is 78% Black and 6 % white. The disparity between the demographics of the county and the schools are, in part, attributable to the county's history of resisting school integration.[60]

When the Sumter County School Board became majority Black for the first time in 2010, the General Assembly approved a change proposed by the lame duck School Board that would reduce the size of the Board from nine members to seven, and make two of the seats on the Board at-large seats.[61] The Plaintiff brought suit, alleging that the new at-large seats and the packing of Black voters into two districts diluted Black voting strength. The Eleventh Circuit agreed with the district court's finding that this change violated Section 2 of the VRA.[62]

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[58] *Id*. at 40.
[59] Franklin, John Hope, Reconstruction and the Civil War, University of Chicago Press, 1994, 130-131; *see also* Drago, Edmund L. Black Politicians and Reconstruction in Georgia: A Splendid Failure. University of Georgia Press, 1992, 69-70; Georgia House Journal, July 21, 1868, pp. 49-50; McDonald, Odyssey, 21.
[60] Sumter County used a template established by the Sibley committee called the "school choice plan" which provided that local school systems be free to decide whether to integrate or not. *See* Bartley, *The Creation of Modern Georgia*, 195.
[61] *Wright v. Sumter Cty. Bd. of Elections & Registration*, 301 F. Supp. 3d 1297, 1304 (M.D. Ga. 2018), *aff'd*, 979 F.3d 1282 (11th Cir. 2020); H.B. 836 (2014) (enacted); H.B. 836 (2011).
[62] *Wright v. Sumter Cty. Bd. of Elections & Registration*, 301 F. Supp. 3d at 1326, *aff'd*, 979 F.3d 1282, 1287, 1297–98, 1311 (11th Cir. 2020).

In addition to the attempted changes to the Sumter County School Board, county residents and white school board members also subjected the school board to unprecedented oversight designed to cast the school board as incompetent and justify the removal of the majority-Black board.[63] After a legal challenge,[64] the district court provided a districting plan for the school board that for the time being, will result in an opportunity for Sumter County's Black residents to equitably participate in the operation of the school board.[65]

ii. A Black Mayor is Elected in Stockbridge

Five months after the city of Stockbridge in Henry County, an area at issue in this case, elected its first Black mayor and an all-Black city council in 2017, the state legislature passed two bills allowing for Eagle's Landing, a whiter and wealthier community in Stockbridge, to break off and form its own city.[66] It would have become the first city in Georgia to be created by splitting from an existing city.[67] A former mayor of Stockbridge, Lee Stuart, who is white, publicly stated that some residents do not want to live in a city governed by an all-Black squad of officials.[68] The referendum was ultimately defeated, after a costly campaign by Stockbridge.[69]

iii. Removal of Black County Election Board Members

Black county election board members have been removed across the State this year as a result of the General Assembly's repeated intervention in local election administration, including in areas like Spalding County, that are at issue in this case. In particular, the General Assembly has repeatedly passed county-specific legislation since 2021 altering the boards' operation. Most of the county-specific bills empower the local County Commission to purge the existing election board members and appoint new ones; one (in Spalding County) changed the rules so the decisive fifth board member is chosen by local judges instead of by a coin toss.[70]

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[63] Casey, Nicholas. "A Voting Rights Battle in a School Board 'Coup.'" *The New York Times*, October 25, 2020, sec. U.S. https://www.nytimes.com/2020/10/25/us/politics/voting-rights-georgia.html.
[64] *Wright v. Sumter Cty. Bd. of Elections & Registration*, 979 F.3d 1282, 1287 (11th Cir. 2020).
[65] The current school board, elected in 2020 under the district map approved by the District Court, is for only the second time in history, majority Black. Former School Board member Kelvin Pless told the expert that in the last month or two, racial tension on the school board has again become apparent and has been covered in the Americus Times Recorder. *See* Tracey K. Hall, "A man in the arena: Jim Reid," *Americus Times Recorder*, December 28, 2021. https://www.americustimesrecorder.com/2021/12/28/a-man-in-the-arena-jim-reid/.
[66] Brentin Mock. "Is Atlanta's Cityhood Movement Spiraling Out of Control?" *Bloomberg CityLab*, April 16, 2018. https://www.bloomberg.com/news/articles/2018-04-16/is-atlanta-s-cityhood-movement-spiraling-out-of-control.
[67] Asia Ashley. "Stockbridge De-Annexation, Pro-Eagle's Landing Bill Heads to Governor." *Henry Herald*, March 6, 2018. https://www.henryherald.com/news/stockbridge-de-annexation-pro-eagle-s-landing-bill-heads-to-governor/article_1a44e139-7a92-535f-8ea4-5232d2c4ed3f.html.
[68] Mock, "Is Atlanta's Cityhood Movement Spiraling Out of Control?"
[69] *See* Leon Stafford, "Eagle's Landing secession attempt from Stockbridge defeated by voters," The Atlanta Journal-Constitution, November 6, 2018; Leon Stafford, "Stockbridge spent more than $600,000 to defeat Eagle's Landing cityhood," The Atlanta Journal-Constitution, Nov. 28, 2018, https://www.ajc.com/news/local-govt--politics/stockbridge-spent-more-than-600-000-defeat-eagle-landing-cityhood/S2TyIuEUYXEwIjctab6RtL/.
[70] Oliphant, James, and Nathan Layne. "Georgia Republicans Purge Black Democrats from County Election Boards." *Reuters*, December 10, 2021, https://www.reuters.com/world/us/georgia-republicans-purge-black-democrats-county-election-boards-2021-12-09/.

H.B. 769, which passed the Georgia Assembly, "provid[ed] for the termination of the term of the present fifth member" of the board of elections for Spalding County, to be replaced by a fifth member "selected and appointed by the vote of a majority of judges of the Superior Court of Spalding County."[71] No Black person had ever served as a superior court judge of Spalding County. Until August 19, 2021, no Black person had served as a Superior Court judge for the Griffin Judicial Circuit covering Fayette, Pike, Spalding, and Upson counties.[72]

Those changes have resulted in the removal of a number of Black officials from county election boards. Indeed, Black county election board members have been a particular focus of this effort. As of June 2021, at least five of the ten county election board members removed from local boards have been people of color[73]—including and two Black board members in Morgan County, one of the areas of focus in this litigation.[74]

"County election boards have broad authority over voter access, such as polling locations and early-voting procedures."[75] These newly reconstructed boards have begun to make changes in the voting process that are likely to reduce the Black vote. For example, Spalding County ended Sunday voting for municipal elections, which had been "instrumental in boosting turnout of Black voters in last year's [2020] election."[76] Sunday early voting has been especially important for congregants of Black churches such as Plaintiff AME Church, which regularly hold "Souls to the Polls" events after church services that help transport Black voters to the polls.[77] Finally, Lincoln County (north of Augusta, an area at issue in this case) is currently considering eliminating all but one of its polling locations.[78]

7) Felon Disenfranchisement

Felon disenfranchisement is one of the methods of voter suppression exercised by the state of Georgia since Reconstruction, when it was enshrined in Georgia's 1877 Constitution to counteract changes made during Reconstruction to grant rights to former slaves.[79] At the post-Civil War constitutional convention of October 1865, the all-white Georgia delegation codified the Georgia Black Codes, basing them on the colonial Slave Codes that regulated all aspects of

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[71] H.B. 769, Sec. 2(b) (2021).
[72] Cal Beverly, "Gov. Kemp Makes Historic Appointment to the Fayette Superior Court," *The Citizen*, July 20, 2021. https://thecitizen.com/2021/07/20/gov-kemp-makes-historic-appointment-to-the-fayette-superior-court/; 2001 Alumna, "Judge Rhonda Kreuziger, Appointed Griffin Judicial Circuit Superior Court Judge," John Marshall Law School, September 21, 2021, https://www.johnmarshall.edu/2001-alumna-rhonda-kreuziger-appointed-griffin-judicial-circuit-superior-court-judge/.
[73] Corasaniti, Nick, and Reid J. Epstein. "How Republican States Are Expanding Their Power Over Elections." *The New York Times*, June 19, 2021, sec. U.S. https://www.nytimes.com/2021/06/19/us/politics/republican-states.html.
[74] Oliphant and Layne. "Georgia Republicans Purge Black Democrats from County Election Boards."
[75] Oliphant and Layne, "Georgia Republicans Purge Black Democrats from County Election Boards."
[76] Oliphant and Layne, "Georgia Republicans Purge Black Democrats from County Election Boards."
[77] Doubek, James, and Steve Inskeep. "Black Church Leaders in Georgia on the Importance of 'Souls to the Polls.'" *NPR*, March 22, 2021, https://www.npr.org/2021/03/22/977929338/black-church-leaders-in-georgia-on-the-importance-of-souls-to-the-polls
[78] *Id*.
[79] Georgia Const. of 1877 art. II, § I; *see also* McDonald, *Odyssey*, 36; Barrett Holmes Pitner, "How Georgia Will Use 'Moral Turpitude' to Strip Black People of their Votes in 2020," Daily Beast, June 3 2019. https://www.thedailybeast.com/how-georgia-will-use-moral-turpitude-to-strip-black-people-of-their-votes-in-2020?ref=scroll.

Black enslaved people's lives, including prohibiting slaves from voting. Felony disenfranchisement laws have their roots in these Codes.[80] The Georgia Black Code applied indiscriminately to all Black people regardless of status, and it created a voting regime under which "the deprivation or loss of the vote would occur not at the ballot box at every election but at the point of registration and probably once."[81] A key mechanism of this regime comprised criminal exclusion laws that disqualified Black voters for the most minor of offenses. Georgia's 1877 Constitution facilitated this by providing: "no person who has been convicted of a felony involving moral turpitude may register, remain registered, or vote except upon completion of the sentence."[82]

Today in Georgia, that legacy continues. People convicted of felonies in Georgia lose the right to vote until they have completed their sentences, and that includes post release probation or parole periods and the payment of fees.[83] Georgia is 10th in the nation for incarceration and *first* for correctional supervision, i.e. probation and parole.[84] Probationary sentences in Georgia are on average 6.3 years which is essentially double the U.S. average.[85] The disenfranchisement due to this substantial carceral state continues to fall disproportionately on Black Georgians. Indeed, in 2020, over *half* of the estimated 275,089 Georgians prevented from voting due to felony convictions are Black.[86] As of 2016, the state ranked 6th in the nation for largest population of disenfranchised Black voters.[87]

B. More Recent History: Laws and Official Practices with a Discriminatory Impact on Black Voters

1) Exact Match Voter Registration Requirement

The adoption of requirements that create barriers to voter registration is a tactic that state officials across the South, including in Georgia, have historically used to prevent Black citizens from having access to the ballot box. During the "Redeemer" period, "[m]any of the disenfranchising laws were designed expressly to be administered in a discriminatory fashion, permitting whites to vote while barring blacks. Small errors in registration procedures or marking

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[80] Walton, Hanes, Jr., Sherman Puckett, and Donald Deskins. "Chapter 26: Felon and Ex-Felon Disenfranchisement: The Newest Technique of Vote Dilution and Candidate Diminution." In *The African American Electorate: A Statistical History*, 653–71, 655. Washington: CQ Press, 2012. https://doi.org/10.4135/9781452234397.
[81] *Id.* at 657.
[82] Georgia Const. of 1877 art. II, § I.
[83] Christopher Uggen, Ryan Larson, Sarah Shannon, and Arleth Pulido-Nava. "Locked Out 2020: Estimates of People Denied Voting Rights Due to a Felony Conviction." The Sentencing Project, October 15, 2020, 6. https://www.sentencingproject.org/wp-content/uploads/2020/10/Locked-Out-2020.pdf.
[84] Alexi Jones. "Correctional Control 2018: Incarceration and Supervision by State." Prison Policy Initiative, December 2018. https://www.prisonpolicy.org/reports/correctionalcontrol2018.html.
[85] "Georgia Council on Criminal Justice Reform." Council of State Governments Justice Center, July 2016.
[86] The Sentencing Project, "Locked Out 2020," 17 Table 4 (52.29% of disenfranchised voters with felony convictions are Black).
[87] The Sentencing Project. "6 Million Lost Voters: State-Level Estimates of Felony Disenfranchisement, 2016." Table 4: Estimates of Disenfranchised African Americans with Felony Convictions, 2016. Accessed December 30, 2021, https://www.sentencingproject.org/publications/6-million-lost-voters-state-level-estimates-felony-disenfranchisement-2016/.

ballots might or might not be ignored at the whim of election officials."[88] In 1913, for example, Georgia passed a bill implementing a system of permanent registration, requiring all voters to submit to examination by a board of registrars,[89] where the board was often comprised of whites who were hostile to Black voting.

Policies which limit Black voters' access to the ballot box through registration barriers continue today, even if the methods deployed by Georgia's elections officials appear to be less hostile. Shortly before the 2008 presidential election, the Georgia Secretary of State's office began implementing an automated voter registration verification protocol, which would later become known as "Exact Match," without first obtaining preclearance from the DOJ.[90] The U.S. District Court for the Northern District of Georgia held that doing so violated Section 5 of the Voting Rights Act.[91] Georgia then filed for preclearance of its procedures.[92]

In 2009, the DOJ objected to Georgia's implementation of a voter verification registration program which "seeks to match the information provided by the applicant with the information maintained by the state's Department of Driver Services [DDS] and, in many cases, the federal Social Security Administration [SSA], and provides a list of those persons whose information does not match to local registrars," and considers those individuals on that list to be not registered to vote.[93] "Because the state implemented these changes in violation of Section 5," the DOJ had "the actual results of the state's verification process."[94] The DOJ's analysis of the data found that it was "error-laden" and "impact of these errors falls disproportionately on minority voters."[95] Specifically, the DOJ concluded "the different rate at which African American applicants are required to undertake an additional step before becoming eligible voters is statistically significant."[96] After Georgia revised its verification process to include "daily monitoring of the voter verification process and prompt notice to applicants who could not be verified," the DOJ indicated it would not object to the revised process.[97]

But an analysis of data provided by the Secretary of State's office for July 2013 through July 2016 showed that the implementation of the revised Exact Match continued to create disproportionate barriers to voter registration for Black voters. 63.6% of the applications that were cancelled as a result of failure to match were from Black people; 13.6% were from white people.[98] And considering the impact of "Exact Match" leading to both cancelled and pending

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[88] Keyssar, *The Right to Vote*, 112.
[89] Ga. Laws 1913, pp. 115-17.
[90] *Morales v. Handel*, No. 1:08-CV-3172, 2008 WL 9401054, at *7 (N.D. Ga. Oct. 27, 2008); Order, *Fair Fight Action v. Raffensperger*, 1:18-CV-05391-SCJ (N.D. Ga.), ECF No. 636 at 6 ("The term 'Exact Match' means the voter verification program for voter registration application data, including citizenship status, used by the State of Georgia to meet the requirements of the Help America Vote Act").
[91] *Morales v. Handel*, No. 1:08-CV-3172, 2008 WL 9401054, at *8 (N.D. Ga. Oct. 27, 2008).
[92] *Id.*
[93] Letter to Thurbert E. Baker, Georgia Attorney General from Loretta King, Acting Assistant Attorney General at 2 (May 29, 2009)
[94] *Id.* at 3.
[95] *Id.*
[96] *Id.*
[97] Order, *Fair Fight Action v. Raffensperger*, 1:18-CV-05391-SCJ (N.D. Ga.), ECF No. 636 at 8.
[98] Complaint, *Georgia State Conference of the NAACP v. Kemp*, 2:16-cv-00219 (Sept 14, 2016), ECF No. 1. at paras. 86-90.

status applications, Black voter applicants were negatively impacted at *eight times* the rate of white voter applicants.[99] After the Georgia State Conference of the NAACP and others filed suit challenging the practice,[100] the Secretary of State agreed that anyone whose information did not meet the exact match would be placed on the "pending" list but permitted to vote on showing satisfactory identification without any obligation to cure.[101] Additionally, all applications that had been cancelled since October 1, 2013 were be restored to "pending," allowing those more than 42,000 applicants[102] to finalize their registration and making them eligible to vote upon showing of satisfactory identification.[103]

In 2017, the state legislature passed a statute[104] implementing the same "exact match" policy the Secretary of State entered a settlement to stop using the year before (the settlement agreement bound the Secretary of State "[u]nless mandated by a future statutory requirement"[105]). This law like the previous iteration of this policy, required that a voter's government issued ID must precisely match their names as listed on the Georgia voter rolls, so that a misspelled name, for example, can cause a no match result. Unsurprisingly, like the previous very similar iterations of the law, disproportionately affected minority voters, according to an analysis of data produced by the Georgia Secretary of State's office showing that on July 4, 2018, approximately 51,111 voter registration applicants were "pending" for reasons related to the "exact match" protocol.[106] 80.15% of those pending applications were submitted by African-American, Latino and Asian-American applicants.[107] Only 9.83% of the "pending" for failure to verify applications were submitted by applicants identifying as white.[108]

The "exact match" law has changed since 2017,[109] but the current iteration, and its implementation, is the subject of ongoing litigation.[110] As part of this litigation, the Secretary of

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[99] *Id.* at para. 99.
[100] *Id.*
[101] Settlement Agreement, *Georgia State Conference of the NAACP v. Kemp*, 2:16-cv-00219, at 3 (Sept 14, 2016).
[102] Complaint, *Georgia State Conference of the NAACP v. Kemp*, 2:16-cv-00219, at 4 (Sept 14, 2016), ECF No. 1, at para. 7.
[103] Settlement Agreement, *Georgia State Conference of the NAACP v. Kemp*, 2:16-cv-00219, at 3 (Sept 14, 2016).
[104] HB 268 (2017)
[105] Settlement Agreement, *Georgia State Conference of the NAACP v. Kemp*, 2:16-cv-00219, at 2 (Sept 14, 2016).
[106] Amended Complaint, *Georgia Coalition for the Peoples' Agenda v. Kemp*, 1:18-cv-04727-ELR (N.D. Ga. Oct. 19, 2018), Dkt 15, at para. 70.
[107] *Id.*
[108] *Id.* Georgia did repeal this law in 2019, and pass a new match law, HB 316, which registered applicants flagged for minor discrepancies to vote, and required that they produce proof of identity to a poll official before voting. Campaign Legal Center. "Georgia Moves to Abandon Problematic Exact Match Policy," April 5, 2019. https://campaignlegal.org/update/georgia-moves-abandon-problematic-exact-match-policy.
[109] HB 316.
[110] *See generally, Fair Fight Action v. Raffensperger*, 1:18-CV-05391-SCJ (N.D. Ga.); *Georgia Coal. for People's Agenda, Inc. v. Kemp*, 347 F. Supp. 3d 1251, 1263 (N.D. Ga. 2018). The state continues to verify voters using old DDS information though it has relaxed its insistence that every dash or typo not included on both a voter's identification and the state's voting roll be a justification for denying voters the right to cast ballots. *See* Stanley Augustin, Georgia Largely Abandons Its Broken 'Exact Match' "Voter Registration Process," Lawyers' Committee for Civil Rights Under law (Apr. 5, 2019), https://www.lawyerscommittee.org/georgia-largely-abandons-its-broken-exact-match-voter-registration-process/.

State's "General Counsel has testified as follows: 'of the [records] that failed verification, I would say our office was aware that it's a largely African American population.'"[111]

2) Voter Purges

After *Shelby*, Georgia passed restrictions that would previously have required review by the Department of Justice. Between 2012 and 2016, the state purged 1.5 million voters, twice the number removed between 2008 and 2012.[112] An additional half a million were removed in 2017.[113]

Voter purges were historically used in Georgia to suppress Black voters. In 1946, former Georgia Governor Eugene Talmadge provided supporters a means of reducing the number of Black voters; in a newspaper article he wrote: "If the white citizens of the State of Georgia will wake up, they can disqualify and mark off the voters' list three-fourths of the Negro vote in this state."[114] He urged supporters to challenge whether Black voters were properly qualified, and mailed thousands of mimeographed challenge forms to supporters, which lead to massive purges of Black voters across the state.[115] Of Black voters who attempted to vote in primaries en masse in more than 30 counties, an estimated 15,000 to 25,000 had been purged from voting rolls.[116] "[T]he success of the Talmadge candidacy was achieved by policies curtailing black voting or by election irregularities."[117]

Part of the success of Talmadge's strategy of challenging Black voters was based on the ability of challengers to use voter race data. In 1894 the legislature adopted a law which required the racial designation of voters.[107]As part of the 1908 "Disfranchisement Act," Georgia required voter registration lists to show the race of all voters.[108]

As another example, in 1955 a United States District Court judge found that Black citizens in Randolph County had been unlawfully purged in 1954. Despite their eventual victory, the purges were successful in preventing hundreds of Black voters from participating in the September 1954 Democratic primary and the November general election, despite the plaintiffs' prayer for a preliminary injunction.[118] On July 15, 1954, the Board of Registrars issued notices to 525 Black registered voters requiring them to show cause why their names should not be stricken from the

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[111] Order, *Fair Fight Action v. Raffensperger*, 1:18-CV-05391-SCJ (N.D. Ga.), ECF No. 636 at 15-16.
[112] Reis Thebault and Hannah Knowles. "Georgia Purged 309,000 Voters from Its Rolls. It's the Second State to Make Cuts in Less Than a Week." *Washington Post*, December 17, 2019. https://www.washingtonpost.com/nation/2019/12/17/georgia-purged-voters-its-rolls-its-second-state-make-cuts-less-than-week/.
[113] *Id*.
[114] Bernd, Joseph L. "White Supremacy and the Disfranchisement of Blacks in Georgia, 1946." *The Georgia Historical Quarterly* 66, no. 4 (1982): 494.
[115] *Id.*
[116] Key, Valdimer Orlando. *Southern Politics in State and Nation*. Knoxville: University of Tennessee Press, 1984, 570.
[117] Bernd, "White Supremacy and the Disfranchisement of Blacks in Georgia, 1946," 500.
[118] *Thornton v. Martin*, Civ. No. 520, 1 Race Rel. L. Rep. 213 (M.D. Ga. Nov. 23, 1956).

list of voters on July 21.[119] When the Black registered voters appeared, they were given a test, after which, 175 of 225 were deemed to be "unqualified as a voter."[120]

3) Time/Place Restrictions

Manipulation of the time and location of registration and voting has been historically used by Georgia to limit Black participation.

To provide two examples of such impediments: First, a 1873 law allowed local election supervisors to "close their registration rolls to new applicants except during those times when Black farmers were too busy to register, such as planting or harvest time."[121] In addition, polling places were placed in inconvenient locations for Blacks and maintained limited hours.[122] Second, in 1960, a district court found that the Registrar of Terrell County, "[d]elay[ed] action upon applications for registration by Negroes while not delaying such action with respect to applications by whites," thus preventing Black people from becoming registered.[123] As a result of this, and other barriers, in 1960, there were approximately 3,000 registered white voters and only 53 registered Black voters.[124] The county was approximately 64 percent Black.[125]

In today's Georgia, the time and location of registration and voting continue to affect the ability of Black voters to participate. Between 2012 and 2018, the state closed 214 voter precincts, decreasing the number of precincts in many minority majority neighborhoods.[126] In 5 of the counties where polls were closed after *Shelby*,[127] the Black turnout was under 50% in the 2020 election.[128] In 2008 turnout was 65.33% in Bacon, 75.91% in Habersham, 77.50% in Lowndes, 61.36% in Lumpkin, and 67.69% in Franklin County.[129] These precinct closures and the voter purges would have been subject to preclearance before *Shelby v. Holder*.[130]

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[119] *Id.* at 214.
[120] *Id.* at 214.
[121] Zelden, Charles L. *Voting Rights on Trial: A Handbook with Cases, Laws, and Documents*. Santa Barbara: ABC-CLIO, 2002, 75.
[122] *Id.* at 74.
[123] *United States v. Raines*, 189 F. Supp. 121, 126 (M.D. Ga. 1960)
[124] *Raines*, 189 F. Supp. at 125.
[125] McDonald, *Odyssey*, 46.
[126] Patrik Jonsson. "Voting After Shelby: How a 2013 Supreme Court Ruling Shaped the 2018 Election." *Christian Science Monitor*, November 21, 2018. https://www.csmonitor.com/USA/Justice/2018/1121/Voting-after-Shelby-How-a-2013-Supreme-Court-ruling-shaped-the-2018-election.
[127] Niesse, Mark, and Maya T. Prabhu. "Voting Locations Closed across Georgia after Supreme Court Ruling." The Atlanta Journal-Constitution, April 31, 2018. https://www.ajc.com/news/state--regional-govt--politics/voting-precincts-closed-across-georgia-since-election-oversight-lifted/bBkHxptlim0Gp9pKu7dfrN/.
[128] Georgia Secretary of State. "Elections," 2018. https://sos.ga.gov/index.php/elections.
[129] Georgia Secretary of State. "Elections," 2018. https://sos.ga.gov/index.php/elections.
[130] Allie Gottlieb, The Struggle for Voting Rights in Georgia, Regulatory Review (Jan. 4, 2021), https://www.theregreview.org/2021/01/04/gottlieb-struggle-voting-rights-georgia/

4) Failure to Provide Voter Registration Opportunities at Public Assistance Offices

There are numerous other ways in which Georgia's actions in recent history continue to impose barriers to vote for Black voters. In 2011, for example, Georgia was sued by the Georgia NAACP and others for failing to offer voter registration services through its the public assistance offices as required under the National Voter Registration Act. The average percentage of Black households in poverty for all counties in Georgia in 2010 was approximately 26.4% versus 11.5%for whites.[131] Total unemployment in 2010 was approximately 10%.[132] Black unemployment was higher than that of whites, 11.6% versus 8-9%. Black people have received public assistance at disproportionate rates. For example, in 2008-2009, 82.1% of TANF recipients in Georgia were Black compared to 15.3% who were white.[133]

The effects of Georgia's decision were clear: between 1995-1996, 103,942 Georgians registered to vote at public assistance offices.[134] In contrast, in 2008-2010, Georgia reported a huge decline in the number of voter registration forms through public assistance offices—either 279 total registrations or 13,443 registrations depending on which part of Georgia's inconsistent reporting one considers.[135]

An investigation conducted by the plaintiffs in that 2011 lawsuit found that "[n]one of the [public assistance] offices visited by the investigators in September 2010 included a voter registration form with the benefits application, and eight of the eleven offices could not even provide a voter registration application upon request."[136]

"The September 2010 survey results also showed, '[A]mong the [public assistance] clients interviewed after completing NVRA-covered transactions ..., 44 of 50 reported that they were not offered voter registration; almost none of the 50 had been provided a voter preference form; and none of the 23 [public assistance] clients who had met with a caseworker during their visit to

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[131] The Kaiser Family Foundation. "Poverty Rate by Race/Ethnicity," October 23, 2020. https://www.kff.org/other/state-indicator/poverty-rate-by-raceethnicity/.

[132] "Georgia Unemployment Up to 10.1%." *Atlanta Business Chronicle*, December 16, 2010. https://www.bizjournals.com/atlanta/news/2010/12/16/georgia-unemployment-up-to-101.html.

[133] "Characteristics and Financial Circumstances of TANF Recipients, Fiscal Year 2009: Table 21: TANF - Active Cases, Percent Distribution of TANF Adult Recipients by Ethnicity/Race, October 2008 - September 2009." U.S. Department of Health and Human Services: Office of Family Assistance, August 24, 2010. https://www.acf.hhs.gov/ofa/data/characteristics-and-financial-circumstances-tanf-recipients-fiscal-year-2009-57.

[134] "Implementing the National Voter Registration Act: A Report to State and Local Election Officials on Problems and Solutions Discovered 1995 -1996." Washington, D.C.: The Office of Election Administration: Federal Election Commission, March 1998, 127 Appendix C, Table 2 https://www.eac.gov/sites/default/files/eac_assets/1/28/Implementing%20the%20NVRA--Report%20to%20State%20and%20Local%20Election%20Of.pdf.

[135] "The Impact of the National Voter Registration Act of 1993 on the Administration of Elections for Federal Office 2009-2010: A Report to the 112th Congress." Washington, D.C.: U.S. Election Assistance Commission, June 30, 2011, 39 Appendix B, Table 2a. https://www.eac.gov/sites/default/files/eac_assets/1/28/2010%20NVRA%20FINAL%20REPORT.pdf; *see also id.* at 44, Appendix B, Table 2b; 52, Appendix B, Table 2d.

[136] *Georgia State Conf. of N.A.A.C.P. v. Kemp*, 841 F. Supp. 2d 1320, 1325 (N.D. Ga. 2012) (quoting plaintiffs' complaint).

the [public assistance] office had been offered the opportunity to register to vote by the caseworker.'"[137]

Georgia moved to dismiss, arguing that it was not required to provide "voter registration applications to public assistance clients unless those clients appear in person," meaning it did not have to provide them by mail.[138] In denying the Defendants' motion to dismiss, the district court observed:

> that while Georgia has chosen not to implement procedures for distributing voter registration application forms to public assistance clients applying remotely, its legislature has been proactive in implementing procedures to register voters through offices that do not provide public assistance. Specifically, in 2004, Georgia passed O.C.G.A. § 21–2–221.1. 2004 Ga. Laws 732. Its operative provision provides, in relevant part, "Each application to obtain a resident hunting, fishing, or trapping license…shall also serve as an application for voter registration unless the applicant declines to register to vote through specific declination or by failing to sign the voter registration application." O.C.G.A. § 21–2–221.1. The court declines to speculate on the motives behind Georgia's choice to automatically convert applications for those wishing to hunt or fish in Georgia into voter registration applications and then fight the proposition that Georgia is required to merely offer voter registration applications to applicants for public assistance. The court will offer an observation, however: the NVRA expresses a policy of increasing the number of eligible citizens who register to vote and implements that policy by reaching a wide range of citizens through offices they are likely to contact, especially after a change of address. Georgia, however, seems to favor a less inclusive group of eligible citizens for voter registration.[139]

Following the court's decision, Georgia settled the case and agreed to change its policies and practices to make voter registration more widely available through its public assistance offices, to provide training, to designate coordinators responsible for ensuring compliance with the National Voter Registration Act in public assistance offices, and to undergo monitoring of the settlement agreement.[140]

5) Backlash to Record Black Voter Turnout in the 2020 Election

During the 2020 election Black voters were able to overcome tactics[141] to minimize minority access in prior years and accessed the polls in record numbers. The state expanded in particular absentee vote by mail as part of an effort to ensure that voters had access to the polls despite the

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[137] *Id*. (quoting complaint).
[138] *Id*. at 1328.
[139] *Id*. at 1332.
[140] Settlement Agreement, Georgia State Conf. of N.A.A.C.P. v. Kemp, No. 1:11-cv-01849 (N.D. Ga. April 8, 2012), ECF No. 55, Exhibit A.
[141] Fowler, Stephen. "Why Do Nonwhite Georgia Voters Have to Wait in Line for Hours? Their Numbers Have Soared, and Their Polling Places Have Dwindled." *ProPublica*, October 17, 2020. https://www.propublica.org/article/why-do-nonwhite-georgia-voters-have-to-wait-in-line-for-hours-their-numbers-have-soared-and-their-polling-places-have-dwindled?token=_Q2PjoPDva608iMRGpDGHnrBxVfvt7EH.

global Coronavirus pandemic. Absentee ballot applications were mailed to every active, registered voter for the primary elections,[142] and third-party groups were allowed to provide absentee ballot applications to voters by request.[143] Drop boxes were plentiful, especially in metropolitan Atlanta, and located outside of polling locations to allow voters to drop absentee ballots 24-7.[144]

Turnout was unprecedented in the November 2020 election,[145] arguably fueled by some degree by the increased access but also by the mobilization of voters and the high-profile nature of the elections.[146]

In between the presidential election and the Senate runoff election, the state Senate Republican Caucus announced that they would push for the changes to the procedures that had increased voting access—including ending absentee voting without cause and banning ballot drop boxes—during the next legislative session.[147] And when the state legislature convened for the regular legislative session, shortly after the Senate runoff election, the sole issue during the session appeared to be preparing proposals to change Georgia voting laws. The new voting laws at issue were measures that would give authority to the state legislature to take over county election boards, restrict absentee mail-in voting, and disenfranchise voters who vote at the wrong precinct in addition to multiple additional measures. That would make voting more difficult for Georgians and radically change the voting regulations in the counties where Black Georgians voted. State legislators in support of the new measures argued that they would be designed to make voting more secure against fraud and accessible.[148]

During the legislative session, state legislators in the General Assembly rushed to draft and approve the legislation that became SB 202.[149] Hearings were often called outside business hours with limited notice to the public, and leaders in the Georgia State legislature made the final drafts of SB202 public only hours before the final vote.

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[142] Emil Moffat. "Georgia Sent Out Nearly 7 Million Absentee Ballot Applications For Primary, But Proposed Bill Won't Let It Happen Again." *WABE*, June 24, 2020. https://www.wabe.org/georgia-sent-out-nearly-7-million-absentee-ballot-applications-for-primary-but-proposed-bill-wont-let-it-happen-again/.
[143] Niesse, Mark. "Groups Mass Mail Absentee Ballot Applications to Georgia Voters." *The Atlanta Journal-Constitution*, August 25, 2020.
[144] Niesse, Mark, Stephen Fowler, Sarah Kallis, and Isaiah Poritz. "Drop Box Use Heavy in Democratic Areas before Georgia Voting Law." *The Atlanta Journal-Constitution*, July 12, 2021, https://www.ajc.com/politics/drop-box-use-soared-in-democratic-areas-before-georgia-voting-law/N4ZTGHLWD5BRBOUKBHTUCFVOEU/.
[145] Georgia Secretary of State. "General Election Turnout by Demographics November 2020." Accessed December 30, 2021. https://sos.ga.gov/index.php/elections/general_election_turnout_by_demographics_november_2020.
[146] Olivia B. Waxman. "Stacey Abrams and Other Georgia Organizers Are Part of a Long—But Often Overlooked—Tradition of Black Women Working for the Vote." *Time*, January 8, 2021. https://time.com/5909556/stacey-abrams-history-black-women-voting/.
[147] Ben Nadler, "Georgia Senate GOP push for end to no-excuse absentee voting," *AP*, December 8, 2020. https://apnews.com/article/election-2020-joe-biden-donald-trump-legislature-georgia-db63d0d40fddd0724faffdffc8b72c0c.
[148] "Legislator Introduces Bill to Eliminate Ballot Drop Boxes in Georgia." FOX 5 Atlanta, December 13, 2021. https://www.fox5atlanta.com/news/georgia-legislator-introduces-bill-to-eliminate-ballot-drop-boxes"
[149] NAACP Legal Defense and Educational Fund. "Facts About LDF's Lawsuit Challenging Georgia's Voter Suppression Law." Accessed December 30, 2021. https://www.naacpldf.org/naacp-publications/ldf-blog/important-facts-about-ldfs-lawsuit-challenging-georgias-voter-suppression-bill/.

Once the legislation was passed by both houses, it was taken *immediately* to Governor Kemp's office. Kemp signed the legislation in his office surrounded by six white state officials.[150] A Black state legislator who attempted to attend the closed signing, was turned away from the governor's suite, and arrested.[151] Black civil and voting rights organizations such as the National Urban League, the National Action Network and National Coalition on Black Civic Participation decried the bill as "pure voter suppression."[152]

SB202 placed a number of limitations on voter access, arguably designed to disproportionately impact Black, minority, poor and youth voters.[153] The law requires voters seeking absentee ballots to provide personal identifying information, shortens the duration for applying for ballot, and shortens the period in which to return applications.[154] Such restrictive requirements on absentee voting will disproportionately impact Black voters who used absentee voting in greater numbers, an increase from 23 to 31% in 2020 versus previous elections.[155] In November 2020, 29.27 percent of Black voters cast an absentee ballot, compared to 23.88 percent of white voters, while in the January 2021 general election runoff, 27.65 percent of Black voters cast an absentee ballot, compared to 21.72 percent of white voters.[156]

SB 202 also significantly restricts access to drop boxes, placing severe caps on the total number of drop boxes and requiring precincts to maintain the boxes only inside, subject to more limited hours that polls are open during Early Voting hours. For example, in 2020 there were 94 drop boxes for the six million residents of metro Atlanta. Yet, after SB 202, there will only be 23 boxes available, none of which will be accessible outside Early Voting locations or outside Early Voting hours.[157]

II. Both Explicit and Subtle Racial Appeals Continue to Play a Central Role in Political Campaigns in Georgia (Factor 6).

Racial resentment and fear have also often been incorporated into political campaign strategies in the State of Georgia. For instance, prior to 1966, every Georgia Governor ran on a platform that

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[150] John Blake. "These Two Photos Show Who Georgia's New Elections Law Benefits – and Hurts." CNN, March 26, 2021. https://www.cnn.com/2021/03/26/politics/georgia-voting-law-two-photos/index.html.
[151] Diaz, Jaclyn. "Georgia Lawmaker Arrested As Governor Signs Law Overhauling Elections." *NPR*, March 26, 2021, sec. Politics. https://www.npr.org/2021/03/26/981471672/police-arrest-georgia-lawmaker-as-governor-signs-law-overhauling-elections.
[152] National Action Network. "Civil Rights Leaders Denounce Passage of Georgia Senate Bill 202 as 'Pure Voter Suppression,'" News Release, March 27, 2021. https://nationalactionnetwork.net/newnews/civil-rights-leaders-denounce-passage-of-georgia-senate-bill-202-as-pure-voter-suppression/.
[153] Fowler, Stephen. "What Does Georgia's New Voting Law SB 2020 Do?," *GPB NEWS*, Mar. 27, 2021. https://www.gpb.org/news/2021/03/27/what-does-georgias-new-voting-law-sb-202-do (listing some examples of how SB202 affects voters in Georgia).
[154] *Id.*
[155] Kevin Morris, Geoergia's Proposed Voting Restrictions Will Harm Black Voters Most, March 6, 2021, https://www.brennancenter.org/our-work/research-reports/georgias-proposed-voting-restrictions-will-harm-black-voters-most. Black use of absentee ballots increased from 23to 31%.
[156] Complaint, *United States v. Georgia*, 1:21-cv-02575 (June 25, 2021), ECF No. 1, at para. 22.
[157] Thompson, Derek. "The Truth About Georgia's Voter Law." *The Atlantic*, April 8, 2021. https://www.theatlantic.com/ideas/archive/2021/04/georgia-voting-rights-fiasco/618537/.

included blatantly racist, anti-Black appeals.[158] Modern political campaigns in Georgia continue to heavily feature both explicit racial appeals and subtle racial appeals in the form of dog-whistle politics.

Dog-whistle politics refers to racist appeals that are made implicitly instead of explicitly, using coded speech and visual imagery designed to invoke racial animus.[159] Negative stereotypes and beliefs about Black people are a standard part of American and Georgia state history that continue to pervade the culture.[160] Dog whistling in campaign advertisement is an effective method of mobilizing white racial resentment while adhering to norms of racial equity.[161] Lee Atwater, the premiere dogwhistle in the 1980s and 1990s, described the development of the strategy as follows:

> You start out in 1954 by saying, "Nigger, nigger, nigger." By 1968 you can't say "nigger"—that hurts you, backfires. So you say stuff like, uh, forced busing, states' rights, and all that stuff, and you're getting so abstract. Now, you're talking about cutting taxes, and all these things you're talking about are totally economic things and a byproduct of them is, blacks get hurt worse than whites.… "We want to cut this," is much more abstract than even the busing thing, uh, and a hell of a lot more abstract than "Nigger, nigger."[162]

Atwater who also helped facilitate the quintessential example of the use of dog whistle campaigning: the 1984 Willie Horton advertisement sponsored by the George H. W. Bush campaign. The ad, as described by Bill Keller, editor-in-chief of The Marshall Project, "features a portrait of this very scary looking, disheveled, wild-eyed," incarcerated black man who raped and killed innocent citizens while on furlough in Massachusetts. Atwater explained "by the end of this campaign, you're going to think that Willie Horton is Michael Dukakis' running mate."[163] The advertisement did not explicitly mention race, but used imagery and coded speech to play on white fear, not just of crime, but of black crime.[164]

One example of an explicit virulent racial appeal is a 2018 robo-call's labeling of describing Governor candidate Stacey Abrams as the "Negress Stacey Abrams" and "a poor man's Aunt

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[158]McDonald, *Odyssey*, 85. ("Every modern Georgia governor, through the election of Lester Maddox in 1966, was in fact a vocal supporter of the Jim Crow system.").
[159] Perlstein, Rick. "Exclusive: Lee Atwater's Infamous 1981 Interview on the Southern Strategy," November 13, 2012. https://www.thenation.com/article/archive/exclusive-lee-atwaters-infamous-1981-interview-southern-strategy/.
[160] Ibram X. Kendi. *Stamped from the Beginning: The Definitive History of Racist Ideas in America*. New York: Nation Books, 2016.
[161] Ian Haney López. "Third Rail Series Lecture: UC Berkeley, 'Dog Whistle Politics: Coded Racism and Inequality for All.'" Center for the Study of Race and Ethnicity in America, Brown University, April 2, 2015. https://www.brown.edu/academics/race-ethnicity/events/third-rail-series-lecture-ian-haney-l%C3%B3pez-uc-berkeley-dog-whistle-politics-coded-racism-and; Haney López, Ian. *Dog Whistle Politics: How Coded Racial Appeals Have Reinvented Racism and Wrecked the Middle Class*. Oxford University Press, 2015.
[162] Perlstein, "Exclusive: Lee Atwater's Infamous 1981 Interview on the Southern Strategy."
[163] The Takeaway. "The Campaign Ad That Reshaped Criminal Justice," May 18, 2015. https://www.wnycstudios.org/podcasts/takeaway/segments/crime-reshaped-criminal-justice.
[164] Baker, Peter. "Bush Made Willie Horton an Issue in 1988, and the Racial Scars Are Still Fresh." *The New York Times*, December 4, 2018, https://www.nytimes.com/2018/12/03/us/politics/bush-willie-horton.html.

Jemima."[165] The 2018 Georgia gubernatorial context also featured racial appeals by dog whistle: after a photo surfaced of some members of the New Black Panther Party marching in support of Abrams—even though Abrams has never associated with the New Black Panther Party—Brian Kemp posted the photos on social media channels with the caption "How radical is my opponent? Just look at who is backing her campaign for governor," and urging followers to "RT [re-tweet] if you think Abrams is TOO EXTREME for Georgia!"[166]

In the 2020 runoff campaign, Rev. Raphael Warnock, who was running to be the second Black senator elected in the South since the end of Reconstruction and Georgia's first Black senator,[167] was the target of both overt and subtle, dog whistle, racial appeals. Warnock, who became the first Black Senator from a former Confederate state since Reconstruction, was "attacked more than any other candidate in paid TV commercials in the Georgia runoffs."[168]

An example of an explicit racial appeal made by then-Sen. Kelly Loeffler, is one where she accused Warnock of being "too extreme" because he had defended president Barack Obama's former pastor Jeremiah Wright, who she accused of being "divisive" and "hurtful" in "call[ing] on Americans to repent for their worship of Whiteness." [169] A Loeffler campaign surrogate, U.S. Rep. Doug Collins, referred to Warnock, a Black man, as an "it," saying—"There is no such thing as a pro-choice pastor. What you have is a lie from the bed of Hell. It is time to send it back to Ebenezer Baptist Church."[170]

Warnock's race was also invoked in a Facebook ad sponsored by Loeffler's campaign, where Warnock's skin color was artificially darkened. The Loeffler campaign used the same footage to create two ads, one with Warnock's actual complexion. Both ads were run on Facebook, but 10 times as much money was spent to boost the version in which Warnock appeared darker.[171]

Another example of a racially charged advertisement sponsored by the Loeffler campaign featured "a classroom of mostly white children … followed by grainy footage from what appears to be one of the summer's many protests against police violence, with Warnock's image laid on

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[165] Cleve R. Wootson, Jr. "At Georgia Senate Debate, Warnock and Loeffler Argue over Coronavirus Relief, Police Funding." *Washington Post*, December 6, 2020, .https://www.washingtonpost.com/politics/2020/12/06/georgia-senate-debate-live-updates/.

[166] Glaser, April. "It Was Too Easy for Brian Kemp's Last-Minute Dog Whistle About Stacey Abrams to Go Viral." *Slate*, November 7, 2018. https://slate.com/technology/2018/11/brian-kemp-stacey-abrams-dog-whistle-black-panthers-facebook.html.

[167] Veronica Stracqualursi. "Warnock Will Make History as Georgia's First Black Senator." CNN, January 6, 2021. https://www.cnn.com/2021/01/06/politics/warnock-georgia-first-black-senator/index.html.

[168] Marc Caputo and Maya King. "Why Warnock Talks Puppies Instead of Race." Politico, January 3, 2021. https://www.politico.com/news/2021/01/03/raphael-warnock-georgia-race-453222.

[169] Wootson, Jr. "At Georgia Senate Debate, Warnock and Loeffler Argue over Coronavirus Relief, Police Funding."

[170] Galloway, Jim. "Opinion: The Kelly Loeffler, Raphael Warnock Runoff Crosses a Line." *The Atlanta Journal-Constitution*, December 1, 2020. https://www.ajc.com/politics/politics-blog/opinion-the-kelly-loeffler-raphael-warnock-runoff-crosses-a-line/Z7YGZ4MBOFFNJHKBBIJTN6SHJM/.

[171] Sollenberger, Roger. "Kelly Loeffler's New Facebook Ad Darkens Skin of Raphael Warnock, Her Black Opponent." Salon, January 4, 2021. https://www.salon.com/2021/01/04/kelly-loefflers-new-facebook-ad-darkens-skin-of-raphael-warnock-her-black-opponent/; Manthan Chheda. "Kelly Loeffler Campaign Caught Darkening Skin of Opponent Raphael Warnock in Facebook Ad." *International Business Times*, January 5, 2021, sec. Politics. https://www.ibtimes.sg/kelly-loefflers-campaign-caught-darkening-skin-opponent-raphael-warnock-facebook-ad-54651 (same).

top."[172] The ad ends by telling the viewer "saving the Senate is about saving American from that."[173]

In a December 2020 debate, Loeffler repeated the moniker, "radical, liberal Raphael Warnock" *thirteen* times in a single debate, or almost once every two minutes.[174] This repeated name-calling echoed Loeffler's television ads which claimed that Warnock "hosted a rally for Communist Dictator Fidel Castro," "praised Marxism," and would "give the radicals total control."[175]

Associating Black candidates or candidates who seek to represent causes important to Black people, like civil rights, with Communism is a well-established trope. In 1957, the Georgia legislature passed a resolution calling for the "Impeachment of Certain U.S. Supreme Court Justices" for their "pro-communist and unconstitutional decisions" including *Brown v. Board of Education*, 347 U.S. 348 (1954), and accused the justices of "committ[ing] high crimes and misdemeanors and [giving] aid and comfort to the communist enemies of the United States."[176] Lester Maddox, elected Governor of Georgia in 1966, "took out regular ads for his restaurant in Atlanta papers that excoriated, for example, 'the ungodly Civil Rights legislation that the politicians and the Communists and the Communist-inspired agitators are trying to pass in congress that will enslave all Americans.'"[177] Thus, when a Black candidate is repeatedly and consciously tagged as a communist and/or Marxist, the appeal is not limited to, or even primarily about, a debate about economic policy. Instead, it is a code that taps into a history that labels those who advocate for issues important to Black people as "communists," and communicates racial appeals without using the word "Black."[178]

As another example from 2020, Marjorie Taylor Greene, who was running for Congress in Georgia's 14th Congressional District, called the election of Reps. Rashida Tlaib and Ilhan Omar an "Islamic invasion" of the U.S. government, suggested that George Soros turned Jews over to Nazis, and described Black people as "slaves" to the Democratic Party.[179] This appeal was reminiscent of a social media message shared by the husband of congressional candidate and

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[172] Day, Eli. "Kelly Loeffler's Familiar Dog Whistle." *The American Prospect*, December 10, 2020. https://prospect.org/api/content/c6fe9774-3b15-11eb-9b61-1244d5f7c7c6/.
[173] Bluestein, Greg. "Loeffler's Campaign Takes Aim at Warnock in First TV Broadsides." *The Atlanta Journal-Constitution*, November 12, 2020. https://www.ajc.com/politics/politics-blog/loefflers-campaign-takes-aim-at-warnock-in-first-tv-broadsides/ZAM5Y4NEQ5CCLALS7T6KKKN5YI/.
[174] Matt Cannon. "Kelly Loeffler Said 'Radical Liberal' 13 Times during Georgia Runoff Debate with Raphael Warnock." *Newsweek*, December 7, 2020. https://www.newsweek.com/kelly-loeffler-radical-liberal-georgia-runoff-debate-raphael-warnock-1552759.
[175] Gore, D'Angelo. "Loeffler-Warnock Runoff Starts with Attack Ads." *FactCheck.Org*, November 19, 2020. https://www.factcheck.org/2020/11/loeffler-warnock-runoff-starts-with-attack-ads/, (explaining that Warnock was just a youth pastor for a Harlem-based church where Castro once gave a speech in 1995 and Warnock was uninvolved in the event).
[176] Ga. Laws 1957, pp. 553, 558-60.
[177] Rick Perlstein. Nixonland: The Rise of a President and the Fracturing of America. Simon and Schuster, 2008, 131.
[178] Haney López, "Third Rail Series Lecture: UC Berkeley"
[179] Mutnick, Ally. "New GOP Headache as Candidate Condemned for Racist Videos Wins Republican Primary." *Politico*, August 11, 2020. https://www.politico.com/news/2020/08/11/house-candidate-condemned-for-racist-videos-wins-republican-primary-394008.

former Georgia Secretary of State Karen Handel who encouraged votes for his wife to "free the black slaves from the Democratic plantation."[180]

Another recent example of a dog whistle campaign involves mailers distributed to residents of Sandy Springs and Johns Creek, where several people of color were running for mayor and City Council seats. The mailers said: "We can't let Sandy Springs [or Johns Creek, in that city's case] turn into Atlanta." The flyer included side-by-side photos of a rundown apartment building and a protest.[181] Another flier in support of non-Black candidates read: "…Save Johns Creek from the partisan group targeting Johns Creek to radically change our quality of life."[182]

The messaging that Black candidates are unsavory, unqualified and incompetent because they are Black is a persistent racial appeal waged in Georgia political campaigns. In 2016, Tom Worthan, a longtime Douglas County Commissioner facing a Black female opponent, said that governments run by Black officials "bankrupt you," and that if an African-American sheriff candidate were elected, he was "afraid he'd put a bunch of blacks in leadership positions" that "they're not qualified to be in."[183] To explain his comments, Worthan said: "I spoke as a politician, trying to say what I needed to say to get a vote."[184]

These examples show that racial appeals—both explicit and subtle—continue to play an important role in political campaigns in Georgia.

III. Black Georgians Have Historically Been Underrepresented in Public Office and That Underrepresentation Persists Today, Particularly in Areas that are the Focus of the Lawsuit (Factor 7).

Senate Factor 7 is the "extent to which members of the minority group have been elected to public office in the jurisdiction," the state of Georgia.

Black Georgians have been and continue to be underrepresented in public office. Despite persistently making up a significant portion of the state population, Black Georgians have faced barriers to being elected to public office, both historically and contemporarily. There are, moreover, areas in the state, including areas at issue in this lawsuit, that have not elected any Black officials to the Georgia Assembly in at least the last fifteen years.

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[180] Sophia Tesfaye. "Karen Handel's Husband Shares Meme Urging Voters to 'Free the Black Slaves from the Democratic Plantation.'" *Salon*, May 3, 2017. https://www.salon.com/2017/05/03/karen-handels-husband-shares-meme-urging-voters-to-free-the-black-slaves-from-the-democratic-plantation/.
[181] Dixon, Kristal. "Candidates Drag Atlanta Crime into Suburban Elections." *Axios*, October 28, 2021. https://www.axios.com/local/atlanta/2021/10/28/candidates-drag-atlanta-crime-into-suburban-elections.
[182] Murchison, Adrianne. "Crime Fears Emerge in Johns Creek, Sandy Springs Municipal Elections." *The Atlanta Journal-Constitution*, October 26, 2021. https://www.ajc.com/neighborhoods/north-fulton/crime-fears-emerge-in-johns-creek-sandy-springs-municipal-elections/HAMJ4MEMVVA3BCYC36ZOGR3OKM/.
[183] Ernie Suggs, "Douglas Leader's Racial Comments Spark Calls That He Resign," *Atlanta Journal-Constitution*, September 30, 2016. https://www.ajc.com/news/local/douglas-leader-racial-comments-spark-calls-that-resign/AVjoe8BDCXLsut6OBPjIHI/.
[184] *Id*.

The state has sent very few Black elected officials to the U.S. Congress. During the state's history, spanning over 200 years, there have only been twelve Black members of Congress elected from the state of Georgia (11 to the House of Representatives, 1 to the U.S. Senate). Until 1972, there had only been one Black candidate elected to the U.S. Congress from Georgia, Jefferson Franklin Long. His tenure was short, spanning just three months in 1871. Since 1965, out of the 365 total seats in the U.S. Congress allocated to Georgia, only 12, or 3.28%, have been occupied by Black officials. Raphael Warnock is the first Black person to represent Georgia in the U.S. Senate. Warnock was elected in 2020, a year when voting access was substantially expanded to make voting accessible despite the COVID pandemic.

At the state level, only two Black people have been elected to non-judicial statewide office in Georgia's entire 233 years: Labor Commissioner Mike Thurmond in 2002 and 2006 and former Attorney General Thurbert Baker in 1998, 2002, and 2006.[185] Georgia has never had a Black Governor[186]or Lieutenant Governor.[187]

Judge Robert Benham of the Georgia Court of Appeals was the first Black person ever elected to a statewide office in Georgia in 1984, but as is the case with the election of almost all appellate judges in Georgia, he had been first appointed to the position by the Governor, before running for, and winning election, to retain his seat.[188] While statewide judge positions in Georgia are formally selected by non-partisan election,[189] in practice the overwhelming majority of positions are filled by people who were appointed to an interim vacancy on the bench. Between 1964-2004, that was true for 91% of Georgia state supreme court justices.[190]

In the state capitol, as of 2021, there are 16 Black State Senators in Georgia out of 56 State Senate districts, meaning Black Senators make up 28.57% of the State Senate.[191] In the Georgia State House, there are 50 Black State Representatives out of 180 districts, meaning Black

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[185] Order, *Fair Fight Action, Inc. v. Raffensperger*, 18-cv-05391-SCJ (N.D. Ga. Nov. 15, 2021), ECF No. at 636. *See also* Euell A. Nielsen, "Thurbert Earl Baker," BlackPast.org, September 26, 2020. https://www.blackpast.org/african-american-history/thurbert-earl-baker-1952/. History, Office of the Att'y Gen., https://law.georgia.gov/about-us/history (last visited Jan. 4, 2022).

[186] *See* Asma Khalid, "50 States And No Black Governors, But That Could Change In 2018," *NPR*, May 18, 2018. https://www.npr.org/2018/05/18/611783940/50-states-and-no-black-governors-but-that-could-change-in-2018.

[187] *See* Yussuf Simmonds, "African American Lieutenant Governors," *Los Angeles* Sentinel, April 6, 2009, https://lasentinel.net/african-american-lieutenant-governors.html; Buchanan, Scott. "Lieutenant Governor." In *New Georgia Encyclopedia*, last modified Aug. 21, 2020. https://www.georgiaencyclopedia.org/articles/counties-cities-neighborhoods/county-unit-system.

[188] "Black Judge Wins Georgia Election," *New York Times*, August 16, 1984, https://www.nytimes.com/1984/08/16/us/black-judge-wins-georgia-election.html.

[189] Johnsen, Diane, Building a Bench: A Close Look at State Appellate Courts Constructed by the Respective Methods of Judicial Selection (October 3, 2016). 53 San Diego L. Rev. 829 (2016).

[190] Berry, Kate, and Cathleen Lisk. 2017. *Appointed and Advantaged: How Interim Vacancies Shape State Courts*. https://www.brennancenter.org/sites/default/files/analysis/Appointed_and_Advantaged_How_Interim_Appointments_Shape_State_Courts.pdf.

[191] Carl Smith. "Blacks in State Legislatures: A State-by-State Map." *Governing* (blog), January 13, 2021. https://www.governing.com/now/blacks-in-state-legislatures-a-state-by-state-map.html; https://www.legis.ga.gov/members/senate.

Representatives make up 27.77% of the State House.[192] According to the 2020 census, Georgia is 33% Black.[193]

The 5.25% gap between the percentage of Black State Representatives and the Black population is significant. 5.25% of Georgia's population of 10,711,908 is 560,233 people, or the equivalent of more than 9 state house districts.[194] So, too, with the 4.43% gap between the percentage of Black Senators and the Black population. 4.43% of the population is 474,537 people, or the equivalent of several senate districts.[195]

The state parties too, historically and today, are divided by race. Since 1908, when the last Black person to be elected as part of the Reconstruction era left office, the Republican Party has only elected two Black people to the Georgia Assembly.[196] And up until 1963, the Democratic Party had never elected a Black member to the Georgia Assembly.[197] Since 2000, 59% of Democratic Party elected officials are Black. A mere 0.5% of Republican Party elected officials have been Black. The 2020 election shows this racial division in parties continues for state legislative races: Of the 138 seats that the Republicans secured, 0 were won by Black legislators; of the 99 the Democratic party secured, 68 of them went to Black candidates.[198] The exclusion of Black participation in the General Assembly is not unique to one party, but at all times only one party has elected Black officials. Black representation and influence are necessarily stymied because only one party appears to be open.

I specifically analyzed certain areas of focus in this litigation, namely 3 Senate districts (16, 17, 23) and 8 House districts (74, 117, 124, 133, 134, 171, 173, 149), in the enacted plan to determine whether Black candidates have been elected to represent the areas represented in the districts, over the last 15 years. The districts I discuss here were identified for me by counsel. Because district boundaries (and their numbering) have changed over this period, I reviewed the state Senate and House district maps for the enacted plan (Exhibit B), the plan in effect from 2014-2020(Senate)/2015-2020(House) (Exhibit C), 2012-2014(Senate)/2012-2015(House) (Exhibit D), and the 2006 plan that was in effect from 2006-2012 (Exhibit E), to identify the relevant districts that cover the same geographical area in prior districting plans for each Senate

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[192] Carl Smith. "Blacks in State Legislatures: A State-by-State Map." *Governing* (blog), January 13, 2021. https://www.governing.com/now/blacks-in-state-legislatures-a-state-by-state-map.html; https://www.legis.ga.gov/members/house.

[193] U.S. Census Bureau. "Georgia Among Top Five Population Gainers Last Decade." Census.gov. Accessed January 1, 2022. https://www.census.gov/library/stories/state-by-state/georgia-population-change-between-census-decade.html.

[194] EX B. at 5 (identifying population range for 2021 House districts as 58,678 to 60,308).

[195] Ex. A at 5 (identifying population range for 2021 Senate districts as 189,320 to 193,163

[196] KlarnerPolitics. "Dr. Carl E. Klarner - Biography & CV," 2018. https://www.klarnerpolitics.org/bio-1; Robert A. Holmes, The Georgia Legislative Black Caucus: An Analysis of a Racial Legislative Subgroup, Sage Journal of Black Studies, Vol. 30 No. 6, July 2000 768-790; Fort Valley State University. "Alumni Profile: Willie Lee Talton: GA's first black Republican legislator since Reconstruction." https://www.fvsu.edu/news/alumni-profile-willie-lee-talton (describing Talton as the first Black Republican elected to the Georgia legislature since Reconstruction when he was elected in 2005).

[197] Robert A. Holmes, The Georgia Legislative Black Caucus: An Analysis of a Racial Legislative Subgroup, Sage Journal of Black Studies, Vol. 30 No. 6, July 2000 768-790.

[198] KlarnerPolitics. "Dr. Carl E. Klarner - Biography & CV," 2018. https://www.klarnerpolitics.org/bio-1.

or House district at issue.[199] Using a database compiled by Carl Klarner, a political scientist who specializes in state legislative elections.[200] I identified the winner of each of the relevant state senate and house elections between 2006-2020 and the race of the winning candidate, in the geographical areas covered in the enacted plan, which is included in the Klarner database. I created a table of this information, attached here as Exhibit A.

Based on my analysis, I conclude that each of the enacted plan districts evaluated are comprised of large geographical areas that have not elected a Black candidate to the General Assembly over at least the last 15 years. I have limited this part of my evaluation to the past 15 years because that is the period for which Georgia makes its districting plans publicly available.[201]

The following summarizes my findings:

HD 171 & HD 173

HD 171 includes Decatur County and portions of Mitchell and Grady counties that have not elected any Black representatives to the House in at least 15 years. The same is true of HD 173, which includes portions of Thomas and Grady counties.	

[199] Georgia General Assembly. "Legislative and Congressional Reapportionment Office," 2022. https://www.legis.ga.gov/joint-office/reapportionment.
[200] KlarnerPolitics. "Dr. Carl E. Klarner - Biography & CV," 2018. https://www.klarnerpolitics.org/bio-1
[201] Georgia General Assembly. "Legislative and Congressional Reapportionment Office," 2022. https://www.legis.ga.gov/joint-office/reapportionment.

HD 133 & HD 149

HD 133 includes portions of Jones and Baldwin counties that have not elected any Black representatives to the House in at least 15 years. The same is true of HD 149, which includes Wikinson, Twiggs, Bleckley, and Dodge counties, as well as part of Telfair counties.

HD 124

HD 124 includes Oglethorpe, Greene, and Taliaferro counties, and as part of Putnam County, that has not elected any Black representatives in at least 15 years. There is one very small exception to this conclusion: a piece of the north east corner of Clarke County that has been included in enacted HD 124, was included in a different district from 2006-2010, and that former district did elect a Black representative during those years.

HD 74, HD 117, HD 134, SD 16, & SD 17

House 2021	Senate 2021

HD 134 includes portions of Spalding, Lamar, and Monroe counties that have not elected any Black representatives in at least 15 years.

HD 74 includes portions of Fayette, Spalding, and Henry counties that have not elected any Black representatives in at least 15 years. HD 74 also includes a portion of Henry County that, as part of a different district that included Clayton County, elected a Black candidate in 2006, thus that portion has not elected any Black representatives in the past 13 years.

HD 117 includes a portion of Henry County and Spalding County that has elected few Black representatives to the House in at least 15 years. In three elections, small portions of enacted HD 117 were part of different districts, and those districts elected a Black representative.

SD 16 includes Spalding, Pike, Lamar, and part of Fayette County counties, the vast majority of which has not elected a Black candidate to the state Senate in at least 15 years. A small portion of Fayette County that is in enacted SD 16 was previously combined with part of Clayton County as part of former SD 34, which has elected a Black candidate.

SD 17 includes Morgan County, as well as parts of Henry, Newton, and Walton counties, the vast majority of which has not elected any Black candidates to the state in at least 15 years. A small portion of the part of Henry County that is included in SD 17 was from part of former SD 10, which was made up of DeKalb and Henry County, and elected a Black state senator.

SD 23

SD 23 includes Taliaferro, Warren, McDuffie, Glascock, Jefferson, Burke, Emanuel, Jenkins, and Screven counties, as well as portions of Columbia and Richmond counties, almost all of which have not elected Black candidates in at least 15 years. The small area of Richmond County between the border of enacted 22 and the border of Richmond County was part of SD 22 in the 2012-2020 map, and SD 22 has elected Black state senators.	

CONCLUSION

Historically, and contemporarily Blacks have had poorer treatment, less access to the franchise and elected office. Blacks have not been elected to the degree that they should have based on the population of the state historically and today.

***

I reserve the right to modify and/or supplement my opinions, as well as to offer new opinions.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Respectfully submitted and executed on January 7, 2022

Adrienne Jones, PhD, J.D.

Exhibits

Exhibit A ..... Data Concerning Certain Georgia State Legislative Officeholders 2006-2020

Exhibit B ..... 2021 Enacted Senate & House District Maps

Exhibit C ..... Senate Districts - Effective for 2014 Election & House Districts – 2015 Maps

Exhibit D .....2012 Senate & House District Maps

Exhibit E ..... 2006 Senate & 2006 House District Maps

Exhibit F ..... M. Adrienne Jones C.V.

Exhibit A

Georgia State Legislative Officeholders 2006-2020
for certain state house and state senate districts, with year and race of officeholder reported
Data source: Dr. Carl E. Klarner, Klarnerpolitics.org.

HD 171 & HD 173

HD 171			
Year	HD171	HD172	HD173
2020	White	White	N/A
2018	White	White	N/A
2016	White	White	N/A
2014	White	White	N/A
2012	White	White	N/A
2010	White	White	White
2008	White	White	White
2006	White	White	White

HD 173				
Year	HD175	HD172	HD173	HD174
2020	White	White	White	N/A
2018	White	White	White	N/A
2016	White	White	White	N/A
2014	White	White	White	N/A
2012	White	White	White	N/A
2010	White	White	White	White
2008	White	White	White	White
2006	White	White	White	White

Georgia State Legislative Officeholders 2006-2020
for certain state house and state senate districts, with year and race of officeholder reported
Data source: Dr. Carl E. Klarner, Klarnerpolitics.org.

HD 133 & HD 149

HD133

Year	HD129	HD144	HD145	HD125	HD140	HD141
2020	White	White	White	N/A	N/A	N/A
2018	White	White	White	N/A	N/A	N/A
2016	White	White	White	N/A	N/A	N/A
2014	White	White	White	N/A	N/A	N/A
2012	White	White	White	N/A	N/A	N/A
2010	N/A	N/A	N/A	White	White	White
2008	N/A	N/A	N/A	White	White	White
2006	N/A	N/A	N/A	White	White	White

HD149

Year	HD154	HD144	HD149	HD140
2020	N/A	White	White	N/A
2018	N/A	White	White	N/A
2016	N/A	White	White	N/A
2014	N/A	White	White	N/A
2012	N/A	White	White	N/A
2010	White	White	N/A	White
2008	White	White	N/A	White
2006	White	White	N/A	White

HD 124

HD 124

Year	HD113	HD116	HD120	HD118	HD114	HD115
2020	N/A	N/A	White	White	N/A	N/A
2018	N/A	N/A	White	White	N/A	N/A
2016	N/A	N/A	White	White	N/A	N/A
2014	N/A	N/A	White	White	N/A	N/A
2012	N/A	N/A	White	N/A	N/A	N/A
2010	White	White	N/A	N/A	Black	White
2008	White	White	N/A	N/A	Black	White
2006	White	White	N/A	N/A	Black	White

Georgia State Legislative Officeholders 2006-2020

for certain state house and state senate districts, with year and race of officeholder reported

Data source: Dr. Carl E. Klarner, Klarnerpolitics.org.

HD 74, HD 117, HD 134, SD 16, & SD 17

HD 74

Year	HD72	HD73	HD130	HD126	HD78	HD109	HD 111
2020	White	White	White	N/A	N/A	N/A	N/A
2018	White	White	White	N/A	N/A	N/A	N/A
2016	White	White	White	N/A	N/A	N/A	N/A
2014	White	White	White	N/A	N/A	N/A	White
2012	White	White	White	N/A	N/A	N/A	White
2010	White	White	N/A	White	White	White	N/A
2008	White	White	N/A	White	White	White	N/A
2006	White	White	N/A	White	Black	White	N/A

HD 117

Year	HD110	HD111	HD130	HD109	HD73
2020	White	Black	White	Black	N/A
2018	White	Black	White	White	N/A
2016	White	White	White	White	N/A
2014	White	White	White	White	N/A
2012	White	White	White	White	N/A
2010	White	N/A	N/A	White	White
2008	White	N/A	N/A	White	White
2006	White	N/A	N/A	White	Black

HD 134

Year	HD73	HD141	HD130	HD129	HD125	HD126
2020	White	White	White	White	N/A	N/A
2018	White	White	White	White	N/A	N/A
2016	White	White	White	White	N/A	N/A
2014	White	White	White	White	N/A	N/A
2012	White	White	White	White	N/A	N/A
2010	White	N/A	N/A	White	White	White
2008	White	N/A	N/A	White	White	White
2006	White	N/A	N/A	White	White	White

Georgia State Legislative Officeholders 2006-2020

for certain state house and state senate districts, with year and race of officeholder reported

Data source: Dr. Carl E. Klarner, Klarnerpolitics.org.

SD 16

Year	SD16	SD34
2020	White	Black
2018	White	Black
2016	White	Black
2014	White	Black
2012	White	Black
2010	White	Black
2008	White	Black
2006	White	Black

SD 17

Year	SD17	SD25	SD46	SD10
2020	White	White	White	Black
2018	White	White	White	Black
2016	White	White	White	Black
2014	White	White	White	Black
2012	White	White	White	Black
2010	White	White	White	Black
2008	White	White	White	Black
2006	White	White	White	Black

Georgia State Legislative Officeholders 2006-2020

for certain state house and state senate districts, with year and race of officeholder reported

Data source: Dr. Carl E. Klarner, Klarnerpolitics.org.

SD 23

SD 23

Year	SD4	SD22	SD23	SD24	SD25
2020	White	Black	White	White	N/A
2018	White	Black	White	White	N/A
2016	White	Black	White	White	N/A
2014	White	Black	White	White	N/A
2012	White	Black	White	White	N/A
2010	White	N/A	White	White	White
2008	White	N/A	White	White	White
2006	White	N/A	White	White	White

Exhibit B

2021 Enacted Senate & House District Map

*Source: https://www.legis.ga.gov/joint-office/reapportionment

Client: S018
Plan: Senate-prop1-2021
Type: Senate

Proposed Georgia Senate Districts

Legislative and Congressional Reapportionment Office
Georgia General Assembly
Suite 407 Coverdell Legislative Office Bldg.

©2021 CALIPER

Map layers
Districts
County
0 20 40
Miles

Proposed Georgia House Districts

Client: H097
Plan: House-prop1-2021
Type: House

Legislative and Congressional Reapportionment Office
Georgia General Assembly
Suite 407 Coverdell Legislative Office Bldg

©2021 CALIPER

Map layers
District Layer
County
0 20 40
Miles

Exhibit C

Georgia Senate Districts - Effective for 2014 Election & Georgia House Districts - 2015

*Source https://www.legis.ga.gov/joint-office/reapportionment

Georgia Senate Districts- effective for 2014 election

Client: State
Plan: Senate14
Type: Senate

Legislative & Congressional Reapportionment Office
Georgia General Assembly

Map layers
Districts
County
0 20 40 60
Miles

Georgia House Districts- 2015

Client: State
Plan: House15
Type: House

Legislative & Congressional Reapportionment Office
Georgia General Assembly

Exhibit D

2012 Senate & House District Map

*Source: https://www.legis.ga.gov/joint-office/reapportionment

Senate 2012

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House 2012

©2021 CALIPER

Exhibit E

2006 Senate & 2006 House District Maps

*Source https://www.legis.ga.gov/joint-office/reapportionment

Senate 2006

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House 2006

©2021 CALIPER

Exhibit F

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Education

Ph.D. Political Science, City University of New York Graduate Center, 2015
M.Phil. Political Science, City University of New York Graduate Center, 2013
J.D. University of California at Berkeley, 1996
B.A. Modern Culture and Media (Semiotics), Brown University, 1993

Professional Experience

Expert Witness, ACLU	2021-present
Democracy Reform Expert, Union of Concerned Scientists	2021- present
Instructor, Open University, Minnesota Dept. of Corrections	2020- 2021
Expert Witness, Lawrence & Bundy, Atlanta, GA	2019-present
Assistant Professor, Dept. of Political Science, Morehouse College	2017-present
Director of Pre-Law, Dept. of Political Science, Morehouse College	2017- present
Visiting Professor, Dept. of Political Science, Radford University	2016-2017
Speechwriter for the Chancellor, University of Wisconsin-Platteville (UWP)	2016- present
Interim Director of Transition, External Affairs, UWP	2015- 2016
Opinion Editorial Writer, The Dubuque Telegraph Herald (monthly)	2015-present
Adjunct Lecturer, Dept. of Social Science, UWP	2014- 2016
Chief Public Relations Officer, Office of the Chancellor, UWP	2014-2015
Faculty Fellow, Dept. of Social Science, UWP	2011-2014
Adjunct Professor, Dept. of Political Science, City College of New York (CCNY) and the Center for Workers Education (CWE)	2001-2011
Pre-Law Advisor, Pre-Law Program, CCNY	2006-2011
Director, Mock Trial and Moot Court Programs, CCNY	2003- 2011

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Panelist, Hope, Enfranchisement and Voter Suppression: South Africa and the USA, Andrew Young Center, 4/26/21
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Presenter, Democracy Under Threat in Times of Populism and Racial Nationalism Conference, 3/25/21
Interviewer, A Fireside Chat With David Kelly '96, Chief Legal Golden State Warriors, 3/10/21
Keynote, Voter Suppression in Georgia, with Rabbi Lydia Medwin at The Temple, 3/1/21
Panelist, Westlake High School Constitutional Law Panel with Dexter Weldon, 2/18/21
Expert, Georgia Runoff Election, NPR, On Point, 1/4/21
Expert, Georgia Elections (Senate Races) MSNBC with Craig Melvin, 12/7/20
Keynote Speaker, Politics & Pandemics &2020 Vision The View from Georgia, The Brown Club of Georgia Presents, 11/17/20
Panelist, And the Winner Is … Post Election Analysis, Morehouse Journalism and Sports Program 11/12/20
Moderator, Andrew Young Center, Moral and Political Dimensions of this High Stakes Election, with Robert Franklin, Mayor Steven L. Reed, and Rev. Rafael Warnock, 10/27/20

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Keynote Speech, "African Americans and the Vote," National Labor Relations Board, WDC, February 27, 2020.
Keynote Speech, "Black History Month Tea at Three," U.S. Attorneys Office for the Northern District of Georgia, February 20, 2020.
Interviewer, Pete Buttigieg at Morehouse College, New Deal Democrats, November 18, 2019
Interviewee, "Minority Turnout is Low In Runoff Elections And That Will Matter," December 4, NPR, GPB News, November 30, 2018.
Presenter, Morehouse College Crown Forum w/Byron Hurt, October 11, 2018.
Panelist, "The Politics of Rape," Morehouse College, Brisbane Inst., October 10, 2018.
Presenter, Crown Forum w/ john a. powell, February 22, 2018.
Panelist, *When Yes Means No the GOP and VRA*, Southern Political Science Association, New Orleans, January 2018.
Moderator, Know Your Rights Panel, Crown Forum After Dark, October 25, 2017.
Moderator, Crown Forum After Dark, *Crown Heights* Panel, August 22, 2017.
Presenter, "The Voting Rights Act Under Siege: The Development of the Influence of Colorblind Conservatism on Congress and the Voting Rights Act," City University of New York Political Science Job Talk Colloquium, New York, NY, September 11, 2014.
Panelist, "Citizen Koch," Screening and Panel Discussion at Mindframe Theater, Dubuque IA, August 17, 2014.
Guest Speaker, Introduction to Politics, "The VRA Today," UWP, Platteville, WI, October 3, 2013.
Panelist, "Voting in Iowa," Chambers Government Committee Meeting on the Legislative Agenda, Dubuque, IA, September 12, 2012.
Presenter, "Voting Rights Act: Redistricting in Covered States," 2012 Midwest Political Science Association (MPSA) Annual Meeting, Chicago, IL, April 12, 2012.
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https://www.campusreform.org/article?id=16567

Fellowships and Awards

Andrew Young Center for Global Leadership Fellowship, Morehouse College 2019-2020
Faculty Fellowship, University of Wisconsin, Platteville 2011-2014
Black Male Initiative Fellowship Award, CUNY 2010
Dean K. Harrison Fellowship, CUNY 2011, 2013 and 2014

Professional Service

Board Member, Protect the Vote 2021- present
Democracy Council Member, Union of Concerned Scientists 2020-present
Board Member, JAMII 2020- present
Board Member, More Equitable Democracy 2020y-present
DNC Boiler Room, Fulton County 2018- present
Alum Member, GC Alumni Committee, Political Science Department, City University of New York Graduate Center 2018- present
Secretary, Faculty Council, Morehouse College 2019-present
Member, Faculty Council, Morehouse College 2018- present
Student Member, Executive Committee, Political Science Department, City University of New York Graduate Center 2009-2011
Moot Court Judge, Loras College Annual Moot Court Competition 2010-2016
Board Member and Organizer of the 2012 Multicultural Inclusive Conference, University of Wisconsin, Platteville 2011-2012
Faculty Representative, University Strategic Planning Committee for Diversity, University of Wisconsin-Platteville 2013- 2015
Judge for Leadership Awards, University of Wisconsin, Platteville, 2013

Employment History

Assistant Editor, ABA Sports and Entertainment Law Journal 1996-1997
Staff Attorney, United States Court of Appeals 1996-1999
Independent Filmmaker, New York City, Los Angeles 1996-2007
Interviewer, The History Makers 2007-2008
Staff Attorney, Communications Workers of America 2008-2011

Membership in Volunteer and Professional Societies

Brooklyn Salon 2010-present
Writer, Class News, Hathaway Brown School 2012 -present
Member, New York Bar Association 2007-present
Co-Chair, MAC Committee, Brown Alumni Association 2018-2020
Member, Brown Alumni Association Board 2014-2020
Treasurer, Inman Page Black Alumni Council 2012- 2014
Treasurer, Black Documentary Collective 2006-2011
Member, North American Pre-Law Association 2005-2011

EXHIBIT D

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

ATLANTA DIVISION

ALPHA PHI ALPHA FRATERNITY INC., et al.; *Plaintiffs,* vs. BRAD RAFFENSPERGER, in his official capacity as Secretary of State of Georgia. *Defendant*.	Case No. 1:21-cv-05337-SCJ

EXPERT REPORT OF DR. TRACI BURCH

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BACKGROUND AND QUALIFICATIONS

My name is Traci Burch. I am Associate Professor of Political Science at Northwestern University and Research Professor at the American Bar Foundation. I received my Ph.D. in Government and Social Policy from Harvard University in 2007.

Over the past 15 years, I have led several large, long-term quantitative and qualitative research projects on political participation in the United States. I have participated in and coauthored several book chapters and articles that examine race, political participation, and inequality. For instance, I have worked with Professors Kay Schlozman, Sidney Verba, and Henry Brady on book chapters and articles related to the causes and consequences of inequality in political participation. I also collected data on congressional hearings and interest group activities for that book. For my coauthored article with Jennifer Hochschild and our book with Vesla Weaver, I analyzed the legislative history of several racial policies, including the 1965 Hart-Cellar Act. We also explore political participation and attitudes in our book as well.

I am widely regarded as an expert on political behavior, barriers to voting, and political participation. My work has been widely cited and replicated and has won several awards. My dissertation on the effects of felony disenfranchisement on voting in North Carolina, Georgia, and other states, "Punishment and Participation: How Criminal Convictions Threaten American Democracy" won the Robert Noxon Toppan Prize for the Best Dissertation on a Subject of Political Science at Harvard in 2007. I also achieved national recognition for this work; the dissertation was also awarded the E.E. Schattschneider Award from the American Political Science Association for the best dissertation in American Government, and the William Anderson Award for the best dissertation in federalism, intergovernmental relations, and state and local politics. Several articles from this dissertation, including work evaluating voting patterns among people with felony convictions in North Carolina, Georgia, Florida, Missouri, and Michigan, have been published in leading peer-reviewed journals. In particular, my articles "Did Disfranchisement Laws Help Elect President Bush? New Evidence on the Turnout and Party Registration of Florida's Ex-Felons" and "Turnout and Party Registration among Criminal Offenders in the 2008 General Election," which appeared in the peer-reviewed journals *Law and Society Review* and *Political Behavior*, respectively, included my calculations of felony disenfranchisement.

My academic book on the community-level effects of criminal convictions on political participation, *Trading Democracy for Justice*, was published by the University of Chicago Press and also won multiple national awards from the American Political Science Association and its sections, including the Ralph J. Bunche Award for the best scholarly work that explores the phenomenon of ethnic and cultural pluralism and best book awards from the law and politics and urban politics sections. *Trading Democracy for Justice*, as well as the articles "The Effects of Imprisonment and Community Supervision on Political Participation," "Did Disenfranchisement Laws Help Elect President Bush?," "Skin Color and the Criminal Justice System," and "Turnout and Party Registration among Criminal Offenders in the 2008 General Election" rely on the analysis of data from Georgia.

I have testified before the U.S. Commission on Civil Rights about the collateral consequences of felony convictions with respect to voting and other issues. I have received

several grants for my work, including a grant from the Stanford University Center on Poverty and Inequality. I also serve as co-Principal Investigator on a National Science Foundation grant that supports graduate and postdoctoral fellowships at the American Bar Foundation. I have served on the editorial boards of leading journals including *Political Behavior* and *Law and Social Inquiry*. Currently, I am on the Board of Overseers for the General Social Survey, a longstanding national public opinion survey run by the National Opinion Research Center at the University of Chicago. I routinely review the work of my peers for tenure, scholarly journals, university presses, and grants and have served as a reviewer for the *American Political Science Review*, *The American Journal of Political Science*, *The Journal of Politics*, *Political Behavior*, the National Science Foundation, Cambridge University Press, Princeton University Press, the University of Chicago Press, Oxford University Press, and many other entities. I also am a member of the Executive Council of the Elections, Public Opinion, and Voting Behavior Section of the American Political Science Association.

My curriculum vitae is provided in the Appendix. I am being compensated $350 per hour for work in this case, plus expenses. My compensation is not contingent on the analysis and opinions offered or on the outcome of this litigation. This is my sixth engagement as an expert witness. I previously testified at trial and in a deposition in a case in federal district court in Florida, (*Jones vs. DeSantis*, Consolidated Case No. 4:19-cv-300), at trial and in a deposition in a case in Wake County Superior Court in North Carolina (*Community Success Initiative, et al. v. Moore*, No. 19-cv-15941), and at trial and in a deposition in federal district court in Alabama (*People First of Alabama, v. Merrill*, No. 2:20-cv-00619-AKK). The trial courts relied on my expert testimony and I was cited in the courts' opinions in both *Jones v. DeSantis* and in *People First of Alabama v. Merrill*. No opinion in *Community Success Initiative v. Moore* has yet been issued. Recently, I was deposed in a case in federal district court in Florida (*Florida State Conference of the NAACP v. Lee*, No. 4:21-cv-00187-MW-MAF) and in a consolidated case in federal district court in the Western District of Wisconsin (*One Wisconsin Institute Inc. v. Jacobs*, No. 15-CV-324-JDP and *Luft v. Evers*, No. 20-CV-768-JDP).

SCOPE OF THE REPORT

I was asked by the attorneys for the plaintiffs in this case to provide information relevant for evaluating Senate Factor 5, or "the extent to which minority group members bear the effects of discrimination in areas such as education, employment, and health, which hinder their ability to participate effectively in the political process," particularly with respect to Black Georgians. I was also asked to discuss an additional factor, "whether there is a lack of responsiveness on the part of elected officials to the particularized needs of minority group members."

In formulating my opinions, I relied on my analysis of standard sources for political scientists such as the reviews of scholarly literature and the analysis of demographic data, government reports, and public opinion surveys where noted.

SUMMARY OF CONCLUSIONS

Based on my analyses and review of the scholarly literature, I offer the following opinions:

- Socioeconomic factors affect political participation. The persistent effects of discrimination in Georgia are substantially demonstrated in the significant racial disparities in socioeconomic outcomes between White and Black Georgia residents. These outcomes are caused, in part, by historical and contemporary state policies that perpetuate racial segregation in education and housing, and that fail to address adequately discrimination in housing and employment markets. Disproportionate involvement with the criminal justice system also affects the racial disparity in socioeconomic outcomes.
- Racial residential segregation also affects political participation, and racial residential segregation is a persistent factor shaping the lives of Georgians. Racial residential segregation leads to lower socioeconomic status, worse health, and greater encounters with the criminal justice system. Racial residential segregation in Georgia is the result of both historical and contemporary policies at the local and state levels.
- Political participation also is shaped by health status. Black Georgians are worse off with respect to a number of health outcomes than White Georgians. Black Georgians fare worse in terms of infant mortality, hypertension, diabetes, obesity, and overall mortality rates than White Georgians.
- Contact with the criminal justice system directly affects the political behavior of people with felony convictions, and also has been shown to decrease voter turnout at the neighborhood level. Here too, Black Georgians also face worse outcomes in the criminal justice system, which studies have shown result partly from historical and contemporary discrimination in arrest and sentencing. In addition, felony disenfranchisement directly prevents a disproportionate share of Black Georgians from voting.
- Persistent racial gaps in outcomes with respect to socioeconomic indicators, health status, and criminal justice involvement demonstrate a lack of responsiveness by public officials to the needs of Black Georgians. Racial gaps in satisfaction with outcomes, political figures, and public services demonstrate that Black Georgians perceive a lack of responsiveness of governmental officials to their needs.

DISCUSSION

Evidence of Racial Discrimination in Education, Health, and Other Areas of Life

In the following discussion, I highlight racial disparities in socioeconomic indicators such as education, income, poverty, and employment; residency location and stability; health status and disease incidence; and criminal justice involvement using census, survey, and other administrative data from agencies such as the Centers for Disease Control and the Georgia Department of Corrections. For each arena, I review the scholarly literature to show how historical and current racial discrimination and state actions contribute to racial disparities among Georgians today. Also, I discuss how each arena affects politics, particularly voting behavior.

The Effects of Socioeconomic Status on Political Participation

Socioeconomic status predicts voting. Rational choice theory provides one way of thinking about the decision to engage in political activity. Rational choice theory posits that individuals choose to participate in or abstain from politics based on whether they believe the benefits they receive from participation will outweigh the associated costs of activity (Downs 1957). Most acts of participation are costly in that the tasks of acquiring political information, attending meetings, registering, or donating to campaigns require time and money (Downs 1957; Verba and Nie 1972; Verba, Schlozman, and Brady 1995a). Because the likelihood that one individual will make a difference in the electoral outcome is small, calculations based solely on this expected benefit mean that no one would ever participate (Downs 1957). However, social, economic, emotional, and other institutional factors also can enter the calculus and make the decision to participate more or less rational for a given individual. Such factors tend to have the effect of increasing or decreasing the benefits and costs of political activity (Uhlaner 1995).

Verba, Schlozman, and Brady argue that the relationship between socioeconomic status and voting exists because people with greater income and education also tend to have more of the resources such as time, money, and civic skills that affect the calculus of participation (1995: 282). In other words, people with greater resources are better able to bear the costs of participation (Downs 1957).

Different aspects of socioeconomic status influence participation in particular ways. Educational attainment is one of the most fundamental explanatory variables with respect to political participation (Almond and Verba 1963; Brady, Verba, and Schlozman 1995; Burden 2009; Campbell et al. 1980; Verba, Schlozman, and Brady 1995b). Voters with higher educational attainment are more likely to vote. Verba, Schlozman, and Brady argue that education makes it easier for individuals to navigate the costs of voting such as acquiring information about the candidates and issues or learning how to register and vote (Verba, Schlozman, and Brady 1995b).

Financial considerations also affect voting. People with higher incomes are more likely to vote (Brady, Verba, and Schlozman 1995; Campbell et al. 1980; Franko, Kelly, and Witko 2016; Leighley and Nagler 1992). This relationship may be caused by many factors. For instance, higher income people may face lower opportunity costs of taking time off work to vote and to acquire political information. Transportation to and from the polls also may be easier for higher income voters. For instance, Figure 1 shows that among Georgians, access to vehicles varies by race: data from the 2019 American Community Survey show that Black Georgia households are more than twice as likely as White households to lack access to a car.

Figure 1: Percent of Georgia Households without a Vehicle, by Race

Employment also may affect voter turnout. First, white collar occupations may give employees a greater opportunity to develop civic skills that can be useful in navigating electoral bureaucracies (Almond and Verba 1963; Verba, Schlozman, and Brady 1995b). Salaried workers also may have greater freedom to take time off work without risking their pay. Rosenstone and Hansen argue that work is an important site for recruitment into politics, which also increases voter turnout (Rosenstone and Hansen 1993).

In Georgia, voter turnout varies by race. As shown in Table 1, based on the 2020 Current Population Survey Voting Supplement, voter turnout among White Georgians was 66.6%, while voter turnout among Black Georgians was 60.9%. Table 1 also shows voter turnout by race and educational attainment for the 2020 election, and it is clear from the evidence that differences in socioeconomic status by race help explain this disparity. Georgia follows the pattern described in the political science literature: voter turnout increases with socioeconomic status, with the highest turnout occurring among the people with the most education. However, looking within educational attainment levels, Black Georgians often vote at higher rates than White Georgians. Thus, the higher voter turnout among White Georgians may be explained in part by their greater socioeconomic status, which, as I show below, results from racial discrimination.

Table 1: Voter Turnout by Race and Educational Attainment in 2020 General Election. Data from November 2020 Current Population Survey Voting Supplement.

	White	Black
LT High School	28.7%	36.2%
High School	57.8%	47.4%
Some College	76.4%	66.3%
Bachelors Degree	73.1%	78.6%
Graduate	85.9%	91.8%
Overall	66.6%	60.9%

Contemporary and Historical Racial Discrimination in Socioeconomic Status

Racial discrimination has affected the economic well-being of racial and ethnic minorities, particularly Black people, in Georgia and continues to do so today. Like many southern states, Georgia maintained a system of Jim Crow racial discrimination and segregation that affected all aspects of life, including education and housing, for generations**.** Georgia authorities continued to fight desegregation even after the U.S. Supreme Court ruled that segregation in public schools was unconstitutional in 1954. A report of the Georgia Senate Research Office characterized the 1956 senate session as focused on upholding segregation, stating:

> The legislators of 1956 were so determined and desperate to maintain segregation that they were willing to abandon Georgia's public schools to avoid integration. They also supported a vast array of legislation which maintained segregated state parks, golf courses, swimming pools, and recreation facilities as well as intrastate transportation facilities. And in case any police officer became "confused" about enforcing segregation laws, the General Assembly passed a law revoking the retirement benefits of any law enforcement officer who failed or refused to enforce any segregation law. These legislators, who supported the self-destructive segregation plans in defiance of the U.S. Supreme Court's Brown decision, also gave their support to changing the state flag to incorporate the Confederate battle flag (Azarian and Fesshazion 2000: 19).

With respect to the educational system, Georgia operated a system of separate and unequal public schools for Black and White students until well into the 1970s. Even though the U.S. Supreme Court ruled segregated public schools unconstitutional in *Brown v. Board of Education* in 1954, Georgia, like many southern states, adopted the policy of massive resistance to school integration. After the Court decided *Brown* in 1954, Georgia voters approved a constitutional amendment that would disband public schools and instead provide parents with vouchers that could be used to send their children to segregated private schools (Azarian and Fesshazion 2000). The political leadership of Georgia fought integration as well; Governor Griffin vowed to fight desegregation in public schools:

> There will be no mixing of the races in the public schools and college classrooms of Georgia anywhere or at any time as long as I am governor....All attempts to mix the races, whether they be in the classrooms, on the playgrounds, in public conveyances or in any other area of close personal contact on terms of equity, peril the mores of the South (Azarian and Fesshazion 2000: 9).

Segregation also reigned at the University of Georgia, which was integrated in 1961 only after a federal judge ordered the university to admit Charlayne Hunter and Hamilton Holmes (2021a).

The resistance of Georgia officials to desegregation meant that Georgia students still attended segregated schools in most counties well into the 1970s. As of 2007, 109 of Georgia's 180 school districts had been involved in litigation involving school desegregation (2007). The United States brought a school desegregation case against the State of Georgia and 81 school districts in 1969 (2017). In 1972, Atlanta's school district was the first to achieve unitary status, which meant that the district had "made the transition" from a segregated to a desegregated system (2007: 3). However, even with the achievement of unitary status, 103 of Atlanta's 150

schools were still segregated (Hornsby Jr 1991: 35).[1] Since then, dozens of Georgia school districts have achieved unitary status, but a majority of those subject to the 1974 consent decree still have not received that designation (2007).

The persistence of *de jure* segregation in Georgia into the 1970s affects socioeconomic equality, and thus political equality, in Georgia to this day. The earliest school age children in 1970, when most of Georgia's schools were still segregated by law, are only 55 years old today. Adults age 55 and older currently make up 36.1% of Georgia's active registered voters (2021m). In other words, more than one-third of Georgia's current electorate was of school age when Georgia still enforced segregation in public schools.[2] Among Black Georgians, adults age 55 and older are 30.8% of active registered voters (2021m).

Figure 2: Percent of Georgians with a Bachelor's Degree or Higher, By Race

[1] School segregation in Atlanta was sustained because of white flight, or the mass exodus of White families from the city and its public schools. As I discuss in the next section, white flight was made possible by a series of federal, state, and local policy decisions about transportation and infrastructure investments, lending, and zoning. In a study of school desegregation in Atlanta, Hornsby, Jr. found, "Since 1960, for example, twenty-four schools had gone from all-white to desegregated to all-black. Whites seemed simply intolerable of any school which became thirty percent or more black. When that 'turning point' was reached, almost all, if not all, whites fled. The school system had no choice but to admit defeat in the face of this phenomenon" (Hornsby Jr 1991: 38). Recognizing the reality that "[t]here 'simply were not enough whites' left 'to go around'", civil rights groups agreed to the Atlanta Compromise of 1973 in which "[t]hey also decided to abandon the idea of mandatory cross-town or cross-jurisdictional busing" (Hornsby Jr 1991: 40).

[2] According to the 2019 American Community Survey, 54.4% of Georgia residents were born in Georgia (2020h).

Educational inequality also poses problems for current students. Currently, out of 181 districts, 8 districts in Georgia are more than 90 percent White, while 12 districts are more than 90 percent non-White (2021e). Twenty-five districts are more than 80 percent non-White (2021e). Such segregation can detrimentally affect the academic performance of minority students: Black and Latino students who grew up under conditions of segregation were less academically prepared for college and had been exposed to more violence and social disorder than those coming from "majority-dominant settings." (Massey and Fischer 2006).

Despite the persistence of segregation, there have been gains in educational attainment, though racial gaps persist. Figure 2 shows data from the 2019 1-Year Estimates from American Community Survey on the percentage of Georgians over the age of 25 who have earned a Bachelor's degree or higher, by race. The data show that White and Asian Georgia adults are far more likely than Black and Latino adults to have earned a Bachelor's or postgraduate degree. Racial inequality exists at the elementary and secondary school levels as well. The average reading score for White Georgia public school 8th graders was 272, while the average score for Black Georgia public school 8th graders was 249 (2019b). The racial gap in reading proficiency is 25 percentage points: 43 percent of White public school 8th graders were proficient in reading, while only 18 percent of Black students were proficient (2019b). The gap was not statistically different from that in 1998 (2019b). With respect to mathematics, the racial gap between White and Black Georgia public school 8th graders is 30 points; 43 percent of White 8th graders are proficient in math, while only 14 percent of black 8th graders are proficient (2019a). Black students in Georgia also face harsher discipline at school: Black K-12 students are 65.7 percent of students with one or more out-of-school suspensions (2018). At the preschool level, 60 percent of students who received out-of-school suspensions were Black (2018). School suspensions have been shown to increase subsequent arrests and other anti-social behavior in youth (Mowen and Brent 2016; Hemphill et al. 2006).

Figure 3: Percent of Georgians Unemployed, by Race

There are racial gaps in income, poverty, and employment among Georgians as well. As depicted in Figure 3, data from the 2019 American Community Survey show there are persistent racial gaps in unemployment, with Black Georgians nearly twice as likely to be unemployed than White Georgians. The American Community Survey further shows that gaps in poverty rates, shown in Figure 4, also are large and persist over time: Black and Latino poverty are 2.5 times as high as White poverty in Georgia. The median income for Black Georgia households is about $25,000 less than that of White Georgia households (Figure 5).

Figure 4: Percent of Georgia Families in Poverty, by Race

Figure 5: Median Income for Georgia Households, by Race

Some income and employment inequality is related to educational inequality (Long 2010), which, as discussed above, results from historical and contemporary racial discrimination. Racial discrimination can lead to income inequality through other pathways as well. Prisoners in Georgia, who are disproportionately Black, have high rates of unemployment post-release (Looney and Turner 2018). There is also evidence that people of color in Georgia face racial discrimination in employment even in the absence of a criminal background. My analysis of the 2014 Behavioral Risk Factors Surveillance System data (a survey conducted by the Centers for Disease Control)[3] found that 11.9% of Black Georgians reported that they were treated "worse than other races" within the past 12 months at work, compared with 2.5 percent of White and 7.9 percent of Latino Georgians. Research support backs up these claims: audit studies, which hold constant potentially confounding factors in order to isolate the causal effect of race, have consistently found that employers discriminate against racial minorities in hiring (Bertrand and Mullainathan 2004; Pager and Quillian 2005; Quillian et al. 2017). Some of this racial discrimination interacts with criminal background (Pager and Quillian 2005). Data on discrimination filings with the Equal Employment Opportunity Commission show that 21,464 charges of race-based employment discrimination were filed in Georgia between 2010 and 2019 (2020d).

To conclude, socioeconomic factors such as education, income, poverty, and employment have been shown to affect voting. Significant disparities exist between Black and White Georgians along each of these dimensions of economic well-being. Because, as shown by existing research, historical and contemporary discrimination by state and market actors

[3] https://www.cdc.gov/brfss/annual_data/annual_2014.html

contributes to these racial disparities in socioeconomic status, such discrimination also has downstream effects on voting.

Race and Residence in Georgia

Residence, or where an individual lives, matters for political participation for several reasons. First, residency requirements have been shown to reduce voter registration and turnout, largely because residential mobility increases the administrative burden of maintaining registration (Highton 2000). Second, neighborhood context matters for political mobilization and political outcomes (Burbank 1997; Burch 2013; Cohen and Dawson 1993; Huckfeldt, Plutzer, and Sprague 1993; Huckfeldt 1979; Tam Cho and Rudolph 2008). One particular contextual factor, racial residential segregation, has important effects on politics. Segregation decreases the ability of Black residents to elect representatives who vote in favor of legislation that is favored by them (Ananat and Washington 2009). Segregation has been shown to decrease Black voter turnout; researchers argue that segregated Black areas have less access to public goods such as polling places or transportation that might matter for voting (Zingher and Moore 2019). Segregated localities also are more politically polarized (Trounstine 2016).

Figure 6: Percent of Georgians who Lived in a Different House in the Previous Year, by Race

There are racial gaps in residential mobility in Georgia. As shown in Figure 6, Black Georgians are more likely to move in any given year than White Georgians. Renters are more likely to move than homeowners. As Figure 7 shows, based on the 2019 American Community Survey, Black Georgia households are more than twice as likely as White Georgia households to be renters rather than homeowners. Latino householders are almost twice as likely to be renters than White householders. Linking back to the previous section, homeownership also has important effects on wealth accumulation (Grinstein-Weiss et al. 2013; Turner and Luea 2009).

Figure 7: Percent of Georgia Households Occupied by Renters, by Race

Residential mobility often is involuntary and due to factors such as evictions and foreclosures. 56,963 evictions took place in Georgia in 2016 (2021f). Research shows that in Fulton County, Georgia, for example, Black or African-American tenants were more likely to experience eviction (Raymond et al. 2018). Foreclosure rates were higher in majority Black and segregated Black neighborhoods in metro Atlanta (Pooley 2015). Forced mobility is a product of racial discrimination: predatory lenders focused subprime mortgage products on minority neighborhoods, and racial residential segregation contributed to the foreclosure crisis (Rugh, Albright, and Massey 2015; Hyra et al. 2013; Rugh and Massey 2010; Wyly et al. 2006).

With respect to neighborhood context, racial residential segregation is an important component of economic and health outcomes. Racial residential segregation increases Black poverty rates, lowers Black educational attainment, and increases income inequality between Black and White residents (Ananat 2011); research attributes these effects to isolation from quality schools and jobs (Kruse 2013; Massey and Fischer 2006; Wilson 1996). Racial residential segregation contributes to the test score gap between Black and White students (Reardon, Kalogrides, and Shores 2019). Racial residential segregation also contributes to inequalities in the provision of public goods and lowers public goods expenditures (Trounstine 2016). Racial residential segregation also has been shown to lead to worse health outcomes and greater exposure to environmental toxins (Ard 2016; Kramer and Hogue 2009).

Racial residential segregation is a persistent feature of several Georgia cities and metropolitan areas. The Othering and Belonging Institute at Berkeley characterized the city of Atlanta as a high segregation city in 2019 (2021h). All of the top 5 metro areas in Georgia--Atlanta-Sandy Springs-Marietta, Savannah, Macon, Columbus, and Augusta-Richmond County--were characterized as high segregation metro areas as well (2021i).

Visually, the residential segregation of Black residents is clear. For example, Figures 8 and 9 depict data from the Decennial Census on the racial composition of census tracts in two

metro Atlanta counties that I understand are relevant to this case—Clayton, and Henry, respectively. It is clear from these maps that Black people tend to live in neighborhoods with high concentrations of other Black people. Maps of Richmond (Figure 10), and Dougherty (Figure 11) Counties (Augusta and Albany, respectively) also show the racial segregation of Black residents.

Figure 8: Clayton County Census Tracts by Racial Composition

Figure 9: Henry County Census Tracts by Racial Composition

Figure 10: Richmond County Census Tracts by Racial Composition

Figure 11: Dougherty County Census Tracts by Racial Composition

Contemporary patterns of racial residential segregation reflect Georgia's long history of racial discrimination in housing. Of course, racial neighborhood lines were maintained with violence throughout Georgia's history (Kruse 2013: 44-58; 2016). However, racial residential segregation in Georgia also is the result of federal, state, and local policies.

The Federal Housing Administration (FHA) was created in 1934. Its primary task was to "insure lenders against any loss on loans made for purchasing homes" (Kimble 2007: 402). The FHA, in this role, "could dictate the range of acceptable, insurable terms and conditions of home lending" (Kimble 2007: 403). Race was the most important criterion that the FHA used to evaluate "the trajectory of a city and its neighborhoods" (Kimble 2007: 403). Black and racially mixed areas were deemed hazardous for lending; the FHA "instructed financial institutions not to lend to households in integrated or predominantly African American areas" (Kimble 2007: 405). The FHA also encouraged the use of racially restrictive covenants and racial zoning to uphold racial residential segregation (Kimble 2007). The FHA did not officially abandon this policy until 1949 (Kimble 2007).

In order to prevent lending to places where Black people lived, the FHA relied on Residential Security Maps that were produced by the Home Owners Loan Corporation (HOLC). These maps "color-coded neighborhoods using racial composition as a primary indicator of their acceptability as candidates for mortgage investment" (Kimble 2007: 405). The maps assigned grades to neighborhoods based on racial composition, "with "A" being most desirable and a "D" grade ensuring rejection" (Kimble 2007: 405). For example, the HOLC maps for Atlanta and Augusta are shown in Figures 12 and 13, respectively. In the maps, hazardous areas are shown in red.

Figure 12: Home Owners Loan Corporation Residential Security Map of Atlanta, GA

Figure 13: Home Owners Loan Corporation Residential Security Map of Augusta, GA

The effects of segregationist policies and disinvestment in segregated minority communities persist today in Georgia. As discussed earlier in this report, the cities shown in these HOLC maps are still highly segregated today. Moreover, as the "Not Even Past" project at the Digital Scholarship Lab at the University of Richmond shows, many of the areas marked "Hazardous" by the HOLC in those Georgia cities still exhibit high levels of social vulnerability, as measured by the CDC/ATSDR Social Vulnerability Index.[4] In Augusta, for example, *all*

[4] According to the CDC, "Social vulnerability refers to the potential negative effects on communities caused by external stresses on human health. Such stresses include natural or human-caused disasters, or disease outbreaks. Reducing social vulnerability can decrease both human suffering and economic loss. The CDC/ATSDR Social Vulnerability Index (CDC/ATSDR SVI) uses 15 U.S. census variables to help local officials identify communities that may need support before, during, or after disasters" (2020c).

areas marked hazardous in the 1938 maps have high social vulnerability scores today (2021j). In Atlanta, a majority of areas marked hazardous in the HOLC maps still have high social vulnerability scores today (2021j).

The persistence of racial residential segregation over time in Georgia stems from local and state resistance to desegregation. Attempts to integrate parks, pools, and schools in Atlanta led to white flight and disinvestment in these public accommodations (Kruse 2013). Government tax and transportation policies favored suburbanization, helping to facilitate white flight in response to racial integration (Kruse 2013). For instance, Kruse argues that despite growing traffic congestion, White suburban Atlanta metro voters have consistently rejected the expansion of MARTA, the city's rapid transit system, into their communities because of their desire to maintain racial separation (Kruse 2013: 249). Discrimination in access to capital also shaped residential housing patterns (Thurston 2018). Local land use policies continue to shape racial residential segregation (Trounstine 2020, 2021).

In sum, where a person lives has been shown by researchers to affect voting participation. The evidence shows that racial disparities in residence, particularly related to tenure and segregation, persist in Georgia. The scholarly literature shows that such disparities have been, and continue to be, shaped by public policies that drive public and private investment in neighborhoods and infrastructure. By extension, then, these discriminatory policies also shape voting participation.

Race and Health in Georgia

Health status also may affect the ability of individuals to overcome the costs of voting (Pacheco and Fletcher 2015. It takes time and money to manage failing health, resources that would not be available for political participation {Pacheco, 2015 #1427). Health conditions also may impair cognitive functioning, especially in old age, and may be a key explanatory factor in the curvilinear relationship between age and voter turnout (Pacheco and Fletcher 2015). Studies have associated poor health with lower voter turnout (Blakely, Kennedy, and Kawachi 2001; Lyon 2021; Pacheco and Fletcher 2015). People with disabilities also are less likely to vote; problems with polling place accessibility partly explain this gap (Schur, Ameri, and Adya 2017; Schur et al. 2002).

Health outcomes vary by race in Georgia, with racial minorities experiencing worse outcomes than White Georgians on a number of dimensions. As shown in Figure 14, in 2019, Black Georgians were more likely to suffer from obesity, high blood pressure, and diabetes than White Georgians (2020b). Infant mortality for Black Georgians, at 11.2 per 100,000 births, is more than twice as high as that for White Georgians, which is 4.9 per 100,000 births (2020e). Death rates overall are higher for Black Georgians (848.0 per 100,000) than White Georgians (782.4 per 100,000) (2020f). The average life expectancy for White Georgians is higher than for Black Georgians: White women are expected to live 1.7 years longer on average than Black women, and White men are expected to live about 3 years longer than Black men, on average (Kaufman, Riddell, and Harper 2019).

Figure 14: Racial Differences in Chronic Disease in Georgia

Lack of access to health care, which also can lead to worse outcomes, varies by race in Georgia. In Georgia, 15.5% of Black respondents to a Kaiser Family Foundation survey said that they did not see a doctor because of cost concerns in 2020 compared with 11.2% of White respondents (2020a). Among Georgians, health insurance coverage varies by race, such that, according to the 2019 American Community Survey, 13.2% of Black Georgians report that they have no health coverage, compared with only 10.2% of White Georgians (Figure 15).

Figure 15: Percent of Georgians who Lack Health Insurance, By Race

Discrimination contributes to racial health disparities. The experience of discrimination is associated with poor health in Black adolescents in rural counties in Georgia (Brody, Yu, and Beach 2016; Brody et al. 2018). Also, racial residential segregation, which as discussed previously affects several Georgia metropolitan statistical areas, particularly has been shown to lead to worse health outcomes for Black Americans. Several studies have demonstrated that racial residential segregation contributes to racial gaps in cancer outcomes (Landrine et al. 2017; Blanco et al. 2021; Poulson et al. 2021). In particular, researchers have shown that neighborhood racial context and racial residential segregation contribute to worse cancer outcomes for Black Georgians relative to White Georgians (Russell et al. 2011; Johnson et al. 2016). Racial residential segregation in Atlanta and other cities also have been associated with food deserts, which have been shown to lead to worse health outcomes (ROSS and WINDERS 2018; Havewala 2021; Fong et al. 2021). Racial residential segregation also may make it more difficult for Black Americans to access primary care physicians and other doctors (Gaskin et al. 2012; Anderson 2018).

Race and Criminal Justice in Georgia

Several studies (including my own work) have shown that, for individuals, contact with the criminal justice system, from police stops, to arrest, to incarceration, directly decreases voter turnout (Burch 2011b; Lerman and Weaver 2014; Weaver and Lerman 2010). Primarily, criminal justice contact decreases turnout through "the combined forces of stigma, punishment and exclusion" which impose "barriers to most avenues of influence" and diminish "factors such as civic capacity, governmental trust, individual efficacy, and social connectedness that encourage activity" (Burch 2007: 12). Another important pathway by which criminal justice contact can decrease voter turnout, at least for people with felony convictions, is through felony disenfranchisement laws (Burch 2007).

Contact with the criminal justice system also varies by race in Georgia. Black Georgians make up a disproportionate share of the people incarcerated or on community supervision for felonies. According to the 2019 American Community Survey, 32.9% of Georgia's population identified as Black, but, as shown in Figures 16 and 17, 60% of Georgia's prisoners and 51.8 percent of Georgia's community supervisees are Black (2021c; 2021b). Black Georgians are 50.8% of Georgia's arrestees (2021d).

Figure 16: Prisoners in Georgia, by Race

Figure 17: Community Supervision in Georgia, by Race

The disproportionate impact of Georgia's criminal justice system on Black Georgians has roots in the Reconstruction era. After the Civil War ended, the Georgia Legislature passed Black codes, which were designed to penalize newly freed slaves and control their labor through enticement laws, vagrancy laws, and other schemes (Roback 1984; Cohen 1976). However, Georgia's prison was destroyed during the War, and the state turned to a system of convict leasing to punish wrongdoing (Muller 2018; Mancini 1978). Before the end of the War, very few of Georgia's prisoners were Black (Muller 2018). However, due to legal changes enshrined in the Black Codes, nearly all of Georgia's prisoners were Black by the end of Reconstruction (Muller 2018; Adamson 1983). These prisoners were sentenced to work camps for rail, lumber, and turpentine companies, as well as to chain gangs to build county roads (Mancini 1978; Lichtenstein 1993). Because of the relationship between racially discriminatory laws and the

color of the convict leasing system, this system is "inextricably bound to systemic racial oppression and social and economic disparities between Blacks and Whites" (Whitehouse 2017: 93).

Racial discrimination still is an important contributor to the disproportionate representation of Black Georgians relative to White Georgians in the criminal justice system today. Black Georgians make up a disproportionate share of arrestees (2021d). These racial disparities in arrest are caused partially by factors that make it more likely that police will stop or search Black people, such as spatially differentiated policing, racial residential segregation, and discrimination (Beckett, Nyrop, and Pfingst 2006; Gelman, Fagan, and Kiss 2007; Ousey and Lee 2008; Pierson et al. 2020). Racial disparities also exist in bail decisions (Arnold, Dobbie, and Yang 2018) and in sentencing (Bushway and Piehl 2001; Mitchell 2005; Steffensmeier and Demuth 2000; Steffensmeier, Ulmer, and Kramer 1998). Studies have shown that racial sentencing disparities are associated with capital sentencing and sentencing for other types of cases in Georgia state courts (1987; Burch 2015).

In Georgia, people who are serving an active sentence in prison or in the community (i.e., on parole or probation) for a felony conviction cannot vote (Uggen et al. 2020). Because of the disproportionate involvement of Black Georgians with the criminal justice system, Black Georgians are more likely to have lost their voting rights because of a felony conviction relative to White Georgians (Burch 2011a). An estimated 6.27% of Georgia's Black voting age population cannot vote due to a felony conviction, compared with 3.79% of Georgia's population overall (Uggen et al. 2020). This figure translates to 145,601 disenfranchised Black Georgians who were not able to vote in 2020 (Uggen et al. 2020).

Racial disparities in incarceration also affect the voting participation of the broader community. Because incarcerated individuals tend to come from a relatively small number neighborhoods in Georgia, certain racially segregated areas in the state may have extremely high local incarceration and disenfranchisement rates (Burch 2013). In the highest incarceration block groups in Georgia, imprisonment rates reached a maximum of 14.3% of residents (Burch 2013: 50). Mapping imprisonment to block groups by race in Atlanta shows that a majority of prisoners from Atlanta come predominantly from Black neighborhoods (Burch 2013: 58).

Living in high incarceration neighborhoods can affect individual voter turnout through many mechanisms, even among people who are not convicted and disenfranchised themselves. First, because "children and newcomers learn the community's participatory values as they observe ample instances of engagement among their family members and peers," neighborhoods that have fewer voters as role models may fail to transmit norms of participation effectively even to enfranchised residents and future voters (Campbell et al. 1960; Tam-Cho, Gimpel, and Dyck 2006). Second, spouses of convicted offenders also miss out on the participatory effects of having a partner that votes (Campbell et al. 1960; Straits 1990).

There are other political effects: in communities with disenfranchisement laws, convictions reduce the number of voters, which can reduce the political power of a community. This reduction happens first by removing the disenfranchised from the voter rolls. Concentrated incarceration also damages the formal and informal mechanisms of voter mobilization. Political parties tend to concentrate their efforts in places where mobilization is more effective and often fail to mobilize communities with fewer voters (Huckfeldt and Sprague 1992; Rosenstone and Hansen 1993). There are fewer voters available to serve as discussion partners in high-conviction neighborhoods,

a factor that also influences turnout (Huckfeldt and Sprague 1987). In other words, living in high incarceration neighborhoods can decrease voter participation through several mechanisms even for people who have not been convicted of crimes themselves.

Responsiveness of Elected Officials

Under Section 2 of the Voting Rights Act, courts may consider additional factors, such as whether there is a lack of responsiveness on the part of elected officials to the particularized needs of minority group members. The longstanding and persistent gaps in socioeconomic status, incarceration, and health discussed throughout this report demonstrate the lack of responsiveness of public officials to the needs of Georgia's minority communities. Research has shown that public policies are important for creating and sustaining racial disparities. For instance, as described earlier in this report, persistent test score gaps and educational segregation continue to pose problems for Georgia students; however, Georgia ranks 43rd in per pupil expenditures for public elementary and secondary schools (2021l). Black Georgians have worse health outcomes, are less likely to have health insurance, and are more likely to avoid care because of costs, and yet Georgia has not accepted the federal Medicaid expansion (2021k). Felony disenfranchisement disproportionately prevents voting among Black Georgians, yet Republicans decided not to consider changing the law ever after a bipartisan Georgia Senate panel studied the possibility of reinstating some voting rights (Prabhu 2021).

Consistent with these policy choices, public opinion reflects the fact that Georgia's racial minorities do not believe that public officials in Georgia are governing in ways that suit their needs. Black Georgians are less satisfied with their public officials, the direction of the state, and the quality of services they receive than are White Georgians. There is a large racial gap in overall evaluations of Georgia's government and public officials. A survey conducted by the Atlanta Journal-Constitution in January of 2020 found that among White Georgians, 74.9% were very or somewhat satisfied "with the way things are going in Georgia," compared with only 44.4% of Black Georgians and 51.6% of people from other racial groups (2020g). That same survey found a 37.6 percentage point gap in approval of Governor Brian Kemp between White and Black Georgians and a 16.1 percentage point gap in approval of the Georgia General Assembly between White and Black Georgians (2020g). Black respondents to the 2018 Cooperative Congressional Election Survey from Georgia also report lower satisfaction with the quality of local services they receive: on a scale of 1 (excellent) to 5 (poor), Black Georgians rate their police and roads worse on average (police mean score=2.87; roads mean score = 3.12) than White Georgians (police mean score = 2.44; roads mean score = 2.93). Public officials also frequently pass legislation of which Black Georgia voters disapprove. For instance, 65% of Black Georgians disapproved of the passage of SB 202, which enacted several changes to voting laws in Georgia (2021g). Two-thirds of Black Georgia voters said that the law would somewhat (20%) or greatly (47%) decrease their confidence in Georgia's election system (2021g). Seventy percent of Black Georgians believed that the law was passed to make it more difficult for certain groups to vote, rather than to increase voter confidence (2021g).

The Black Belt in Georgia

Additionally, I was asked by the attorneys in this case to discuss the meaning of the term "Black Belt" as discussed by social scientists._The term "Black belt" is commonly used in political science to refer to political units "in which Negroes constitute a substantial proportion of the population" (Key 1949: 5). Typically, with respect to the American South, the Black Belt refers to a swath of counties across southeastern states in which more than 50% of the population is Black (Webster and Bowman 2008). Historically, these counties have been associated with antebellum slavery and plantation agriculture (Acharya, Blackwell, and Sen 2016: 622). The local prevalence of slavery in the antebellum period still is correlated with high concentrations of Black population today (Acharya, Blackwell, and Sen 2016: 628). Figure 18 shows a map of enslaved population prevalence in southeastern counties from 1860. Figure 19 shows a map of the Black proportion of the population in southeastern counties in 1940. Figure 20 shows a map of the Black proportion of the population in Georgia counties from the 2020 decennial census. In all the maps, Georgia historically has a swath of majority Black counties running diagonally across the middle of the state from Northeast to Southwest.[5]

[5] Based on the 2020 decennial census counts, there are 21 Georgia counties in which more than 50% of the population identifies as Black: Dougherty, Clayton, Hancock, Calhoun, Terrell, Randolph, Macon, Warren, Rockdale, Clay, Richmond, Bibb, Talbot, Washington, Taliaferro, Early, Sumter, DeKalb, Jefferson, Dooley, and Henry.

Figure 18: Proportion Slave in 1860 by County. Reproduced from (Acharya, Blackwell, and Sen 2016: 623).

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Figure 1. Estimated proportion slave in 1860 by county

Figure 19: Counties with at least 50% Black Population in 1940. Reproduced from (Key 1949: 5).

FIGURE 1

Bedrock of Southern Solidarity: Counties of the South with 50 Per Cent or More Negro Population, 1940

Figure 20: Racial Composition of Georgia Counties. Source: author's calculations from 2020 decennial census.

Politically, Black belts are distinctive because, according to V.O. Key, in them politics is characterized by the fundamental governance problem posed by "a small white minority" trying to control a majority Black population. In studying the politics of the American South, Key found that "Everywhere the plantation counties were most intense in their opposition to Negro voting; they raised a deafening hue and cry about the dangers to white supremacy implicit in a Negro balance of power" (Key 1949: 8). Key and other observers have found that attitudes of racial domination are distinctive among White people who live in Black belt areas (Glaser 1994; Key 1949). Contemporary analyses continue to find that living in Black belt areas with these legacies of slavery predict white partisan identification and racial attitudes (Acharya, Blackwell, and Sen 2016).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: January 3, 2022

Dr. Traci Burch

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Wyly, Elvin K, Mona Atia, Holly Foxcroft, Daniel J Hamme, and Kelly Phillips-Watts. 2006. "American home: Predatory mortgage capital and neighbourhood spaces of race and class exploitation in the United States." *Geografiska Annaler: Series B, Human Geography* 88 (1):105-132.

Zingher, Joshua N, and Eric M Moore. 2019. "The Power of Place? Testing the Geographic Determinants of African-American and White Voter Turnout." *Social Science Quarterly* 100 (4):1056-1071.

APPENDIX

Traci Burch

Employment

- Associate Professor, Northwestern University Department of Political Science (2014-Present)

- Research Professor, American Bar Foundation (2007- Present)

- Assistant Professor, Northwestern University Department of Political Science (2007-2014)

Education

- *Harvard University*

Ph.D. in Government and Social Policy

Dissertation: *Punishment and Participation: How Criminal Convictions Threaten American Democracy*

Committee: Jennifer Hochschild (Chair), Sidney Verba, and Gary King

- *Princeton University*

A.B. in Politics, *magna cum laude*

Publications

- Burch, Traci. 2021. "Not All Black Lives Matter: Officer-Involved Deaths and the Role of Victim Characteristics in Shaping Political Interest and Voter Turnout." *Perspectives on Politics*.

- Kay Lehman Schlozman, Philip Edward Jones, Hye Young You, Traci Burch, Sidney Verba, Henry E. Brady. 2018. "Organizations and the Democratic Representation of Interests: What Happens When Those Organizations Have No Members?" *Perspectives on Politics*.

- Burch, Traci. 2016. "Political Equality and the Criminal Justice System." In Resources, Engagement, and Recruitment. Casey Klofstad, ed. Philadelphia: Temple University Press.

- Burch, Traci. 2016. "Review of The First Civil Right by Naomi Murakawa." *The Forum.*

- Kay Lehman Schlozman, Philip Edward Jones, Hye Young You, Traci Burch, Sidney Verba, Henry E. Brady. 2015. "Louder Chorus – Same Accent: The Representation of Interests in Pressure Politics, 1981-2011." In Darren Halpin, David Lowery, Virginia Gray, eds. The Organization Ecology of Interest Communities. New York: Palgrave Macmillan.

- Burch, Traci. 2015. "Skin Color and the Criminal Justice System: Beyond Black-White Disparities in Criminal Sentencing." *Journal of Empirical Legal Studies* 12(3): 395-420.

- Burch, Traci. 2014. "The Old Jim Crow: Racial Residential Segregation and Neighborhood Imprisonment." *Law & Policy* 36(3) 223-255.

- Burch, Traci. 2014. "The Effects of Imprisonment and Community Supervision on Political Participation." Detaining Democracy Special Issue. *The Annals of the American Academy of Political and Social Science* 651 (1) 184-201.

- Burch, Traci. 2013. Trading Democracy for Justice: Criminal Convictions and the Decline of Neighborhood Political Participation. Chicago: University of Chicago Press.

- Hochschild, Jennifer, Vesla Weaver, and Traci Burch. 2012. Transforming the American Racial Order. Princeton: Princeton University Press.

- Schlozman, Kay Lehman, Sidney Verba, Henry Brady, Traci Burch, and Phillip Jones. 2012. "Who Sings in the Heavenly Chorus? The Shape of the Organized Interest System." In Schlozman, Kay Lehman, Sidney Verba, and Henry Brady, The Unheavenly Chorus, Princeton: Princeton University Press.

- Schlozman, Kay Lehman, Sidney Verba, Henry Brady, Phillip Jones, and Traci Burch. 2012. "Political Voice through Organized Interest Activity." In Schlozman, Kay Lehman, Sidney Verba, and Henry Brady, The Unheavenly Chorus, Princeton: Princeton University Press.

- Burch, Traci. 2012. "Did Disfranchisement Laws Help Elect President Bush? New Evidence on the Turnout and Party Registration of Florida's Ex-Felons." *Political Behavior* 34 (1); 1-26.

- Burch, Traci. 2011. "Turnout and Party Registration among Criminal Offenders in the 2008 General Election." *Law and Society Review* 45(3): 699-730.

- Burch, Traci. 2011. "Fixing the Broken System of Financial Sanctions." *Criminology and Public Policy* 10(3).

- Hochschild, Jennifer; Vesla Weaver, and Traci Burch. 2011. "Destabilizing the American Racial Order." *Daedalus* 140; 151-165.

- Burch, Traci. 2009. "Can the New Commander-In-Chief Sustain His All Volunteer Standing Army?" *The Dubois Review on Race* 6(1).

- Burch, Traci. 2009. "Review of *Imprisoning Communities*, by Todd Clear." *Law and Society Review* 43(3) 716-18.

- Burch, Traci. 2009. "American Politics and the Not-So-Benign Neglect of Criminal Justice," in The Future of American Politics, ed. Gary King, Kay Schlozman, and Norman Nie. (New York: Routledge).

- Schlozman, Kay Lehman and Traci Burch. 2009. "Political Voice in an Age of Inequality," in America at Risk: Threats to Liberal Self-Government in an Age of Uncertainty, ed. Robert Faulkner and Susan Shell (Ann Arbor: University of Michigan Press).

- Hochschild, Jennifer and Traci Burch. 2007. "Contingent Public Policies and the Stability of Racial Hierarchy: Lessons from Immigration and Census Policy," in Political Contingency: Studying the Unexpected, the Accidental, and the Unforseen, ed. Ian Shapiro and Sonu Bedi (New York: NYU Press).

Grants

- Co-Principal Investigator. "Fellowship and Mentoring Program on Law and Inequality." September 1, 2020 to August 31, 2023. $349, 313. National Science Foundation.

Honors and Fellowships

- American Political Science Association 2014 Ralph J. Bunche Award **(**for Trading Democracy for Justice).

- American Political Science Association Urban Section 2014 Best Book Award (for Trading Democracy for Justice).

- American Political Science Association Law and Courts Section 2014 C. Herman Pritchett Award (for Trading Democracy for Justice).

- Research grant, Stanford University Center for Poverty and Inequality (2012).

- American Political Science Association E. E. Schattschneider Award for the best doctoral dissertation in the field of American Government (2009)

- American Political Science Association William Anderson Award for the best doctoral dissertation in the field of state and local politics, federalism, or intergovernmental relations (2008)

- American Political Science Association Urban Section Best Dissertation in Urban Politics Award (2008)

- Harvard University Robert Noxon Toppan Prize for the best dissertation in political science (2007)

- Institute for Quantitative Social Sciences Research Fellowship (2006-07)
- *European Network on Inequality* Fellowship (2005)
- Research Fellowship, The Sentencing Project (2005)
- Doctoral Fellow, Malcolm Weiner Center for Inequality and Social Policy (2004-07)

Professional Service

- APSA Law and Courts Section Best Paper Award Committee (2020-2021)
- APSA Elections, Public Opinion, and Voting Behavior Executive Committee (2020-2023)
- General Social Survey Board of Overseers (2020-2025)
- APSA Kammerer Prize Committee (2017)
- Associate Editor, *Political Behavior* (2015-2019)
- APSA Law and Courts Section, Lifetime Achievement Award Prize Committee (2014-2015)
- Law and Society Association, Kalven Prize Committee (2013-2014)
- American Political Science Association, Urban Politics Section Dissertation Prize Committee (2012-13)
- American Political Science Association, Urban Politics Section Executive Committee (2012-13)
- Law and Society Association Diversity Committee, (2012-2013)
- American Political Science Association, Urban Politics Section Program Co-Chair (2011)
- Associate Editor, *Law and Social Inquiry*
- American Political Science Association, Urban Politics Section Book Prize Committee (2009)
- Reviewer for *The American Political Science Review, Public Opinion Quarterly, American Politics Research, and Time-Sharing Experiments in the Social Sciences.*

Presentations and Invited Talks

- University of Pennsylvania. Virtual. "Voice and Representation in American Politics." April 2021.

- University of Michigan. Virtual. "Which Lives Matter? Factors Affecting Mobilization in Response to Officer-Involved Killings." February 2021.

- University of Pittsburgh. Virtual. "Policing and Participation." November 2020.

- Hamilton College Constitution Day Seminar. Virtual. "Racial Protests and the Constitution." September 2020.

- New York Fellows of the American Bar Foundation. New York, NY. "Police Shootings and Political Participation." March 2020.

- Pennsylvania State University, State College, PA. "Effect of Officer Involved Killings on Protest. November 2019.

- Princeton University. Princeton NJ. "Effects of Police Shootings on Protest among Young Blacks." November 2019.

- Missouri Fellows of the American Bar Foundation. Branson, MO. Police Shootings and Political Participation in Chicago. September 2019.

- Northwestern University. "Police Shootings and Political Participation." November, 2018.

- Princeton University. Princeton, NJ. "Police Shootings and Political Participation." September, 2018.

- University of California at Los Angeles. Los Angeles, CA. "Police Shootings and Political Participation." August, 2018.

- American Bar Association Annual Meeting. Chicago, IL. "Police Shootings and Political Participation." August 2018.

- American Bar Endowment Annual Meeting. Lexington, KY. "Effects of Police Shooting in Chicago on Political Participation." June 2018.

- Vanderbilt University. "Effects of Police Shootings in Chicago on Political Participation." April 2018.

- Washington University in St. Louis. "Effects of Pedestrian and Auto Stops on Voter Turnout in St. Louis." February 2018.

- Fellows of the American Bar Foundation, Los Angeles. "Assaulting Democracy." January

2018.

- Northwestern University Reviving American Democracy Conference. Panel presentation. "Barriers to Voting." January 2018.

- University of Illinois at Chicago. "Effects of Police Shootings in Chicago on Political Participation." October, 2017.

- Chico State University. "Constitution Day Address: Policing and Political Participation." September, 2017.

- Fellows of the American Bar Foundation, Atlanta, Georgia. "Policing in Georgia." May 2017.

- United States Commission on Civil Rights. Testimony. "Collateral Consequences of Mass Incarceration." May 2017.

- Northwestern University Pritzker School of Law. "Effects of Police Stops of Cars and Pedestrians on Voter Turnout in St. Louis." April 2017.

- University of California at Los Angeles. Race and Ethnic Politics Workshop. "Effects of Police Stops of Cars and Pedestrians on Voter Turnout in St. Louis." March 2017.

- University of North Carolina at Chapel Hill. American Politics Workshop. "Effects of Police Stops of Cars and Pedestrians on Voter Turnout in St. Louis." February 2017.

- National Bar Association, St. Louis MO. "Political Effects of Mass Incarceration." July 2016.

- Harvard University, Edmond J. Safra Center for Ethics. Inequalities/Equalities in Cities Workshop. April 2016.

- American Political Science Association Annual Meeting. September 2015. "Responsibility for Racial Justice." Discussant.

- St. Olaf College. April 2015. "The Collateral Consequences of Mass Incarceration."

- Northwestern University. Institute for Policy Research. February 2015. "The Civic ~~Culture~~ Structure."

- Texas A&M University. Race, Ethnicity, and Politics Workshop. September 2014. "Trading Democracy for Justice."

- Columbia University Teachers College. The Suburban Promise of Brown Conference.

May 2014. "Can We All Get Along, Revisited: Racial Attitudes, the Tolerance for Diversity, and the Prospects for Integration in the 21st Century."

- University of Kentucky. Reversing Trajectories: Incarceration, Violence, and Political Consequences Conference. April 2014. "Trading Democracy for Justice."

- University of Chicago. American Politics Workshop. March 2014. "How Geographic Differences in Neighborhood Civic Capacity Affect Voter Turnout."

- Kennedy School of Government, Harvard University. February 2014. "Trading Democracy for Justice.

- University of Michigan. American Politics Workshop. December 2013. "Trading Democracy for Justice."

- Yale University. American Politics and Public Policy Workshop. September 2013. "Trading Democracy for Justice."

- American Political Science Association Annual Meeting. August 2013. "The Heavenly Chorus Is Even Louder: The Growth and Changing Composition of the Washington Pressure System." With Kay Lehman Schlozman, Sidney Verba, Henry Brady, and Phillip Jones.

- National Bar Association, Miami Florida, July 2013. "The Collateral Consequences of Mass Imprisonment."

- Loyola University. American Politics Workshop. December 2012. "Mass Imprisonment and Neighborhood Voter Turnout."

- Marquette University School of Law. November 2012. "The Collateral Consequences of Mass Imprisonment."

- Yale University. Detaining Democracy Conference. November 2012. "The Effects of Imprisonment and Community Supervision on Political Participation."

- Brown University. American Politics Workshop. October 2012. "Mass Imprisonment and Neighborhood Voter Turnout."

- American Bar Association National Meeting, August 2012. "Mass Imprisonment: Consequences for Society and Politics."

- University of Madison-Wisconsin. American Politics Workshop. March 2012. "The Spatial Concentration of Imprisonment and Racial Political Inequality."

- American Political Science Association Annual Meeting. 2011. "Theme Panel: How Can Political Science Help Us Understand the Politics of Decarceration?"

- University of Pennsylvania. Democracy, Citizenship, and Constitutionalism Conference. April, 2011. "Vicarious Imprisonment and Neighborhood Political Inequality."

- University of Chicago School of Law. Public Laws Colloquium. Chicago, IL. November, 2010. ""The Effects of Neighborhood Incarceration Rates on Individual Political Efficacy and Perceptions of Discrimination."

- Pomona College. November, 2010. "Incarceration Nation."

- University of Washington. Surveying Social Marginality Workshop. October 2010. "Using Government Data to Study Current and Former Felons."

- American Bar Foundation, Chicago, IL, September 2010. "The Effects of Neighborhood Incarceration Rates on Individual Political Attitudes."

- Northwestern University. Chicago Area Behavior Conference. May 2010. "Trading Democracy for Justice: The Spillover Effects of Incarceration on Voter Turnout in Charlotte and Atlanta."

- Annual Meeting of the Law and Society Association, Chicago, IL, May 2010. "Neighborhood Criminal Justice Involvement and Voter Turnout in the 2008 General Election."

- Annual Meeting of the Southern Political Science Association, Atlanta, GA, January 2010. "The Art and Science of Voter Mobilization: Grassroots Perspectives on Registration and GOTV from Charlotte, Atlanta, and Chicago."

- University of Illinois at Chicago. Institute for Government and Public Affairs. November 2009. "Turnout and Party Registration among Convicted Offenders during the 2008 Presidential Election."

- Annual Meeting of the American Political Science Association, Toronto, Ontario, Canada, September 2009. "'I Wanted to Vote for History:' Turnout and Party Registration among Convicted Offenders during the 2008 Presidential Election."

- Harris School of Public Policy, University of Chicago. American Politics Workshop. December 2008. "Trading Democracy for Justice? The Spillover Effects of Imprisonment on Neighborhood Voter Participation."

- Northwestern University School of Law. Law and Political Economy Colloquium. November 2008. "Did Disfranchisement Laws Help Elect President Bush? New Evidence on the Turnout Rates and Candidate Preferences of Florida's Ex-Felons."

- University of California, Berkeley. Center for the Study of Law and Society. October 2008. "Trading Democracy for Justice? The Spillover Effects of Imprisonment on Neighborhood Voter Participation."

- Law and Society Association Annual Meeting, Montreal, Canada, May 2008. "Did Disfranchisement Laws Help Elect President Bush? New Evidence on the Turnout Rates and Candidate Preferences of Florida's Ex-Felons."

- Law and Society Association Annual Meeting, Montreal, Canada, May 2008. "Trading Democracy for Justice? The Spillover Effects of Imprisonment on Neighborhood Voter Participation."

- Midwest Political Science Association Conference, Chicago, IL, April 2007. Paper: "Concentrated Incarceration: How Neighborhood Incarceration Decreases Voter Registration."

Working Papers

- "Which Lives Matter? Factors Affecting Public Attention and Protest In Response to Officer-Involved Killings"

- "Not All Black Lives Matter: The Role of Victim Characteristics in Shaping Political Interest and Voter Turnout"

- "Explaining Protests of Officer-Involved Killings"

- "Introduction" (with Jenn Jackson and Periloux Peay) in *Freedom Dreams: A Symposium on Abolition*. Eds. Jenn Jackson, Periloux Peay, and Traci Burch. Social Science Quarterly.

- "The Effects of Community Police Performance on Protest in Chicago" (For Symposium Honoring John Hagan)

- "How Police Departments Frame Low-Threat Victims of Officer-Involved Killings"

Additional Activities

- Expert witness in *Kelvin Jones vs. Ron DeSantis, etc. et al.* (U.S. District Court for the Northern District of Florida Consolidated Case No. 4:19-cv-00).

- Expert witness in *Community Success Initiative, et al., Plaintiffs v. Timothy K. Moore* (Superior Court, Wake County, NC Case No. 19-cv-15941).

- Expert witness in *People First of Alabama v. Merrill* (U.S. District Court in Birmingham, Alabama, Case No. 2: 20-cv-00619-AKK)

- Expert witness in *Florida State Conference of the NAACP v. Lee* (U.S. District Court in the Northern District of Florida, Case No. 4:21-cv-00187-MW-MAF)

- Expert witness in *One Wisconsin Institute Inc. v. Jacobs* (U.S. District Court in the Western District of Wisconsin, Case No. 15-CV-324-JDP).

EXHIBIT E

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

ATLANTA DIVISION

ALPHA PHI ALPHA FRATERNITY INC., et al.; *Plaintiffs*, vs. BRAD RAFFENSPERGER, in his official capacity as Secretary of State of Georgia. *Defendant*.	Case No. 1:21-cv-05337-SCJ

DECLARATION OF DR. JASON MORGAN WARD
PRELIMINARY REPORT

January 6, 2022

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I. SUMMARY OF OPINIONS

My name is Jason Morgan Ward. I am Professor of History at Emory University. I have been retained by the plaintiffs in this litigation to prepare a report on the history of voter intimidation, racial violence, and racial appeals in Georgia from the end of the Civil War to the present. My report focuses on the role of racial intimidation, violence, and rhetoric in suppressing the political participation and undermining the voting rights of Black Georgians. I am being compensated for my work at a rate of $250 per hour, in addition to reasonable expenses for my services. My compensation is not contingent on the analysis and opinions offered or on the outcome of this litigation. Based on my professional training, historical expertise, and review of the research materials summarized below, it is my opinion that:

- Georgia has a long history of state-sanctioned discrimination against Black voters that extended beyond written law to harassment, intimidation, and violence. Voter intimidation and racial violence in Georgia has increased in historical moments where defenders of white political control perceived their power to be threatened. Historically, the threat of violence has consistently served as a precursor to restrictions on voting but also as a rationale for those policies.

- Racial appeals, both overt and subtle, have characterized political campaigns and advocacy for voting restrictions since the end of the Civil War. This pattern persists into the present. In Georgia, racial appeals have evolved from overt and inflammatory rhetoric in the Reconstruction, Jim Crow, and civil rights eras to an intentionally coded language that conflates Black voting with urban politics, the welfare state, federal intervention, and electoral corruption.

- Voter suppression tactics have evolved as well, but the history of racial violence, intimidation, and appeals is not a linear story of progress and refinement. Georgia Democrats in the late-nineteenth and early-twentieth century murdered political adversaries, but they also pioneered an array of voter restrictions—including poll taxes, literacy tests, and exemption clauses—that survived legal challenges precisely because they intentionally avoided mention of race. In response to the voting rights reforms and renewed Black political participation by the middle of the twentieth century, state and local officials utilized legal maneuvers and bureaucratic tactics like purges and challenges that closely resemble present-day voter suppression.

- Disfranchisement and vote dilution are racial, but they are also spatial. Redistricting emerged as a favored tactic of advocates of voting restrictions in the decades after the demise of the county-unit system, a distinct Georgia institution that diluted urban voting strength by assigned electoral votes ("units") in party primaries of two, four, and six to rural, town, and city counties. This system inflated the power of rural counties—which possessed two-thirds the voting power of urban counties despite their much smaller populations—and entrenched political power in rural Georgia. That spatial dynamic persists in efforts to discredit and dilute the electoral power of the state's growing metropolitan areas via legislative redistricting.

II. BACKGROUND AND QUALIFICATIONS

I am currently employed as Professor and Director of Graduate Studies in the Department of History at Emory University. I received a B.A. (2001) in history, with highest honors, from Duke University (2001), and an M.A. (2005), M.Phil. (2006), and Ph.D. (2008), all in history, from Yale University.

I specialize in the history of the modern United States, with a focus on the American South, politics, civil rights, and racial violence. I have published book-length studies on the history of racial violence in the twentieth-century South and the politics of white supremacy and racial segregation in the mid-twentieth century. My 2011 book, *Defending White Democracy: The Making of a Segregationist Movement and the Remaking of Racial Politics, 1935-1965,* required extensive research in Georgia's political history. In addition, I have published peer-reviewed articles and book chapters on the South's relationship with the federal government, white supremacist violence, and the role of the historical memory of Reconstruction in twentieth-century southern politics. In total, I have published two books, eleven chapters and articles, and numerous shorter essays and reviews.

I present regularly to academic and lay audiences, and I have provided commentary on racial politics, racial violence, and civil rights for *CNN, New York Times, Washington Post, Los Angeles Times, Atlanta Journal-Constitution*, and *The American Historian.* I have taught undergraduate and graduate courses in my area of specialization for fourteen years. I have attached a detailed record of my professional qualifications in the attached curriculum vitae, which I prepared and know to be accurate.

III. SOURCES AND MATERIALS REVIEWED

In preparing this report, I have consulted a broad range of sources on politics, civil rights, voter intimidation, and racial violence in Georgia, from the end of the Civil War to the present. Sources that I have consulted include: published works by historians and other scholars, historical newspapers, state and federal government records, published reports from state and federal agencies, and the papers of historical figures and organizations.

IV. DISCUSSION

Introduction

The purpose of this report is to outline the history of racial violence, intimidation, and appeals, and their relationship to politics in Georgia since the Civil War. Since the constitutional revolution of the Reconstruction era, which defined newly emancipated Black Georgians as citizens of the United States with suffrage and civil rights, those seeking to limit Black voting have consistently utilized violence, intimidation, and racial appeals in response to perceived and actual threats to their political power. This report will highlight pivotal moments in the evolution of racial politics and white resistance to racial change, with a focus on the connection between rhetoric, action, and policy in the history of voter intimidation, suppression, and dilution.

The history of voter intimidation and disfranchisement in Georgia and across the South reveals the power of racial rhetoric but also its malleability. Those who have sought, and fought, to limit the franchise since the extension of equal protection and prohibitions on discrimination in the wake of the Civil War have shifted identities and affiliations. Like party affiliations, the rhetorical justifications for voter suppression have evolved. Regardless of these shifts in political identity and language, attempts to limit the franchise have consistently revolved around race and, more specifically, the civic fitness of Black Americans and other racial and ethnic minorities for equal protection and participation in Georgia's governance.

In the century between Civil War and Civil Rights, those seeking to limit voting rights experimented with a range of political strategies, policy solutions, and extralegal methods, many of which appeared at first glance to be ostensibly nonracial despite their demonstrably racial motives and results. Georgia, arguably more than any other southern state, reflects the broad range of strategies that politicians of all stripes employed to restrict Black voting rights as well as the variety of rhetorical strategies they used to justify this political agenda. Few states were as systematic and comprehensive in their attempts to deny the franchise to Black citizens, and thus it is no surprise that Georgia's history of voter intimidation and racial violence rivals that of its most notorious counterparts.

Beyond overt racial appeals, this report highlights two consistent patterns of political rhetoric and mobilization to fuel violent resistance to Black politics and justify policy initiatives aimed at neutralizing the threat it posed to white dominance. The first of these patterns is the connection that defenders of white political control have drawn between local and national politics, which from the antebellum era to contemporary voting rights struggles has centered on the power of the federal government to intervene in local affairs to ensure equal protection and civil rights. Consistently, when local and state officials in Georgia have perceived seemingly distant and abstract political developments as threats to the racial status quo, inflammatory rhetoric, intimidation, and violence increased in response.

A second consistent and distinguishing feature of Georgia's history of racial politics and violence is the exploitation of the rivalry between rural and urban—particularly the Atlanta metropolitan area. As demonstrated by the 1906 Atlanta riot that precipitated a wave of disfranchisement measures two years later, the implementation of a county-unit system that diluted urban political power and a moderating influence on state politics, and a persistent rhetorical strategy that equates urban politics with corruption and malfeasance, advocates of voting rights restrictions in Georgia have gone to greater lengths than their counterparts in other southern states to undermine and delegitimize urban political power.

That their primary target, Atlanta, is the modern South's most populous and most multicultural metropolitan area only underscores that symbolic and strategic importance of the urban/rural divide in Georgia's racial politics. By the 1950s, the urban "bloc" vote had become the stand-in for the "Black" vote among voting rights opponents, and they have consistently targeted Georgia's cities with voter suppression and dilution tactics in the decades since. With the demise of the county unit system, redistricting became the primary battleground for diluting the power of Black voters.

Emancipation, Reconstruction, and "Redemption" (1865-1877)

The emancipation of enslaved Black Georgians and the extension of civil rights and protections via the "Reconstruction Amendments" to the United States Constitution (the Thirteenth, Fourteenth, and Fifteenth Amendments) revolutionized politics in a state whose constitution had previously barred all Black men—free or enslaved—from voting. In the first two years following Confederate surrender, Georgia's white legislators resisted this constitutional revolution by voting nearly unanimously to reject the Fourteenth Amendment in 1866 and, two years later, to expel twenty-nine newly elected Black Republican legislators from the General Assembly. The next year, the Republican governor presided over the white-majority legislature's rejection of the Fifteenth Amendment. Georgia's defiance, expressed through political channels and an increasing barrage of violence, prompted the federal government to resume military occupation of the state by the end of 1869.

Beyond the legislature, the newly established Ku Klux Klan, a terrorist wing of the Conservative-Democratic coalition led by ex-Confederate general John B. Gordon, engaged in a spree of political assassinations and massacres aimed at Black Georgians and their white Republican allies. Others joined in the violence and intimidation unmasked. In anticipation of the 1868 campaign season, Georgia Democrats called on their supporters to "clean up their muskets, rifles, and shot guns."[1] On September 15, an armed band of white supporters in Camilla opened fire on a mostly Black group of marchers who had entered the town to stage a Republican political rally. The Camilla Massacre claimed as many as a dozen Black victims, several of whom died at the hands of white attackers who pursued fleeing marchers and summarily executed wounded defenseless Black marchers they encountered. The notorious event not only depressed Republican turnout in Black-majority southwest Georgia, but also emboldened white Democrats to stuff ballot boxes, throw out Republican votes, and step up their anti-Reconstruction rhetoric.[2]

The upsurge in violence and corruption during the 1868 campaign season—a presidential election year—illustrated not only the political calculus of racial violence but also the connection between local and national politics. The violence served not only to demoralize and depress support for Reconstruction in Georgia and beyond, but also to demonstrate the illegitimacy of Georgia's interracial coalition government and its inability, despite federal support, to maintain order and keep people safe. In the words of a former Confederate officer, the Klan's terror campaign had a clear political objective: "to defy the reconstructed State Governments, to treat them with contempt, and show that they have no real existence."[3]

The violence in Georgia and throughout the South inspired an unprecedented effort by the federal government to enforce voting rights and root out Klan terrorists, a campaign spearheaded by the nation's first attorney general—white Georgia Republican Amos Akerman. However, persistent racial violence and voter intimidation in Georgia not only resulted in a relatively swift reestablishment of white Democratic control following the midterm elections in 1870, but also provided a blueprint for other southern states to resist Reconstruction. Recurrent violence during the 1872 elections demonstrated that Democrats would consolidate their control through force.

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[1] Carole Emberton, *Beyond Redemption: Race, Violence, and the American South After the Civil War* (Chicago: University of Chicago Press, 2013), 138.
[2] Lee W. Formwalt, "The Camilla Massacre of 1868: Racial Violence as Political Propaganda," *The Georgia Historical Quarterly* 71, no. 3 (Fall 1987): 399-426.
[3] Eric Foner, *A Short History of Reconstruction, 1863-1877* (New York: Harper Perennial, 1990), 191.

"Burke County, with an actual Republican majority of 1,500," *Harpers Weekly* reported, "has been Ku-Kluxed into showing a Democratic majority of 800." Elsewhere, gun-wielding vigilantes and "sabre clubs" patrolled roads and polling places to depress Black turnout.[4]

Courtesy Harpers Weekly, 19 October, 1872.

Racial violence and voter intimidation during Reconstruction demonstrated a pattern that persisted in subsequent political struggles over Black politics. In terms of strategy and tactics, Georgia frequently led the way. At other times, Georgia followed the blueprint laid out by its southern "sister" states. In all cases, disfranchisement was simultaneously a coordinated regional effort and a struggle that played out differently from state to state.

That interplay between state, region, and nation helps explain Georgia's active role in the struggle to end Reconstruction and undermine interracial politics after 1871. In neighboring South Carolina, a coalition of Black and white Republicans retained control until 1876, a presidential election cycle that culminated in the formal end of Reconstruction. That summer, just across the river from Augusta, white vigilantes followed the blueprint laid out in Camilla eight years earlier and attacked local Black militiamen marching in a Fourth of July parade. Reinforced by white Georgians who hauled a cannon across the Savannah River to fire at barricaded militiamen, the heavily armed vigilantes disarmed their opponents and executed six Black men. A survivor later testified that a man shouted, "By God! We will carry South Carolina now!" during the attack.[5]

This pattern of seemingly spontaneous "riots" continued into the fall, when white Democrats in the three southern states still under Republican control contested electoral votes that would decide

[4] "The Georgia Election," *Harpers Weekly*, 19 October 1872, 883.

[5] *South Carolina in 1876: Report on the Denial of the Elective Franchise in South Carolina at the State and National Election of 1876* (GPO, 1877), 47.

the presidency and threatened violent resistance if Democrat Samuel Tilden was not inaugurated in early 1877. With the threat of "Tilden or Blood" looming over the nation's capital, national leaders reached a compromise that awarded the disputed electoral votes from South Carolina, Louisiana, and Florida—and thus the presidency—to Republican Benjamin Hayes in exchange for his promise to withdraw remaining federal troops from the South. Just months later, delegates gathered in Atlanta to write a new state constitution that upheld the poll tax and wrote racial segregation into state law. Former state legislator, congressman, and senator Robert Toombs reportedly boasted that "the Negro shall never be heard from" under the newly ratified Constitution of 1877.[6]

Redemption's Incomplete Victory and the Push for Black Disfranchisement (1877-1908)

While Reconstruction as a policy and political regime was relatively short-lived, the lessons of Reconstruction lived on in the rhetoric, symbols, and actions of opponents of Black voting rights for generations. For advocates of white supremacy, the lesson handed down from the "redeemers" who overthrew Reconstruction was that Black politics—and any outside attempt to promote or enforce Black political participation—must be met with unified and vigorous resistance. The violent suppression of Reconstruction did not eradicate Black politics from Georgia, but it provided the rationale for an ongoing campaign to stamp out Black civic equality by any means necessary.

Even moderating voices such as Atlanta's Henry Grady, who advocated for a New South agenda of economic modernization, made clear that the foundation of a peaceful and prosperous South rested on white political unity and black disfranchisement. "The very worst thing that could happen to the South," he warned in an 1888 speech, "is to have her white vote divided into factions, and each faction bidding for the negro who holds the balance of power." Like most white Georgians of his generation, Grady lived in the wake of Reconstruction and imbibed the anti-Black rhetoric that white supremacists handed down—that Black Georgians were, in his words, "a vast mass of impulsive, ignorant, and purchasable votes."[7]

This argument fueled the push for a Solid South in which white voters closed ranks around a single-party system in which the Democrats—the "white man's party" that "redeemed" the South from Reconstruction—held sway with no viable political opposition. That argument also fueled a push to write Black Georgians out of politics through legislation, a self-proclaimed white supremacy campaign that picked up steam in the 1890s and resulted in a barrage of disfranchisement measures adopted state-by-state over two decades.

This renewed push to make permanent the stated political objectives of the anti-Reconstruction Democrats was in part a response to the ongoing, if diminished, presence of Black southerners in state and local politics but also the emergence of political challenges to one-party rule. The most immediate threat to single-party rule in Georgia, and the movement that seemed the most receptive to Black political participation, was the agrarian Populist movement that swept the nation in the early 1890s. In North Carolina, for example, Populists and Republicans formed a "fusion" coalition that took control of state government in 1894. In Georgia, Populists made a

[6] J. Morgan Kousser, *The Shaping of Southern Politics: Suffrage Restriction and the Establishment of the One-Party South, 1880-1910,* (New Haven: Yale University Press, 1974), 209.
[7] *Life and Labors of Henry W. Grady: His Speeches, Writings, Etc.* (New York: H.C. Hudgins and Co, 1890), 296-7.

similar attempt to do precisely what Grady had warned against—splitting the white vote and appealing to Black Republicans to gain the political advantage.

The Populist threat to single-party rule and white unity proved sufficiently disconcerting to Georgia Democrats that they ramped up their campaign of white supremacist rhetoric and violence. Following the Populists' success in the 1890 midterms, the Democrats engaged in widespread fraud and intimidation—including marching Black laborers to polling places to cast ballots in favor of Democrats—during the 1892 elections.[8] After fending off the Populist challenge with the help of coerced Black votes, Democrats in Georgia implemented the most explicitly racial of the state's disfranchisement tactics—the white primary. Adopted in 1900 by the state party's executive committee, the measure created a primary system in which "the white Democrats of the state may give expression of their choice." By permitting political parties to set the rules for state-supported primaries, Georgia officials endorsed the elimination of Black voters from the only elections that mattered in the one-party Solid South.[9]

Figure 2: White Georgians followed closely news of white supremacy campaigns in other southern states and celebrated reestablishment of Democratic control in North Carolina in 1898. Georgia Democrats used similar arguments and imagery to discredit their political opponents and build momentum for their own disfranchisement measures adopted ten years later. Courtesy *Atlanta Constitution*, 2 October 1898, 5.

The adoption of the white primary marked the opening salvo in a decade marked by increasingly volatile racial rhetoric, a deadly race riot, and a resulting wave of disfranchisement measures more sweeping than any other southern state. In the months leading up the 1906 governor's race, candidates played to white fears of Black social and political advancement. Clark Howell, editor of the *Atlanta Constitution*, and his opponent, former *Atlanta Journal* publisher Hoke Smith, used their respective papers to consolidate white public support for disfranchisement. Both newspapermen appreciated the power of the press to mobilize white voters, particularly through cartoons and editorials warning of "Negro domination" and imperiled white women.

Building on a rhetorical strategy that linked Black politics to *social equality*—a euphemism for interracial sex and miscegenation—the state's leading newspapers fanned the flames of white resentment by running unsubstantiated reports of Black assaults on white women. The propaganda campaign reached a crescendo in late September of 1906, when white mobs responded by attacking hundreds of Black Atlantans and killing as many as forty victims over the course of several days. The Atlanta Race Riot made headlines across Europe and undercut the

[8] C. Vann Woodward, *Tom Watson: Agrarian Rebel* (New York: MacMillan, 1938), 241-2.

[9] Quoted in Russell Korobkin, "The Politics of Disfranchisement in Georgia," *The Georgia Historical Quarterly* 74 (Spring 1990), 40.

city's progressive image, but the violence and overt racial appeals provided more momentum for disfranchisement. In its 1906 platform, the Georgia Democratic Party called for an amendment to the state constitution designed "to exclude the largest possible percentage of the ignorant and purchasable negro vote, under the limits imposed by the Federal Constitution."[10]

The reference to the U.S. Constitution revealed a crucial component of southern white supremacist legislative and legal strategy. The architects of disfranchisement understood that explicitly racial election restrictions would face legal challenges on the grounds that they violated the "Reconstruction Amendments" that had extended citizenship and suffrage to Black Americans. They responded with a web of facially non-racial restrictions and requirements that would ensnare Black men while allowing white registrants to pass through. Georgia congressman Thomas Hardwick, who had first proposed the literacy test requirement as a state legislator in 1899, proclaimed that such measures should simultaneously "disfranchise every negro voter who can possibly be disfranchised" and "protect and safeguard every white voter in Georgia, however humble, however poor, however illiterate."[11]

Given that similar measures in other states withstood a Supreme Court challenge in *Williams v. Mississippi* (1898), Georgia Democrats forged ahead with a 1907 act to add a literacy test requirement to the state constitution. The amendment, which Georgia voters approved the following year, also included the so-called "fighting grandfather clause," a provision that exempted white registrants from the literacy requirement provided their ancestors had served in the Civil War, and a "good character" clause that empowered local registrars to find loopholes for semi-literate white citizens to register while adding pretexts to disqualify literate Black citizens. Combined with the poll tax, another ostensibly non-racial requirement that survived the reforms of the Reconstruction era and was later upheld in *Williams*, Georgia had erected the most imposing array of obstacles to Black voter registration of any southern state by the end of the twentieth century's first decade. As Georgia voting rights expert Laughlin McDonald concludes in his authoritative 2003 study, "no state was more systematic and thorough in its efforts to deny or limit voting and officeholding by African Americans after the Civil War."[12]

The Politics of Mob Violence and Historical Memory (1880s-1930s)

The southern white supremacy campaigns that culminated in Georgia's 1908 disfranchisement amendments inspired a campaign of terror meant to force Black citizens into a subordinate state. The 1890s began with a Mississippi constitutional convention called—in the words of state representative and future U.S. Senator James K. Vardaman, "to eliminate the nigger from politics" and ended with a violent coup that restored Democratic control in North Carolina.[13]

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[10] "Text of the Platform Adopted by the Democratic Convention," *Atlanta Constitution*, 5 September 1906, p. 6; Michael Perman, *Struggle for Mastery: Disfranchisement in the South, 1888-1908* (University of North Carolina Press, 2001), 290.

[11] "Hon. Thos. Hardwick Addresses Convention," *Atlanta Constitution*, 5 September 1906, p. 2. For more on Hardwick's role in Black disfranchisement measures, see R. Volney Riser, *Defying Disfranchisement: Black Voting Rights Activism in the Jim Crow South, 1890-1908* (Louisiana State University Press, 2013), 97-98.

[12] Perman, *Struggle for Mastery*, 297; Laughlin. *A Voting Rights Odyssey: Black Enfranchisement in Georgia* (Cambridge University Press, 2003), 2.

[13] Quoted in Gloria J. Brown-Marshall, *The Voting Rights War: The NAACP and the Ongoing Struggle for Justice* (Rowman and Littlefield, 2016), 13.

During the decade, as Georgia Democrats campaigned for disfranchisement, lynching surged statewide. Georgia mobs lynched nearly two hundred victims during the 1890s, an average of roughly one victim per month. While the reasons given for these extrajudicial killings varied, the increase in mob violence proceeded apace with inflammatory campaigns to erase Black Georgians from public life.

Advocates of disfranchisement, including prominent state and local officials, stoked fears of Black criminality and interracial sexuality to achieve their political objectives, and lynch mobs responded by targeting Black Georgians accused of rape, murder, and other acts of aggression toward white victims. In 1889, sixty white men lynched Black laborer Dan Malone after he allegedly "attempted to assault a respectable white woman" in Henry County.[14] Newspaper reports rarely challenged local accounts of mob violence, which took for granted the guilt of the victims. Mob violence provoked by rape allegations proved particularly brutal and ritualistic. In the waning months of Georgia's most deadly lynching decade, hundreds gathered in Coweta County in 1899 to torture, mutilate, and burn Sam Hose, a Black laborer accused of killing his employer and then raping his wife. Atlantans who had ventured to Newnan for the spectacle reportedly returned home with charred bones and wood scraps as souvenirs.[15]

Apologists for lynching drew a direct line between Black politics and Black crime. "So long as your politics take the colored man into your embrace on election day…," Georgia reformer and suffragette Rebecca Latimer Felton warned in 1898, "and so long as the politicians use liquor to befuddle his understanding and make him think he is a man and a brother…so long will lynchings prevail." Felton, the wife of a former Georgia congressman, and who would later become the first woman to serve in the U.S. Senate, argued that if mob violence was necessary "to protect woman's dearest possession from the ravening human beasts—then I say lynch; a thousand times a week if necessary."[16]

As Felton's argument makes clear, lynching was an inherently political act because those who participated perceived their Black victims—and any Black person they believed to be defying white supremacy in any way—as a threat to the political and social order they were trying to create. Consequently, mob violence increased as white supremacists built a web of legislative and constitutional barriers to voting. However, even after advocates of disfranchisement achieved their stated political objectives with the establishment of the Democratic white primary in 1900 and the literacy test amendment eight years later, white Georgians continued to lynch Black victims. In fact, in the decade (1910-1920) following the disfranchisement push, the number of recorded lynchings in Georgia increased. That the practice persisted demonstrates that racial violence served not only as a tactic to achieve political goals but also a tool for maintaining political control. Ongoing mob violence reflected key lessons handed down from Reconstruction—that Black politics was a problem that would not stay settled, and that generation after generation would have to guard against the reemergence of that threat.

School curriculum and popular culture reinforced these lessons. A survey of social studies and history textbooks published during the era identified three recurrent themes American

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[14] "A Negro Lynched," *New York Times*, 23 July 1889, 1

[15] Philip Dray, *At the Hands of Persons Unknown: The Lynching of Black America* (Modern Library, 2003), 13-14.

[16] J.A. Holman's coverage of Felton's speech in the *Atlanta Journal* was reprinted in the Wilmington [N.C.] *Weekly Star*, August 26, 1898, p. 1, in the weeks before the deadly Wilmington Massacre. Crystal Feimster, *Southern Horrors: Women and the Politics of Rape and Lynching* (Harvard University Press, 2009), 127.

schoolchildren learned about Black voters and public officials during the Reconstruction era—they were ignorant, lazy, and corrupt. "In the exhausted states already amply 'punished' by the desolation of war," David Saville Muzzey wrote in his popular *History of the American People*, "the rule of the Negro and his unscrupulous carpetbagger and scalawag patrons, was an orgy of extravagance, fraud and disgusting incompetency." This national consensus on Reconstruction filtered down from Ivy League professors and best-selling textbook authors to local historians. In a history of McDuffie County, Georgia, sponsored by the local chapter of the United Daughters of the Confederacy (UDC), the authors concluded that "the Negro gained nothing by his adventure in politics; he did not have the stability nor reasoning power to really give to politics any thing worth while and was only the tool in the hands of others."[17]

Popular culture also reinforced the notion that violence was necessary to eliminate the "menace" of Black politics. The 1915 blockbuster *The Birth of a Nation*, an adaptation of a series of wildly popular novels by Thomas Dixon, rehabilitated the Ku Klux Klan as heroes who subdued emboldened and lustful Black men and saved the South from the horrors of Reconstruction. The film inspired the Klan's resurgence, a national phenomenon launched later that year in a cross-burning ceremony at Georgia's Stone Mountain.

Figure 3: This commemorative postcard memorialized the rebirth of the Ku Klux Klan at Stone Mountain on Thanksgiving Day, 1915. The Klan soon spread nationwide and enlisted several million members.

The owner of the mountain, a prominent Georgia Klansman, soon deeded the north face to the UDC for a Confederate memorial that would be completed a half century later. Atlanta UDC leader Helen Plane advocated for inclusion of hooded Klansmen in the planned bas relief sculpture. The Klan "saved us from negro domination and carpet-bag rule," she argued, so it was fitting "that it be immortalized on Stone Mountain."[18] While the eventual sculpture would feature only Jefferson Davis, Robert E. Lee, and Stonewall Jackson, the political message of Confederate memorialization was clear—violence and intimidation was necessary to prevent challenges to white political and social dominance.

[17] W.E.B. du Bois, *Black Reconstruction in America* (New York: Russell and Russell, 1935), 712; Quoted in McDonald, *Voting Rights Odyssey*, 44.
[18] David B. Freeman, *Carved in Stone: The History of Stone Mountain* (Mercer University Press, 1997), 61-62.

The Nationalization of Civil Rights and the End of "the White Man's Party" (1908-1948)

The threats that white supremacists perceived were at once immediate and distant, as the forces of migration, urbanization, and war mobilization transformed Georgia. Discrimination and violence accelerated the exodus of Black Georgians from rural areas, both to the state's growing cities but also to northern industrial areas where they could exert greater political pressure. Just as white resentment of Atlanta's increasingly prosperous Black middle class helped to fuel the 1906 race riot, anxieties about Black mobility and mobilization in the 1910s boiled over in recurrent and brutal acts of violence.

The equation of Black advancement with imperiled white womanhood persisted, as evidenced in the 1918 Fayette County lynching of a Black man accused of assaulting a white woman and kidnapping her baby.[19] Yet white mobs expressed little regard for Black womanhood later that year, when they lynched Mary Turner for threatening to report the mob killing of her husband to authorities. In response, a mob hung her upside down from a tree, set her on fire, cut her unborn baby from her womb, and stomped the fetus while she burned to death. The Turners were two of at least eleven victims killed in a lynching spree through Brooks and Lowndes counties.[20]

The violence of 1918 spilled over into 1919, as white mobs targeted returning Black World War I veterans and responded to perceived threats to white supremacy. An April "riot" in Jenkins County, which claimed at least four Black victims, and a May lynching in Warren County attended by an estimated three hundred white farmers, foreshadowed a summer of violence that swept the nation during the "Red Summer" of 1919. Mobs in Georgia burned Black churches, targeted Black men accused of criticizing racial discrimination, and, in Early County, beat a Black veteran to death for refusing to take off his military uniform.[21] These brutal incidents not only demonstrated that disfranchisement had failed to stem racial conflict, as its advocates had promised it would, but also fueled a national protest campaign that resulted in a series of federal anti-lynching bills sponsored by northern congressmen who answered to a growing number of Black constituents—many of them migrants from southern states like Georgia.

Anxieties over Black mobility and rural decline also help to explain why the state legislature chose in 1917 to formalize a scheme that diluted the power of urban voters in state primary elections. The county unit system, which allotted six votes each to eight urban counties, four votes each to thirty "town" counties, and two votes each to 121 "rural" counties, effectively negated the power of Georgia's growing towns and cities to counter the disproportionate power of the state's rural political elites.

That disproportionate share of power trickled up to national politics via existing disfranchisement and dilution tactics like the poll tax. While defenders of the requirement openly expressed their desire to avoid depressing the white vote, critics pointed out that the tax depressed white voter turnout to rates far below those in states that did not require the tax. Anti-poll tax researchers pointed out that more Rhode Island voters cast ballots for their two representatives to Congress than voters in Georgia and three fellow poll-tax states cast for their thirty-two congressmen. A Georgian could win election and rise through the ranks of congressional seniority with as few as

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[19] "Negro Lynching by Georgia Mob," *New York Times*, 19 February 1918

[20] Walter F. White, "The Work of a Mob," *The Crisis* 16 (September 1918): 221-3

[21] Cameron McWhirter, *Red Summer: The Summer of 1919 and the Awakening of Black America* (Henry Holt, 2011), 1-11, 51; "Crime," *The Crisis* 18 (July 1919): 155

five thousand votes per election, while a candidate from a northern state might require twenty times as many votes to win a seat in Congress.[22]

Political leaders committed to preserving this power imbalance on the local, state, and national level were the earliest and most vocal opponents of voting rights campaigns. In 1936, Governor Eugene Talmadge, a former state agricultural commissioner who capitalized on the county-unit system formidable rural support base, attacked the liberalizing national Democratic Party for undermining white supremacy in Georgia. Talmadge argued that the Roosevelt administration had caved to northern Black political pressure and could no longer be trusted to remain the "white man's party" of previous generations. He sought to undermine support for popular New Deal relief programs by spreading false rumors that the Works Progress Administration and other federal agencies were forcing white women to work in desegregated facilities. Through his inflammatory tabloid *The Statesman* and increasingly vitriolic speeches, Talmadge argued that President Franklin Roosevelt and national Democrats were actively wooing Black voters previously loyal to the Republican Party, in language that paralleled the white supremacist attacks on Reconstruction.

Georgia's political establishment attempted to distance itself from racial extremism on the grounds that white supremacy was firmly established. Continued agitation of racial issues by white politicians, they argued, was irresponsible. When Eugene Talmadge attempted to "primary" former governor and first-term U.S. senator Richard Russell in 1936, Russell had to both pledge allegiance to the racial status quo and distance himself from his inflammatory challenger. "Any southern white man worth a pinch of salt would give his all to maintain white supremacy," former governor and first-term U.S. senator Richard Russell lamented in 1936, "and it is a disgrace that some should constantly seek to drag the negro issue into our primaries, where as a matter of fact they do not in any way participate and cannot."[23]

Nationally, Talmadge and his allies pointed to proposed anti-lynching legislation, and anti-poll tax campaign to argue that white supremacy was under attack. By the end of the 1930s, caught between hardcore white supremacists at home and an increasingly liberal national Democratic Party, establishment Georgia Democrats amped up their racial rhetoric and condemned threats to white supremacy. Just two years after fending off a race-baiting primary challenge from Talmadge in 1936, Georgia senator Richard Russell joined a southern filibuster of an anti-lynching bill during which he complained that his party had become the "Afro-Democratic Party" and warned of a slippery slope of civil rights legislation that would culminate in a bill allowing for racial intermarriage.[24] Two years later, Russell's senior colleague Walter George repackaged Reconstruction-era fears of northern meddling at a reelection campaign stop in Lamar County, where he warned that national reformers wanted "to send a Connecticut judge down here…to try you on an anti-lynching charge."[25]

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[22] Rhode Island, with a population of 637,000, cast 314,023 votes and elected 2 representatives, while Georgia, South Carolina, Mississippi, and Alabama, with a population of 9.3 million, cast 264,419 ballots and elected 32 representatives. *Poll Tax Repealer*, September 1942, p. 1.
[23] Richard B. Russell to Allen Reid, 4 February 1936, Series IV, Subseries B, Box 19, Folder 15, Richard B. Russell Papers, Richard B. Russell Library for Political Research and Studies, University of Georgia, Athens.
[24] *Congressional Record*, 75th Cong., 3rd Sess., 26 January 1938, p. 1102.
[25] "Georgia's George Relies on Prejudice to Save His Seat," New York *Amsterdam News*, 27 August 1938, A3.

Figure 4: Talmadge campaign literature emphasized threats to racial segregation and the governor's commitment to maintain the embattled white primary. Courtesy Special Collections, McCain Library and Archives, University of Southern Mississippi.

By the start of World War II, white Georgians had neither shaken their allegiance to the Democratic Party nor forgotten the rationale for a one-party Solid South. However, from the earliest signs of Black political influence in national politics and the rather rapid defection of Black voters from the Republican Party, opponents of Black voting rights in Georgia openly debated their political positions—including defection from the Democratic Party. They also renewed calls for intimidation and violence to counter mounting attempts by Black Georgians to reclaim their constitutional right to the franchise.

White Resistance to the Voting Rights Revolution (1944-1965)

Wartime change accelerated that process. Civil rights activists launched a "Double Victory" campaign to defeat totalitarianism abroad and racial discrimination at home. One victory with significant implications for racial politics and Black voting rights in Georgia was the 1944 *Smith v. Allwright* decision, in which the U.S. Supreme Court struck down the white primary as unconstitutional. That de`cision simultaneously fueled a voter registration drive in Georgia, spearheaded in many communities by returning Black veterans, and a surge in voter intimidation and violence. Former governor Eugene Talmadge, who had lost a bid for a fourth term in 1942 despite pledging to save the imperiled white primary, roared back in 1946 with a campaign strategy that simultaneously revived the violent tactics of earlier generations with forward-looking strategies that previewed the voter suppression strategies of the post-civil rights era.

Georgia's campaign cycles in the late 1940s were the bloodiest and most inflammatory since the disfranchisement campaign at the turn of the century. During the 1946 primary season, a mob lynched two Black married couples at the Moore's Ford Bridge at the border of Walton and Oconee counties, allegedly in retaliation for the stabbing of a local white man. A few days after the primary, white vigilantes assassinated World War II veteran Maceo Snipes after he cast the lone Black ballot in Taylor County.[26] The violence compelled a seventeen-year-old Martin Luther King, Jr, then a student at Morehouse College, to pen a letter to the editor of the state's largest newspaper demanding "the basic rights and opportunities of American citizens."[27]

[26] Carol Anderson, *One Person, No Vote: How Voter Suppression Is Destroying Our Democracy* (Bloomsbury Publishing, 2018), 15.
[27] M. L. King, Jr., "Letters to the Editor," *The Atlanta Journal Constitution*, 6 August 1946.

GEORGIA, APPLING COUNTY

TO THE BOARD OF REGISTRARS OF SAID COUNTY:

Now comes the undersigned, citizens of said county, and challenges the right of registration of Minnie Dunham, whose name appears upon the list of registered voters furnished by the tax collector to the Board of Registrars of said county, and files this contest as to the qualifications of said registered voter, and for ground of contest and challenge says;

1. Said registrant is not a citizen of this state and of the United States 18 years old or upwards, and will not be such citizen at the time of holding the general election in 1946.

2. Said registrant has not resided in the State of Georgia for one year next preceding the general election in 1946, and will not have so resided at the time of said general election.

3. Said registrant has not resided in APPLING county six months next preceding said general election and will not have so resided at the time of said general election.

4. Said registrant is not a person of good character who understands the duties and obligations of citizenship under a republican form of government.

5. Said registrant cannot correctly read in the English language any paragraph of the Constitution of the United States or of the State of Georgia and correctly write the same in such English language when read to said registrant by one of the registrars, and said registrant is not unable to comply with said requirements solely because of physical disability.

6. Said registrant cannot understand and give a resonable interpretation of a paragraph of the Constitution of the United States or of this state, when read to said registrant by any one of the registrars.

WHEREFORE, contestants and challengers pray that this board of registrars notify said registered voter of this challenge and contest and pass upon the same, and that a copy hereof be furnished to said registrant at least one day before the same is heard, and that if this contest and challenge be sustained, the name of said registrant be stricken from the list of voters and from the voters' book.

This, May July 1, 1946

Figure 5: The Talmadge campaign distributed thousands of challenge forms, like this sample from Appling County, to intimidate and disqualify Black voters in the 1946 Democratic primary. Courtesy NAACP Papers.

The 1946 primary reflected the persistent impact of racial violence and vote dilution on Georgia politics, as Talmadge won in a county-unit landslide despite losing the popular vote by more than fifteen thousand votes. Yet the inflammatory primary campaign also foreshadowed less overt voter suppression strategies. An extensive FBI investigation confirmed that Talmadge and his supporters blanketed the state with "challenge forms" that white voters could use to dispute Black votes. In Douglas County, members of a local "Talmadge club" distributed the forms to local white citizens who "knew the local negroes and knew which ones should be challenged." Meanwhile, Talmadge telegrammed the tax commissioner in Rockdale County for lists of registered voters by race in a similar effort to identify and target Black voters for challenges.[28] Though both schemes proved unsuccessful, they demonstrated the willingness of candidates and local officials to collude in subtler suppression tactics that would attract less outside scrutiny—and eliminate more votes—than violent intimidation.

[28] Edward T. Kassinger, "Unknown Subjects: Racial Discrimination in Registration of Negro Voters, State of Georgia," 24 October 1946, 128-31, 326-8, folder 1, file 44-114, Records of the Federal Bureau of Investigation, National Archives and Records Administration, College Park, Maryland; Joseph L. Bernd, "White Supremacy and the Disfranchisement of Blacks in Georgia, 1946," *The Georgia Historical Quarterly* 66 (Winter 1982): 492-513.

The politics of voter exclusion continued to fuel Georgia politics in the next electoral cycle, as the late governor's son Herman Talmadge campaigned on a pledge to replace the outlawed white primary with "a primary just as white as we can get it."[29] Talmadge allies like Carroll County state representative Willis Smith endorsed this effort. "This is a white man's country," Smith declared, "and we must keep it that way."[30]

Although Black voter registration had surged in the wake of *Smith v. Allwright,* Talmadge's allies, including a resurgent Ku Klux Klan, spearheaded a campaign of voter suppression. Georgia Ku Klu Klan leader Samuel Green led a procession of 249 Klansmen through Wrightsville on the eve of the Johnston County primary. "Again you will see Yankee bayonets trying to force social and racial equality…," Green warned a crowd of 700 local white supporters. "If that happens there are those among you who will see blood flow in the streets." Although an estimated four hundred Black residents had registered to vote in Johnson County by March 1948, none showed up the next day to cast a ballot in the local primary.[31] In the months that followed, Talmadge supporters placed miniature coffins on the doorsteps of Black community leaders, scattered warning leaflets in Black neighborhoods, and, on primary day in Montgomery County, gunned down black World War II veteran Isaiah Nixon shortly after he cast a ballot.[32]

Following his election, Talmadge unveiled a four-point plan to purge the state's voter rolls and require re-registration every two years subject to a revived poll tax and a revamped "education requirement" that gave wide latitude to local officials to purge Black voters and reject new registrants. In one particularly blunt interpretation of the new registration rules, the Johnson County sheriff proposed that applicants sign a pledge in support of white supremacy. Historian Stephen G.N. Tuck estimates that nearly twelve thousand Black voters were purged "almost immediately" and thousands more failed to register under Talmadge's neo-disfranchisement regime.[33] Surging Black voter registration, which increased from 20,000 to 125,000 between 1940 to 1947, launched a white backlash to expanded voting rights. The pace of Black voter registration slowed significantly during the 1950s, although Black Georgians registered at rates well beyond neighboring states.[34]

Opponents of voting rights in Georgia placed the blame for relatively high Black registration on the "bloc" vote in Atlanta and smaller cities. From the 1940s through the 1960s, "bloc voting" meant "Black voting" for a succession of local and statewide candidates who rode racial backlash into office. In language that harkened back seventy-five years, Herman Talmadge argued that unless "an aroused White Southern electorate…halt and defeat this bloc voting," the region would "undergo a mid-Twentieth Century reconstruction period."[35] While Talmadge did little to veil his racial message, his political successors appreciated and accelerated their attacks on the "bloc"

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[29] "Georgia Negroes Appeal to Courts as Dixiecrats Purge Voting Lists," *Chicago Defender*, 14 August 1948.
[30] *Carrolton Branch of the NAACP v. Stallings*, 829 F. 2d 1547 (11th Cir. 1987), 1551.
[31] "Sheet, Sugar Sack, and Cross," *Time*, 15 March 1948.
[32] Jason Morgan Ward, *Defending White Democracy: The Making of a Segregationist Movement and the Remaking of Racial Politics, 1936-1965* (University of North Carolina Press, 2011), 110-1; Jennifer E. Brooks, *Defining the Peace: World War II Veterans, Race, and the Remaking of Southern Political Tradition* (University of North Carolina Press, 2004), 161.
[33] Stephen G.N. Tuck, *Beyond Atlanta: The Struggle for Racial Equality in Georgia, 1940-1980* (University of Georgia Press, 2001), 76.
[34] Steven F. Lawson, *Black Ballots: Voting Rights in the South, 1944-1969* (Columbia University Press, 1976), 134.
[35] Herman Talmadge, *You and Segregation* (Birmingham: Vulcan Press, 1955), 25.

vote through less overt language. Georgia House Speaker and Troup County representative Fred Hand stressed the strategic importance of targeting the "ignorant bloc vote" rather than "negros" by name. "I like to think of it that way," he explained, "instead of going into this color angle."[36]

While Talmadge's successors largely heeded this advice to play down the "color angle" in their resistance to voting rights, their response to *Brown v. Board* (1954) revealed the straight line they drew between black disfranchisement and the survival of racial segregation. Three years after the Supreme Court's ruling on segregated schooling, the Georgia legislature voted unanimously to call for the repeal of the Fourteenth and Fifteenth Amendments. Legislators also took aim at the National Association for the Advancement of Colored People (NAACP), which Talmadge had blamed for controlling the "bloc vote."[37] Just months after Georgia asked to invalidate two out of the three Reconstruction Amendments, the United States Congress passed the first civil rights act since Reconstruction. The Civil Rights Act of 1957, which included several modest voting protections, proved sufficiently threatening that Georgia's legislature responded with yet another rewrite of its state election laws that included a revamped citizenship test, a "good character" provision, and a requirement that new voters register in person. All of these measures aimed to suppress the Black vote.[38]

By the end of the 1950s, voting rights opponents in Georgia agreed that the county unit system remained the strongest bulwark against Black political power. State senate president pro tempore and future governor Carl E. Sanders of Augusta argued that the system protected Georgia from "pressure groups or block votes" and remained essential for "maintaining conservative government and keeping liberals and radicals from taking over."[39] Every Georgia governor of the civil rights era professed loyalty to the county-unit system, and its invalidation in *Gray v. Sanders* (1962) and the corresponding rejection of the state's legislative apportionment by a U.S. District Court sent defenders of vote dilution scrambling.

Both the county unit system and legislative apportionment in Georgia inflated the power of rural counties and diluted the power of the urban "bloc vote" that defenders of white political power vilified. [40] In response to the "one person, one vote" precedent established in *Gray v. Sanders*, state legislators rallied behind a series of redistricting plans that included majority-vote requirement for local, state, and federal elections. This requirement, as Bibb County representative and self-proclaimed "county unit man" Denmark Groover argued in 1963, would "prevent special pressure groups from controlling elections." Speaking candidly with his colleagues, Groover warned that a majority vote requirement was necessary to "thwart election control by negroes and other minorities."[41]

The legislative scramble to preserve malapportionment and depress Black political power collided with grassroots voter registration drives and unprecedented federal action on civil rights. Buoyed by the Civil Rights Acts of 1960 and 1964, civil rights groups in Georgia helped to raise the

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[36] Ward, *Defending White Democracy*, 111.
[37] McDonald, *Voting Rights Odyssey*, 71.
[38] McDonald, *Voting Rights Odyssey*, 72-4.
[39] J. Morgan Kousser, *Colorblind Injustice: Minority Voting Rights and the Undoing of the Second Reconstruction* (University of North Carolina Press, 1999), 204.
[40] McDonald, *Voting Rights Odyssey*, 84.
[41] McDonald, *Voting Rights Odyssey*, 12, 92.

stagnating voter registration rate from roughly a quarter of eligible Black voters in the early 1960s to just over sixty percent by decade's end.[42]

Civil rights activists persisted in the face of police harassment and vigilante violence—from burning Black churches and firing into Black homes at night to attacking civil rights workers in broad daylight. Low registration rates persisted in rural counties, including Jefferson, McDuffie, Warren, and thirty-one others, where less than ten percent of eligible Black voters had registered successfully by 1965. In Glascock County, for example, only *one* Black resident had successfully registered to vote despite the passage of three federal civil rights bills between 1957 and 1964.[43]

Local intransigence and violent resistance compelled the passage of the Voting Rights Act of 1965. The enactment of the most expansive voting rights protections since Reconstruction produced dramatic results on the ground. In Black-majority Burke County, for example, the number of registered Black voters had stalled out despite the series of civil rights bills passed between 1957 and 1964. Yet while the number of registered voters increased by only *two* (425 to 427) between 1958 and 1965, the number of registered Black voters surged to 2,760—from less than seven percent registered to nearly 42 percent of those eligible—in the two years following passage of the Voting Rights Act.[44]

Race, Redistricting, and the Rise of Republican Georgia (1964-2013)

The dramatic upsurge in Black registration fractured and transformed the state's Democratic Party. This voting rights revolution also revived and reshaped an increasingly competitive Republican Party. The resurgent GOP's support base lay in the booming metropolitan suburbs rather than the rural counties that had dominated Georgia politics for decades, but the new Georgia Republicans shared with the old Georgia Democrats an opposition to urban political power, federal intervention, and—consequently—an expansive view of voting rights. Howard "Bo" Callaway, a former Democrat who switched parties in 1964 and became Georgia's first Republican congressman since Reconstruction, opposed the Voting Rights Act on the grounds that it could be "the first step" toward "complete Federal control" of local elections.[45]

Callaway, who owed his election to conservative presidential candidate Barry Goldwater's success in the Deep South in 1964, avoided the racist dog whistles of Georgia Democrats but lined up with them in support of literacy tests and other voting requirements long used to depress Black registration. In the 1966 midterms, Callaway won re-election and was joined in Congress by two Atlanta-area Republicans who replaced the only two Georgia Democrats who had voted for the Voting Rights Act the previous year. Fulton County's Fletcher Thompson, one of the first Republicans to win election to the Georgia Senate, took his fight against the "forced racial balance" to Congress, while DeKalb's Ben Blackburn pledged to protect the suburbs from "the

[42] Kousser, *Colorblind Injustice*, 201; Lawson, *Black Ballots*, 331.
[43] U.S. Commission on Civil Rights, *Political Participation: A Study of the Participation by Negroes in the Electoral and Political Processes in 10 Southern States Since Passage of the Voting Rights Act of 1965* (GPO, 1968), 232-9.
[44] McDonald, *Voting Rights Odyssey*, 10, 57; Commission on Civil Rights, *Political Participation*, 232-3.
[45] Hearings before Subcommittee No. 5 of the Committee on the Judiciary, House of Representatives, 89th Cong., 1st sess., H.R. 6400 and other Proposals to Enforce the 15th Amendment of the Constitution of the United States, March 18, 19, 24, 25, 29, 30, 31, and April 1, 1965, Serial No. 2, pp. 542-3.

welfare mother with her numerous kids" who "might be moved in next door" by federal public housing initiatives.[46]

Georgia's "New Guard" Republicans couched their opposition to civil and voting rights initiatives in a language of limited government and personal freedom. Yet in a conscious bid to court disaffected Democrats, historian J. Morgan Kousser notes, they "shunned those blacks whom they did not entirely alienate." In response to the segregationist "bloc vote" argument, which equated Black urban politics with corruption and irresponsibility, New Guard Republicans concluded they could "get along without the block [sic]" and offset votes lost among rapidly increasing Black registrants by wooing conservative white Democrats.[47]

This strategy proved quite successful, as a Republican platform of limited government, local control, and property rights resonated with arguments conservative Democrats in Georgia had made for decades. The racial and spatial continuities stood out as well as an overwhelmingly white Republican party, drawing its votes primarily from rural and suburban areas, squared off against the cities. As suburban Atlanta congressman Newt Gingrich argued, the Georgia Republicans "want safety, and they believe big cities have failed and are controlled by people who are incapable of delivering goods and services."[48]

White Georgia legislators, including a growing number of Republicans, aimed their vote dilution strategies at the cities as well. Redistricting emerged as a favored tactic after the demise of the county-unit system. In the wake of the 1970 census, Georgia legislators submitted a number of redistricting plans that drew objections under Section 5 of the Voting Rights Act for "diluting black voting strength" in and around Atlanta.[49] Ten years later, redistricting proposals received federal scrutiny, particularly at the congressional level where legislators managed to create nine white-majority districts out of ten total seats. Although Black Georgians accounted for over a quarter of the state's population in the 1980 census, white legislators—including Cobb County Democrat Joe Mack Wilson who lamented the prospect of more "nigger districts"—attempted to limit Black-majority districts to one-tenth of the state's congressional delegation.[50]

Over the following three redistricting cycles, as the power balance shifted from Democrats to Republicans and the ideological alignment of each party solidified, Georgia's redistricting plans continued to draw objections for their consistent tendency to dilute Black votes. Demographic change complicated those efforts, as the Black proportion of the state's population grew from 26 percent in 1980 to over 30 percent in 2010. The spatial and racial equation of Black voting with urban politics persisted yet the primary driver of Black population growth in these decades was suburban. As the Black population of metropolitan Atlanta not only grew numerically but also expanded geographically, the suburbanization that fueled the rise of the Republican Party in the

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[46] Kevin M. Kruse, *White Flight: Atlanta and the Making of Modern Conservatism* (Princeton University Press, 2007), 252-3.
[47] Kousser, *Colorblind Injustice*, 207.
[48] Peter Applebome, *Dixie Rising: How the South is Shaping American Values, Politics, and Culture* (Harcourt, Brace, and Co., 1996), 43-4.
[49] McDonald, *Voting Rights Odyssey*, 92.
[50] "Voting Rights: Evidence of Continued Need," Hearing Before the Subcommittee on the Constitution of the Committee on the Judiciary, House of Representatives, 109th Cong. 2nd sess., March 8, 2006, Serial No. 109-103, vol. I, p. 111.

latter decades of the twentieth century had also transformed the racial and spatial dynamics of redistricting.[51]

Racial Appeals, Voter Suppression, and Twenty-First Century Political Violence

Redistricting remained a powerful tool for voter dilution in the twenty-first century, but the Supreme Court's decision in *Shelby v. Holder* (2013) to invalidate Section 5's coverage formula also opened the door for increased voter restrictions. In the eight years since, Georgia officials enacted several measures, from changes to election dates and precinct locations to voter identification requirements and voter purges, that would have been more difficult before the *Shelby* decision. Indeed, some of these tactics more closely resemble suppression tactics from the Jim Crow era—voter purges and challenges, in particular—than the disfranchisement practices later targeted by the Voting Rights Act and other civil rights legislation in the 1950s and 1960s.

The rationale for these measures, which focuses on election fraud, traded in rhetoric that resonates with disfranchisement arguments of the past. For example, Richmond County legislator Sue Burmeister, an early and enthusiastic backer of voter identification measures, complained in 2005 that Black voters in her district's Black-majority precincts only showed up when they were "paid to vote."[52] As in previous generations, while these measures remain race neutral on their face, their true impact is revealed by the racial appeals their supporters use to defend them. Nathan Deal, a former Democratic congressman turned Republican gubernatorial candidate, ridiculed criticism of voter ID measures as "the complaints of ghetto grandmothers who didn't have birth certificates" during his successful run for governor in 2009.[53]

Backers of voting restrictions also kept alive longstanding arguments about civic fitness and "education." The year after the *Shelby* decision, DeKalb County representative Fran Millar criticized Sunday voting at a mall "dominated by African American shoppers and…near several large African American mega churches." Aiming his comments at the south end of a metropolitan county transformed by Black suburbanization and immigration, Millar announced on social media, "I would prefer more educated voters than a greater increase in the number of voters."[54]

The voter suppression campaign that picked up momentum in the wake of *Shelby* ran headlong into cultural and racial conflicts fueled by other demographic changes. While Georgia's Black population has grown significantly since 1980—after several decades of stagnation due to outmigration—other racial and ethnic minority populations have grown faster. The new racial politics reflect a diversifying population and fears of white decline. Responding to the demographic transformations that have reshaped Georgia into the South's most multicultural and metropolitan state, some gubernatorial candidates melded rhetoric of imperiled heritage, illegal immigration, and voter fraud into a potent blend. Most vocal was Michael Williams, a Forsyth County legislator who toured the state in a "deportation bus" and pledged to fight "liberal cities"

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[51] Karen Pooley, "Segregation's New Geography: The Atlanta Metro Region, Race, and the Declining Prospects for Upward Mobility," *Southern Spaces*, 15 April 2015, n.p.
[52] Anderson, *One Person, No Vote*, 60
[53] Aaron Gould Sheinin, "Deal Apologizes for 'Ghetto' Remark," *Atlanta Journal-Constitution*, 6 October 2009.
[54] Hunter Schwarz, "Georgia State Senator Upset Over Efforts to Increase Voter Turnout in Black, Democratic Area," *Washington Post*, 10 September 2014.

on immigration policies. Yet Williams, who represented a county where white mobs ran out most Black residents in a violent 1912 racial cleansing, showed more concern for the erasure of Confederate monuments and the "defacing of Stone Mountain"—the site of the Ku Klux Klan's rebirth in 1915.[55]

For constituents who feel under siege in an era of tremendous demographic and cultural change, these racial appeals fuel support for a slew of strategies designed to preserve their political power and advantage. As in previous generations, those tactics are racial but also spatial, as former President Trump's attacks on Atlanta officials and voters bear out. From his 2017 attack on voting rights icon John L. Lewis' "crime infested" congressional district to unsubstantiated claims that Fulton County election officials fabricated tens of thousands of ballots, shredded "thousands and thousands" more, and forged "at least a couple hundred thousand" absentee ballot signatures in the 2020 presidential election, Trump revived an age-old tactic of targeting urban Georgia—and urban Georgians—as a uniquely unfit for governance.[56]

These claims matter because they demonstrate the historical link between voter suppression and political violence. To an extent not seen since the Reconstruction era, allegations of voter fraud and political corruption aimed primarily at Atlanta and metropolitan areas fueled the threat of blood flowing in the streets of the nation's capital. Hundreds of armed rioters, including a Georgia-born man who entered the Senate Chamber with zip ties, a Henry County man who threatened Capitol police with death, and a Cobb County woman who died in the crowd crush, believed themselves to be part of a patriotic attempt to save their country. "We occupied the Capitol and shut down the Government," bragged an attorney from Sumter County. "We shut down their stolen election shenanigans."[57]

With the violent response to the 2021 election results, and the claims of malfeasance and corruption in Georgia, as pretext, diehard supporters of voter restrictions redoubled their efforts. In early 2021, Columbia County state representative Barry Fleming introduced House Bill 531, which ramped up restrictions on absentee ballots, early voting, and ballot drop boxes. These restrictions included restrictions on Sunday voting options that have historically boosted Black voter turnout.[58] Large portions of this bill were later incorporated into Senate Bill 202, a sweeping piece of legislation that was passed by the legislature and signed by the Governor in March of 2021.

That the renewed push for voting restrictions followed the most serious threat to a national election in more than a century demonstrates the ongoing link between racial appeals, voter intimidation, and policies that depress and dilute minority voting strength. The current redistricting effort must be understood not only in the context of Georgia's longstanding history

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[55] Molly Olmstead, "Georgia Gubernatorial Candidate Begins 'Deportation Bus' Tour With Promise to 'Fill This Bus With Illegals'," *Slate*, 16 May 2018.

[56] Hope Yen, Jeff Amy, and Michael Balsamo, "AP FACT CHECK: Trump's Made-Up Claims of Fake Georgia Votes," *Associated Press*, 3 January 2021.

[57] Associated Press, "Georgia Man Arrested in Connection With Capitol Riot," *US News and World Report*, 18 February 2021

[58] Ben Nadler and Anila Yoganathan, "Georgia House Passes GOP Bill Rolling Back Voting Access," *Associated Press*, 1 March 2021.

of racial violence, voter intimidation, and racial appeals, but also in the immediate context of an accelerated assault on voting rights.

V. CONCLUSION

Racial intimidation of and violence against Black voters has a long history in Georgia, and no state has fought harder to limit the franchise since Reconstruction. Political campaigns in the state, as well as advocacy for voter restrictions by elected officials, have consistently relied on overt and subtle racial appeals to mobilize support. Historically, the politics of voting rights in Georgia has pitted state against nation, and rural against urban.

While no state has been more comprehensive and consistent in the use of voter suppression measures, the erosion of Black political power via redistricting has increased in strategic importance even as other disfranchisement and dilution tactics have been eliminated. The racial and spatial nature of voter suppression in Georgia, which equates Black politics with urban politics, malfeasance, and corruption, has resulted in volatile rhetoric and results from Reconstruction to the present.

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I reserve the right to modify and/or supplement my opinions, as well as to offer new opinions.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Respectfully submitted and executed on January 6, 2022.

Dr. Jason Morgan Ward

APPENDIX A
Curriculum Vitae

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EDUCATION

YALE UNIVERSITY
Ph.D. in History, December 2008
Dissertation, "Saving Segregation: Southern Whites, Civil Rights, and the Roots of Massive Resistance, 1936-1954"
M.A., M.Phil in History, May 2006

DUKE UNIVERSITY
A.B. in History, with Distinction, 2001

RESEARCH AND TEACHING INTERESTS

History of the United States Since Reconstruction; African American History; History of the American South; Violence and Extremism; Historical Memory

SCHOLARSHIP

PEER-REVIEWED PUBLICATIONS

Books
Hanging Bridge: Racial Violence and America's Civil Rights Century. New York: Oxford University Press. New York: Oxford University Press, 2016.
Winner, Nonfiction Prize, Mississippi Institute of Arts and Letters, 2017
Winner, McLemore Prize, Mississippi Historical Society, 2017
Defending White Democracy: The Making of a Segregationist Movement and the Remaking of Racial Politics, 1936-1965. Chapel Hill: University of North Carolina Press, 2011.

Journal Articles and Book Chapters

"Racial Violence in the United States since the Civil War." In *Cambridge World History of Violence*, vol. 4, edited by Louise Edwards, Nigel Penn, and Jay Winter. London: Cambridge University Press, 2020: 88-109.

"From the Great Depression to the 'End of Southern History'?" (co-authored with Jennifer Ritterhouse). In *Reinterpreting Southern Histories: Essays in Historiography*, edited by Craig Thompson Friend and Lorri Glover. Baton Rouge: Louisiana State University Press, 2020: 363-84.

"Causes Lost and Found: Re-Fighting Reconstruction in the Roosevelt Era." In *Remembering Reconstruction: Struggles Over the Meaning of America's Most Tumultuous Era*, edited by Bruce E. Baker and Carole Emberton. Baton Rouge: Louisiana State University Press, 2017: 35-57.

"The 1956 D.C. School Hearings and the National Vision of Massive Resistance," *Journal of Civil and Human Rights* 1 (Spring/Summer 2015): 82-110.

"'A Monument to Judge Lynch': Racial Violence, Symbolic Death, and Black Resistance in Jim Crow Mississippi." In *Death in the American South*, edited by Craig Thompson Friend and Lorri Glover. New York: Cambridge University Press, 2014: 229-49.

"'Negroes, the New Deal, and…Karl Marx': Southern Antistatism in Depression and War." In *Nation Within a Nation: The American South and the Federal Government*, edited by Glenn Feldman. Gainesville: University Press of Florida, 2014: 102-21.

"'A War for States' Rights': The White Supremacist Vision of Double Victory." In *Fog of War: The Second World War and the Civil Rights Movement*, edited by Kevin M. Kruse and Stephen G. N. Tuck. New York: Oxford University Press, 2012: 126-44.

"'Nazis Hoe Cotton': Planters, POWs, and the Future of Farm Labor in the Deep South." *Agricultural History* 81 (Fall 2007): 471-92.

Winner, Everett E. Edwards Award, Agricultural History Society, 2007

"'No Jap Crow': Japanese Americans Encounter the World War II South." *Journal of Southern History* 73 (February 2007): 75-104.

Scholarly Introduction to Book Reissue

"Introduction to the New Edition," *Mississippi Black Paper* (first published 1965 by Random House). Civil Rights in Mississippi Series. Jackson: University Press of Mississippi, 2017: vii-xxvii.

OTHER PUBLICATIONS

Commentary in National Media and Professional Publications

"Georgia's Voter Law Is Called 'Jim Crow 2.0' For A Reason," New York Times, March 31, 2021

"The Horrendous Message Behind Trump's 'Lynching' Tweet," *CNN*, October 23, 2019

""A Mississippi Senator Joked About 'Public Hanging.' Here's Why That's Unacceptable," *Washington Post*, November 15, 2018

"Add This to the Courthouse Lawn: A Memorial to Lynching", *Los Angeles Times*, April 22, 2018

"The Myth of Southern Blood," *Washington Post*, August 21, 2017

"The Cause Was Never Lost," *The American Historian*, no. 6 (November 2015): 24-6.

"Dylann Roof and the White Fear of a Black Takeover," *Los Angeles Times*, June 19, 2015

"Southern 'Hanging Bridge': A Monument to Judge Lynch," *Los Angeles Times*, February 22, 2015
"Lynching, Murder, and the Judge," *Atlanta Journal-Constitution*, February 20, 2015

Reference Articles

"Walter F. White's 'U.S. Department of (White) Justice.'" In *Milestone Documents in African American History*, vol. 3, edited by Paul Finkelman. Dallas: Schlager Group, 2010: 1128-35.

Review Essays

"The Legacy Museum: From Enslavement to Mass Incarceration: The National Memorial for Peace and Justice, Montgomery, Alabama. The Equal Justice Initiative," *American Historical Review* 123 (October 2018): 1271-2

"Shades of Violence: Jim Crow Justice and Black Resistance in the Depression-Era South," *Southern Spaces,* 13 September 2018.

Book Reviews

Dave Tell. *Remembering Emmett Till* (Chicago: University of Chicago Press, 2019) in *Journal of African American History* 106 (Summer 2021): 544-6.

Donald J. Matthews, *At the Altar of Lynching: Burning Sam Hose in the American South* (New York: Cambridge University Press, 2017) in *Journal of American History* 105 (December 2018): 713-4.

Kim Lacy Rogers, *Life and Death in the Delta: African American Narratives of Violence, Resilience, and Social Change* (New York: Palgrave MacMillan, 2006) in *Oral History Review* 43 (December 2016): 227-8.

Glenn Feldman, *The Great Melding: War, the Dixiecrat Rebellion, and the Southern Model for America's New Conservatism* (Tuscaloosa: University of Alabama Press, 2015) in *American Historical Review* 121 (October 2016): 1315-6.

Ted Ownby, ed., *The Civil Rights Movement in Mississippi* (Jackson: University Press of Mississippi, 2013) in *Journal of American History* 101 (September 2014): 647.

Akinyele Omowale Umoja, *We Will Shoot Back: Armed Resistance in the Mississippi Freedom Movement* (New York: New York University Press, 2013) in *Reviews in American History* 42 (June 2014): 341-5.

Brett Gadsden, *Between North and South: Delaware, Desegregation, and the Myth of American Sectionalism* (Philadelphia: University of Pennsylvania Press, 2013) in *American Historical Review* 118 (December 2013): 1556-7.

Joseph Crespino, *Strom Thurmond's America* (New York: Hill and Wang, 2012) in *South Carolina Historical Magazine* 114 (January 2013): 59-60.

Chris Danielson, *After Freedom Summer: How Race Realigned Mississippi Politics, 1965-1986* (Gainesville: University Press of Florida, 2011) in *Journal of American Studies* 47 (February 2013): 291-2.

Glenn Feldman, ed., *Painting Dixie Red: When, Where, Why, and How the South Became Republican* (Gainesville: University Press of Florida, 2011) in *Journal of Southern History* 79 (February 2013): 221-3.

Tim S. R. Boyd, *Georgia Democrats, the Civil Rights Movement, and the Shaping of the New South* (Gainesville: University Press of Florida, 2012) in *Journal of American History* 99 (September 2012): 656-7.

Timothy J. Minchin and John A. Salmond, *After the Dream: Black and White Southerners Since 1965* (Lexington: University Press of Kentucky, 2011) in *Georgia Historical Quarterly* 95 (Summer 2012): 275-8.

John Howard, *Concentration Camps on the Home Front: Japanese Americans in the House of Jim Crow* (Chicago: University of Chicago Press, 2008) in *Journal of Southern History* 76 (February 2010): 197-9.

Paul Lombardo, *Three Generations, No Imbeciles: Eugenics, the Supreme Court, and* Buck v. Bell (Baltimore: Johns Hopkins University Press, 2008), and Michael Dorr, *Segregation's Science: Eugenics and Society in Virginia* (Charlottesville: University of Virginia Press, 2008) in *Virginia Magazine of History and Biography* 117 (2009): 302-4.

PRESENTATIONS

Invited Talks

"Getting the Most Out of Your Graduate Degree," Beyond CMU Speaker Series, Department of History, Central Michigan University, March 12, 2021.

"American Lynching: Testimony, Dialogue, and Memory," Candler School of Theology, Candler School of Theology, Emory University, February 6, 2019.

"Racial Violence, Migration, and Mississippi's Hanging Bridge," Oregon Historical Society, Portland, Oregon, April 13, 2018.

"The Swastika Entwined With Magnolia Blossoms: A Jewish Journalist Investigates Lynchings in the Wartime South," Holocaust Memorial Week, Oregon State University, Corvallis, April 12, 2018.

"Monuments to Judge Lynch: Race, Memory, and the Violence of White Supremacy," Drexel University, Philadelphia, Pennsylvania, January 18, 2018.

"Lifting the Veil: A Southern White Woman Goes Undercover in Jim Crow Mississippi," Summersell Center for the Study of the South, University of Alabama, Tuscaloosa, October 12, 2017.

"Migration, Civil Rights, and Mississippi's Hanging Bridge," Rapp Road Historical Association, Albany, New York, July 19, 2017.

"The First Federal Lynching Investigation in Mississippi History: Why It Failed and What It Can Teach Us," Osher Lifelong Learning Institute, University of Southern Mississippi, Hattiesburg, Mississippi, June 5, 2017.

"Hanging Bridge: Lessons in Testimony, Investigation, and Coalition," Banquet Keynote, Mississippi Historical Society, March 3, 2017.

"The Violence of Voter Suppression," Mississippi Freedom Project, Samuel Proctor Oral History Program-University of Florida, Delta State University, Cleveland, Mississippi, September 8, 2016.

"Racial Politics in Mississippi during World War II." History Is Lunch, Mississippi Department of Archives and History, Jackson, Mississippi, February 6, 2013.

"Mississippi, Manhattan, and the Racial Politics of World War II," Academic Lecture Series, St. John's University, Queens, New York, April 13, 2012.

"Racial Violence and Symbolic Death at Mississippi's Hanging Bridge," Colloquium in History and Culture, Drew University, Madison, New Jersey, April 12, 2012.

"Memory and the Making of a Segregationist Movement," Gilder Lehrman Center for the Study of Slavery, Resistance, and Abolition, Yale University, New Haven, Connecticut, April 11, 2012.

"Wanting the World to See: Mississippi's Hanging Bridge and the Wartime Politics of Racial Violence," Civil Rights and Restorative Justice Project, Northeastern University School of Law, Boston, Massachusetts, April 10, 2012.

"Mississippi's Hanging Bridge and the Racial Politics of World War II," Millsaps Friday Forum, Millsaps College, Jackson, Mississippi, February 24, 2012.

"Your County Could Be Next: Recovering the Deep South's Freedom Struggle," 2011 Black Belt Symposium, University of West Alabama, Livingston, Alabama, April 7, 2011.

"Generational Narrative and the Civil Rights Century: The Case of Mississippi's Hanging Bridge," Triangle African American History Colloquium, University of North Carolina at Chapel Hill, January 28, 2011.

Conference Participation

"Reinterpreting Southern Histories: A Roundtable." Panelist, Annual Meeting of the Southern Historical Association, Louisville, Kentucky, November 8, 2019.

"The Black Vote: Unraveling the History of an American Idea." A Celebration of Glenda Gilmore and Her Legacy, Yale University, New Haven, Connecticut, April 20, 2018.

"'When the Lynch Rope Fails, There Is Always the Draft': Racial Violence, Activist Families, and Grassroots Resistance in the Vietnam Era." Annual Meeting of the American Studies Association, Denver, Colorado, November 19, 2016.

"'There is a Revolution in Mississippi Today': Black Women, Federal Dollars, and White Backlash in the Civil Rights Era," Annual Meeting of the Mississippi Historical Society, Jackson, Mississippi, March 4, 2016.

"Fifty Years since Lester Maddox: Georgia's Massive Resistance to the New Right." Panelist, Annual Meeting of the American Historical Association, Atlanta, Georgia, January 10, 2016.

"The Mississippi Welfare League and the Origins of Racial Troubleshooting." Paper presented at the Annual Meeting of the Organization of American Historians, St. Louis, Missouri, April 17, 2015.

"The Coming of Age: Race, Youth, and Politics in the Twentieth Century South." Panel Commentator, Annual Meeting of the Southern Historical Association, Atlanta, Georgia, November 14, 2014.

"'I Would Be Just Like the KKK Over There': Racial Violence, Draft Resistance, and the Mississippi Freedom Struggle." Paper presented at the Annual Convention of the Association for the Study of African American Life and History, Memphis, Tennessee, September 25, 2014.

"Hunger and Poverty Politics in Mississippi's Ongoing Freedom Struggle." Paper presented at the Annual Meeting of the Agricultural History Society, Banff, Alberta, Canada, June 15, 2013.

"Contesting Planter Law: Black Activism in Arkansas." Panel Chair and Commentator, Southern Labor Studies Association, New Orleans, Louisiana, March 9, 2013.

"A 'Southern City' No More: White Supremacists, Civil Rights Activists, and D.C. Segregation, 1944-1956." Paper presented at the Annual Meeting of the American Historical Association, New Orleans, Louisiana, January 5, 2013.

"Power, Poverty, and Peace: Mississippi's Grassroots Militants and the Summer of '66." Paper presented at The Fire Every Time: Reframing Black Power across the Twentieth Century and Beyond, Avery Research Center, College of Charleston, South Carolina, September 21, 2012.

"The FEPC and the Making of a Segregationist Movement." Paper presented at the Annual Meeting of the Southern Historical Association, Baltimore, Maryland, October 30, 2011.

"'For Revolution's Sake': Grassroots Militancy, White Resistance, and the Meaning of Freedom in Rural Mississippi." Paper presented at the San Francisco State University Rights Conference, San Francisco, California, September 16, 2011.

"Racial Capitalism, Free Enterprise, and the Political Economy of Massive Resistance," Paper presented at the Southern Industrialization Project Meeting, University of Southern Mississippi-Gulf Park Campus, Long Beach, Mississippi, June 5, 2011.

"'A Monument to Judge Lynch': Symbolic Death and Racial Resistance at Mississippi's Hanging Bridge." Paper presented at Dying, Mourning, and Memory in the American South: An Interdisciplinary Conference, North Carolina State University, Raleigh, North Carolina, April 1, 2011.

"Caught Between Two Wars: Poverty Politics, Draft Resistance, and a Mississippi Family's Freedom Struggle." Paper presented at A Centennial Celebration of Civil Rights, University of Southern Mississippi, Hattiesburg, Mississippi, October 23, 2010.

"The District of Columbia as a Segregationist Battleground, 1944-1963." Paper presented at the San Francisco State University Rights Conference, San Francisco, California, September 16, 2010.

"The Grass Roots Problem: Elites, Everyday Southerners, and White Opposition to Civil Rights." Paper presented at the Annual Meeting of the Organization of American Historians, Seattle, Washington, March 27, 2009.

"The 1942 Shubuta Lynchings and the White South's 'Double V'." Paper presented at the Annual Meeting of the Southern Historical Association, New Orleans, Louisiana, October 11, 2008.

"Archibald Rutledge's 'Negro Problem': Plantation Nostalgia and Civil Rights in the South Carolina Lowcountry." Paper presented at the Annual Meeting of the South Carolina Historical Association, Columbia, South Carolina, March 1, 2008.

"'Nazis Hoe Cotton': Planters, POWs, and the Future of Farm Labor in the Deep South." Paper presented at World War II: After 60 Years, Siena College, Loudonville, New York, June 3, 2005.

TEACHING

EMORY UNIVERSITY

HIST 232: The Making of Modern America (introductory survey course)
HIST 385: Terrorism in America (advanced undergraduate lecture course)
HIST 488: Racial Violence in Modern America (advanced undergraduate seminar)
HIST 495a: Introduction to Historical Interpretation (undergraduate honors thesis seminar)

HIST 585: Violence in American History (graduate readings course)

COURSES TAUGHT AT OTHER INSTITUTIONS

Mississippi State University
HI 1073: Modern U.S. History
HI 3343: Delta History Service & Experiential Spring Break
HI 3903: Historiography and Historical Methods
HI 4163: The United States, 1917-1945
HI 4173: The United States Since 1945
HI 4373: Modern Civil Rights Movement
HI 4493: Terrorism in America, 1865-2001
HI 8803: Graduate Colloquium: Violence in American History
HI 8823: Graduate Seminar in US History: 1877-present
HI 8823: Graduate Seminar in US History: Oral History Theory and Practice
HI 8963: Graduate Colloquium in United States History Since 1945

University of Pennsylvania
HIST 231/AFRC 229: Racial Violence in Modern America (advanced undergraduate seminar)

Yale University
HIST 449b: Mississippi and America (advanced undergraduate seminar)

THESES AND DISSERTATIONS DIRECTED

Current Doctoral Students
Amelia Golcheski (dissertation director)
Robert Billups (dissertation committee member)
Samuel Klee (external committee member, Universitetet i Oslo, Norway)

Senior Honors Theses Directed (Emory)
Melanie Mills Dunn (2021)
Martin Pimentel (2020)
Christina Morgan (2019)

Dissertations Directed
Michael Murphy, "Inhospitable in the Hospitality State: The Mississippi State Hospital in the Jim Crow South, 1865-1966" (2018)
Kevin Boland Johnson, "Guardians of Historical Knowledge: Textbook Politics, Conservative Activism, and School Reform in Mississippi, 1928-1982" (2014)

FELLOWSHIPS, HONORS, AND AWARDS

EXTERNAL
Nonfiction Prize, Mississippi Institute of Arts and Letters, 2017
McLemore Prize (best book related to Mississippi history), Mississippi Historical Society, 2017
Mellon Postdoctoral Fellowship, Penn Humanities Forum, University of Pennsylvania, 2013-14

Sole runner-up, Allan Nevins Prize, Society of American Historians, 2009
Finalist, C. Vann Woodward Dissertation Prize, Southern Historical Association, 2009
Everett E. Edwards Award (best graduate student article), Agricultural History Society, 2007
Ellison Durant Smith Research Award, Caroliniana Library, University of South Carolina, 2007
Travel and Research Grant, Institute for Southern Studies, University of South Carolina, 2007
Joel Williamson Visiting Scholar Grant, Southern Historical Collection, University of North Carolina at Chapel Hill, 2007

INTERNAL
University Nominee, Carnegie Corporation of America Fellows Program, Mississippi State University, 2016, 2017
Dean's Eminent Scholar, College of Arts and Sciences, Mississippi State University, 2016
William E. Parrish Outstanding Teaching Award, Department of History, Mississippi State University, 2013
Carolyn S. Cobb Faculty Award for Excellence in Research, Teaching, and Service, Mississippi State University, 2011
Humanities and Arts Research Program Fellow, College of Arts and Sciences, Mississippi State University, 2010
Will Clark-State Pride Faculty Award for Excellence in Research, Teaching, and Service, Mississippi State University, 2010
Ethnic Studies Affiliate, Program on Ethnicity, Race, and Migration, Yale University, 2006
Hugh T. Lefler Award, Historical Society of North Carolina, best undergraduate paper, 2001
William Laprade Prize, Department of History, Duke University, best honors thesis, 2001

ACADEMIC POSITIONS

EMORY UNIVERSITY
Professor of History, Fall 2018-present

MISSISSIPPI STATE UNIVERSITY
Professor of History, Fall 2017-Fall 2018
Associate Professor of History, Fall 2013-Spring 2017
Assistant Professor of History, Fall 2008-Spring 2013

UNIVERSITY OF PENNSYLVANIA
Mellon Postdoctoral Fellow, Penn Humanities Forum, Fall 2013-Spring 2014

YALE UNIVERSITY
Part-Time Acting Instructor, Spring 2008.

ACADEMIC AND PROFESSIONAL SERVICE

TO THE PROFESSION

Organization of American Historians
Member, 2022 Annual Meeting Program Committee, Spring 2020-present
Member, Committee on Committees, May 2018-Spring 2020
Southern Historical Association
Member, 2022 Annual Meeting Program Committee, Fall 2021-present
Board of Editors, *Journal of Southern History*, Fall 2019-present
Member, Membership Committee, Fall 2018-Spring 2020
Manuscript Referee for The Kent State University Press, Louisiana State University Press, Oxford University Press, University of Arkansas Press, University of Georgia Press, University of Nebraska Press, University of North Carolina Press, University Press of Mississippi
Article Referee for *Journal of Southern History, Modern American History, Journal of Civil and Human Rights*, *Journal of American Studies, Southern Spaces*, *Journal of Southern Religion, Virginia Magazine of History and Biography, Alabama Review, Journal of Mississippi History*
External Reviewer for Northwestern University, University of North Carolina at Chapel Hill, Syracuse University, University of Texas-Rio Grande Valley, Millsaps College,
Faculty Collaborator, Civil Rights and Restorative Justice Project, Northeastern University School of Law, Boston, Massachusetts, Spring 2012-present

TO THE UNIVERSITY

Emory University (Spring 2019-present)
Member, President's Task Force on Untold Stories and Disenfranchised Populations, Spring 2021
Director of Graduate Studies, Department of History, Fall 2019-present
Member, Graduate Studies Committee, Department of History, Fall 2018-Spring 2019

Mississippi State University (Fall 2008-Spring 2018)
Faculty Associate, Center for the History of Agriculture, Science, and the Environment of the South (CHASES), Mississippi State University, Fall 2012-Spring 2018
Co-Creator, Course Designer, and Department Liason, Delta Alternative Spring Break, Office of Student Leadership and Community Engagement, Spring 2012-Spring 2018
Chair, Promotion and Tenure Committee, Department of History, Mississippi State University, Fall 2017-Spring 2018
Member, Teaching Evaluation Committee, Mississippi State University, Fall 2014-Spring 2017
Member, Curriculum Committee, College of Arts and Sciences, Mississippi State University, Fall 2010-Spring 2013

PROFESSIONAL MEMBERSHIPS
American Historical Association
Organization of American Historians
Southern Historical Association

APPENDIX B
Reliance Materials

Government Documents

Congressional Record, 75th Congress, 3rd Session, 1938.

Hearings before Subcommittee No. 5 of the Committee on the Judiciary, House of Representatives, 89th Cong., 1st sess., H.R. 6400 and other Proposals to Enforce the 15th Amendment of the Constitution of the United States, March 18, 19, 24, 25, 29, 30, 31, and April 1, 1965, Serial No. 2.

Kassinger, Edward T. "Unknown Subjects: Racial Discrimination in Registration of Negro Voters, State of Georgia," 24 October 1946, 128-31, 326-8, folder 1, file 44-114, Records of the Federal Bureau of Investigation, National Archives and Records Administration, College Park, Maryland.

South Carolina in 1876: Report on the Denial of the Elective Franchise in South Carolina at the State and National Election of 1876. United States: United States Government Printing Office, 1877.

United States Commission on Civil Rights, *Political Participation: A Study of the Participation by Negroes in the Electoral and Political Processes in 10 Southern States Since the Passage of the Voting Rights Act of 1965.* Washington, D.C.: United States Government Printing Office, 1968.

"Voting Rights: Evidence of Continued Need," Hearing Before the Subcommittee on the Constitution of the Committee on the Judiciary, House of Representatives, 109th Cong. 2nd sess., March 8, 2006, Serial No. 109-103, vol. I.

Legal Records

Carrolton Branch of the NAACP v. Stallings, 829 F. 2d 1547 (11th Cir. 1987)

Manuscript Collections

Papers of the National Association for the Advancement of Colored People. Library of Congress, Washington, District of Columbia.

Richard B. Russell Papers, Richard B. Russell Library for Political Research and Studies, University of Georgia, Athens.

Talmadge Pamphlets, Special Collections, McCain Library and Archives, University of Southern Mississippi, Hattiesburg, Mississippi.

Published Primary Sources

Life and Labors of Henry W. Grady: His Speeches, Writings, Etc. New York: H.C. Hudgins and Co, 1890.

Talmadge, Herman. *You and Segregation.* Birmingham: Vulcan Press, 1955.

Newspapers, Periodicals, and Websites

"A Negro Lynched," *New York Times,* 23 July 1889, 1.

Associated Press, "Georgia Man Arrested in Connection With Capitol Riot," *US News and World Report,* 18 February 2021.

"Crime," *The Crisis* 18 (July 1919): 155.

"Georgia Negroes Appeal to Courts as Dixiecrats Purge Voting Lists," *Chicago Defender,* 14 August 1948, 1-2.

"Georgia's George Relies on Prejudice to Save His Seat," [New York] *Amsterdam News,* 27 August 1938, A3.

"Hon. Thos. Hardwick Addresses Convention," *Atlanta Constitution,* 5 September 1906, 2.

King, Jr., M. L., "Letters to the Editor," *The Atlanta Journal Constitution,* 6 August 1946.

Nadler, Ben, and Anila Yoganathan, "Georgia House Passes GOP Bill Rolling Back Voting Access," *Associated Press,* 1 March 2021.

"Negro Lynching by Georgia Mob," *New York Times,* 19 February 1918, 6.

"North Carolina's Sweet Womanhood Appeals to the Ballot for Protection," *Atlanta Constitution,* 2 October 1898, 5.

Olmstead, Molly. "Georgia Gubernatorial Candidate Begins 'Deportation Bus' Tour With Promise to 'Fill This Bus With Illegals'," *Slate,* 16 May 2018.

Poll Tax Repealer, September 1942, 1.

Schwarz, Hunter. "Georgia State Senator Upset Over Efforts to Increase Voter Turnout in Black, Democratic Area," *Washington Post,* 10 September 2014.

"Sheet, Sugar Sack, and Cross," *Time,* 15 March 1948.

Sheinin, Aaron Gould. "Deal Apologizes for 'Ghetto' Remark," *Atlanta Journal-Constitution,* 6 October 2009

"Text of the Platform Adopted by the Democratic Convention," *Atlanta Constitution,* 5 September 1906, 6.

"The Georgia Election," *Harpers Weekly,* 19 October 1872, 833.

White, Walter F. "The Work of a Mob," *The Crisis* 16 (September 1918): 221-3.

Yen, Hope, Jeff Amy, and Michael Balsamo, "AP FACT CHECK: Trump's Made-Up Claims of Fake Georgia Votes," *Associated Press,* 3 January 2021.

Books and Articles

Anderson, Carol. *One Person, No Vote: How Voter Suppression Is Destroying Our Democracy.* New York: Bloomsbury Publishing, 2018.

Applebome, Peter. *Dixie Rising: How the South is Shaping American Values, Politics, and Culture.* New York: Harcourt, Brace, and Co., 1996.

Bartley, Numan V. *The Creation of Modern Georgia.* Athens: University of Georgia Press, 1990.

Bernd, Joseph L. "White Supremacy and the Disfranchisement of Blacks in Georgia, 1946." *The Georgia Historical Quarterly* 66 (Winter 1982): 492-513.

Brooks, Jennifer E. *Defining the Peace: World War II Veterans, Race, and the Remaking of Southern Political Tradition.* Chapel Hill: The University of North Carolina Press, 2004.

Brown-Marshall, Gloria J. *The Voting Rights War: The NAACP and the Ongoing Struggle for Justice.* New York: Rowman and Littlefield, 2016.

Boyd, Tim S. R. *Georgia Democrats, the Civil Rights Movement, and the Shaping of the New South.* Gainesville: University Press of Florida, 2012.

Brundage, W. Fitzhugh. *Lynching in the New South: Georgia and Virginia, 1880-1930.* Urbana and Chicago: University of Illinois Press, 1993.

Dray, Philip. *At the Hands of Persons Unknown: The Lynching of Black America.* New York: Modern Library, 2003.

Du Bois, W.E.B. *Black Reconstruction in America.* New York: Russell and Russell, 1935.

Emberton, Carole. *Beyond Redemption: Race, Violence, and the American South After the Civil War.* Chicago: University of Chicago Press, 2013.

Feimster, Crystal. *Southern Horrors: Women and the Politics of Rape and Lynching.* Harvard University Press, 2009.

Foner, Eric. *A Short History of Reconstruction, 1863-1877.* New York: Harper Perennial, 1990.

Formwalt, Lee W. "The Camilla Massacre of 1868: Racial Violence as Political Propaganda." *The Georgia Historical Quarterly* 71 (Fall 1987): 399-426.

Freeman, David B. *Carved in Stone: The History of Stone Mountain.* Macon, Ga: Mercer University Press, 1997.

Godshalk, David Fort. *Veiled Visions: The 1906 Atlanta Race Riot and the Reshaping of American Race Relations.* Chapel Hill: University of North Carolina Press, 2005.

Grantham, Dewey W. "Georgia Politics and the Disfranchisement of the Negro, *The Georgia Historical Quarterly* 32 (March 1948): 1-21.

Kousser, J. Morgan. *Colorblind Injustice: Minority Voting Rights and the Undoing of the Second Reconstruction.* Chapel Hill: University of North Carolina Press, 1999.

———. *The Shaping of Southern Politics: Suffrage Restriction and the Establishment of the One-Party South, 1880-1910.* New Haven: Yale University Press, 1974.

Korobkin, Russell. "The Politics of Disfranchisement in Georgia," *The Georgia Historical Quarterly* 74 (Spring 1990): 20-58.

Kruse, Kevin M. *White Flight: Atlanta and the Making of Modern Conservatism.* Princeton: Princeton University Press, 2007.

Lawson, Steven F. *Black Ballots: Voting Rights in the South, 1944-1969.* New York: Columbia University Press, 1976.

McDonald, Laughlin. *A Voting Rights Odyssey: Black Enfranchisement in Georgia.* Cambridge: Cambridge University Press, 2003.

McWhirter, Cameron. *Red Summer: The Summer of 1919 and the Awakening of Black America.* New York: Henry Holt and Company, 2011.

Perman, Michael. *Struggle for Mastery: Disfranchisement in the South, 1888-1908.* Chapel Hill: University of North Carolina Press, 2001.

Pooley, Karen. "Segregation's New Geography: The Atlanta Metro Region, Race, and the Declining Prospects for Upward Mobility," *Southern Spaces*, 15 April 2015 [n.p., online]

Riser, R. Volney. *Defying Disfranchisement: Black Voting Rights Activism in the Jim Crow South, 1890-1908.* Baton Rouge: Louisiana State University Press, 2013.

Tolnay, Stewart Emory and E. M. Beck. *A Festival of Violence: An Analysis of Southern*

Lynchings, 1882-1930. Urbana: University of Illinois Press, 1995.

Tuck, Stephen G. N. *Beyond Atlanta: The Struggle for Racial Equality in Georgia, 1940-1980.* Athens: University of Georgia Press, 2001.

Ward, Jason Morgan. *Defending White Democracy: The Making of a Segregationist Movement and the Remaking of Racial Politics, 1936-1965.* Chapel Hill: The University of North Carolina Press, 2011.

Williams, Kidada E. *They Left Great Marks on Me: African American Testimonies of Racial Violence from Emancipation to World War I.* New York: New York University Press, 2012.

Woodward, C. Vann. *Tom Watson: Agrarian Rebel.* New York: MacMillan, 1938.

EXHIBIT F

DECLARATION OF KATIE BAILEY GLENN

My name is Katie Bailey Glenn and I am over the age of 18 and fully competent to make this declaration. Under penalty of perjury, I state the following:

1. I live at 140 Greenway Park Drive, McDonough, Georgia, 30253 with my son. I thus reside in State Senate District 17 under the new State Senate map recently adopted by the State.
2. I am African-American.
3. I was born and raised in Macon, Georgia but moved to McDonough, Georgia in the 1960s, and have lived here ever since. I have lived at the Greenway Park Drive address for over 50 years and I am registered to vote at that address.
4. I am politically engaged and have voted consistently for years, including in elections for State Senate and State House.
5. I have a Master's degree in Education.
6. I served as a schoolteacher for over 35 years, and taught English and French. I retired in 1977.

7. In addition to my teaching duties, I also worked with the State of Georgia and helped to certify new teachers before my retirement.

8. I currently volunteer with the Henry County Retired Teachers' Association.

9. I am an active member of my church, Wesley Chapel United Methodist Church.

10. I am concerned about the fairness of the redistricting process in the State of Georgia. I believe that the way that the lines have been drawn in the redistricting process is unfair and does not give everyone a voice in the political process. I think this is especially true for African American voters like myself.

11. I declare under penalty of perjury that the foregoing is true and correct.

DATED this 22 day of December, 2021.

By: Katie Bailey Glenn

Katie Bailey Glenn

EXHIBIT G

DECLARATION OF PHIL S. BROWN

My name is Phil S. Brown and I am over the age of 18 and fully competent to make this declaration. Under penalty of perjury, I state the following:

1. I live at 18174 U.S. Highway 1 N., Wrens, Georgia 30833 with my two grandchildren. I thus reside in State Senate District 23 under the new State Senate map recently adopted by the State.
2. I am African-American.
3. I was born and raised in Wrens, GA, and have lived here all my life. I am registered to vote at the U.S. Highway 1 N. address.
4. I am politically engaged and have voted consistently for years, including in elections for State Senate and State House.
5. I intend to vote in the next election for State Senate and State House.
6. I have served as a poll worker and poll manager in my community for over 10 years.
7. I am currently retired, but was a factory worker before retirement.
8. I am an active member of the AME Church, and worship at the Lofton Circuit AME Church in Wrens, Georgia.
9. I also serve as the Steward Pro Tem at the Lofton Circuit AME Church.

10. I believe that the redistricting process should be fair to all voters, regardless of the color of their skin or their income level. I am concerned because I believe that African American voices will not be reflected in a fair way by the lines that the State has drawn.

11. I declare under penalty of perjury that the foregoing is true and correct.

DATED this 28 day of Dec., 2021.

By: Phil S. B.

Phil S. Brown

EXHIBIT H

DECLARATION OF JANICE STEWART

My name is Janice Stewart and I am over the age of 18 and fully competent to make this declaration. Under penalty of perjury, I state the following:

1. I live at 2313 Cassidy Road, Thomasville, GA 31792 with my husband and daughter. I thus reside in State House District 173 under the new State House map recently adopted by the State.
2. I am African-American.
3. I was born and raised in Mitchell County, Georgia but moved to Thomas County, Georgia about 30 years ago, and have lived here ever since. I have lived at the Cassidy Road address for about 30 years and I am registered to vote at that address.
4. I am politically engaged and have voted consistently for years, including in elections for State Senate and State House.
5. I intend to vote in the next election for State Senate and State House.
6. I have earned a number of degrees, including a Master's in Business Administration (MBA) and a Master's in

Management. I currently work as a senior administrative assistant at a large company.

7. I am an active member of my church, Saint Peter AME Church, Camilla.

8. I believe that redistricting should be done in a way that is fair to all voters. I know that redistricting has a big impact on my community, and an unfair redistricting process can affect voters in my community for many years.

9. I declare under penalty of perjury that the foregoing is true and correct.

DATED this 29th day of December, 2021.

By: _____

Janice Stewart

EXHIBIT H

DECLARATION OF JANICE STEWART

My name is Janice Stewart and I am over the age of 18 and fully competent to make this declaration. Under penalty of perjury, I state the following:

1. I live at 2313 Cassidy Road, Thomasville, GA 31792 with my husband and daughter. I thus reside in State House District 173 under the new State House map recently adopted by the State.
2. I am African-American.
3. I was born and raised in Mitchell County, Georgia but moved to Thomas County, Georgia about 30 years ago, and have lived here ever since. I have lived at the Cassidy Road address for about 30 years and I am registered to vote at that address.
4. I am politically engaged and have voted consistently for years, including in elections for State Senate and State House.
5. I intend to vote in the next election for State Senate and State House.
6. I have earned a number of degrees, including a Master's in Business Administration (MBA) and a Master's in

Management. I currently work as a senior administrative assistant at a large company.

7. I am an active member of my church, Saint Peter AME Church, Camilla.

8. I believe that redistricting should be done in a way that is fair to all voters. I know that redistricting has a big impact on my community, and an unfair redistricting process can affect voters in my community for many years.

9. I declare under penalty of perjury that the foregoing is true and correct.

DATED this 29th day of December, 2021.

By: _____

Janice Stewart

EXHIBIT I

DECLARATION OF ERIC T. WOODS

My name is Eric T. Woods and I am over the age of 18 and fully competent to make this declaration. Under penalty of perjury, I state the following:

1. I live at 285 Park Haven Lane, Tyrone, GA 30290 with my wife and three children. I thus reside in State Senate District 16 under the new State Senate map recently adopted by the State.
2. I am African-American.
3. I was born and raised in Detroit, Michigan but moved to Fayette County, Georgia in 2008, and have lived here ever since. I have lived at the Park Haven Lane address for about 10 years and I am registered to vote at that address.
4. I am politically engaged and have voted consistently for years, including in elections for State Senate and State House.
5. I intend to vote in the next election for State Senate and State House.
6. I earned a Master's Degree in 1999.
7. I previously served in the army for 26 years.
8. I care deeply about my community and about the fairness of the redistricting process. I believe that the redistricting process should have been fairer to members of my community, including the African American community.
9. I declare under penalty of perjury that the foregoing is true and correct.

DATED this 29 day of DECEMBER 2021.

By: Eric T. Woods

Eric T. Woods

EXHIBIT J

ALPHA PHI ALPHA FRATERNITY INC., *et al.*,

Plaintiffs,

vs.

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

Defendant.

DECLARATION OF SHERMAN LOFTON, JR., ON BEHALF OF ALPHA PHI ALPHA FRATERNITY INC.

My name is Sherman Lofton, Jr. I am over the age of twenty-one (21) years of age and am fully competent to execute this Declaration. I have knowledge of the facts recited here, which are true and correct, and are based on my personal knowledge. Under penalty of perjury, I state the following:

1. I am the Georgia District Director of Alpha Phi Alpha Fraternity Inc. ("Alpha Phi Alpha"), the Nation's oldest Black fraternity. Alpha Phi Alpha is a Plaintiff in this action.

2. Alpha Phi Alpha is the first intercollegiate Greek-letter fraternity established for Black Men. The organization was founded in 1906 at Cornell University in Ithaca, New York.

3. I have been involved with Alpha Phi Alpha since 1995, and served in various leadership roles prior to serving as Georgia District Director beginning in 2019. I have served on the Georgia District Board of Directors since 1996. Through my prior leadership positions in Alpha Phi Alpha, I supervised our programming and chapters in the metro Atlanta region, including Cobb, Henry, Spalding, and Coweta counties.

4. As Georgia District Director, I support the initiatives and programming of the Regional Vice President with Alpha Phi Alpha's Georgia chapters. In addition to overseeing initiatives, programs, projects, and intakes, I am the lead representative for the Georgia District Association and serve as a spokesperson for the fraternity in the State.

5. Alpha Phi Alpha has over 3,000 members across Georgia. Many of these members are Black Georgians who are registered voters. Members of our organization live in every region of the State, including in Metro Atlanta, Augusta and the surrounding counties, Southwestern Georgia (including the counties around Columbus and Albany), and other counties across the state.

6. Specifically, members of our organization live in and around new Georgia Senate Districts 16 and 17 and the newly-drawn House Districts drawn in those same areas, including House Districts 74, 114, 117, and 134, including, without limitation, in Fayette County, Spalding County, Henry County, Newton County, and other counties in the area. For example, one of our members, Brother Harry Mays, resides in House District 117.

7. Our members also live in and/or around the area that comprises new Georgia Senate District 23 (as well as the new House Districts drawn in and/or around the same area, such as House Districts 128 and 133), including, without limitation, in Richmond County (which includes Augusta) as well as various nearby counties, such as Burke County, Jefferson County, and Baldwin County.

8. Alpha Phi Alpha also has members living in and/or around the area that comprises new Georgia House Districts 171 and 173 (as well as other new House Districts drawn in and/or around the same area), including, without limitation, in Dougherty County (which includes Albany) as well as various nearby counties, including, among a number of others, Mitchell County and Thomas County.

9. Members of Alpha Phi Alpha in the Georgia District include Black registered voters who I understand reside in the new State Senate and State House districts discussed above, but who would reside in the illustrative

additional majority-Black State Senate and State House districts presented by Plaintiffs in this case that could have and should have been drawn in the above-discussed areas.

10. Alpha Phi Alpha has historically made raising the civic participation of its members and Black Americans an organizational priority. Beginning in the 1930s, Alpha Phi Alpha created a National Program called "A Voteless People is a Hopeless People," which seeks to enhance Black civic participation and voting. Through the "A Voteless People is a Hopeless People" National Program, Alpha Phi Alpha focuses on voter education, registration, civic awareness, and empowerment.

11. The Georgia District is one of the most active segments of the fraternity in community engagement. The District prioritizes social justice, voter enfranchisement, criminal justice, education, and anti-poverty initiatives in its activities. With additional representation in the State legislature, Black voters in Georgia could exert more political pressure on our state government to address systemic inequality and continuing discrimination in these areas, particularly when it comes to voting rights, criminal justice, the school-to-prison pipeline, and educational resources.

12. Alpha Phi Alpha actively registers voters through its "First of All, We Vote" initiative, holds events to raise political awareness and empower Black

communities, and fights efforts to diminish Black political power. The Georgia District of Alpha Phi Alpha has advocated at the state capitol for legislation that expands voting rights for all Georgians and regularly works in local communities to register voters and educate them on their rights.

13. The new maps directly affect those efforts by undermining the ability of Black Georgians, including members of Alpha Phi Alpha, to elect representatives of their choice.

14. On August 11, 2021, I provided public comments on behalf of Georgia members of Alpha Phi Alpha at a redistricting town hall convened by members of the Georgia legislature in Augusta, Georgia. At the town hall, I asked the Chairs of the Redistricting Committees in the House and Senate to make sure that people of color had a voice in the redistricting process. I also asked that the legislature draw maps in a way that is fair and transparent, because the redistricting process would affect the lives of so many Georgians.

15. Georgia's minority population, especially among Black Georgians, has grown over the past decade and drives Georgia's economic growth and national prominence. I have observed this growth and change firsthand as a resident of Henry County, which has both grown in population and become increasingly diverse over the past decade. In my observation, this growth is being driven in part by Black citizens from the larger Atlanta metro, as well as

from around the country, moving to Henry County, deepening the ties of the County's growing Black community to that of the broader region.

16. The proposed Georgia State and House maps do not reflect the growth of the State's minority population, especially in the metro Atlanta area.

17. If the new maps take effect, Alpha Phi Alpha will be forced to divert resources from its voter education and registration programming to the affected districts in order to protect the representation and interests of its members in the community.

18. I declare under the penalty of perjury that the foregoing is true and correct.

Dated this 28th day of December, 2021,

By: /s/ Reginald T. Jackson

Reginald T. Jackson

EXHIBIT K

ALPHA PHI ALPHA FRATERNITY INC., *et al*.,

Plaintiffs,

vs.

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

Defendant.

DECLARATION OF BISHOP REGINALD T. JACKSON, ON BEHALF OF THE SIXTH DISTRICT OF THE AFRICAN METHODIST EPISCOPAL CHURCH

My name is Reginald T. Jackson. I am over the age of twenty-one (21) years of age and am fully competent to execute this Declaration. I have knowledge of the facts recited here, which are true and correct, and are based on my personal knowledge. Under penalty of perjury, I state the following:

1. I am the presiding prelate of the Sixth Episcopal District of the African Methodist Episcopal Church ("AME Church"). The Sixth District is one of twenty districts of the AME Church and covers the entirety of the State of Georgia. The Sixth District of the AME Church is a Plaintiff in this action.

2. I was elected and consecrated the 132nd bishop of the AME Church in 2012, and have served in this position for nine years. I have served as the chairman of the Social Action Commission of the AME Church and am the current chairman of the Commission on Colleges, Universities and Seminaries.

3. The AME Church traces its roots to 1816 as the first independent Protestant denomination founded by Black people in response to segregation and discrimination in the Methodist Episcopal Church.

4. The AME Church places a strong emphasis on social service. In addition to its primary mission of religious education, AME Church has a secondary mission of service to the homeless, the imprisoned, the poor, and other needy persons.

5. Encouraging and supporting civic participation among its members is a core aspect of the AME Church's work. Advocating 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.

6. AME Church's activities in support of voter participation reflect the history of the civil rights march from Selma to Montgomery in Alabama. The march was organized in and began at the steps of Brown Chapel AME Church in Selma. After they were beaten by Alabama State Troopers on the Edmund

Pettus Bridge on "Bloody Sunday," the wounded marchers fled back to the sanctuary of Brown Chapel.

7. The AME Church continues to encourage civic participation by holding "Souls to the Polls" events to transport churchgoers to polling locations during advance voting periods, registering voters for elections, hosting "Get Out the Vote" efforts to increase voter turnout, and providing food, water, encouragement, and assistance to voters waiting in lines at polling locations. Advancing voting rights and eliminating barriers to political participation that have plagued the promise of full citizenship for Black Americans since this country's founding is a core issue that ties our members—and the communities in which they live—together.

8. There are more than 500 member-churches that are part of the Sixth District of the AME Church in Georgia. There are 36 congregations in Atlanta alone. The AME Church, the District, and our individual congregations serve as key community institutions, connecting members locally and throughout the State and its regions, fostering dialogue and fellowship, and maintaining the vibrancy and interconnectedness of our communities.

9. AME Church's membership includes tens of thousands of Black Georgians who are registered voters, including in Metro Atlanta, Augusta and the surrounding counties, Southwestern Georgia (including the counties in and

around Columbus and Albany), and other counties across the state. Several congregants are named Plaintiffs in this case.

10. There are approximately 60 congregations located in and around the areas that comprise new Georgia Senate Districts 16 and 17 (as well as the new House Districts drawn in and/or around the same areas, such as House Districts 74, 114, 117, and 134), including, without limitation, in Fayette County, Spalding County, Henry County, Newton County, and other counties in the area. Many, if not all, of these churches have congregants who identify as Black and who are residents and registered voters in or around Georgia Senate Districts 16 and 17 (as well as the new House Districts drawn in and/or around the same areas, such as House Districts 74, 114, 117, and 134).

a. For example, Cleveland Chapel AME Church, located in new Senate District 17, is one of our member congregations in Hampton, Georgia. Cleveland Chapel AME is in southwestern Henry County, in the Metro Atlanta area, where the population of Black Georgians has grown significantly over the past decade.

b. For another example, Rising Star Missionary Baptist Church, located in Senate District 16, is one of our member congregations in Griffin, Georgia. Rising Star Missionary Baptist is in southwestern Spalding

County, just on the outskirts of Metro Atlanta, where the population of Black Georgians has also grown since 2010.

11. Numerous AME churches are also located in and around the area that comprises new Georgia Senate District 23 (as well as the new House Districts drawn in and/or around the same area, such as House Districts 128 and 133), including, without limitation, in Richmond County (which includes Augusta) as well as various nearby counties, such as Burke County, Jefferson County, and Baldwin County. These churches also have congregants who identify as Black and who are residents and registered voters in or around Georgia Senate Districts 23 (as well as the new House Districts drawn in and/or around the same areas, such as House Districts 128 and 133).

a. For example, Spring Bethel AME Church, located in Senate District 23, is one of our member congregations in Louisville, Georgia. Spring Bethel AME Church is located in Jefferson County.

b. Flipper Chapel AME Church, located in House District 133, is one of our member congregations in Milledgeville, Georgia. Flipper Chapel AME is in central Baldwin County.

12. There are also numerous AME churches established in and around the area that comprises new Georgia House Districts 171 and 173 (as well as other new House Districts drawn in and/or around the same area), including, without

limitation, in Dougherty County (which includes Albany) as well as various nearby counties, including, among a number of others, Mitchell County and Thomas County. These churches also have congregants who identify as Black and who are residents and registered voters in or around Georgia House Districts 171 and 173.

a. For example, St. Peter AME Church, located in House District 171, is one of our member congregations in Camilla, Georgia. St. Peter AME is in Mitchell County, a part of southwest Georgia.

13. Members of AME Church include Black registered voters who I understand reside in the new State Senate and State House districts discussed above , but who would reside in the illustrative additional majority-Black State Senate and State House districts presented by Plaintiffs in this case that could have and should have been drawn in the above-discussed areas .

14. The new maps directly affect AME Church's advocacy efforts by undermining the ability of Black Georgians, including the Church's members, to elect representatives of their choice.

15. AME Church will be forced to divert resources from its broader voter registration and community empowerment initiatives to areas where Black voting strength has been unlawfully watered down in order to protect the representation and interests of its members.

16. I declare under penalty of perjury that the foregoing is true and correct.

Dated this 31st day of December, 2021,

By: /s/ _____

Sherman Lofton, Jr.

EXHIBIT L

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

I. HEARINGS AND MEETINGS

A. PUBLIC HEARINGS

1. A series of public hearings were held to actively seek public participation and input concerning the General Assembly's redrawing of congressional and legislative districts.

2. Video recordings of all hearings are and shall remain available on the legislative website, www.legis.ga.gov

B. COMMITTEE MEETINGS

1. All formal meetings of the full committee will be open to the public.

2. When the General Assembly is not in session, notices of all such meetings will be posted at the Offices of the Clerk of the House or Secretary of the Senate and other appropriate places at least 24 hours in advance of any meeting. Individual notices may be transmitted by email to any citizen or organization requesting the same without charge. Persons or organizations needing this information should contact the Senate Press Office or House Communications Office or the Secretary of the Senate or Clerk of the House to be placed on the notification list.

3. Minutes of all such meetings shall be kept and maintained in accordance with the rules of the House and Senate. Copies of the minutes should be made available in a timely manner at a reasonable cost in accordance with these same rules.

IL PUBLIC ACCESS TO REDISTRICTING DATA AND MATERIALS

A. Census information databases on any medium created at public expense and held by the Committee or by the Legislative and Congressional Reapportionment Office for use in the redistricting process are included as public records and copies can be made available to the public in accordance with the rules of the General Assembly and subject to reasonable charges for search, retrieval, reproduction and other reasonable, related costs.

B. Copies of the public records described above may be obtained at the cost of reproduction by members of the public on electronic media if the material exists on an appropriate electronic medium. Cost of reproduction may include not only the medium on which the copies made, but also the labor cost for the search, retrieval, and reproduction of the records and other reasonable, related costs.

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

III. REDISTRICTING PLANS

A. GENERAL PRINCIPLES FOR DRAFTING PLANS

1. Each congressional district should be drawn with a total population of plus or minus one person from the ideal district size.

2. Each legislative district of the General Assembly should be drawn to achieve a total population that is substantially equal as practicable, considering the principles listed below.

3. All plans adopted by the Committee will comply with Section 2 of the Voting Rights Act of 1965, as amended.

4. All plans adopted by the Committee will comply with the United States and Georgia Constitutions.

5. Districts shall be composed of contiguous geography. Districts that connect on a single point are not contiguous.

6. No multi-member districts shall be drawn on any legislative redistricting plan.

7. The Committee should consider:

   a. The boundaries of counties and precincts;

   b. Compactness; and

   c. Communities of interest.

8. Efforts should be made to avoid the unnecessary pairing of incumbents.

9. The identifying of these criteria is not intended to limit the consideration of any other principles or factors that the Committee deems appropriate.

B. PLANS PRODUCED THROUGH THE LEGISLATIVE AND CONGRESSIONAL REAPPORTIONMENT OFFICE

1. Staff of the Legislative and Congressional Reapportionment Office will be available to all members of the General Assembly requesting assistance in accordance with the policy of that office.

2. Census data and redistricting work maps will be available to all members of the General Assembly upon request, provided that (a) the map was created by the requesting member, (b) the map is publicly available, or (c) the Legislative and Congressional Reapportionment Office has been granted permission by the author of the map to share a copy with the requesting member.

3. As noted above, redistricting plans and other records related to the provision of staff services to individual members of the General Assembly will not be subject to public disclosure. Only the author of a particular map may waive the confidentiality of his or her own work product. This confidentiality provision will not apply with respect to records related to the provision of staff services to any committee or subcommittee as a whole or to any records which are or have been previously disclosed by or pursuant to the direction of an individual member of the General Assembly.

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

1. All plans submitted to the Committee will be made part of the public record and made available in the same manner as other committee public records.

2. All plans prepared outside the Legislative and Congressional Reapportionment Office must be submitted to that office prior to presentation to the Committee by a Member of the General Assembly for technical verification and presentation and bill preparation. All pieces of census geography must be accounted for in some district.

3. The electronic submission of material for technical verification must be made in accordance with the following requirements or in a manner specifically approved and accepted by the Legislative and Congressional Reapportionment Office.

   a. The submission shall be in electronic format with accompanying documentation that shows the submitting sponsor of the proposed plan and contact person for the proposed plan, including email address and telephone number.

   b. An electronic map image that clearly depicts defined boundaries, utilizing the 2020 United States Census geographic boundaries,

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

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

4. If submission of the plan cannot be done electronically, the following requirements must be followed:

   a. All drafts, amendments, or revisions should be on clearly-depicted maps that follow the 2020 Census geographic boundaries and should be accompanied by a statistical sheet listing the Census geography including the total population for each district.

   b. All plans submitted should either be a complete statewide plan or fit back into the plan that they modified, so that the proposal can be evaluated in the context of a statewide plan. All pieces of Census geography must be accounted for in some district.

D. GENERAL GUIDELINES FOR PRESENTATION OF ALL PLANS

1. A redistricting plan may be presented for consideration by the Committee only through the sponsorship of one or more Member(s) of the General Assembly. All such drafts of and amendments or revisions to plans presented at any committee meeting must be on clearly-depicted maps which follow the 2020 Census geographic boundaries and accompanied by a statistical sheet listing the Census geography, including the total population and minority populations for each proposed district.

2. No plan may be presented to the Committee unless that plan makes accommodations for and fits back into a specific, identified statewide map for the particular legislative body involved.

3. All plans presented at committee meetings will be made available for inspection by the public either electronically or by hard copy available at the Office of Legislative and Congressional Reapportionment.

E. These guidelines may be reconsidered or amended by the Committee.

EXHIBIT M

2021 Committee Guidelines

I. HEARINGS AND MEETINGS

A. PUBLIC HEARINGS

1. A series of public hearings were held to actively seek public participation and input concerning the General Assembly's redrawing of congressional and legislative districts.

2. Video recordings of all hearings are and shall remain available on the legislative website, www.legis.ga.gov

B. COMMITTEE MEETINGS

1. All formal meetings of the full committee will be open to the public.

2. When the General Assembly is not in session, notices of all such meetings will be posted at the Offices of the Clerk of the House or Secretary of the Senate and other appropriate places at least 24 hours in advance of any meeting. Individual notices may be transmitted by email to any citizen or organization requesting the same without charge. Persons or organizations needing this information should contact the Senate Press Office or House Communications Office or the Secretary of the Senate or Clerk of the House to be placed on the notification list.

3. Minutes of all such meetings shall be kept and maintained in accordance with the rules of the House and Senate. Copies of the minutes should be made available in a timely manner at a reasonable cost in accordance with these same rules.

IL PUBLIC ACCESS TO REDISTRICTING DATA AND MATERIALS

A. Census information databases on any medium created at public expense and held by the Committee or by the Legislative and Congressional Reapportionment Office for use in the redistricting process are included as public records and copies can be made available to the public in accordance with the rules of the General Assembly and subject to reasonable charges for search, retrieval, reproduction and other reasonable, related costs.

B. Copies of the public records described above may be obtained at the cost of reproduction by members of the public on electronic media if the material exists on an appropriate electronic medium. Cost of reproduction may include not only the medium on which the copies made, but also the labor cost for the search, retrieval, and reproduction of the records and other reasonable, related costs.

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

III. REDISTRICTING PLANS

A. GENERAL PRINCIPLES FOR DRAFTING PLANS

1. Each congressional district should be drawn with a total population of plus or minus one person from the ideal district size.

2. Each legislative district of the General Assembly should be drawn to achieve a total population that is substantially equal as practicable, considering the principles listed below.

3. All plans adopted by the Committee will comply with Section 2 of the Voting Rights Act of 1965, as amended.

4. All plans adopted by the Committee will comply with the United States and Georgia Constitutions.

5. Districts shall be composed of contiguous geography. Districts that connect on a single point are not contiguous.

6. No multi-member districts shall be drawn on any legislative redistricting plan.

7. The Committee should consider:

   a. The boundaries of counties and precincts;

   b. Compactness; and

   c. Communities of interest.

8. Efforts should be made to avoid the unnecessary pairing of incumbents.

9. The identifying of these criteria is not intended to limit the consideration of any other principles or factors that the Committee deems appropriate.

B. PLANS PRODUCED THROUGH THE LEGISLATIVE AND CONGRESSIONAL REAPPORTIONMENT OFFICE

1. Staff of the Legislative and Congressional Reapportionment Office will be available to all members of the General Assembly requesting assistance in accordance with the policy of that office.

2. Census data and redistricting work maps will be available to all members of the General Assembly upon request, provided that (a) the map was created by the requesting member, (b) the map is publicly available, or (c) the Legislative and Congressional Reapportionment Office has been granted permission by the author of the map to share a copy with the requesting member.

3. As noted above, redistricting plans and other records related to the provision of staff services to individual members of the General Assembly will not be subject to public disclosure. Only the author of a particular map may waive the confidentiality of his or her own work product. This confidentiality provision will not apply with respect to records related to the provision of staff services to any committee or subcommittee as a whole or to any records which are or have been previously disclosed by or pursuant to the direction of an individual member of the General Assembly.

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

1. All plans submitted to the Committee will be made part of the public record and made available in the same manner as other committee public records.

2. All plans prepared outside the Legislative and Congressional Reapportionment Office must be submitted to that office prior to presentation to the Committee by a Member of the General Assembly for technical verification and presentation and bill preparation. All pieces of census geography must be accounted for in some district.

3. The electronic submission of material for technical verification must be made in accordance with the following requirements or in a manner specifically approved and accepted by the Legislative and Congressional Reapportionment Office.

   a. The submission shall be in electronic format with accompanying documentation that shows the submitting sponsor of the proposed plan and contact person for the proposed plan, including email address and telephone number.

b. An electronic map image that clearly depicts defined boundaries, utilizing the 2020 United States Census geographic boundaries, and a block equivalency file containing two columns. The first column shall list the 15-digit census block identification numbers, and the second column shall list the three-digit district identification number. Both block and district numbers shall be zero-filled text files. Such files shall be submitted in .xis, .xlsx, .dbf, .txt, or .csv file formats. The following is a sample:

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

4. If submission of the plan cannot be done electronically, the following requirements must be followed:

a. All drafts, amendments, or revisions should be on clearly-depicted maps that follow the 2020 Census geographic boundaries and should be accompanied by a statistical sheet listing the Census geography including the total population for each district.

b. All plans submitted should either be a complete statewide plan or fit back into the plan that they modified, so that the proposal can be evaluated in the context of a statewide plan. All pieces of Census geography must be accounted for in some district.

D. GENERAL GUIDELINES FOR PRESENTATION OF ALL PLANS

1. A redistricting plan may be presented for consideration by the Committee only through the sponsorship of one or more Member(s) of the General Assembly. All such drafts of and amendments or revisions to plans presented at any committee meeting must be on clearly-depicted maps which follow the 2020 Census geographic boundaries and accompanied by a statistical sheet listing the Census geography, including the total population and minority populations for each proposed district.

2. No plan may be presented to the Committee unless that plan makes accommodations for and fits back into a specific, identified statewide map for the particular legislative body involved.

3. All plans presented at committee meetings will be made available for inspection by the public either electronically or by hard copy available at the Office of Legislative and Congressional Reapportionment.

E. These guidelines may be reconsidered or amended by the Committee.