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

AUSTIN THOMPSON, et al.,

Plaintiffs,

v. Civil Case No. 1:17-cv-01427

BRIAN KEMP, et al.,

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.

(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*

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

4. Since 2011, based in part on my testimony, 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): *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); *NAACP v. Ferguson-Florissant School District, Missouri* (E. D. Mo. August 22, 2016); and *Terrebonne Parish Branch NAACP et al. v. Jindal et al.* (M.D. La. July 27, 2017). In addition, based in part on my testimony, a Utah federal court ruled that election plans for the San Juan County School Board and the San Juan County Commission are unconstitutional – *Navajo Nation v. San Juan County, Utah* (C.D. Utah. February 19, 2016), (C.D. Utah. July 14, 2017), (C.D. Utah. December 21, 2017).

5. 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.*

6. 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

7. The attorneys for the Plaintiffs in this case asked me to examine the demographic impact of modifications to State House District ("HD") 105 in Gwinnett County and HD 111 in Henry County under the current Georgia House Plan as redrawn in 2015 ("2015 Plan"), compared to the 2012 Georgia House Plan ("2012 Plan").

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

II. 2015 REDISTRICTING

(a) Population – Gwinnett County and Henry County

9. Gwinnett County (see **Exhibit C-1**) and Henry County (see **Exhibit C-2**) have experienced dramatic population growth since 1990, with sharp increases in the percentage of the minority population in both counties. According to the 2010

Census, Gwinnett County (pop. 805,321) is 25.03% Any Part Black ("AP Black"), 22.86% Non-Hispanic Black ("NH Black"), and 20.12% Latino, with an overall minority population of 56.0%. Henry County (pop. 203,922) is 38.4% AP Black, 36.32% NH Black, and 5.79% Latino, with an overall minority population of 47.49%.[1]

10. Census Bureau population estimates as of July 2016 show significant increases in the minority population since 2010 in both counties. According to the 2016 estimates, Gwinnett County is 29.87% AP Black, 26.53% NH Black, and 20.84% Latino, with an overall minority population of 61.47%. Henry County is 45.22% % AP Black, 42.38% NH Black, and 6.58% Latino, with an overall minority population of 54.57%.

(b) <u>2015 House Districts – Gwinnett County</u>

11. As shown in **Figure 1** (on the next page), under the 2015 Plan, 18 House districts (identified by labels) are contained in whole or in part in Gwinnett County.

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[1] In this declaration "Latino" and "Hispanic" are synonymous, as are "White" and "NH White". "Minority" is defined as all persons who are not NH White. "NH Black" means non-Hispanic single-race Black. "NH Asian" means non-Hispanic single-race Asian. "AP Black" means all persons who self-identify as single-race Black or dual race and some part Black, including Black Hispanics.

Figure 1

2015 Plan – Gwinnett County and Vicinity

12. The table in **Figure 2** (on the next page) shows summary population statistics for HD 105 under the 2012 Plan and 2015 Plan. HD 104 and HD 105 are the only districts in Gwinnett County that changed under the 2015 redistricting.

Figure 2

HD 105 – 2012 Plan vs. 2015 plan

District	% 18+ AP Black	% 18+ NH Black	% 18+ NH Asian	% 18+ Latino	% 18+ Minority	% Minority CVAP
HD 105 (2012)	33.85%	32.37%	4.61%	12.61%	51.58%	48.07%
HD 105 (2015)	31.82%	30.37%	2.85%	10.82%	47.31%	46.12%

13. The map in **Figure 3** (on the next page) shows HD 105 under the 2015 Plan, with a black-line overlay showing HD 105 under the 2012 Plan. VTD boundaries are depicted with blue lines. Labels identify VTDs that were shifted in whole or in part in the 2015 redistricting of HD 105. Red dots show majority-minority census blocks, with text showing total population by census block. A larger version of **Figure 3** is in **Exhibit D**.

Figure 3

HD 105 -- Comparison of 2012 Plan (Black Line) and 2015 Plan

14. The table in **Figure 4** (on the next page) shows the VTD shifts and splits that reconfigured HD 105 from the black-line 2012 Plan to the color-coded green area under the 2015 Plan. Yellow highlights in the table depict shifts involving VTD splits. The net effect is that under the 2015 Plan, the minority voting age population ("MVAP") in HD 105 drops to 47.31% from 51.58% under the 2012 Plan.

Figure 4

HD 105 -- VTDs and Split VTDs Shifted -- 2012 Plan to 2015 plan

2012 Plan	2015 Plan	VTD	Pop.	18+_Pop	% 18+ NH Black	% 18+ Latino	% 18+ NH White	% 18+ Minority
104	105	HARBINS A)	3052	2161	14.07%	7.45%	75.15%	24.85%
104	105	LAWRENCEVILLE D	1617	917	71.54%	16.90%	7.85%	92.15%
104	105	**HARBINS C**	2711	1816	10.96%	5.51%	80.29%	19.71%
105	104	**LAWRENCEVILLE M**	7556	5025	38.39%	21.55%	33.07%	66.93%

15. The map in **Figure 3** and table in **Figure 4** show that in the 2015 redistricting majority-minority *Lawrenceville M* was shifted from HD 105 under the 2012 Plan to HD 104. Majority-white *Harbins C* was shifted from HD 104 under the 2012 Plan to HD 105.

16. At the block level, *Harbins A* was split so that predominantly white census blocks were shifted from HD 104 under the 2012 Plan to HD 105 and two majority-minority census blocks in *Lawrenceville D* were also shifted from HD 104 and to HD 105. (*Lawrenceville D* (pop. 5,775, 69.42% MVAP) was already split between HD 104 and HD 105 under the 2012 Plan and remains split under the 2015 Plan).

(c) 2015 House Districts – Henry County

17. As shown in **Figure 5**, under the 2015 Plan, eight House districts (identified by labels) are encompassed by Henry County. Of the eight districts, HD 111 is the only district that is entirely within Henry County.

Figure 5

2015 House Plan – Henry County and Vicinity

18. The table in **Figure 6** shows summary population statistics for HD 111 under the 2012 Plan and 2015 Plan. The 2015 redistricting of Henry County was complex and affected all House districts.

Figure 6

HD 111 – 2012 Plan vs. 2015 plan

District	% 18+ AP Black	% 18+ NH Black	% 18+ NH Asian	% 18+ Latino	% 18+ Minority	% Minority CVAP
HD 111 (2012)	34.55%	33.20%	3.26%	5.60%	43.86%	48.08%
HD 111 (2015)	32.31%	31.00%	2.63%	5.24%	41.86%	43.32%

19. The map in **Figure 7** (on the next page) shows HD 111 and portions of adjacent districts under the 2015 Plan, with a black-line overlay showing HD 111 under the 2012 Plan. VTD boundaries are depicted with blue lines. Labels identify VTDs that were shifted in whole or in part in the 2015 redistricting of HD 111. Red dots show majority-minority census blocks. A larger version of **Figure 7**, with text showing total population by census block is in **Exhibit E-1** (north) and **Exhibit E-2** (south).

Figure 7

HD 111-- Comparison of 2012 Plan (Black Line) and 2015 Plan

20. The table in **Figure 8** (on the next page) shows the VTD shifts and splits that reconfigured HD 111 from the black-line 2012 Plan to the color-coded orange area under the 2015 Plan. Yellow highlights in the table depict shifts involving VTD splits. The net effect is that under the 2015 plan, the MVAP in HD 111 drops to 41.86% from 43.86% under the 2012 Plan.

Figure 8

HD 111 -- VTDs and Split VTDs Shifted -- 2012 Plan to 2015 plan

2012 Plan	2015 Plan	VTD	Pop.	18+_Pop	% 18+ NH Black	% 18+ Latino	% 18+ NH White	% 18+ Minority
109	111	HICKORY FLAT	2978	1967	49.42%	6.51%	33.55%	66.45%
109	111	FLIPPEN	3509	2478	38.34%	4.24%	42.05%	57.95%
110	111	TUSSAHAW	1151	789	4.56%	2.41%	90.11%	9.89%
110	111	MCDONOUGH	2884	2093	43.96%	4.49%	48.59%	51.41%
110	111	MCDONOUGH CENTRAL	2733	1902	46.32%	5.05%	45.79%	54.21%
130	111	GROVE PARK	4936	3407	20.87%	3.76%	72.76%	27.24%
111	73	NORTH HAMPTON	3556	2542	28.17%	4.80%	64.40%	35.60%
111	73	MOUNT CARMEL	1201	842	43.82%	3.68%	40.97%	59.03%
111	109	STOCKBRIDGE WEST	5753	4102	58.65%	7.26%	27.89%	72.11%
111	109	STAGECOACH	4901	3565	27.85%	6.00%	62.38%	37.62%
111	109	MCDONOUGH CENTRAL	334	290	36.21%	1.38%	58.62%	41.38%

21. The map in **Figure 7** and table in **Figure 8** show that in the 2015 redistricting of HD 111, four whole VTDs were shifted. From north to south: Majority-white *Stagecoach* was shifted from HD 111 to HD 109. Major-minority *Stockbridge West* was shifted from HD 111 to HD 109. Majority-white *North Hampton* was shifted from HD 111 to HD 73. Majority-white *Grove Park* was shifted from HD 130 to HD 111.

22. At the block level, majority-minority areas of *Hickory Flat* and *Flippen* in HD 109 were shifted to HD 111. A 90% white area in *Tussahaw* was shifted from HD 110 to HD 111. Majority-minority areas of *McDonough* and *McDonough Central* were shifted from HD 110 to HD 111. A predominantly minority area of *Mount Carmel* was shifted from HD 111 to HD 073. Finally, a majority-white area of *McDonough Central* was shifted from HD 111 to HD 109.

# # #

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: December **22**, 2017

William S. Cooper

WILLIAM S. COOPER