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

GEORGIA NAACP, et al.,

Plaintiffs,

v. Civil Action No. 1:16-cv-02852-AT

GWINNETT COUNTY, GEORGIA;
GWINNETT COUNTY SCHOOL DISTRICT;
and GWINNETT COUNTY BOARD OF REGISTRATIONS AND ELECTIONS,

Defendants.

DECLARATION OF WILLIAM S. COOPER

WILLIAM S. COOPER, acting in accordance with 28 U.S.C. § 1746, Federal Rules of Civil Procedure 26(a)(2)(B) and 26(e), and Federal Rules of Evidence 702 and 703, does hereby declare and say:

I. INTROUDUCTION

1. My name is William S. Cooper. I have a B.A. in Economics from Davidson College. As a private consultant, I currently serve as a demographic and redistricting expert for the Plaintiffs. I am compensated at a rate of $150 per hour.

DEFENDANT'S EXHIBIT 3 Cooper
PENGAD 800-631-6989

(a) Redistricting Experience

2. I have testified at trial as an expert witness on redistricting and demographics in federal courts in about 36 voting rights cases since the late 1980s. Four of these lawsuits resulted in changes to statewide legislative boundaries: *Rural West Tennessee African-American Affairs v. McWherter*, *Old Person v. Cooney*, *Bone Shirt v. Hazeltine* and *Alabama Legislative Black Caucus v Alabama.* Approximately 25 of the cases led to changes in local election district plans.

3. Since the release of the 2010 Census, I have developed several statewide legislative plans (Alabama, Georgia, Kentucky, Florida, South Carolina, and Virginia) and about 150 local redistricting plans, primarily for groups working to protect minority voting rights.

4. During the 2010 redistricting cycle, four plans that I developed for local government clients were adopted – Bolivar County, Mississippi; Claiborne County, Mississippi; the City of Grenada, Mississippi; and Sussex County, Virginia.

5. In addition, I served as a redistricting consultant in 2011 to the Miami-Dade County Commission and Board of Education.

6. I am currently working with the Wenatchee, Washington City Council to develop a district-based plan that would replace the current at-large system and include a Latino-majority district.

7. Since 2011, four federal courts have granted summary judgment on the first prerequisite (*Gingles 1*) of a Section 2 claim pursuant to *Thornburg v. Gingles*, 478 U.S. 30 (1986), based in part on my testimony: *Montes v. City of Yakima, Washington* (E.D. Wash. Aug. 22, 2014); *Pope v. Albany County, New York* (N.D.N.Y. Jan. 28, 2014; N.D.N.Y. Mar. 24, 2015); *Navajo Nation v. San Juan County, Utah* (C.D. Utah. February 19, 2016); and *NAACP v. Ferguson-Florissant School District, Missouri* (E. D. Mo. August 22, 2016).

8. In *Montes v. City of Yakima* (E.D. Wash. Feb. 17, 2015) the court adopted, as a remedy for the Section 2 violation, a seven single-member district plan that I developed for the plaintiffs. In *Pope v. Albany County*, the Court adopted a plan developed by the County defendants that was accepted by the plaintiffs.

9. The remedy phase in *Navajo Nation v. San Juan County* is ongoing. In *NAACP v. Ferguson-Florissant School* District, a court-ordered cumulative voting plan remedy has been appealed to the 8th U.S. Circuit by the Defendants.

10. In 2016, two redistricting plans that I developed on behalf of the plaintiffs for consent decrees in Section 2 lawsuits in Georgia were adopted – *NAACP v. Fayette County, Georgia* and *NAACP v. Emanuel County, Georgia.*

11. For additional historical information on my testimony as an expert witness and experience preparing and assessing proposed redistricting maps for Section 2 litigation and other efforts to promote compliance with the Voting Rights

Act, see a summary of my redistricting work attached as **Exhibit A**.

(b) Purpose of Declaration

12. The attorneys for the Plaintiffs in this case asked me to determine: (1) whether it is possible to create two B+LCVAP-majority[1] districts under a five single-member district plan for the Gwinnett County Board of Commissioners ("Commission"), or (2) in the alternative, two B+LCVAP-majority districts under a hybrid Commission plan consisting of four single-member districts and one seat at-large; (3) whether it is possible to create two B+LCVAP-majority districts under a five single-member district plan for the Board of Education ("BOE") of the Gwinnett County Public School District ("GCPS"); and (4)whether it is possible to create a B+ACVAP[2] district and a second B+LCVAP district under a five single-member district plan for the Commission and/or the BOE. [3]

13. In addition, for background on Gwinnett County, the attorneys asked me to review historical and current demographics (reported in the decennial Census), as well as socioeconomic characteristics (reported in the annual releases of the

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[1] In this declaration, "B+LCVAP" means "single-race non-Hispanic Black plus Latino citizen voting age population." My understanding is that the creation of one or more majority B+LCVAP districts is one way to meet the first *Gingles* precondition in this Section 2 case. My primary focus on a Black/Latino threshold CVAP-majority does not imply that Asian Americans in Gwinnett County are not part of a community of interest and voting coalition that includes Blacks and Latinos.

[2] In this declaration, "B+ACVAP" means "single-race non-Hispanic Black plus single-race non-Hispanic Asian citizen voting age population."

[3]. BOE election plan boundaries do not encompass all of Gwinnett County.

American Community Survey) for African Americans, Asian Americans, Latinos, and non-Hispanic Whites.[4]

14. **Exhibit B** describes the sources and methodology I have employed in the preparation of this declaration.

15. Based on my analysis of Gwinnett County demographics and redistricting, I conclude that the minority population is sufficiently numerous and geographically compact to allow for two minority-majority CVAP districts under a variety of County Commission and BOE election plans that comply with traditional redistricting principles.

II. DEMOGRAPHIC PROFILE OF GWINNETT COUNTY

(a) Location of Gwinnett County

16. Gwinnett County is a densely populated suburban county within the metropolitan area of Atlanta. Lawrenceville, the county seat, is near the geographic center of the county and about 30 miles northeast of downtown Atlanta. Gwinnett County encompasses all or parts of 16 municipalities and covers an area of 437 square miles. In the regional map in **Figure 1**, Gwinnett County is shaded light grey and incorporated municipalities within or partially contained in the County are shaded pink.

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[4] In this declaration, "Black" or "African American"; "Asian" or "Asian American"; and. "Latino" or "Hispanic" are synonymous.

Figure 1

Gwinnett County, Georgia and Vicinity

17. The boundaries for GCPS are not coterminous with Gwinnett County because the City of Buford, which is partially in Gwinnett County, has an independent school system. According to the 2010 Census, the Gwinnett County portion of Buford City School District has a population of 11,380, which represents

just 1.41% of the total population of the county.

(b) <u>2010 Census – Population by Race and Ethnicity</u>

18. According to the 2010 Census, Gwinnett County has a total population of 805,321. At 44.0%, non-Hispanic Whites ("NH Whites ") constitute the largest racial/ethnic category in the county. Blacks (25.03% Any Part ("AP"), 23.94% NH AP, and 22.86%% NH single race)[5] represent the largest minority population, followed by Latinos (20.12%), who may be of any race, and Asians (11.50% AP, 11.34% NH AP and 10.53% NH single-race).

19. The 2010 total minority population in Gwinnett County is 451,005 (56.0%) – consisting of all persons who are not single-race NH White. The county is therefore minority-majority.

20. The minority population in Gwinnett County is concentrated in the central and southern areas of the county. The map in **Figure 2** (on the next page) shows the geographic distribution of the minority population in Gwinnett County, based on 2010 Census tracts. Pie charts, which are scaled to reflect tract-level population size, show population composition by race and ethnicity.

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[5] The AP Black classification includes all persons who self-identified in the 2010 Census as single-race Black or some part Black, including Hispanic Black. It is my understanding that following the U.S. Supreme Court decision in *Georgia v. Ashcroft*, 539 U.S. 461 (2003), the "any part" definition is an appropriate Census classification to use in most Section 2 cases. Because this Section 2 litigation focuses on a Black/Asian/Latino voting coalition in Gwinnett County, the NH AP definition is the preferable metric. However, for simplicity and consistency with annual citizenship estimates reported in the ACS, which do not provide sub-county "any part" estimates, I generally refer to single-race NH population categories in this declaration.

21. African Americans (red in the pie charts) are the largest minority population in Lawrenceville, with significant population to the southwest into Peachtree Corners, and in Snellville south to the DeKalb/Rockdale county line. Latinos (blue in the pie charts) are concentrated in the southwest part of the county in and around Norcross and Lilburn. Asian-Americans (pale green in the pie charts) are concentrated in Duluth and areas to the south, including Norcross and Lilburn.

Figure 2

Gwinnett County – Percent Minority by 2010 Census Tract

22. Of the 113 census tracts in Gwinnett County, 23 have minority populations greater than 80% (shown as red areas in **Figure 2**). These 23 high minority census tracts are ethnically diverse. None of the 23 is majority-Black or majority-Asian. Just 8 of the 23 are majority-Latino, with the highest Latino percentage at 73.3%.

23. An additional 31 majority- minority tracts (shown as pink areas in **Figure 2)** have minority populations in the range of 60% to 80%. Taken together, the 54 census tracts that are 60%+ minority have a total population of 351,946, which represents 43.7% of Gwinnett County's 2010 population.

24. The minority population within the 54 tracts is 267,290, or 59.27% of the countywide minority population. The population within the 54 tracts is 63.52% of the combined NH Black/Latino countywide population and 59.93% of the combined NH Black/Asian/Latino countywide population. The map in **Figure 2** makes clear that the minority population is in a geographically compact area in central and southern Gwinnett County.

(c) <u>Population by Race and Ethnicity – 1990 to 2016</u>

25. The table in **Figure 3** (on the next page) presents the population of Gwinnett County by race and ethnicity for the decennial Censuses between 1990 and 2010, with mid-decade U.S. Census Bureau ("Census Bureau") estimates as of July 1, 2016.

26. As shown in **Figure 3**, the population in Gwinnett County more than doubled between 1990 and 2010 – from 352,910 persons in 1990 to 805,321 in 2010 (128.2%). This rapid growth continues into the present decade. The most recent estimates from the Census Bureau indicate a 2016 total population of 907,135 – an increase of 101,814 persons (12.6%) since 2010.

27. Almost all of the population growth in Gwinnett County since 1990 can be attributed to a 14-fold increase in the minority population. Between 1990 and 2010, the overall minority population in Gwinnett County skyrocketed from 37,362 to 557,651 (1,392.6%).

Figure 3

Gwinnett County – 1990 Census to 2010 Census, 2016 Estimates
Population by Race and Ethnicity

	1990 Number	Percent	2000 Number	Percent	2010 Number	Percent	2016 Estimate	Percent
Total Population	352,910	100.00%	588,448	100.00%	805,321	100.00%	907,135	100.00%
NH White*	315,548	89.41%	394,164	66.98%	354,316	44.00%	349,484	38.53%
Total Minority Pop.	37,362	10.59%	194,284	33.02%	451,005	56.00%	557,651	61.47%
Latino	8,470	2.40%	64,137	10.90%	162,035	20.12%	189,050	20.84%
NH Black*	17,971	5.09%	76,837	13.06%	184,122	22.86%	240,571	26.52%
NH Asian*#	10,115	2.87%	42,180	7.17%	84,763	10.53%	106,533	11.74%
NH Hawaiian and PI	NA	NA	211	0.04%	343	0.04%	386	0.04%
NH American Indian	681	0.19%	1,057	0.18%	1,535	0.19%	1,607	0.18%
NH Other*	125	0.04%	1,099	0.19%	2,489	0.31%	NA	NA
NH Two or More	NA	NA	8,763	1.49%	15,718	1.95%	19,504	2.15%
Single-race Black	18,175	5.15%	78,224	13.29%	190,167	23.61%	255,936	28.21%
Any Part Black	NA	NA	81,804	13.90%	201,532	25.03%	271,002	29.87%
NH Any Part Black	NA	NA	79,781	13.56%	192,809	23.94%	252,495	27.83%
Single-race Asian	NA	NA	42,360	7.20%	85,292	10.59%	107,947	11.90%
Any Part Asian	NA	NA	45,993	7.82%	92,584	11.50%	116,711	12.87%
NH Any Part Asian	NA	NA	45,613	7.75%	91,336	11.34%	114,011	12.57%

* Single-race, Non-Hispanic;
# In 1990, "Asian" includes Hawaiian and Pacific Islander.

28. In 1990, minorities represented 10.59% of the population in Gwinnett County. By 2010, minorities comprised a majority of the county's population (56.0%). Census Bureau estimates for 2016 show the overall minority percentage has risen to 61.47%. Thus, over the 26-year period, the minority/NH White ratio in the county has flipped – from a NH White majority of 89.41% in 1990 to a 2016 minority-majority of 61.47%.

29. As shown **in Figure 4**, the rapid growth in the minority population continues in this decade. All of the 12.6% population growth in Gwinnett County between 2010 and 2016 can be attributed to an underlying increase in the minority population, which has grown by 106,646 persons (23.7%) – offsetting a 1.4% decline in the NH White population since 2010.

Figure 4

Gwinnett County – 2010 to 2016 Population Change

	2010 Census	2016 Estimate	2010-2016 Change	% 2010-16 Change
Total Population	805,321	907,135	101,814	12.64%
NH White*	354,316	349,484	-4,832	-1.36%
Total Minority Pop.	451,005	557,651	106,646	23.65%
Latino	162,035	189,050	27,015	16.67%
NH Black*	184,122	240,571	56,449	30.66%
NH Asian*	84,763	106,533	21,770	25.68%
NH All other minorities	20,085	21,497	1,412	7.03%

30. The chart in **Figure 5** graphically portrays changes in population (color-coded by race/ethnicity) for minorities and NH Whites in Gwinnett County

over the 1990 to 2016 period. Black labels show total minority change, white labels show total NH White change.

Figure 5

Gwinnett County – 1990 to 2016
Population and Change in Population Compared to Preceding Census–
Minorities and NH Whites

31. During the 1990s, the NH White population grew substantially (+78,616 or 24.91%) from 315,548 in 1990 to 394,164 in 2000. But between 2000 and 2010, the NH White population in the county fell by 39,848 persons, representing a decline of -10.11%. According to 2016 Census Bureau estimates, the NH White population has decreased by 4,832 persons since 2010. Thus, after taking

into account the 1990s growth spurt, over the 26-year period, the NH White population has grown by just 10.8% – from 315,548 in 1990 to 349,484 in 2016.

32. By contrast, the minority population in Gwinnett County grew by 156,922 (420.0%) from 1990 to 2000; 256,721 (132.14%) between 2000 and 2010; and 106,646 (23.65 %) from 2010 to 2016.

33. Latinos were the fastest growing minority population between 1990 and 2010 – from 8,470 to 162,035. In percentage terms, the Latino population grew from a 1990 base of 2.4% to 20.12% in 2010. The NH Asian population exhibited a growth trajectory between 1990 and 2010 that was second only to the Latino population boom – from 10,115 to 84,763. In percentage terms, the NH Asian population grew from a 1990 base of 2.87% to 10.53% in 2010.

34. Over the 1990 to 2010 period, the NH Black population grew 10-fold – from a 1990 base of 17,971 to 184,122 in 2010. In percentage terms, the NH Black population grew from a 1990 base of 5.09% to 22.86% in 2010. Since 1990, African Americans have consistently represented the largest minority population subgroup in Gwinnett County. In a trend reversal compared to the 1990 to 2010 period, between 2010 and 2016, the NH Black population has grown at a more rapid pace (30.66%) than either Latinos (16.67%) or NH Asians (25.68%).

(d) Voting Age Population by Race and Ethnicity – 1990 to 2010

35. Since 1990, the voting age population ("VAP") in Gwinnett County has increased in step with the overall population gain – from 254,196 persons 18 and over in 1990 to 570,614 in 2010.

36. According to the 2010 Census, minorities are a majority of the voting-age population (52.17 %) in Gwinnett County, but to a lesser degree than their share of the overall population (56.0 %). The table in **Figure 6** compares minority VAP by race and ethnicity for the major population subgroups between 1990 and 2010.[6]

Figure 6

Gwinnett County – 1990 Census to 2010 Census, 2016 Estimates
Voting Age Population by Race and Ethnicity

	1990 VAP Number	Percent	2000 VAP Number	Percent	2010 VAP Census	Percent
Voting Age Population	254,196	100.00	422,455	100.00%	570,614	100.00%
Total Minority VAP	26,112	10.27%	133,055	31.50%	297,701	52.17%
Latino VAP	5,828	2.29%	44,167	10.45%	102,225	17.91%
NH White VAP	228,084	89.73%	312,950	74.08%	272,913	47.83%
NH Black VAP*	12,774	5.03%	52,038	12.32%	122,683	21.50%
Single-race Black VAP	12,908	5.08%	52,977	12.54%	126,283	22.13%
Any Part Black VAP	NA	NA	54,593	12.92%	131017	22.96%
NH Any Part Black VAP	NA	NA	53,319	12.62%	126215	22.12%
NH Asian VAP*	6,940	2.73%	30,350	7.18%	62,567	10.96%
Single-race Asian VAP	7,011	2.76%	30,466	7.21%	62,895	11.02%
Any Part Asian VAP	NA	NA	32,503	7.69%	66,656	11.68%
NH Any Part Asian VAP	NA	NA	32,278	7.64%	66,006	11.57%

* Single-race, non-Hispanic;
# In 1990, "Asian" includes Hawaiian and Pacific Islander.

[6] There are no 2016 voting age by race estimates available from the Census Bureau.

37. As shown in the table in **Figure 6**, the NH White VAP dropped from 89.73% in 1990 to 47.83% in 2010. Over the same 20-year time period, the minority VAP jumped from 10.27% to 52.17%. By 2010, NH Blacks represented 21.5% of the VAP, with a Latino VAP of 17.91% NH and an NH Asian VAP of 10.96%.

38. The NH Black VAP grew nearly 10-fold between 1990 and 2010 from 12,774 to 122,683, while the Latino VAP climbed 1,754% from 5,828 to 102,225 in 2010. The NH Asian VAP grew 9-fold between 1990 and 2010 from 6,940 to 62,567.

(e) Citizen Population by Age, Race and Ethnicity

39. As shown in **Figure 7**, according to the 5-year 2011-2015 American Community Survey (ACS)[7], single-race NH Blacks comprise 27.0% of the citizen population and 26.3% of the citizen voting age population (CVAP). Latinos represent 14.6% of the citizen population in Gwinnett County and 9.5 % of CVAP. NH Asians represent 9.2% of the citizen population in Gwinnett County and 9.5 %

[7] The midpoint of the 2011-2015 ACS period is July 1, 2013. Thus, estimates reported in the 5-year ACS are, on average, about four years behind current 2017 citizenship rates. A survey midpoint of July 1, 2017 will be reported in the 2015-2019 ACS, which will be released in December 2020 – just a couple of months prior to the 2021 release of the 2020 Census.

of the CVAP.

Figure 7

Gwinnett County – Citizen Population by Age, Race, and Ethnicity

	2011-15 ACS	2015 ACS
% Latino Citizen (all ages)	14.6%	14.5%
% NH Black Citizen (all ages)	27.0%	NA
% NH Asian Citizen (all ages)	9.2%	NA
% NH White Citizen (all ages)	46.8%	44.6%
% Latino CVAP	9.5%	9.1%
% NH Black CVAP	26.3%	NA
% NH Asian CVAP	9.5%	NA
% NH White CVAP	53.0%	50.8%
% Latino Citizen U18	25.8%	26.4%
% NH Black Citizen U18	28.5%	NA
% NH Asian Citizen U18	8.7%	NA
% NH White Citizen U18	33.1%	30.9%

40. By comparison, according to the 5-year 2011-2015 ACS, NH Whites comprise 46.8% of the citizen population and 53.0% of the CVAP. Thus, the minority citizen population is 53.2% of the citizen population in Gwinnet County and 47.0% of the CVAP.

41. According to the 1-year 2015 ACS, NH Whites are 44.6% of the citizen population and 50.8% of the CVAP. Thus, the minority citizen population is 55.4% of the citizen population in Gwinnet County and 49.2% of the CVAP. Latinos comprise 14.5% of citizen population and 9.1% of the CVAP. Comparable figures for the NH Black and NH Asian citizenship are not available in the 1-year ACS.

42. The under-18 ("U18") citizen population in Gwinnett County is overwhelmingly majority-minority. According to the 5-year 2011-2015 ACS, NH Whites comprise 33.1% of the U18 citizen population. According to the 1-year 2015 ACS, NH Whites are just 30.9% of the U18 citizen population.

(f) National Origin

43. According to the 2010 Census, the Latino population in Gwinnett County is predominantly of Mexican (52.98%) or Central American (17.82%) national origin. Latinos of South American origin (predominantly Columbia and Peru) constitute 11.07% of the Latino population. Puerto Ricans, who are U.S. citizens, comprise 6.25% of the Latino population. (**See Exhibit C-1**)

44. The 1-year 2015 ACS indicates that the percentage of Latinos who identify with a Mexican origin (53.78%) has remained relatively stable since 2010, while the percentage of Latinos with a Central American origin increased to 20.64%. (**See Exhibit C-2**)

45. According to the 2010 Census, single-race Asians predominantly self-identify with national origins of India (24.72%), Korea (26.30%) and Vietnam (19.15%). **(See Exhibit D-1)**

46. The 1-year 2015 ACS estimates indicate stability since 2010 in the percentages of Asians who identify with an Indian (25.75%) or Vietnamese

(18.62%) origin, with a drop in Korean national origin respondents (20.66%). **(See Exhibit D-2)**

47. National origin tables from the ACS are not available for the African American population. But the 1-year 2015 ACS reports that 11.79% of the foreign-born population (which numbers 234,436 across all races and ethnicities) is from Africa and 8.57% from the Caribbean region. **(See Exhibit E)**

(g) <u>2010 and 2016 Population by Place</u>

48. There are 16 municipalities that are wholly or partly within Gwinnett County and one "census designated place" [8] – Mountain Park. The table in **Figure 8** (on the next page) reports 2010 Census population counts within Gwinnett County for these 17 places. Twelve of the places are entirely within Gwinnett County. The Gwinnett County portions of Auburn and the small town of Rest Haven are insignificant.

49. All told, the 16 incorporated areas in Gwinnett County had a 2010 population of 191,634 and a minority population of 95,758, representing about 23.8% of the countywide population and 21.2% of the minority population.[9]

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[8] A census designated place is a community with boundaries defined by the Census Bureau – identifiable by name but not legally incorporated.

[9] Note that the Census Bureau P.L. 94-171 file reports a minor difference between the City of Buford (Gwinnett County part) 2010 population total (11,279) and the Buford City School District (Gwinnett County part) 2010 population total (11.380).

Figure 8

Gwinnett County Population by Place – 2010 Census and 2016 Estimates

Municipality/Place	2010 Pop.	% 2010 NH Black	% 2010 NH Asian	% 2010 Latino	% 2010 Minority	2016 Pop.	% Pop. Change 2010 to 2016
Auburn city (part)	209	4.3%	0.0%	5.7%	12.0%	NA	NA
Berkeley Lake city**	1,574	5.7%	14.3%	3.6%	26.4%	2,062	31.0%
Braselton town (part)	2,973	10.5%	1.8%	6.1%	20.2%	NA	NA
Buford city (part)	11,279	13.8%	2.3%	27.4%	45.3%	NA	NA
Dacula city**	4,442	11.1%	3.2%	13.6%	29.7%	5,632	26.8%
Duluth city	26,600	19.5%	22.2%	14.0%	58.5%	29,331	10.3%
Grayson city	2,666	23.7%	9.0%	4.8%	39.6%	3,742	40.4%
Lawrenceville city	28,546	31.1%	5.6%	22.3%	61.7%	30,782	7.8%
Lilburn city	11,596	15.9%	15.2%	27.4%	60.7%	12,675	9.3%
Loganville city (part)	2,474	28.8%	2.0%	10.9%	45.0%	NA	NA
Mountain Park CDP	11,554	14.2%	11.8%	6.8%	35.5%	NA	NA
Norcross city**	9,116	18.7%	12.7%	39.4%	73.1%	16,787	84.1%
Peachtree Corners city*	38,008	20.1%	9.5%	17.5%	49.5%	42,773	12.5%
Rest Haven town (part)	32	3.1%	0.0%	12.5%	18.8%	NA	NA
Snellville city	18,242	29.3%	3.2%	7.4%	42.8%	19,738	8.2%
Sugar Hill city**	18,522	9.4%	6.2%	19.6%	37.2%	22,197	19.8%
Suwanee city	15,355	10.4%	17.9%	6.7%	37.2%	19,421	26.5%

* Peachtree Corners was incorporated in 2012.
** Annexations of populated areas in Gwinnett County since 2010

50. **Figure 8** also reports July 1, 2016 population estimates published by the Census Bureau. The rightmost column reports the percent population change between the 2010 Census and 2016. [10] The population change calculations take into account annexations as of January 1, 2016. A large part of the post-2010 population growth in Norcross can be attributed to annexations.

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[10] The Census Bureau does not publish annual estimates by race and ethnicity for sub-county areas such as the Gwinnett County portion of Buford.

51. According to the 2010 Census, four municipalities in central and southern Gwinnett County are minority-majority – Duluth, Lawrenceville, Lilburn, and Norcross. All four have experienced significant population growth since 2010, according to 2016 Census Bureau estimates.

52. Peachtree Corners was incorporated in 2012 and is now the most populous municipality in Gwinnett County. According to the 2010 Census, Peachtree Corners has a population that is 49.5% minority.

(h) Registered Voters by Race and Ethnicity – 2010-2017

53. The Georgia Secretary of State reports registered voters by race and ethnicity on a monthly basis. These statistics, which are shown in **Figure 9** for 2010 and 2017, provide real-time evidence in support of the post-2010 Census Bureau-estimated increases in minority population and citizenship referenced *supra.*

Figure 9

Voter Registration by Race and Ethnicity 2010-2017

	Nov. 2010 Number	Percent	July 1, 2017 Number	Percent	% Change 2010-2017	July 1, 2017 Percent (excl. unknown)
Total Registration	374,415	100.00%	474,930	100.00%	26.85%	100.00%
Total Minority	124,451	33.24%	255,398	53.78%	105.22%	48.20%
NH White	218,982	58.49%	219,532	46.22%	0.25%	51.80%
Latino	15,241	4.07%	32,108	6.76%	110.67%	7.58%
NH Black	83,389	22.27%	127,466	26.84%	52.86%	30.08%
NH Asian/P. Islander	17,628	4.71%	32,017	6.74%	81.63%	7.55%
NH Am. Indian	324	0.09%	787	0.16%	142.90%	0.19%
NH Other	7,869	2.10%	11,913	2.51%	51.39%	2.81%
Unknown	30,982	8.27%	51,107	10.76%	64.96%	

54. On July 1, 2017, of registered voters in Gwinnett County, 26.84% are NH Black, 6.74% are NH Asian, 6.76%, are Latino, and 46.22% are NH White. Of the 474, 930 registered voters, 10.76% did not self-identify by race or ethnicity. As shown in the rightmost column of **Figure 9**, after excluding the 51,107 registered voters in the unknown category from the total registration count, 51.8% of registered voters are NH White and 48.2% are minority.

55. Since 2010, voter registration for NH Blacks has increased by 52.86 %, NH Asians by 81.63%, and Latinos by 110.67%.[11] NH White voter registration has flat-lined at about 219,000, compared to 255,398 minority voters in mid-2017 – representing an overall 105.22% increase in minority voters since 2010.

(i) <u>Turnout by Race and Ethnicity – 2012-2016</u>

56. Turnout by the minority electorate in Gwinnett County on Election Day has moved in tandem with voter registration increases. **Figure 10** (on the next page) shows turnout by race and ethnicity for the November general election contests of 2012 and 2016, as reported by the Georgia Secretary of State.

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[11] For a detailed discussion of Latino voter registration and turnout in Georgia and Gwinnett County, see – Gonzalez, Jerry. 2016: *The Latino Electorate in Georgia Continues To Grow and To Vote*. GALEO.org. July 6, 2017. Available via a link found at the end of text summary at:
http://galeo.org/glv2016/

The GALEO report shows significantly higher rates of Latino registration in Gwinnett County (44,567 in Nov. 2016 versus the July 2017 Georgia SOS tally of 32,108), after adjusting upward for Spanish-surname registered voters who did not self-identify as Latino on the voter registration form..

57. There were across-the-board increases in minority turnout in 2016 compared to 2012, with especially large jumps in Latino (66.63%) and NH Asian turnout (68.45%). By contrast, NH White turnout fell by 1.79%.

Figure 10

Turnout by Race and Ethnicity 2012-2016 General Election

	Nov. 2012 Turnout	% 2012 Turnout	% of Nov. 2012 Registered Voters	Nov. 2016 Turnout	% 2016 Turnout	% of Nov. 2016 Registered Voters	% Turnout Change 2012-2016
Total Turnout	297,503	100.00%	74.99%	325,513	100.0%	75.05%	9.42%
Total Minority	103,958	34.94%	72.31%	128,120	39.36%	70.83%	23.24%
NH White	173,234	58.23%	79.29%	170,132	52.27%	81.03%	-1.79%
Latino	11,127	3.74%	61.62%	18,743	5.76%	69.08%	68.45%
NH Black	76,107	25.58%	79.21%	84,949	26.10%	73.54%	11.62%
NH Asian/P. Islander	9,915	3.33%	51.03%	16,521	5.08%	61.54%	66.63%
NH Am. Indian	251	0.08%	54.92%	448	0.14%	66.47%	78.49%
NH Other	6,558	2.20%	67.33%	7,459	2.29%	69.53%	13.74%
Unknown	20,311	6.83%	58.88%	27,261	8.37%	63.56%	34.22%

58. Consistent with the national pattern, the rate of minority registered voters who participated in the 2016 election fell slightly in Gwinnett County – from 72.31% in 2012 to 70.83%.

59. NH Black voter participation fell from 79.21% to 73.54%, while NH White participation rose from 79.29% to 81.03%. Latinos and NH Asian voters in Gwinnett County bucked the overall minority participation rate decline. Latino participation climbed from 61.62% % to 69.08%, while NH Asian participation

jumped from 51.03% to 61.54%.

III. DEMOGRAPHICS OF GWINNETT COUNTY SCHOOL DISTRICT

60. According to the 2010 Census, the Gwinnett County Public School District ("GCPS") encompasses almost all of the population in Gwinnett County – 793,941 persons (98.59%) – excluding the Buford City School District.

61. In March 2017, the GCPS had a total enrollment of 178,109 students, making it the largest school district in Georgia. Minority students represented three-fourths (75.92%) of enrolled students, compared to 67.26% in 2010.

62. The table in **Figure 11** presents 2010-11 and 2016-17 school enrollment by race and ethnicity for the GCPS, as reported by the Georgia Department of Education.

Figure 11

GPCS Student Enrollment by Race and Ethnicity 2010-2017

	2010 Number	Percent	March 2017 Number	Percent	% Change 2010-2017
Total Registration	158,329	100.00%	178,109	100.00%	12.49%
Total Minority	106,493	67.26%	135,217	75.92%	26.97%
NH White	51,836	32.74%	42,892	24.08%	-17.25%
NH Latino	39,276	24.81%	53,299	29.92%	35.70%
NH Black	44,046	27.82%	56,417	31.68%	28.09%
NH Asian	16,125	10.18%	18,408	10.34%	14.16%
NH Am.Indian	709	0.45%	362	0.20%	-48.94%
NH Other	199	0.13%	189	0.11%	-5.03%
Unknown	6,138	3.88%	6,542	3.67%	6.58%

63. Since 2010, minority enrollment has registered a 26.97% gain, while NH White enrollment has declined by 17.25%. Latino enrollment is up by 35.70%, followed by increases in African-American enrollment (28.09%) and Asian-American enrollment (14.16%).

64. Although little-changed from the countywide figures, for reference, the table in **Figure 12** presents GCPS population by race, ethnicity and age, according to the 2010 Census. Annual population estimates are not available from the Census Bureau for school districts such as GCPS that are not coterminous with counties or municipalities.

Figure 12

Gwinnett County Public School District –2010 Census Population and Race Distribution

	2010 Number	Percent
Total Population	793,941	100.00%
NH White	348,103	43.84%
Total Minority Pop.	445,838	56.16%
Latino	158,896	20.01%
NH Black	182,558	22.99%
NH Am. Indian	1,520	0.19%
NH Asian	84,505	10.64%
NH Hawaiian and Pacific Islander	341	0.04%
NH Other	2,474	0.31%
NH Two or More Races	15,544	1.96%
Single-race Black	188,555	23.75%
Any Part Black	199,790	25.16%
NH Any Part Black	191,145	24.08%
Single-race Asian	85,030	10.71%
Any Part Asian	92,266	11.62%
NH Any Part Asian	91,035	11.47%

65. Also, for reference, the table in **Figure 13** presents the 2011-2015 ACS and 2015 ACS estimates for citizenship and CVAP for the GCPS.

Figure 13

Gwinnett County Public School District
Citizen Population by Age, Race, and Ethnicity

	2011-15 ACS	2015 ACS
% Latino Citizen (all ages)	14.4%	13.7%
% NH Black Citizen (all ages)	27.2%	NA
% NH Asian Citizen (all ages)	9.3%	NA
% NH White Citizen (all ages)	46.6%	44.25
% Latino CVAP	9.4%	8.7%
% NH Black CVAP	26.5%	NA
% NH Asian CVAP	9.6%	NA
% NH White CVAP	52.8%	49.9%
% Latino Citizen U18	25.3%	24.5%.
% NH Black Citizen U18	28.7%	NA
% NH Asian Citizen U18	8.8%	NA
% NH White Citizen U18	33.0%	31.5%

IV. SOCIOECONOMIC PROFILE OF GWINNETT COUNTY

(a) Measures of Socioeconomic Well-being

66. Non-Hispanic Whites in Gwinnett County outpace African Americans and Latinos across a broad range of socioeconomic measures, as reported in the 1-year 2015 *ACS*.[12]

[12] In this section, "White" refers to NH White. Black refers to single-race NH Black.

67. This disparity is summarized below and depicted with further detail in charts found in **Exhibit F-1** and the table in **Exhibit F-2**.[13]

(a) Income

- About one in 14 (6.8%) of Whites in Gwinnett County lives in poverty. Blacks experience a poverty rate (13.9%) that is about twice that of Whites and the Latino poverty rate is over three times higher (22.9%). (**Exhibit F-1 at p. 22 and Exhibit F-2 at p. 7**)

- The child poverty rate for Whites is 7.6%, compared to 17.1% of Black children and nearly one-third (31.7%) of Latino children. (**Exhibit F-1 at p. 22 and Exhibit F-2 at p. 7**)

- White median household income is $75,669 – about one-third (31.3%) higher than Black median household income ($57,640) and over three-fourths higher (77%) than Latino median household income ($42,746). (**Exhibit F-1- at p. 14 and Exhibit F-2 at p.6**)

- Per capita income disparities in Gwinnett County are even more pronounced than the disparities seen in median household income. At $35,605, White per capita income is 54.4% higher than Black per capita income ($23,062) and two and a half times higher than Latino per capita income ($14,020). (**Exhibit F-1- at p. 17 and Exhibit F-2 at p. 7**)

- Just 4.6% of White households rely on food stamps, compared to 13.9% of Black households and 21.2% of Latino households. (**Exhibit F-1- at p. 15 and Exhibit F-2 at p. 6**)

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[13] **Exhibit F-1 and Exhibit F-2** also break out statistics for the NH Asian population. In Gwinnett County, Asian Americans generally trail NH Whites in terms of socioeconomic well-being, but to a lesser degree than African Americans and Latinos.

(b) Education

- Of persons 25 years of age and over, 6.2% of Whites and 6.2% of Blacks have not finished high school. By contrast, 39.0 % of their Latino counterparts are without a high school diploma. (**Exhibit F-1- at p. 5 and Exhibit F-2 at p. 3**)

- At the other end of the educational scale, for ages 25 and over, 41.4% of Whites and 36.5% of Blacks have a bachelor's degree or higher. Just 13.8% of Latinos have a bachelor's degree or higher. (**Exhibit F-1- at p. 5 and Exhibit F-2 at p. 3**)

(c) Employment

- The White unemployment rate (for the working-age population ages 16-64, expressed as a percent of the civilian labor force) is 4.6% – about half the 9.1% Black unemployment rate and about the same as the 4.3% Latino rate. (**Exhibit F-1- at p. 11 and Exhibit F-2 at p. 5**)

- Nearly half (45.8%) of employed Whites are in management or professional occupations, compared to 38.3% of Blacks and just 13.1% of Latinos. (**Exhibit F-1- at p. 13 and Exhibit F-2 at p. 5**)

(d) Housing

- Over three-fourths (77.2%) of White householders in Gwinnett County are home owners. Less than half of Black householders (45.6%) and Latino householders (42.4%) are home owners. (**Exhibit F-1- at p. 21 and Exhibit F-2 at p. 7**)

- Just 2.0% of White households are without a vehicle, compared to 5.2% of Black households and 7.2% of Latino households. (**Exhibit F-1- at p. 23 and Exhibit F-2 at p. 8**)

- Just 0.9% of White households live under crowded conditions (defined as more than one person per room), compared to 2.8% of Black households and 14.6% of Latino households. (**Exhibit F-1- at p. 24 and Exhibit F-2 at p. 8**)

- About 2 in 5 (38.2%) of White renter-occupied households spend more than 30% of income for rent, compared to half (49.1%) of Black households and 3 in 5 (61.4%) of Latino households. (**Exhibit F-1- at p. 26 and Exhibit F-2 at p. 8**)

68. For additional background, I have prepared tables and charts based on the 5-year 2011-2015 ACS for both Gwinnett County (**Exhibit G-1**) and GCPS (**Exhibit G-2**), comparing African Americans, Latinos, and NH Whites.[14] Similar sets of charts are in **Exhibit G-3** for the 14 municipalities (plus unincorporated Mountain Park) that have significant population in Gwinnett County. **Exhibit G-3** is too voluminous to include as a paper exhibit, but may be downloaded via the link below:

http://www.fairdata2000.com/Gwinnett/Gwinnett_Places_ACS_Black_and_Latino_5YR.zip

(b) <u>Foreign-Born and Citizenship Status</u>

69. African Americans, Asian Americans, and Latinos share a common bond or "community of interest" on issues relating to immigration and citizenship. The table in **Exhibit H** presents citizenship statistics by age for these three minority subgroups compared to NH Whites from the 1-year 2015 ACS.[15] The chart in

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[14] The 5-year ACS estimates have lower margins of error than the 1-year ACS estimates, but the 5-year survey midpoint is not as up-to-date – July 2013, compared to a July 2015 survey midpoint for the 1-year ACS estimates. Also, note that the 5-year 2011-2015 ACS datasets combine single-race Hispanic Blacks with NH Blacks. According to the 2011-2015 ACS, 3.1% of all Latinos in Gwinnett County are single-race Black.

[15] Note that the 1-year 2015 ACS dataset table (B05003) combines single-race NH Blacks with Hispanic Blacks and single-race NH Asians with Hispanic Asians.

Figure 14 excerpts from **Exhibit H** comparative statistics for the voting age population.

Figure 14

Gwinnett County – Citizenship Status of Voting Age Population

70. For the voting age population, 24.3% of African Americans, 84.7% of Asian Americans and 77.1% of Latinos are foreign-born, compared to just 7.9% of NH Whites.

71. For the voting age population, 11.4% of African Americans, 28.1% of Asian Americans, and 58.4% of Latinos are not citizens, compared to just 3.3% of NH Whites.

(c) Ability to Speak English

72. Latinos and Asian Americans share a community of interest on issues relating to language barriers. For the population 5 years and over, 2.6% of NH Whites and 4.4% of NH Blacks speak English less than "very well". By contrast, 43.9% of Latinos and 41.5% of NH Asians speak English less than "very well". (**Exhibit F-1- at p. 9 and Exhibit F-2 at p. 5**)

(d) Black/Asian/Latino Community of Interest

73. On balance – taking into account socioeconomic well-being, citizenship status, and language barriers –there is compelling Census Bureau documentation that African Americans, Asian Americans, and Latinos are altogether a community of interest.

V. CURRENT ELECTION PLANS IN GWINNETT COUNTY

(a) Congressional and State Legislative Districts

74. As shown in **Figure 15**, three U. S. House districts (identified by labels) are contained in part within Gwinnett County – ***CD 4*** (63.6% B+LCVAP), ***CD 7*** (29.0% B+L CVAP), and ***CD 10*** (27.1% B+L CVAP).

Figure 15

Current Congressional Plan – Gwinnett County and Vicinity

75. As shown in **Figure 16** (on the next page)**,** seven State Senate districts (identified by labels), with an ideal district population size of 172,994, are contained in whole or in part in Gwinnett County. Of these, three are majority-B+LCVAP. ***SD 5*** (56.76% B+LCVAP) is entirely in Gwinnett County. ***SD 41*** (61.34% B+LCVAP) and ***SD 55*** (70.17% B+LCVAP) are partly in Gwinnett County.

Figure 16

Current Senate Plan – Gwinnett County and Vicinity

76. As shown in **Figure 17** (on the next page), 18 State House districts (identified by labels), with an ideal district population size of 53,820, are contained in whole or in part in Gwinnett County. Of these, four are majority-B+LCVAP. ***HD 99*** (57.0% B+LCVAP) and ***HD 100*** (60.4% B+LCVAP) are entirely in Gwinnett County. ***HD 93*** (72.3% B+LCVAP) and **HD 94** (68.45% B+LCVAP) are partly in Gwinnett County. A fifth district – **HD 96** – is entirely in Gwinnett County and is majority B+A+LCVAP (43.3% B+LCVAP and 61.3%

B+A+LCVAP).

Figure 17

Current State House Plan – Gwinnett County and Vicinity

(b) Municipal Election Plans

77. City councils are often a key stepping stone to countywide office, but opportunities for minorities are undoubtedly restricted by the at-large election systems in place at the municipal level in Gwinnett County.

78. All six of the municipalities in Gwinnett County with the highest percentages of minority residents elect city councils and mayors at-large – Duluth,

Lawrenceville, Lilburn, Norcross, Peachtree Corners, and Snelling. According to the 2010 Census, the minority population percentages range from a high of 73.1% in Norcross to a low of 42.1% in Snellville.

79. As shown in **Figure 18**, NH White citizens of voting age are a majority in four of the six municipalities, according to the 5-year 2011-2015 ACS. Norcross is majority B+LCVAP. Lawrenceville has a citywide B+LCVAP of 45.93% – slightly below the NH White CVAP of 47.99%.

Figure 18

CVAP and Minority Representation – Selected Gwinnett Municipalities 2011-2015 ACS

Municipality	% BCVAP	% ACVAP	%LCVAP	NHW CVAP	City Council Seats Plus Mayor	Minority Council Members
Duluth	24.28%	15.16%	5.47%	53.16%	6	0
Lawrenceville	34.06%	3.02%	11.88%	47.99%	5	0
Lilburn	18.28%	19.35%	10.25%	50.25%	5	0
Norcross	34.04%	10.54%	17.80%	36.53%	6	1
Peachtree Corners	24.12%	7.74%	6.06%	61.05%	6	0
Snellville	32.78%	4.16%	6.05%	55.98%	6	1
Total					**34**	**2**

80. **Figure 18** reveals that Norcross has only one minority city council member. Snellville, which is majority NH White CVAP, also has a minority council member. Put differently – and in more stark terms – of the 34 municipal legislative

offices (council members plus at-large mayors) in the six jurisdictions, just two (5.9%) are held by a minority.[16]

81. I have determined that it is possible to draw, at a minimum, a total of 11 B+LCVAP-majority wards in the six cities, while still maintaining six at-large mayors. Three additional B+A+LCVAP wards can be also be drawn. **Figure 19** summarizes the results by municipality.

Figure 19

Potential Minority-Majority CVAP Wards –Selected Gwinnett Municipalities

Municipality	Number of Wards (excluding at-large mayor)	B+LCVAP-Majority Wards	Additional B+A+LCVAP-Majority Wards	Total Potential Minority-Majority CVAP Wards
Duluth	5	0	2	2
Lawrenceville	4	2	0	2
Lilburn	4	1	1	2
Norcross	5	3	0	3
Peachtree Corners	5	2	0	2
Snellville	5	3	0	3
Total	**28**	**11**	**3**	**14**

82. All told, 14 of the 28 hypothetical wards would give minorities an opportunity to elect their candidates of choice. Of course, if six additional wards were created to replace the at-large mayors in the cities, there is a possibility that one or more additional minority-majority CVAP wards could be drawn given the

[16] Source: Based on information and belief, upon my review of photos and surnames on the City Council webpages for the six cities.

smaller ideal population size by ward.

(c) Current County Commission Plan

83. The current Commission Plan (adopted in 2011 and signed into law in 2012) has four districts and one at-large seat. None of the four single-member districts is minority-majority CVAP. **Figure 20** depicts the Commission Plan. A more detailed map in **Exhibit I-1** shows 2016 precincts and residences of the current incumbents.

Figure 20

Current Commission Plan – 4 Districts, 1 At-Large

84. The Commission Plan has an overall deviation of 1.43%. Five 2016 precincts are split between districts – (VTD 024, Sugar Hill A), (VTD 025, Sugar Hill B), (VTD 035, Cates D), (VTD 054, Sugar Hill E) plus an insignificant split (VTD 089, Sugar Hill D) involving 29 persons.

85. The table in **Figure 21** shows summary CVAP statistics for the Commission Plan, based on the 2011-15 ACS.[17] The rightmost column (yellow highlight) shows the margin of B+A+LCVAP to NH White CVAP. The negative margin numbers indicate the percentage advantage of NH White CVAP in the four districts. More detailed population and registration statistics are in **Exhibit I-2**.

Figure 21

Current Commission Plan – 4 Districts, 1 At-Large
2011-2015 ACS CVAP Summary

District	% NH Black CVAP	% NH Asian CVAP	% Latino CVAP	% NH White CVAP	% B + LCVAP	% B+A+ LCVAP	B+A+LCVAP to NH White CVAP Margin
1	22.3%	14.8%	10.5%	50.8%	32.8%	47.6%	-3.1%
2	23.9%	11.7%	9.9%	53.1%	33.8%	45.5%	-7.7%
3	32.3%	3.7%	6.5%	56.2%	38.7%	42.4%	-13.8%
4	25.8%	8.7%	11.4%	51.6%	37.2%	45.9%	-5.7%

86. The table in **Figure 22** reveals that B+A+LCVAP (yellow highlight) in Districts 1 and 2 under the current Commission Plan was cut by about 5 percentage

[17] The block group level 2011-2015 ACS special tabulation was published by the Census Bureau in January 2017 and is the most current version available. Unlike the general 2011-2015 ACS, which is released on an annual basis in December, the special tabulation reports non-Hispanic single-race estimates.

points from the low 40s under the 2002 Commission Plan to the high 30s, according to the historical 2006-2010 ACS.[18]

Figure 22

2002 and Current Commission Plan Comparison
2006-2010 ACS CVAP Summary

District	2002 Plan Population	2002 Plan % Deviation	2002 Plan % B+A+LCVAP	2002 Plan % NHW CVAP	2011 Plan % B+A+LCVAP	2011 Plan % NHW CVAP
1	194000	-3.6%	43.9%	54.1%	37.3%	61.2%
2	155393	-22.8%	42.6%	56.5%	38.4%	60.5%
3	227451	13.0%	34.0%	64.8%	35.4%	63.5%
4	228477	13.5%	33.4%	65.5%	39.3%	59.2%

87. Given the extreme malapportionment in the 2002 Commission Plan, the 2011 redistricting process afforded an opportunity for Gwinnett County plan drawers to eliminate the minority vote dilution present in the 2002 plan. But they failed to do so. Instead, they diminished minority voting strength even further despite the tremendous minority population growth that had occurred since the 2000 Census.

88. The current Commission Plan submerges most of minority-majority Lawrenceville into NH White CVAP-majority District 4. District 2 encompasses

[18] The 2006-2010 ACS special tabulation was published by the Census Bureau in January 2012. This 5-year dataset was used by states and local jurisdictions to determine CVAP by district during the early round of post-2010 Census redistricting. The 2006-2010 ACS was the first post-Census 2010 special tabulation based on 2010 geography at the block group level. For jurisdictions like Gwinnet County that were on a fast-track redistricting process, alternative methods were available in 2011 that would have approximated the 2006-2010 ACS. For example, Gwinnett County plan drawers could have imputed CVAP by race and ethnicity, using the countywide 1-year 2010 ACS released in September 2011.

most of minority-majority Norcross and all of minority-majority Lilburn. But minority voting strength in District 2 is diluted with the inclusion of predominantly White areas to the north of Mountain Park and around Berkley Lake, so that District 2 remains NH White CVAP-majority.

89. During the 2011 redistricting process, two out of four minority-majority CVAP Commission districts could have been drawn. See, for example, *Illustrative Commission Plan 2* as described in ¶¶110-117 *infra*.

(c) Current BOE Plan

90. The current BOE Plan (adopted in 2011 and signed into law in 2012) has five single-member districts. **Figure 23** (on the next page) depicts the current BOE Plan. A more detailed map in **Exhibit J-1** shows 2016 precincts and residences of the current incumbents.

Figure 23

Current BOE Plan – 5 Districts

91. The BOE Plan has an overall deviation of 0.79%. Four 2016 precincts are split between districts – (VTD 055, Sugar Hill D), (VTD 095, Duluth F), (VTD 114, Pinckneysville W) plus an insignificant split (VTD 089, Sugar Hill E) involving 25 persons.

92. One district is minority-majority CVAP – District 5 (57.9% B+LCVAP). The table in **Figure 24** shows summary CVAP statistics for the BOE plan. More detailed population and registration statistics are in Exhibit **J-2**.

Figure 24

Current BOE Plan – 5 Districts
2011-2015 ACS CVAP Summary

District	% NH Black CVAP	% NH Asian CVAP	% Latino CVAP	% NH White CVAP	% B+L CVAP	% B+A+ LCVAP	B+A+LCVAP to NH White CVAP Margin
1	28.9%	4.6%	8.4%	56.2%	37.0%	41.5%	-14.7%
2	20.8%	8.7%	9.5%	59.1%	29.7%	38.4%	-20.7%
3	17.1%	14.2%	7.2%	60.0%	22.6%	36.8%	-23.2%
4	30.5%	8.1%	5.8%	54.5%	34.4%	42.5%	-12.0%
5	38.2%	13.6%	19.4%	26.9%	57.9%	71.5%	44.6%

93. As shown in the rightmost column of **Figure 24** (yellow highlight), after factoring in NH Asian CVAP, District 5 has a B+A+LCVAP margin of 44.6 percentage points over NH White CVAP.

94. The table in **Figure 25** reveals that the B+A+LCVAP in the current BOE Plan was increased in minority-majority CVAP District 5 by about 14 percentage points compared to the 2002 BOE Plan, while the minority CVAP was cut in Districts 1,2, and 4 that were all near 40% B+A+LCVAP.

Figure 25

2002 and Current BOE Plan Comparison
2006-2010 ACS CVAP Summary

District	2002 Plan Population	2002 Plan % Deviation	2002 Plan % B+A+LCVAP	2002 Plan % NHW CVAP	2011 Plan % B+A+LCVAP	2011 Plan % NHW CVAP
1	131998	-16.9%	40.3%	62.6%	36.6%	56.2%
2	199500	25.6%	38.9%	65.9%	32.7%	59.1%
3	185906	17.1%	26.9%	68.9%	29.5%	60.0%
4	147482	-7.1%	39.2%	64.4%	34.3%	54.5%
5	129055	-18.7%	50.4%	34.5%	64.0%	26.9%

95. Given the extreme malapportionment in the 2002 BOE Plan, the 2011 redistricting process afforded an opportunity for Gwinnett County plan drawers to eliminate the minority vote dilution present in the 2002 plan. But once again they failed to do so.

96. Instead, the plan drawers packed minority voters into District 5 and, in turn, unnecessarily fragmented or "cracked" minority voting strength across the remaining districts. Majority-minority Lawrenceville is split between NH White CVAP-majority District 1 and District 2. Majority-minority Lilburn is submerged in NH White CVAP-majority District 4.

97. During the 2011 redistricting process, two out of five minority-majority CVAP BOE districts could have been drawn. See, for example, *Illustrative BOE Plan 1* as described in ¶¶126-133 *infra.*

VI. PLAINTIFFS' ILLUSTRATIVE PLANS

(a) Compactness and Numerosity of the Minority Population

98. African Americans, Asian Americans, and Latinos living in the 54 predominantly minority census tracts identified in the map in **Figure 2** *supra* are sufficiently numerous and geographically compact to allow for two B+LCVAP - majority districts under either a 4-single member district plan or a 5-single-member district plan.

99. According to the 2011-15 ACS, the total CVAP in the 54 tracts is 194,355, of whom 102,739 (52.86%) are NH Black or Latino and 123,341 (63.46%) are NH Black, NH Asian or Latino.

100. The total population in this 54-tract area is 351,946. Under a 5-district plan, the ideal district size is 161,064 (805,321 divided by 5). Clearly, there is sufficient population in the 54-tract area to create two minority-majority CVAP districts under a 5-district plan.

101. Under a 4-district plan, the ideal district size is 201,331 (805,321 divided by 4). Thus, there is sufficient population in the 54-tract area, after including several adjacent tracts with populations between 50% and 60% minority, to create two minority-majority CVAP districts under a 4-district plan.

(b) Illustrative Commission Plan 1

102. I developed *Illustrative Commission Plan 1* depicted in **Figure 26** (on the next page). Under *Illustrative Commission Plan 1*, District 2 is 53.0% B+LCVAP and District 5 is 51.1% B+LCVAP.

Figure 26

Illustrative Commission Plan 1

103. District 2 extends from Norcross northwest to Lawrenceville. District 5 extends from south Snellville to the Dekalb County line and then northwest through Mountain Park to encompass a small part of Norcross and a significant part of Peachtree Corners. District 5 extends deep into Peachtree Corners in order to protect an incumbent – and as a consequence, in order to meet one-person one-vote requirements, most of Lilburn remains in NH White majority-CVAP District 4.

104. A map in **Exhibit K-1** shows 2016 precincts and residences of the current incumbents, with an overlay (in red lines) of the current Commission Plan

boundaries. The link below shows the plan in an address searchable Google map.

http://www.fairdata2000.com/Fusion/Gwinnett_IIllustrative_Commission_1/

105. The table in **Figure 27** shows summary CVAP statistics for *Illustrative Commission Plan 1*. More detailed population and registration statistics are in **Exhibit K-2**.

Figure 27

Illustrative Commission Plan 1
5 Districts
2011-2015 ACS CVAP Summary

District	% NH Black CVAP	% NH Asian CVAP	% Latino CVAP	% NH White CVAP	% B +LCVAP	% B+A +LCVAP	B+A+LCVAP to NH White CVAP Margin
1	15.1%	14.1%	6.9%	62.5%	22.0%	36.0%	-26.5%
2	36.2%	11.9%	16.8%	32.7%	53.0%	64.9%	32.2%
3	18.1%	6.7%	8.7%	64.3%	26.8%	33.5%	-30.8%
4	24.6%	6.5%	6.2%	61.4%	30.9%	37.4%	-24.0%
5	41.1%	8.6%	10.1%	38.8%	51.1%	59.7%	20.9%

106. After factoring in NH Asian CVAP, District 2 has a B+A+LCVAP margin of 32.2 percentage points over NH White CVAP. District 5 has a B+A+LCVAP margin of 20.9 points over NH White CVAP. Clearly, District 2 and District 5 are opportunity to elect districts.

107. The plan has an overall deviation of 3.30% from the ideal population size. No incumbents are paired. Districts in the plan are reasonably compact and contiguous.

108. *Illustrative Commission Plan 1* is drawn to follow 2016 precinct boundaries. One of the 156 Gwinnett County precincts (VTD 001, Habin A) is split between District 3 and District 4 in order to avoid pairing two incumbents. A second precinct (VTD 048, Duluth B) splits an unpopulated area in order to follow a more uniform boundary between District 1 and District 2.

109. District 2 and District 5 have been minority-majority CVAP for at least a decade. Based on the 2006-2010 ACS, District 2 was 44.7% B+LCVAP and 55.7% B+A+LCVAP. District 5 was 45.7% B+LCVAP and 51.8% B+A+LCVAP.

(c) Illustrative Commission Plan 2 – 4 Districts, 1 At-Large

110. I developed *Illustrative Commission Plan 2* depicted in **Figure 28**. Like the current Commission Plan, the plan has four single-member districts and one at-large seat. Under *Illustrative Commission Plan 2*, District 2 is 50.50% B+LCVAP and District 4 is 51.3% B+LCVAP.

111. District 2 is anchored in Lawrenceville and central Gwinnett County, extending south to include two minority-majority precincts in Lilburn. District 4 extends from south Grayson into Snellville, south to the Dekalb County line, and then northwest through Mountain Park to encompass most of Norcross and part of Peachtree Corners.

Figure 28

Illustrative Commission Plan 2

112. A map in **Exhibit L-1** shows 2016 precincts and residences of the current incumbents, with an overlay (in red lines) of the current Commission Plan boundaries. The link below shows the plan in an address searchable Google map.

http://www.fairdata2000.com/Fusion/Gwinnett_lIllustrative_Commission_2/

113. The table in **Figure 29** shows summary CVAP statistics for *Illustrative Commission Plan 2*. More detailed population and registration statistics are in

Exhibit L-2.

Figure 29

Illustrative Commission Plan 2
4 Districts, 1 At-Large
2011-2015 ACS CVAP Summary

District	% NH Black CVAP	% NH Asian CVAP	% Latino CVAP	% NH White CVAP	% B +LCVAP	% B+A +LCVAP	B+A+LCVAP to NH White CVAP Margin
1	15.2%	12.6%	7.1%	63.8%	22.3%	34.9%	-28.9%
2	35.3%	11.4%	15.2%	35.8%	50.5%	61.9%	26.1%
3	17.6%	6.2%	6.8%	67.4%	24.5%	30.7%	-36.7%
4	41.4%	7.7%	9.9%	39.6%	51.3%	59.0%	19.4%

114. As shown in **Figure 29**, after factoring in NH Asian CVAP, District 2 has a B+A+LCVAP margin of 26.1 percentage points over NH White CVAP. District 4 has a B+A+LCVAP margin of 19.4 points over NH White CVAP. Clearly, District 2 and District 4 are opportunity to elect districts.

115. The plan has an overall deviation of 1.22% from the ideal population size. Two incumbents are paired in District 1. Districts in the plan are reasonably compact and contiguous.

116. *Illustrative Commission Plan 2* splits only one 2016 precinct – (VTD 048, Duluth B) in an unpopulated area in order to follow a more uniform boundary between District 1 and District 2.

117. District 2 and District 4 have been minority-majority CVAP for at least a decade. Based on the historical 2006-2010 ACS, District 2 was 42.2% B+LCVAP

and 52.6% B+A+LCVAP. District 4 was 44.8% B+LCVAP and 51.0% B+A+LCVAP.

(d) Illustrative Commission Plan 3

118. I developed *Illustrative Commission Plan 3* depicted in **Figure** 30. Under *Illustrative Commission Plan 3,* District 2 is 52.4% B+LCVAP. District 5 is 51.7% B+LCVAP and 50.5% B+ACVAP.

Figure 30

Illustrative Commission Plan 3

119. District 2 encompasses part of Lawrenceville and central Gwinnett County, including minority precincts in Lilburn. District 5 extends south from Snellville to the Dekalb County line and then northwest through Mountain Park to encompass most of Norcross and a small part of Peachtree Corners.

120. A map in **Exhibit M-1** shows 2016 precincts and residences of the current incumbents, with an overlay (in red lines) of the current Commission Plan boundaries. The link below shows the plan in an address searchable Google map.

http://www.fairdata2000.com/Fusion/Gwinnett_lIllustrative_Commission_3/

121. The table in **Figure 31** shows summary CVAP statistics for *Illustrative Commission Plan 3*. More detailed population and registration statistics are in **Exhibit M-2**.

Figure 31

Illustrative Commission Plan 3
5 Districts
2011-2015 ACS CVAP Summary

District	% NH Black CVAP	% NH Asian CVAP	% Latino CVAP	% NH White CVAP	% B +LCVAP	% B+A +LCVAP	B+A+LCVAP to NH White CVAP Margin
1	17.1%	11.9%	7.3%	62.1%	24.5%	36.4%	-25.7%
2	36.0%	12.6%	16.4%	32.9%	52.4%	65.1%	32.2%
3	16.9%	7.8%	8.1%	65.2%	25.0%	32.8%	-32.5%
4	24.7%	6.1%	6.3%	61.3%	31.0%	37.1%	-24.1%
5	41.0%	9.5%	10.7%	37.3%	51.7%	61.1%	23.9%

122. As shown in **Figure 31**, after factoring in NH Asian CVAP, District 2 has a B+A+LCVAP margin of 32.2 percentage points over NH White CVAP.

District 5 has a B+A+LCVAP margin of 23.9 points over NH White CVAP. Clearly, District 2 and District 5 are opportunity to elect districts.

123. The plan has an overall deviation of 2.62% from the ideal population size. Two incumbents are paired in District 3. Districts in the plan are reasonably compact and contiguous.

124. *Illustrative Commission Plan 3* splits only one 2016 precinct – (VTD 048, Duluth B) in an unpopulated area in order to follow a more uniform boundary between District 1 and District 2.

125. District 2 and District 5 have been minority-majority CVAP for at least a decade. Based on the historical 2006-2010 ACS, District 2 was 43.5% B+LCVAP and 54.6% B+A+LCVAP. District 5 was 45.3% B+LCVAP and 52.8% B+A+LCVAP.

(e) <u>Illustrative BOE Plan 1</u>

126. I developed *Illustrative BOE Plan 1* depicted in **Figure 32**. Two of the districts are majority-B+LCVAP – District 2 (52.6%) and District 5 (51.8%). District 5 is also majority B+A+LCVAP (50.5%).

Figure 32

Illustrative BOE Plan 1

127. District 2 is anchored in Lawrenceville and extends southwest to the outskirts of Norcross, including minority precincts in Lilburn. District 5 extends from south Snellville to the Dekalb County line and then northwest through Mountain Park to encompass most of Norcross and part of Peachtree Corners.

128. A map in **Exhibit N-1** shows 2016 precincts and residences of the current incumbents, with an overlay (in blue lines) of the current BOE Plan

boundaries. The link below shows the plan in an address searchable Google map:

http://www.fairdata2000.com/Fusion/Gwinnett_IIllustrative_BOE_1/

129. The table in **Figure 33** shows summary CVAP statistics for Illustrative *BOE Plan 1*. More detailed population and registration statistics are in **Exhibit N-2**.

Figure 33

Illustrative BOE Plan 1
5 Districts
2011-2015 ACS CVAP Summary

District	% NH Black CVAP	% NH Asian CVAP	% Latino CVAP	% NH White CVAP	% B +LCVAP	% B+A LCVAP	B+A+LCVAP to NH White CVAP Margin
1	19.6%	15.1%	7.3%	56.3%	26.9%	42.0%	-14.3%
2	35.9%	11.1%	16.7%	34.1%	52.6%	63.7%	29.5%
3	14.8%	7.5%	7.9%	68.2%	22.7%	30.1%	-38.1%
4	24.6%	5.7%	6.5%	61.7%	31.1%	36.8%	-24.9%
5	41.5%	9.0%	10.3%	37.8%	51.8%	60.8%	23.0%

130. As shown in **Figure 33**, after factoring in NH Asian CVAP, District 2 has a B+A+LCVAP margin of 29.5 percentage points over NH White CVAP. District 5 has a B+A+LCVAP margin of 23.0 points over NH White CVAP. Clearly, District 2 and District 5 are opportunity to elect districts

131. The plan has an overall deviation of 3.18% from the ideal population size of 158,788. No incumbents are paired. Districts in the plan are reasonably compact and contiguous.

132. *Illustrative BOE Plan 1* is drawn to follow 2016 precinct boundaries. One of the 156 Gwinnett County precincts (VTD 028- Rockycreek A) is split between District 3 and District 4 in order to avoid pairing two incumbents.

133. District 2 and District 5 have been minority-majority CVAP for at least a decade. Based on the historical 2006-2010 ACS, District 2 was 44.9% B+LCVAP and 54.1% B+A+LCVAP; District 5 was 45.2% B+LCVAP and 52.4% B+A+LCVAP.

(f) <u>Illustrative BOE Plan 2</u>

134. I developed *Illustrative BOE Plan 2* depicted in **Figure 34**. Two of the districts are majority-B+LCVAP – District 2 (51.3%) and District 5 (52.6%). District 5 is also 51.3% B+ACVAP.

135. District 2 is anchored in Lawrenceville and central Gwinnett County and extends southwest to encompass most of Norcross. District 5 extends south from Snellville to the Dekalb County line and then northwest through Mountain Park to encompass minority precincts in Lilburn and small parts of Norcross and Peachtree Corners.

Figure 34

Illustrative BOE Plan 2

136. A map in **Exhibit O-1** shows 2016 precincts and residences of the current incumbents, with an overlay (in blue lines) of the current BOE Plan boundaries. The link below shows the plan in an address searchable Google map: http://www.fairdata2000.com/Fusion/Gwinnett_lIllustrative_BOE_2/

137. The table in **Figure 35** shows summary CVAP statistics for *Illustrative BOE Plan 2*. More detailed population and registration statistics are in **Exhibit O-2**.

Figure 35

Illustrative BOE Plan 2
5 Districts
2011-2015 ACS CVAP Summary

District	% NH Black CVAP	% NH Asian CVAP	% Latino CVAP	% NH White CVAP	% B +LCVAP	% B+A LCVAP	B+A+LCVAP to NH White CVAP Margin
1	15.7%	13.0%	6.7%	63.2%	22.4%	35.4%	-27.7%
2	34.8%	12.1%	16.5%	34.1%	51.3%	63.5%	29.3%
3	18.3%	6.6%	8.4%	64.8%	26.7%	33.2%	-31.5%
4	25.8%	7.4%	6.6%	58.9%	32.4%	39.8%	-19.2%
5	42.1%	9.2%	10.5%	36.8%	52.6%	61.8%	25.0%

138. As shown in **Figure 35,** after factoring in NH Asian CVAP, District 2 has a B+A+LCVAP margin of 29.3 percentage points over NH White CVAP. District 5 has a B+A+LCVAP margin of 25.0 points over NH White CVAP. Clearly, District 2 and District 5 are opportunity to elect districts.

139. The plan has an overall deviation of 2.31% from the ideal population size. Two incumbents are paired in District 1. Districts in the plan are reasonably compact and contiguous. [19]

140. *Illustrative BOE Plan 2* splits only one 2016 precinct – (VTD 048, Duluth B) – in an unpopulated area in order to follow a more uniform boundary between District 1 and District 2.

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[19] The Buford City School District splits eight precincts, creating non-contiguous "islands" belonging to GCPS. That said, under a modified Illustrative BOE Plan 2, with precinct splits that would join peninsular areas of VTD 055 and VTD 102 to District 1 rather than to GCPS "islands" in District 3, the overall deviation is cut to 1.82%. CVAP percentages would change slightly – District 1 (22.6% B+LCVAP) and District 3(26.4%).

141. District 2 and District 5 have been minority-majority CVAP for at least a decade. Based on the historical 2006-2010 ACS, District 2 was 42.1% B+LCVAP and 53.5% B+A+LCVAP. District 5 was 46.5% B+LCVAP and 53.0% B+A+LCVAP.

(g) Supplemental Plan Information

142. Exhibit **P-1** shows how district population is allocated by place (according to block assignments in the 2010 Census P.L. 94-171 file) for the current Commission Plan and the three illustrative commission plans. Compared to the current Commission Plan, the illustrative commission plans add about a half dozen place splits – partly due to 2016 precinct boundaries that do not conform to 2010 municipal boundaries. With a few precinct splits, the number of place splits could be reduced in the illustrative plans.

143. Exhibit **P-2** shows how district population is allocated by place for the current BOE Plan and the two illustrative BOE plans. The number of splits across plans is essentially the same.

144. **Exhibit Q** compares Reock compactness scores for the current and illustrative plans.[20] The current Commission Plan scores slightly higher than the

[20] The Reock test is an area-based measure that compares each district to a circle, which is considered to be the most compact shape possible. For each district, the Reock test computes the ratio of the area of the district to the area of the minimum enclosing circle for the district. The measure is always between 0 and 1, with 1 being the most compact. The Reock test computes one number for each district and the minimum, maximum, mean and standard deviation for the plan." (Source: *Maptitude For Redistricting* documentation)

three illustrative Commission plans. The current BOE Plan scores about the same as the two illustrative BOE plans. Reock compactness scores for the illustrative Commission and BOE plans are within the norm.[21]

145. **Exhibit R** shows incumbent assignments by plan. Two illustrative plans – *Illustrative Commission Plan 1* and *Illustrative BOE Plan 1* – have no incumbent conflicts.

146. As shown in **Figure 36**, school locations under the illustrative BOE plans are balanced across all five districts. **Exhibit S** shows total schools by district under the current BOE Plan and illustrative BOE plans.

Figure 36

GCPS School Locations by Plan

District	Current BOE Schools	Illustrative BOE 1 Schools	Illustrative BOE 2 Schools
1	31	24	29
2	32	34	32
3	29	29	27
4	28	34	32
5	20	19	20
Total	**140**	**140**	**140**

[21] There is no bright-line rule on what constitutes a "passing grade" in terms of compactness scores. For a detailed discussion of compactness scores see *Bethune-Hill v. Virginia State Board of Elections – 141 F.Supp.3d 505, 515, 535-546,(D. Va. 2015); cert granted 2016 WL 3128979 (U.S. 2016)* – pp. 62-66 with a district-by-district compactness analysis in the pages that follow.

VII. SUMMARY CONCLUSIONS

147. From the preceding analysis, I reach the following conclusions:

- The minority population in Gwinnett County has grown dramatically in recent decades – climbing to 61.47% in 2016, according to estimates published by the Census Bureau.

- Non-Hispanic Whites are a minority of the VAP (47.83%), according to the 2010 Census. According to the 1-year 2015 ACS, NH Whites are a slim majority of the countywide CVAP (50.8%) and a slight minority of CVAP (49.9%) in the Gwinnett County Public School District.

- African Americans, Asian Americans, and Latinos are a community of interest. All three minority populations share contemporary concerns relating to voting, immigration and citizenship status.

- African Americans and Latinos lag behind NH Whites across most key indicators of socioeconomic well-being. Almost half of all Latinos and Asian Americans experience language barriers.

- African Americans, Asian Americans, and Latinos in Gwinnett County are sufficiently numerous and geographically compact to comprise a majority of the CVAP in two of five single-member Commission districts – *Illustrative Commission Plan 1* and *Plan 3*; two of four single-member Commission districts – *Illustrative Commission Plan 2*; and two of five single member BOE districts – *Illustrative BOE Plan 1*and *Plan 2*.

- All five illustrative plans contain two B+LCVAP majority districts, according to the 5-year 2011-2015 ACS estimates. Three of the illustrative plans – *Illustrative Plan 3* and *Illustrative BOE Plan1* and *Plan 2* – contain one district that is both B+LCVAP majority and B+ACVAP majority.

- The five illustrative plans presented in this declaration comply with traditional redistricting principles, including one-person one-vote, compactness, contiguity, respect for communities of interest, and the non-dilution of minority voting strength.

148. Since 1990, Gwinnett County has experienced a dramatic demographic transformation. Today, Gwinnett County is majority-minority and has a population that is larger than six states. The minority population in Gwinnett County exceeds minority totals in 14 states.

149. No minorities serve on the Gwinnett County Commission or the GCPS Board of Education. In six municipalities located in the predominantly minority area in central and south Gwinnett County, there are just two minority city council members. This is a level of minority representation that one might have expected in 1990, or even further back in time when Gwinnett County was so rural that it was included as one of the North Georgia counties covered by the Appalachian Regional Commission established during the Johnson administration.

150. As a result of County Commission and Board of Education election plans that dilute minority voting strength, minorities are locked out of effective

county-level electoral participation. The illustrative plans that I have presented in this report would afford minorities an opportunity to elect candidates of choice in four majority-minority CVAP districts – up from one out of ten seats under the current Commission and BOE plans.

# # #

I reserve the right to continue to supplement my declarations in light of additional facts, testimony and/or materials that may come to light.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct according to the best of my knowledge, information and belief.

Executed on: August **8**, 2017

William S. Cooper

WILLIAM S. COOPER