

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

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

Plaintiffs,

vs.

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

Defendant.

Case No. 1:21-CV-05337-SCJ

JOINT STIPULATED FACTS
FOR PRELIMINARY INJUNCTION PROCEEDINGS¹

Pursuant to this Court's January 19 Coordinated Order, Doc. 55 at 3, the parties in the above captioned case submit the following joint statement of facts

¹ For all cases and court opinions cited herein, no party has agreed to stipulate to the accuracy of any court's prior factual findings, and all parties reserve the right to present evidence disputing such findings.

that are stipulated for purpose of preliminary injunction proceedings. This stipulation is for a limited purpose of the efficiency of the hearing and no party waives its ability to challenge these facts later in the case after discovery.

I. Plaintiffs

A. Alpha Phi Alpha Fraternity Inc.

1. Plaintiff Alpha Phi Alpha Fraternity Inc. is the first intercollegiate Greek-letter fraternity established for Black Men.

2. Alpha Phi Alpha Fraternity Inc. has thousands of members in Georgia, including Black Georgians who are registered voters who live in Senate Districts 16, 17, and 23 under the 2021 Senate Plan, as well as in House Districts 74, 114, 117, 128, 133, 134, 171, and 173 under the 2021 House Plan.

3. Alpha Phi Alpha Fraternity Inc. has long made political participation for its members and Black Americans an organizational priority, including through programs to raise political awareness, register voters, and empower Black communities.

4. Harry Mays is a member of Alpha Phi Alpha Fraternity Inc.

5. Harry Mays resides in House District 117 under the State's 2021 House Plan.

6. Under Plaintiffs' illustrative maps, Harry Mays would reside in a new majority Black House District.

B. Sixth District of the African Methodist Episcopal Church

7. Plaintiff Sixth District of the African Methodist Episcopal Church is a nonprofit religious organization.

8. The Sixth District is one of twenty districts of the African Methodist Episcopal Church and covers the entirety of the State of Georgia.

9. Plaintiff Sixth District of the African Methodist Episcopal Church has more than 500 member-churches in Georgia.

10. Plaintiff Sixth District of the African Methodist Episcopal Church has tens of thousands of members across Georgia.

11. Plaintiff Sixth District of the African Methodist Episcopal Church has churches located in Senate Districts 16, 17, and 23 under the 2021 Senate Plan as well as in House Districts 74, 114, 117, 128, 133, 134, 171, and 173 under the 2021 House Plan.

12. Plaintiff Sixth District of the African Methodist Episcopal Church has long made encouraging and supporting civic participation among its members a core aspect of its work, including through programs to register voters, transporting churchgoers to polling locations, hosting “Get Out the Vote” efforts, and providing food, water, encouragement, and assistance to voters waiting in lines at polling locations.

13. Plaintiff Phil S. Brown is a member of the Lofton Circuit African Methodist Episcopal Church in Wrens, Georgia.

14. Plaintiff Janice Stewart is a member of the Saint Peter African Methodist Episcopal Church in Camilla, Georgia.

C. Eric T. Woods

15. Plaintiff Eric T. Woods is a Black citizen of the United States and the State of Georgia.

16. Plaintiff Eric T. Woods is a resident of Tyrone, Georgia in Fayette County.

17. Plaintiff Eric T. Woods has been a registered voter at his current address since 2011.

18. Plaintiff Eric T. Woods resides in State Senate District 16 under the 2021 Senate Plan.

19. Under Plaintiffs’ illustrative maps, Plaintiff Eric T. Woods would reside in a new majority Black Senate District.

D. Katie Bailey Glenn

20. Plaintiff Katie Bailey Glenn is a Black citizen of the United States and the State of Georgia.

21. Plaintiff Katie Bailey Glenn is a resident of McDonough, Georgia in Henry County.

22. Plaintiff Katie Bailey Glenn has been a registered voter at her current address for approximately 50 years.

23. Plaintiff Katie Bailey Glenn resides in State Senate District 17 under the State's 2021 Senate Plan and State House District 117 under the State's 2021 House Plan.

24. Plaintiff Katie Bailey Glenn resides in State House District 117 under the State's 2021 House Plan.

25. Under Plaintiffs' illustrative maps, Plaintiff Katie Bailey Glenn would reside in a new majority Black House District.

E. Phil S. Brown

26. Plaintiff Phil S. Brown is a Black citizen of the United States and the State of Georgia.

27. Plaintiff Phil S. Brown is a resident of Wrens, Georgia in Jefferson County.

28. Plaintiff Phil S. Brown has been a registered voter at his current address for years.

29. Plaintiff Phil S. Brown resides in State Senate District 23 under the State's 2021 Senate Plan.

30. Under Plaintiffs' illustrative maps, Plaintiff Phil S. Brown would reside in a new majority Black Senate District.

F. Janice Stewart

31. Plaintiff Janice Stewart is a Black citizen of the United States and the State of Georgia.

32. Plaintiff Janice Stewart is a resident of Thomasville, Georgia in Thomas County.

33. Plaintiff Janice Stewart has been a registered voter at her current address for years.

34. Plaintiff Janice Stewart resides in State House District 173 under the State's 2021 House Plan.

35. Under Plaintiffs' illustrative maps, Plaintiff Janice Stewart would reside in a new majority Black House District.

II. Defendant

A. Brad Raffensperger

36. Defendant Brad Raffensperger is the Georgia Secretary of State and the chief elections official in the State of Georgia. Secretary Raffensperger is sued in his official capacity.

III. The 2021 Redistricting Process

37. The House Legislative and Congressional Reapportionment Committee adopted the guidelines filed as Alpha Phi Alpha Doc. No. 39-17 prior to the public release of the redistricting plans.

38. The Senate Reapportionment and Redistricting Committee adopted the guidelines filed as Alpha Phi Alpha Doc. No. 39-18 prior to the public release of the redistricting plans.

39. With respect to population equality, Georgia generally seeks for its legislative districts to comply with a 1% limitation on population deviations for the State Senate and 1.5% for the State House.

40. The Georgia General Assembly held nine in-person and two virtual joint committee meetings beginning on June 15, 2021, to gather input from voters.

41. The joint redistricting committees released an educational video about the redistricting process at their June 15, 2021 meeting.

42. The General Assembly created an online portal for voters to offer comments on redistricting plans and received more than 1,000 comments from voters in at least 86 counties.

43. All of the public town hall meetings convened by the State's Redistricting Committees were held during June and July 2021.

44. On August 21, 2021, the Census Bureau released the detailed population counts that Georgia used to redraw districts.

45. The joint committees held a meeting to hear from interested groups on August 30, 2021.

46. The National Conference of State Legislatures, American Civil Liberties Union of Georgia, Common Cause, Fair Districts GA, the Democratic Party of Georgia, and Asian-Americans Advancing Justice – Atlanta presented at the August 30, 2021 joint meeting.

47. The 2021 Senate and House Plans were first released on November 2, 2021.

48. The General Assembly's special session to consider the draft Senate and House Plans (and other specified topics) began on November 3, 2021.

49. After the special session convened, the House and Senate redistricting committees held multiple meetings prior to voting on proposed redistricting plans.

50. The House and Senate redistricting committees received public comment on plans during committee meetings held in the special session.

51. The only House of Representative plans introduced by legislation or amendment during the special legislative session were introduced by (1) the House committee chair or (2) the House Democratic Caucus.

52. The only state Senate plans introduced by legislation or amendment during the special legislative session were introduced by (1) the Senate committee chair or (2) the Senate Democratic Caucus.

53. The House Democratic Caucus proposed House of Representatives plan contains 45 majority-Black districts using 2020 Census data.²

54. The Senate Democratic Caucus proposed state Senate plan contains 15 majority-Black districts using 2020 Census data.

55. The Democratic plans for House, Senate, and Congressional districts were heard by each committee but were not passed out of the respective committees.

56. On November 12, 2021, the General Assembly passed the 2021 Senate and House Plans.

57. Not a single Black legislator voted in favor of the 2021 Senate or House Plans.

58. Governor Kemp signed the 2021 Senate and House Plans into law on December 30, 2021.

IV. Plan Statistics

59. There are 56 Senate districts in Georgia.

60. The State's 2021 Senate Plan contains 14 Black-majority Senate districts using 2020 Census Data.

61. The previous 2014 Senate plan contained 15 majority-Black Senate districts at the time it was enacted.

62. The 2014 Senate plan contained 13 majority-Black districts using 2020 Census data, plus a 14th district with a Black voting age population of 49.76%.

63. The Cooper Illustrative Senate plan contains 19 majority-Black districts.

² As used herein, and unless otherwise noted, "majority-Black" means 50% or more any part Black voting age population using Census data.

64. There are 180 House districts in Georgia.

65. The State's 2021 House Plan contains 49 Black-majority House districts using 2020 Census Data.

66. The previous 2015 House plan contained 47 majority-Black House districts at the time it was enacted.

67. The 2015 State House plan contained 47 majority-Black districts using 2020 Census Data.

68. The Cooper Illustrative House plan contains 54 majority-Black districts using 2020 Census data.

69. The 2021 State Senate Plan splits 29 counties.

70. The 2021 State House Plan splits 69 counties.

71. The Cooper Illustrative Senate plan splits 33 counties.

72. The Cooper Illustrative House plan splits 74 counties.

73. The 2021 State Senate Plan pairs no incumbents who are running for reelection.

74. The 2021 State House Plan pairs four sets of incumbents who are running for reelection.

75. The compactness scores contained in the expert reports filed by Mr. Cooper and Mr. Morgan are not disputed.

76. The Secretary of State sent the letter filed at *Alpha Phi Alpha* Doc. No. 45-2, p. 14 to county election officials on December 29, 2021.

V. Demographics

77. From 2010 to 2020, Georgia's population grew by over 1 million people to 10.71 million, up 10.6% from 2010.

78. From 2010 to 2020, Georgia's Black population increased by almost half a million people, up almost 16% since 2010.

79. Between 2010 and 2020, 47.26% of the state's population gain is attributed to Black population growth.

80. From 2010 to 2020, Georgia's white population decreased by 51,764, or approximately 1%.

81. Georgia's Black population has increased in absolute and percentage terms since 1990, from about 27% in 1990 to 33% in 2020. Over the same time period, the percentage of the population identifying as non-Hispanic White has dropped from 70% to 50%.

82. As a matter of total population on the 2020 Census, any part Black Georgians comprise the largest minority population in the state (33.03%).

83. Per the 2020 Census, Georgia has a total voting age population of 8,220,274, of whom 2,607,986 (31.73%) are any part Black and 30.27% are single race Black.

84. The total estimated citizen voting age population in Georgia in 2019 is 33.8% any part Black and 32.9% single race Black.

85. The Atlanta Metropolitan Statistical Area (hereinafter "Metro Atlanta") consists of the following 29 counties: Barrow, Bartow, Butts, Carroll, Cherokee, Clayton, Cobb, Coweta, Dawson, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Haralson, Heard, Henry, Jasper, Lamar, Meriwether, Morgan, Newton, Paulding, Pickens, Pike, Rockdale, Spalding, and Walton.

86. Under the 2000 Census, the population in the 29-county Metro Atlanta area was 29.29% any part Black, increasing to 33.61% in 2010, and 35.91% in 2020. Since 2000, the Black population in Metro Atlanta has grown from 1,248,809 to 2,186,815 in 2020.

87. The southern portion of the Metro Atlanta area contains the following five counties: Fayette, Spalding, Henry, Rockdale, and Newton.

88. In 2000, 18.51% of the population in the five-county Fayette-Spalding-Henry-Rockdale-Newton area was Black. By 2010, the Black population in that area more than doubled to reach 36.70% of the overall population, then grew to 46.57% in 2020.

89. Between 2000 and 2020, the Black population in the five-county Fayette-Spalding-Henry-Rockdale-Newton area quadrupled, from 74,249 to 294,914.

90. Senate District 16 under the 2021 Senate Plan includes parts of Fayette and Spalding County.

91. Fayette and Spalding Counties have seen 8,373 new Black individuals of voting age and 2,752 new Black individuals of voting age respectively, in their any part Black populations over the last decade.

92. Senate District 16 under the 2021 Senate Plan has an any part Black voting age population of 22.7%.

93. Senate Districts 34 and 44 are adjacent to Senate District 16 under the 2021 Senate Plan.

94. Senate Districts 34 and 44 have any part Black voting age populations of 69.5% and 71.34%, respectively.

95. Henry County's any part Black population has increased by 38,225 new Black individuals of voting age in the last decade.

96. Newton County's any part Black population has increased by 12,748 new Black individuals of voting age in the last decade.

97. Senate District 17 under the 2021 Senate Plan has an any part Black voting age population of under 34%.

98. Senate Districts 10 and 43 are adjacent to Senate District 17 under the 2021 Senate Plan.

99. Senate Districts 10 and 43 have any part Black voting age populations of 71.46% and 64.33%, respectively.

100. House District 74 under the 2021 House Plan includes parts of Fayette, Spalding, and Henry Counties.

101. House District 74 under the 2021 House Plan has an any part Black voting age population of under 26%.

102. House District 117 under the 2021 House Plan includes parts of Henry and Spalding Counties.

103. House District 117 under the 2021 House Plan has an any part Black voting age population of under 37%.

104. The following counties in the region around Augusta are at least 40% Black: Jenkins, Burke, Richmond, Jefferson, McDuffie, Wilkes, Taliaferro, Warren, Washington, and Hancock Counties.

105. Senate District 23 under the 2021 Senate Plan includes parts of Richmond, Burke, Jefferson, Warren, and Taliaferro Counties, among others.

106. Senate District 23 under the 2021 Senate Plan has an any part Black voting age population of 35.5%.

107. The following counties in southwest Georgia are at least 40% any part Black: Sumter, Webster, Stewart, Quitman, Clay, Randolph, Terrell, Calhoun, Dougherty, Early, Baker, and Mitchell Counties.

108. The area comprising Senate District 12 under 2021 state Senate Plan includes Sumter, Webster, Stewart, Quitman, Clay, Randolph, Terrell, Calhoun, Dougherty, Early, Miller, Baker, and Mitchell Counties, (or collectively, "SD12").

109. From 2000 to 2020, the any part Black population in the set of southwest Georgia counties comprising SD 12 grew, representing just over half the population in 2000 at 55.33%, but 60.6% of the population by 2020.

110. The 2021 House Plan contains two Black-majority House districts that are largely located within the counties that comprise SD 12.

111. House District 171 under the 2021 House Plan has an any part Black voting age population of 39.6%.

112. House District 173 under the 2021 House Plan has an any part Black voting age population of 36.3%.

113. Dougherty County is split among four districts in the 2021 House Plan.

114. 2021 House Plan Districts 151 and 152 are not majority-black districts.

115. 2021 House Plan District 153 is 67.9% any part Black voting age population.

This 4th day of February, 2022.

Respectfully submitted,

/s/ Rahul Garabadu

Sean J. Young (Bar 790399)

syoun@acluga.org

Rahul Garabadu (Bar 553777)

rgarabadu@acluga.org

ACLU FOUNDATION OF
GEORGIA, INC.

P.O. Box 77208

Atlanta, Georgia 30357

Telephone: (678) 981-5295

Facsimile: (770) 303-0060

/s/ Debo P. Adegbile

Debo P. Adegbile (pro hac vice)

debo.adegbile@wilmerhale.com

Robert L. Boone*

Robert.boone@wilmerhale.com

Alex W. Miller (pro hac vice)

alex.miller@wilmerhale.com

Maura Douglas (pro hac vice)

maura.douglas@wilmerhale.com

Eliot Kim (pro hac vice)

eliot.kim@wilmerhale.com

WILMER CUTLER PICKERING

HALE AND DORR LLP

250 Greenwich Street

/s/ Sophia Lin Lakin

Sophia Lin Lakin (pro hac vice)

slakin@aclu.org

Ari J. Savitzky (pro hac vice)

asavitzky@aclu.org

Jennesa Calvo-Friedman (pro hac vice)

jcalvo-friedman@aclu.org

ACLU FOUNDATION

125 Broad Street, 18th Floor

New York, New York 10004

Telephone: (212) 519-7836

Facsimile: (212) 549-2539

/s/ George P. Varghese

George P. Varghese (pro hac vice)

george.varghese@wilmerhale.com

Denise Tsai (pro hac vice)

denise.tsai@wilmerhale.com

Tae Kim (pro hac vice)

tae.kim@wilmerhale.com

WILMER CUTLER PICKERING

HALE AND DORR LLP

60 State Street

Boston, Massachusetts 02109

Telephone: (617) 526-6000

Facsimile: (617) 526-5000

New York, New York 10007
Telephone: (212) 230-8800
Facsimile: (212) 230-8888

/s/ Edward Williams

Anuradha Sivaram (pro hac vice)
anuradha.sivaram@wilmerhale.com
Edward Williams (pro hac vice)
ed.williams@wilmerhale.com
De'Erica Aiken (pro hac vice)
ericka.aiken@wilmerhale.com
Ayana Williams (pro hac vice)
ayana.williams@wilmerhale.com
WILMER CUTLER PICKERING
HALE AND DORR LLP
1875 Pennsylvania Ave. NW
Washington, D.C. 20006
Telephone: (202) 663-6000
Facsimile: (202) 663-6363

/s/ Charlotte Geaghan-Breiner
Charlotte Geaghan-Breiner*
*charlotte.geaghan-
breiner@wilmerhale.com*
WILMER CUTLER PICKERING
HALE AND DORR LLP
2600 El Camino Real
Suite 400
Palo Alto, CA 94306
(650) 858-6000 (t)
(650) 858-6100 (f)

Attorneys for Plaintiffs

*Pro Hac Vice or Pro Hac Vice
pending

Christopher M. Carr
Attorney General
Georgia Bar No. 112505
Bryan K. Webb
Deputy Attorney General
Georgia Bar No. 743580
Russell D. Willard
Senior Assistant Attorney General
Georgia Bar No. 760280
Charlene McGowan
Assistant Attorney General

/s/ Bryan P. Tyson
Bryan P. Tyson
Special Assistant Attorney General
Georgia Bar No. 515411
btyson@taylorenghish.com
Frank B. Strickland
Georgia Bar No. 678600
fstrickland@taylorenghish.com
Bryan F. Jacoutot
Georgia Bar No. 668272
bjacoutot@taylorenghish.com

Georgia Bar No. 697316
State Law Department
40 Capitol Square, S.W.
Atlanta, Georgia 30334

Loree Anne Paradise
Georgia Bar No. 382202
lparadise@taylorenghish.com
Taylor English Duma LLP
1600 Parkwood Circle
Suite 200
Atlanta, Georgia 30339
(678) 336-7249

Counsel for Defendant

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 5.1

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

/s/ Rahul Garabadu

CERTIFICATE OF SERVICE

I hereby certify that I have this day caused to be served the foregoing ***Joint Stipulated Facts for Preliminary Injunction Proceedings*** with the Clerk of Court using the CM/ECF system, which will automatically send email notification of such filing to all counsel or parties of record on the service list:

This 4th day of February, 2022.

/s/ Rahul Garabadu