IN THE 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.

CIVIL ACTION FILE
NO. 1:21-CV-05337-SCJ

30(b)(6) DEPOSITION OF
SIXTH DISTRICT OF THE AFRICAN METHODIST
EPISCOPAL CHURCH GIVEN BY

REGINALD JACKSON

January 9, 2023

9:03 a.m.

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Suite 200
1600 Parkwood Circle
Atlanta, Georgia

Tracy A. Williams, B-2168, RPR

Leo Mileman, Videographer

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(Pursuant to Article 10(B) of the Rules and Regulations of the Georgia Board of Court Reporting, a written disclosure statement was submitted by the court reporter to all counsel present at the proceeding.)

THE VIDEOGRAPHER: Good morning. We are on video record at 9:03 a.m., on Monday January 9th, 2023. Please note that the microphones are sensitive and may pick up whispering and private conversations. Please mute your phones at this time. Audio and video recording will continue to take place unless all parties agree to go off the record.

This is Media Unit 1 of the video-recorded deposition of 30(b)(6) Reginald Jackson taken by counsel for defendant in the matter of Alpha Phi Alpha Fraternity, Inc., et al. versus Brad Raffensperger filed in the U.S. District Court, Northern District of Georgia, Atlanta Division. Location of this deposition is Taylor, English in Atlanta, Georgia.

My name is Leo Mileman representing Veritext. I'm the videographer. Court reporter is Tracy Williams from the firm Veritext.

Will counsel all present please introduces yourselves after which the court reporter will swear in the witness.

MR. TYSON: Good morning. I'm Bryan Tyson on behalf of the Secretary of State.

MR. BOYLE: I'm Donald Boyle also for the Secretary of State.

MR. GARABADU: I'm Rahul Garabadu on behalf of the AME plaintiffs.

MS. DOUGLAS: Maura Douglas on behalf of the AME plaintiffs.

MR. JACOUTOT: And Bryan Jacoutot joining virtually on behalf of the Secretary of State.

MR. JACKSON: Reginald Jackson representing the AME plaintiff.

THE VIDEOGRAPHER: To the people on Zoom, could you please identify yourselves for the record. Thank you.

MS. MORRIS: I'm Samantha Morris on behalf of the AME plaintiffs.

MR. SAVITZKY: This is Ari Savitzky on behalf of the AME plaintiffs.

REGINALD JACKSON,

having been first duly sworn, was examined and testified as follows:

EXAMINATION

BY MR. TYSON:

Q. All right. Well, good morning, Bishop Jackson.

A. Good morning.

Q. My name is Bryan Tyson. It's good to see you again. I know we've had some --

A. Yeah.
Q. -- interactions over time, so glad to see you this morning on a Monday morning.
A. Good seeing you.
Q. So we're going to take today what's called a 30(b)(6) deposition of the Sixth District AME. And do you have a preference about how I refer to the Sixth District, Sixth District AME?
A. Sixth District is fine.
Q. Okay. Sixth District. That works great. And we'll be taking this today for the purposes of discovery, which is just the process to get some information about your claims and about the Sixth District's claims in the case.
So my goal today is just to ask you some questions, get some answers on that. My goal is not to confuse you or ask you a bunch of confusing questions. Anybody who has been in a deposition with me before, though, will tell you that sometimes I get to the question mark of a sentence and you have no idea what I'm asking. That is totally fine. Just let me know that, and I'll rephrase it.
A. Okay.
Q. For our court reporter, it's best that we speak clearly and give yes and no answers instead of

uh-huh or uh-uh or you shaking the head. She can't capture that on the transcript.

A. I'll remember that.

Q. And, also, I know in conversation, we tend to talk over each other. You may know where I'm going with a question. Just wait for me to finish the question before you start your answer and that will make the transcript clean for everybody.

A. Will do.

Q. Okay. And then the other piece is we can take as many breaks as you need during the course of the day. My only request is that we don't take a break while I have a question pending. After you give an answer, just let me know you need a break, and then we can take a break at any point.

So what I'll do today just to kind of know where we are headed is I'm going to start with just some background information about you, and then we'll mark the various topics that we've talked about for the answers from the Sixth District and then work through those topics hopefully in order to just kind of work our way through and see how far we can get.

So if we can start, then, with your full name for the record, please.

A. Reginald Thomas Jackson.

Q. And what is your work address, not your home address. But where is your office?

A. [redacted] Atlanta, [redacted]

Q. And your role is the Bishop of the Sixth District of AME?

A. Bishop of the Sixth District.

Q. Okay. And how long have you had that role?

A. Since 2016.

Q. Now, this is one of the questions I have to ask just to make sure. Are you on any medication or have any medical condition that would keep you from fully and truthfully participating today?

A. No.

Q. And I know you've testified before, but do you recall the times when you've given a deposition in the past?

A. Not the specific times. I remember doing the depositions.

Q. Okay. Do you remember what cases they were about?

A. Yes. They -- we were plaintiffs in a case brought by a Fair Fight.

Q. And aside from the deposition in Fair Fight, do you recall giving a deposition in any other

case?
A. There was a federal case which dealt with Fair Fight as well.
Q. Okay. And was that case different than the -- well, we'll call it the big Fair Fight action case, or was it the same case? Do you recall?
A. They were different.
Q. Okay. And is that other case, was that related to voter purges and people being removed from the voter rolls?
A. Yes.
Q. Okay. So besides those two cases for Fair Fight, with Fair Fight action, do you recall any other times where you've given a deposition before?
A. Not right off.
Q. Okay. And I know you've testified at trial, and I remember you testifying at the Fair Fight action trial, and you've also testified in the preliminary injunction hearing in this redistricting case, too, right?
A. Correct.
Q. Okay. Have you testified at trial in any other cases that you recall?
A. Not that I'm aware of, but it's becoming often.

Q. Okay. Becoming a regular thing at this point?
A. Yeah.
Q. All right. Again, just some more background information. Have you ever been arrested before?
A. No.
Q. So you have never been convicted of a crime?
A. No.
Q. Okay. In terms of getting ready for your deposition today, have you talked about this case with anybody besides your lawyers?
A. No.
Q. Okay. So let me get some educational background on you, then. Could you start for me with where and when you graduated from high school?
A. Oh, gosh. 1972.
Q. Okay.
A. Seems like ancient of days.
Q. And did you go to college right after you graduated from high school?
A. Yes, Delaware State University.
Q. Okay. And did you earn a degree from Delaware State?

A. Yes, history and political science.
Q. And do you recall what year that was that you earned your history and political science --
A. 1976.
Q. Great. And if you'll just let me finish the question all the way, that will help everybody out.
So then after you got your degree in 1976 -- I'm assuming that was a bachelor's degree.
A. Yes.
Q. -- did you go on to further education after that?
A. Yes. Master of Divinity.
Q. And where did you get your Master of Divinity?
A. We simply call it ITC, but it's the Interdenominational Theological Center here in Atlanta.
Q. All right. And do you recall what year you got your Master of Divinity?
A. 1979.
Q. And have you pursued further education after that?
A. No.
Q. Okay. Do you hold any professional

licenses of any sort, like a real estate license or things like that?

A. No.

Q. Okay. So let's talk about employment history as well as kind of get some background there. Let's start with after you got your Master of Divinity in 1979. Did you have a job at that time?

A. My whole career has been with ministry, pastor to Saint John AME Church in Jersey City, New Jersey, from 1979 to 1981. And then pastor at Saint Matthew AME Church in Orange, New Jersey, from 1981 to 2012.

Q. Okay.

A. And then in 2012, I was elected a bishop in the AME Church.

Q. And I probably should have asked this earlier, but did you have a connection to New Jersey? Is that why you started --

A. No. In the Methodist church, they will assign you. And much to my chagrin, they assigned me to New Jersey.

Q. Got it. Are you from Georgia originally?

A. No. I'm originally from the small -- you know, because we get so much said about us, I'm from Delaware, which I remind people was the first state

in the union.

Q. That's right. So can you just tell me a little bit about what your responsibilities were when you were pastor at Saint Matthew in Orange, New Jersey?

A. Yeah. As a pastor, it was my responsibility to lead that congregation, just a matter of preaching on Sundays, you know, counseling. You are also the chief executive officer responsible for the administration of the church. And during that tenure, it was wonderful. Congregation grew to about 3,000 members, built two churches. It was a very good ministry and was very involved in the life of the state.

Q. That's wonderful. In the AME or Methodist tradition, do the churches function largely independently? You said you were assigned places, so --

A. It comes under the Methodist church. For example, when I was in New Jersey, I was a part of the New Jersey conference. And there were about -- it was about 150 churches in the New Jersey conference, and that was also part of what we called a first Episcopal district. The AME church has 20 Episcopal district geographical areas.

Q. And do those 20 districts cover the entire United States?

A. They cover -- Districts 1 to 13 cover the United States, and 14 to 20 cover parts of Africa, the West Indies, and some of England.

Q. So truly a global church?

A. Yes.

Q. That's great. So you said in 2012, you were chosen as a bishop in the AME?

A. Uh-huh.

Q. What is the process for that?

A. Very expensive. You have to be elected. But the general conference meets every four years, and the general conference elects the bishops, and then you're assigned.

I was elected in 2012 and was sent to Africa, southern Africa. So I spent four years in southern Africa, and then in 2016, was assigned to Georgia. My time in Georgia will be up in 2024.

Q. Okay. So are you given a particular term then to serve as district --

A. Yeah. You can serve in the district for four years. Then you can be reassigned for another four, but the longest you can serve is eight.

Q. Got it.

A. So my eight years will be up.
Q. In 2024. So can you just tell me a little bit about that period from 2012 to 2016, in terms of your job and your responsibilities?
A. Yeah. Conference, southern Africa, I spent the four years there, back and forth here occasionally, but, again -- and it was called the 20th District of the AME Church. There were about 300 and some churches in that geographical area.
The bishop is responsible to assign the pastors to churches, assign presiding elders a district superintendent, as some of them are called. And, again, you are responsible for the administrative affairs of the district.
Q. And then what brought about the switch to the Sixth District? Is that something you got to choose or not?
A. In 2016, the bishop who was in this district retired, so this district was open. The general conference met, and I had expressed an interest in coming to Georgia. I had told them I had Georgia on my mind, and they sent me here.
Q. That's great. And so can you just give me a little overview of what your responsibilities look like as the bishop of the Sixth District?

A. Primarily, the same, the assignment of a pastor of the churches. There are 500 and some churches in Georgia. Then is to give oversight there's -- well, because there's six conferences in the state of Georgia, Atlanta north, southwest, south Augusta, and Macon conferences -- to give oversight to them and, again, responsible for the administrative affairs of the Sixth District.

In addition to that, something which I'm not going to miss in 2024, I will no longer be the chair of the Board of Morris Brown College or Turner Seminary here in Atlanta.

Q. Are those responsibilities at Morris Brown and Turner part of the job of the Sixth District?

A. Yeah. The bishop is the chair of their boards of trustees.

Q. Does the Sixth District only include the state of Georgia, or does it include other states?

A. No, Sixth District is only the state of Georgia.

Q. I believe at the preliminary injunction hearing, you said there were over 500 churches in the Sixth District?

A. Yes.

Q. Okay. Do you recall the specific number?

A. I believe it's 524. Some have merged and all, but it's around 524.

Q. All right. So, Mr. Jackson, what I want to do, then, is hand you what was marked as Exhibit 1.

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

BY MR. TYSON:

Q. I'll ask if you've seen this document before?

A. I believe so.

Q. Okay. So just for the record, this document is entitled the "Amended Notice of the 30(b)(6) Deposition of Sixth District of the African Methodist Episcopal Church."

And if you could turn with me to the second page, and since this is a deposition of an organization with you as its representative, there is some kind of formulatic things I have to work through with you just to confirm. If you look down at the paragraph that begins, "please note," you see that the notice indicates that "The organization must designate one or more officers, directors, managing agents, or other appropriate persons who consent to testify on behalf of the organization."

Do you see that?

A. Yes, I do.
Q. And are you the person that the Sixth District has designated to testify today?
A. Yes, I am.
Q. And then you see the next sentence there says, "The person must be ready to testify about the information known or reasonably available to the organization," and then the topics listed in Exhibit A. Do you see that?
A. Yes, I do.
Q. And if you turn to the fourth page, they start Exhibit A with a list of topics. Do you see that?
A. Yes, I do.
Q. And you were the witness for every topic in Exhibit A for the Sixth District, right?
A. Correct.
Q. And the -- back in the sentence we were looking at, you have to be ready to testify about information known or reasonably available to the organization, right?
A. Repeat that.
Q. I'm sorry. I skipped back to this paragraph here at the end.
A. Okay.

Q. It says, you must be ready to testify about information known or reasonably available to the organization?
A. Correct.
Q. And so you understand today that as you are testifying, you're testifying on behalf of the Sixth District's knowledge on these topics, right?
A. Correct.
Q. All right. So Bishop Jackson, what I want to do next, we can pause on the exhibit for just a second just to talk about kind of how you got ready for your deposition today.
A. Uh-huh.
Q. So do you recall when you first learned you were going to be giving a deposition in this case?
A. Do I remember when?
Q. When, yes, sir.
A. I would say a couple of months ago, approximately.
Q. And do you recall when you -- was it the same time you learned that you were going to be the witness for the Sixth District, approximately?
A. When they informed me about the deposition, I just presumed I was going to be the witness.
Q. That makes sense. Do you recall when you

1 started getting ready for the deposition?
2 A. Four or five weeks ago.
3 Q. And I'm not asking you for kind of a legal
4 analysis or anything. But can you just, in your own
5 words, explain to me what your understanding of your
6 obligations are in the deposition today?
7 A. A representative of the Sixth District as
8 it relates to matters related to the district
9 boundaries and all as approved by the legislation
10 signed by the governor.
11 Q. All right. So in getting ready for today,
12 can you just describe generally kind of the process
13 you went through to get ready for your deposition?
14 MR. GARABADU: And I'm just going to
15 instruct the witness not to reveal any communications
16 that you had with your attorney as part of the
17 attorney-client privilege.
18 BY MR. TYSON:
19 Q. Certainly. Yeah.
20 A. Basically was trying to remember the
21 conversations from the last deposition, trying to
22 have some idea what I would be talking about.
23 Q. Makes sense. Did you look at any paper
24 documents to get ready for your deposition?
25 A. No.

Q. Did you review any e-mails?
A. No.
Q. Did you review any financial records to prepare for your deposition?
A. No, I didn't.
Q. Did you review -- do you recall looking at the complaints in the case to get ready?
A. I was refreshed on what the complaints were.
Q. And do you recall whether you looked at your declaration that you presented in this case for the preliminary injunction hearing?
A. No, I was trying to find it and couldn't, so, no.
Q. Got it. Well, I have a copy today, so we'll be able to deal with that.
Okay. So did you review any of the testimony that you gave at the preliminary injunction hearing or in the Fair Fight cases?
A. No.
Q. And I know we said earlier you hadn't talked to anybody except for your lawyers, and I don't want to know what you talked to your lawyers about. But did you talk with your lawyers to get ready for your deposition?

A. I had conversations with them.
Q. In getting ready for your deposition today, did you speak with anybody else in the Sixth District about any of the topics?
A. No.
Q. Is there any topic in the deposition notice that you're not prepared to talk about today? And if you need to take a minute to look through them, that's fine to do.
A. Thank you. I'm prepared to talk about them. How precise I can be, for example, on budgetary matters, I'm not sure. But I'm prepared to talk about them.
Q. Okay. Well, with that, let's go ahead and move into the specific topics, then.
A. And I'm also going to say before we go further, my attorney indicated that you all needed a copy of our Book of Discipline, the new one. So someone from my office is bringing up, which just came in Friday. So when they text me or let me know, we'll have somebody --
Q. Okay. Thank you. Yeah, we got the PDF copy. But I know there was some issues formatting-wise and all that, so that makes sense.
A. Right.

Q. I do have to say, as a -- I'm a Southern Baptist. And so reading through some of the things of the Book if Discipline looks very thorough compared to kind of the very general nature of my denomination, so.

A. Yeah, you have to keep the mindset, go look this up. So it's not easy.

Q. Right. Obviously, a lot of thought has gone into that over the years, so.

All right. Well, let's go ahead and go through some of the topics. So I'm going to try my best today to work through these in order.

A. Okay.

Q. It may be that some of the questions I ask may fall into more than one topic. And so probably what we're going to see is there will be a lot of questions at the beginning that may address some other topics, but that still fit within 1 and 2, for example. And, hopefully, that will just shorten the remainder of the topics as we work our way along. But, again, if you need a break, just let me know and we'll do that.

A. Okay.

Q. All right. So what I want to do is begin with Topics 1 and 2 on Exhibit A. And I'm putting

these together because they kind of go together.
A. Okay.
Q. I think if we can sort them out, we can. But those are the organization's allocation of resources and budgetary decisions from January 1st, 2021, through the present, that reflect the diversion of funds and resources the organization alleges it has undertaken in its complaint, Topic 1.
Then Topic 2 is the changes made to the organization's budget as well as any contemporaneous rationale for such changes during its budget years from January 1, 2021, through the present, related to the laws, policies, or protocols challenged in this action.
So you were the designee of the Sixth District for Topics 1 and 2, right?
A. Uh-huh.
Q. Is that a yes?
A. Yes.
Q. And just so you're prepared, I'm going to have a series of questions for each topic that are going to be repetitive of some I've asked you already.
A. Okay.
Q. But for getting ready for Topics 1 and 2,

did you review any documents specifically to prepare for Topics 1 and 2?

A. Not specifically.

Q. Did you review any documents generally to prepare for Topics 1 and 2?

A. No.

Q. And did you speak to anyone currently associated with the Sixth District to prepare for Topics 1 and 2?

A. No, I didn't. And, generally, I'm mindful of the line items for the budget, but I don't -- unless someone in the organization says to me, we're way under or way over, I don't get too much into that.

Q. And so I'm assuming you also didn't speak to anybody who is no longer associated with the Sixth District to prepare for Topics 1 and 2?

A. Correct.

Q. So does the Sixth District claim that it's had to divert financial sources as a result of the redistricting maps that are challenged in this case?

MR. GARABADU: And before the witness answers, I'm just going to instruct the witness that pursuant to the First Amendment Associational Privilege, to not discuss specific budget line items.

You know, he can testify as to resources generally, human resources, and financial resources at a broad level, but not to get into budget line items.

THE WITNESS: Yeah. All I can say on that is -- and when we talk about resources, I don't just consider those resources to have been financial.

BY MR. TYSON:

Q. Uh-huh.

A. To give you an example, the Sixth District has what we call a -- and at each conference, a Social Action Commission. And whereas they may have dealt with say local school board issues, with this action, it required us -- we were trying to make sure we got as many people registered to vote and that kind of thing. So a lot of that ended up being trying to get people registered and all on college campuses and high school seniors and that kind thing. So that's where those resources were concentrated to.

As related to financial, it was basically general spending. It may have been giving some of them money for gas or something else that would be related to their efforts to increase the voter turnout, increase voter registration, and very much voter education.

Q. And so what I want to do just for today,

1 just so you're aware, I understand there will be kind
2 of nonbudgetary things that were done with the
3 people's time and volunteer time. I want to talk
4 about those separate and just kind of take them one
5 piece at a time.
6 So, first of all, I want to just
7 understand, is the Sixth District spending any budget
8 items differently than it would otherwise based on
9 the redistricting plans that it challenges in this
10 case?
11 A. I would say different, yes. For example,
12 on the college campuses, rather that what our
13 initial -- because much of our work with the colleges
14 before was trying to get students at colleges to
15 become involved in our churches, something which I
16 think is general throughout all churches regardless
17 of denomination.
18 There has been a decline in the number of
19 youth and young adults, specifically Millennials, in
20 the life of the church. And so we had a campaign.
21 And fortunate, for example, here in Atlanta, we have
22 the AU Center. We have Clark, Morehouse, Spelman,
23 trying to get those students, and other parts of the
24 state where we had colleges.
25 So whereas the effort in that, it was

somewhat changed in terms of making sure people were registered and all of that. So I'm not sure that the spending increased as much as it may have been targeted to another purpose.

Q. And try and I understand then. So the spending you said may not have changed, but basically the specific program that the money was being spent on changed?

A. Correct. And part of that as well was all of us were facing real financial constraints then because we were dealing with the pandemic and all of that. So you couldn't spend what you didn't have.

Q. And is it correct that, for example, the college campus outreach, the change in terms of what was being spent is you were no longer trying to get college students involved at a church, but instead were working to help them register to vote?

A. Yeah, for example, previous election turnout among young adults, Millennials, really declined. And so that was a major concern to us. And so we made a concerted effort to see if we could increase, especially among Millennials, voter turnout.

And then there was some discussion -- I don't remember the specific details -- as it related

to high school seniors who were turning 18 and whether or not they were still being automatically registered when they went to get their license and all. So we focused on that, making sure that they got registered. So that become the priority.

Q. And do you recall when that became a priority of kind of shifting from getting them involved, college students involved in churches, to helping them register to vote?

A. Well, it's always been our effort to get the Millennials and all involved in the churches. But in terms of the election with the absolutely atrocious turnout -- in fact, I remember in 2016, the very first meeting that I had with the AME churches in Georgia, the pastors, I really complained and kind of went on a tyrant about how poor the turnout was. And as long as I was in Georgia, I was going to try my best not to have a repeat of that. And so that became a priority for the district because it was a priority for the bishop.

Q. Understood. And so with that priority focus beginning in 2016, were there changes in programs or funding for specific programs after November of 2021?

A. What we did, we came up with a program

1 called Operation Voter Turnout, which was an AME
2 effort. We did not develop a budget for it, but we
3 just decided we would have to find funds somewhere in
4 the current budget. And, fortunately, and for which
5 I'm extremely pleased, we had a lot of people
6 primarily, say, our missionaries who voluntarily did
7 a lot of stuff in terms of, you know, talking to
8 people, getting them to vote.
9 And we had a person, Mr. James Demone, who
10 headed up Operation Voter Turnout who coordinated the
11 efforts. And what funds he needed, we got it out of
12 the current budget. Some came from the social action
13 budget. Some came from the Christian education line
14 item. And some came out of the young adult line item
15 in the budget. What those amounts are, I'm not
16 specifically aware of, but I know those are areas we
17 really used.
18 And so we had to not backtrack, but we had
19 to divert from what the original priority of the line
20 items were in order to get this done. In fact, if I
21 could add -- and it was so important. It was not
22 just a matter for AMEs, but I was able to pull
23 together the leadership of other predominantly black
24 denominations, the United -- the United Methodists,
25 the CME church, AMEs, our church, other faith leaders

to become involved in this effort. So it really became a statewide effort.

Q. Do you recall when Operation Voter Turnout began?

A. I don't remember the exact date, but it really began after the 2018 election.

Q. And the activities of Operation Voter Turnout you said were funded from various line items that were going to be used for another purpose, but were instead used for Operation Voter Turnout?

A. Yeah, I'm going to say -- I don't want to say that all the funds in the line item were diverted for that, but where we needed to, we found a way to find the money rather than going back and asking the churches for more money. In fact, I'm very pleased we didn't ask a single church for any more money for the budget because, again, I realized they were struggling because they were just coming out of the burden of the pandemic.

Q. So besides Operation Voter Turnout, were there other activities of the Sixth District where money was spent differently as a result of the redistricting maps?

A. Not as it related to election.

Q. So I want to dig into this --

A. Well, I take that back. One, we did -- the AME church has a -- every four years, it's called a Missionary and YPD Quadrennial. And we did have to divert some funds to help get our young people to the YPD Quadrennial, which was held in Orlando. So I do remember that as one of the areas.

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

BY MR. TYSON:

Q. So let me hand you what I'll mark as Exhibit 2. This is a document that was produced to us in discovery. Is this a document that you've seen before?

A. Yes, it is.

Q. And can you explain to me what this document is?

A. This is relative to Operation Voter Turnout, and it was to help us get out to vote, to get people motivated, and for voter registration.

Q. Do you recall when this document was created? And the only date I could find was that the 2022 elections were rapidly approaching there at the beginning. Do you recall generally when this document was created?

A. I don't remember specifically, but I would

say generally leading up to the 2022 election. In fact, we had a similar effort which was following the 2018 election, and I think this is probably just an updated version of that.

Q. Okay. And looking at this document, there's a reference to Senate Bill 202, the Election Integrity Act, passed by the Georgia legislature. Do you see that?

A. What paragraph is that one?

Q. In the very first paragraph, third sentence.

A. Okay. Uh-huh.

Q. And you say down two sentences after that, "This is an effort to suppress the vote of black and brown voters." Do you see that?

A. Uh-huh. Uh-huh.

Q. Is that a yes?

A. Yes, I'm sorry. I keep fumbling that.

Q. And the "this" in that sentence is referring to Senate Bill 202, right?

A. Correct. Uh-huh.

Q. And the document also says that "Each of us must remain woke, informed, and determined to cast our ballot."

Do you know what the Sixth District was

1 referring to with that sentence?
2 A. Well, there was a time that foregone, what
3 I call for lack of a better term, the right began to
4 complain about people being woke. And so I just
5 figured I would use their word in there. And I'm
6 still not sure what -- I'm presuming that it refers
7 to being aware and mindful. That's what I'm
8 presuming, so that's the context in which it's used.
9 Q. Got it. And you just provided my next
10 question. My next question was going to be" what
11 does "woke" mean in that context?
12 A. Yeah.
13 Q. But that makes sense. The beginning of the
14 next paragraph, you say you're asking the Sixth
15 Episcopal District to organize and produce a larger
16 black turnout in the 2022 elections. Do you see
17 that?
18 A. Uh-huh, yes.
19 Q. And so I'm assuming is the -- is this you
20 writing this document that you are asking for --
21 A. Yes.
22 Q. -- that turnout? Okay. And were you --
23 was there a larger black turnout in the 2022
24 elections?
25 A. Yes, there was, thankfully.

Q. Now, I have looked through this document, and I see references to kind of the process of voting and absentee voting and getting people to vote, the Election Protection Hotline. I didn't find any references to redistricting or district maps in this document. Do you recall if redistricting was part of Operation Voter Turnout?

A. If I am correct, the redistricting came about at the beginning of 2020, as we were preparing for the election. I think that's when census and all of that was going on.

And in addition to that, redistricting dealt with first state elections and -- I mean, state districts, and then it became an issue as it related to federal congressional district s. And at this point, our major concern was to make sure we got out at least as large or larger than we had in the 2020 election. And this did not deal specifically with the districting, but I think there may be some other places where we specifically talked about districting.

For example, it depended upon which district it was for -- I know that I spent a number of days in the Augusta area because I know that those districts were affected by the districting. And then

in the house, there were some other I think 174 or something -- I'm not sure what -- too many numbers in Georgia. But the house districts, there were some -- I know specifically Camilla was one of them because one of our congregates was just going wild over the change, and I think the districting changed her district and her representatives and all, so.

Q. So Operation Voter Turnout is something that you said began for the 2018 election; is that right?

A. Following the 2018 election.

Q. And so Operation Voter Turnout was in effect for 2020 elections?

A. Yes.

Q. And it was also in effect for 2022 elections?

A. Yes.

Q. And the goal, I'm assuming, of the Operation Voter Turnout was to produce a large, black voter turnout in Georgia; is that right?

MR. GARABADU: Objection to form.

BY MR. TYSON:

Q. You can answer, if you can.

A. Well, let me just say this. My concern was in the 2016 national election, the turnout of blacks

in Georgia was absolutely deplorable. And so my determination was to increase that turnout. And one of the things which motivated me on that was -- and it's very personal with me -- in New Jersey in 1993, because New Jersey and Virginia were the only ones that had these odd-year elections.

1993, we had a race for governor in New Jersey. And Christine Todd Whitman, who became a very good personal friend, defeated Jim Florio, the incumbent governor. And Ed Rollins, who happened to be her campaign manager, spoke at a luncheon in Washington. And he said that the reason Whitman was able to defeat Florio was because they paid black preachers to encourage their members not to vote. That became a major story across the country.

And the Governor Elect Whitman called me to ask me if I thought that was true. And I ended up at a press conference with her addressing that and so -- and the black turnout in New Jersey for that election was hardly -- it was under 50 percent.

And much to my anger, most people in Georgia believed the lie was true. And we ended up having a come-to-Jesus gathering with Ed Rollins, and he admitted it was a lie and gave him a chance to boast -- one of his good friends was James Carville.

James Carville happened to have been Jim Florio's campaign manager.

And in the '92 election, I guess it was, Ed Rollins was George Bush's campaign manager. Carville was Bill Clinton's. And so this gave him a chance to get revenge by beating Carville with Florio.

As so to come to Georgia and the first thing I see are the voting numbers and how absolutely deplorable it was, and if blacks had a good turnout in that election, what happened in 2020, I believe, could have happened in 2016. So that was my -- and that's still very sensitive to me.

Q. And when you say what happened in 2020, are you referring to the success of President Biden and his Senator Ossoff --

A. I'm just saying the election results would have been different because there was a -- it was a close election in Georgia, which surprised me. I think it was like a 3-point or 4-point margin difference.

And if I can add to that, much of it was I wanted blacks in Georgia to understand the influence and the clout they could have in Georgia if they turned out to vote. 32 percent of Georgia's voting population happened to be black. And if you don't

use your power, you lose it.

Q. Do you recall the creation of a Faith Works website as well?

A. Yes, I do.

Q. Was that also an activity -- I'm sorry. If you need to --

A. I was just going to see if they sent me a text. Okay. No.

Q. Okay. So was the creation of the Faith Works website related to the redistricting plans that were challenged in this case?

A. No. The development of Faith Works was, faithfully, across the state. Organized Faith Works, again, is a means of increasing voter turnout, but also voter education, our feeling was that blacks really were not informed on the major issues that affected them, and we wanted to be able to have blacks to a point where they would vote in their best interest.

For example, on the issue of say health care, when the Atlanta Medical Center closed down and there was only one critical care hospital left in the city of Atlanta, our concern was that the closest one to Atlanta was in Macon. And suppose somebody had a real major issue between Macon and

Atlanta, how are you going to get to either Macon or Atlanta, say, if you are in the middle somewhere, say, Stockbridge or whatever? So that became a concern.

Hospitals closing down became a concern because you have a lot of people, particularly in the black community, their only access to health care is the emergency room at the hospital. And with Grady being the only hospital in Atlanta with acute care, a lot of people ended up not having -- hospitals ended up not having beds in the emergency area. Some of them were placed on gurneys in the hall. And so we just thought that's an issue that blacks ought to be -- because that's important to them.

Q. And when you say you wanted voters to vote in their best interests, was that for a particular party, or was it on issues?

A. No. They -- based on their, voter education, if it was affected, they would determine what was best for them, you know, and which people are discovering more and more, blacks are not all single-minded.

You know, as a matter of fact, my wife still looks at me strange because even in New Jersey, she said, Reggie, you are just an oddball. I have

1 happened to have endorsed Chris Christie for
2 governor, and she still hasn't forgiven me, so.
3 Q. I'm assuming she opposed Governor Christie.
4 A. Well, she laid me out cold, so I just
5 presume. So each of us voted on what we thought was
6 our best interest.
7 Q. Understood. Thank you. Well, let me mark
8 the complaint, or the amended complaint, as our next
9 exhibit here.
10 (Defendant's Exhibit 3 was marked for
11 identification.)
12 BY MR. TYSON:
13 Q. I'm handing you what I've marked as
14 Exhibit 3.
15 A. We were doing good. The pages went from
16 thick to slim. Now, we're back to thick.
17 Q. I know. So this is the, I think you see on
18 the first page there, Amended Complaint for
19 Declaratory and Injunctive Relief. Do you see that?
20 A. Yes, I do.
21 Q. So what I want to do is ask you some
22 questions about some of the allegations about the
23 Sixth District in this document.
24 A. Uh-huh.
25 Q. So if you could turn to Page 6, Document

No. 15.

A. (Witness complies.) Uh-huh.

Q. And you see where it begins there at the bottom of the page referencing the Sixth District as a nonprofit religious organization?

A. Uh-huh.

Q. So what I want to ask about is actually down in Paragraph No. 18. Are you there with me?

A. Uh-huh.

Q. Is that a yes?

A. Yes. I'm sorry. Yes.

Q. So the second sentence of Paragraph 18 says, "If the new maps take effect, AME church will be forced to divert resources from its broader voter registration and Community Empower Initiatives to the affected districts in order to protect the representation and interest of its members and to try to counteract the negative effects of vote dilution."

Do you see that?

A. Yes, I do.

Q. So I'm going to talk about nonfinancial activities in a minute. But my first question is: We've discussed Operation Voter Turnout and the budgetary impact of that. Is Operation Voter Turnout an example of a diversion of financial resources from

one program of the Sixth District to a different program in light of the redistricting maps?

MR. GARABADU: Objection to form to the extent that it calls for a legal conclusion.

But you can go ahead and answer.

THE WITNESS: I'm not sure if I would use the word "diversion." For example, we have a line item in the budget for social action. What we may have done as opposed to using the funds for voter registration and that kind of thing, we may have used it for voter education in terms of letting people in districts that we had concerns about know that your district has been changed, it's no longer 171, it's now 174. Those of you who live here, that's no longer part of your district under the redistricting. It's a part of another, that kind of thing.

BY MR. TYSON:

Q. Okay. So aside from the voter education process you just described about the new districts, were there other financial changes to the Sixth District's operations as a result of the redistricting maps?

A. No. In fact, we kept the same line items that we had in the budget. And what I said to our budget committee, we couldn't increase anything

because that would require us to increase what we asked each local church. So we had to find money from different places already in the budget. And to their credit, again, as I said, the missionaries and the lay organization, a lot of the people -- this may be him. He's letting me know.

Q. Okay.

THE VIDEOGRAPHER: Off the video record at 9:56 a.m.

(A recess was taken from 9:56 a.m. to 10:10 a.m.)

THE VIDEOGRAPHER: Back on the video record at 10:10 a.m.

BY MR. TYSON:

Q. So, Mr. Jackson, before our break, we were talking about the provision of Paragraph 18 of the complaint about the diversion of resources. Has the Sixth District not been able to engage in a broader voter registration initiative because of its efforts in the affected districts?

A. Explain that question to me.

Q. So the allegation in the paragraph talks about the diverting resources from the Sixth District's broader voter registration and Community Empower Initiatives to the affected districts. Do

you see that?
A. Yes.
Q. And so we've talked about diverting resources. And my question is: Has the Sixth District been unable to engage in its broader voter registration initiatives due to its efforts in the affected districts?
A. Yes. The reality is if we had the resources, we would have done a much broader voter education piece, especially as it relates to people whose district they reside in may have changed, want people to know what district they're in, where they're supposed to go to vote. They would have done a much larger job with that.
Q. Okay.
A. Especially in the southern part of the state.
Q. So you referenced if you had the resources. Did you not have the resources because of the work related to redistricting?
A. No. Again, we were -- you know, a lot of our churches are still recovering from the pandemic. In addition to that, each of those churches pays a budget to the Sixth District which, you know, gives us the funds to operate. And I did not want to deal

with asking those churches to pay more. And so, therefore, we just used the budget that we had.

Q. So when you reference if you had the resources, you would do a much broader voter education effort; not having the resources was the result of decisions you made about asking the churches for additional budget, not because you were doing work related to redistricting?

A. For example, other obligations which the Episcopal district had, Morris Brown College, we had to raise -- the district had to raise about $2 million for Morris Brown College. Morris Brown College had lost its accreditation 20-something years ago.

One of the things I'm proudest of during the time I've been in Georgia, Morris Brown got its accreditation back. And so we had to raise some funds for that. In addition to that, we have some churches, which because of the pandemic, were facing great difficulty, some of them behind on mortgages and all. The district tried to come in to rescue them. So we had all of that, and I just was not contemplating increasing these budgets.

Q. Has the Sixth District been unable to hold any voter registration drives because of its work

related to redistricting?
A. No.
Q. Has the Sixth District been unable to engage in Community Empower Initiatives because of its work involving redistricting?
A. Not been prohibited, but not being as large as we would like to have had.
Q. And specifically the work in the affected districts that's referenced in Paragraph 18 of the complaint, is the work in the affected districts the voter education efforts you've talked about?
A. Uh-huh.
Q. Is that a yes?
A. Yes.
Q. Is there other work that the Sixth District has done related to redistricting besides voter education?
A. We've tried to -- well, let me answer, no, because of the fact this effort really dealt more with SB 202 than the redistricting. So let me say no to that.
Q. Did the -- just so I understand it, the voter education effort relate primarily to SB 202, or were you referring to other activities?
A. Other activities.

Q. Okay. And the voter education efforts you mentioned referenced helping voters understand they, for example, have a new district number or a new representative?

A. Correct. And some of that other effort that would affect, a lot of the districts, the people are older, and they needed some assistance with changes in voting that we tried to assist with.

Q. And when you say "changes in voting," are you referring to Senate Bill 202?

A. Yes. For example, when it comes to absentee voting, prior to SB 202, organizations could send out absentee ballot applications all over the state which would have helped us with this effort. But as a result of SB 202, that's now illegal.

Q. So if I was trying to understand the efforts of the Sixth District related to the changes in Senate Bill 202 versus the efforts of the Sixth District that were the result of the redistricting maps, are those the same? Are they different?

A. I would say they are connected. And they have to be connected. For example, when you have older citizens, somebody in the past could bring them the absentee ballot application. Under SB 202, they can't do that.

In addition to that, older citizens, they don't ordinarily know that their voting district, where they're voting, or their senate district or house district has changed. I would guarantee you that if you ask most people what senate district do you live in, they couldn't tell you. I'm one of them. What house district are you in? I don't know. But a lot of them, they know the name of the person as opposed to the number.

Q. So the efforts the Sixth District undertook related to redistricting were helping, for example, those individuals understand the name of their new representative?

A. Well, the fact that they have a new district and that person's not your representative no more.

Q. Let me ask you about a piece of Paragraph 17, if we back up on the same page still, Page 8.

A. Uh-huh.

Q. And it says, "Today, AME Church continues to encourage civic participation by holding Souls to the Polls event to transport churchgoers to the polling locations during advanced voting periods, registering voters for elections, posting Get Out the

Vote efforts to increase voter turnout, and providing food, water, encouragement, and assistance to voters waiting in line at polling locations."

Do you see that?

A. Yes, I do.

Q. Those are all activities that the Sixth District has engaged in before the redistricting maps were drawn?

A. Uh-huh.

Q. And engaged in after the maps were drawn, right?

A. No, because, again, SB 202 took care of the water and the snacks.

Q. So aside from the food and water provisions for people in line, has AME Church continued encouraging civic participation through the things listed in Paragraph 17 after the maps were drawn?

A. Yes.

Q. Mr. Jackson, I'm going to hand you the next one that I'll mark as Exhibit 4, which is a copy of your declaration from the preliminary injunction hearing that we talked about.

(Defendant's Exhibit 4 was marked for identification.)

BY MR. TYSON:
Q. So if you could just, first, look at this document and tell me if you recognize it.
A. Yes, I do.
Q. And is this the declaration that you provided during the preliminary injunction hearing?
A. I believe it is.
Q. Or process, I guess I should say. And if you go to the very last page, that is your signature dated December 28, 2021, right?
A. Yes.
Q. So if you could go with me to Page 3, Paragraph No. 5, the declaration says, "Encouraging and supporting civic participation among its members is core aspect of the AME Church's work."
Do you see that?
A. Yes.
Q. And does encouraging and supporting civic participation for the Sixth District include educating voters?
A. Yes.
Q. And does it include helping the turnout voters to vote?
A. Yes.
Q. And it includes assistance to voters where

that's permissible by law, right?
A. Depends on how you describe assisting voters.
Q. Okay. Let me just go -- to make this a little bit easier, the next page, Paragraph 7, we have -- I think it's the same list as the complaint about the Souls to the Polls events during advanced voting period, registering voters, hosting Get Out the Vote efforts to increase voter turnout.
The activities listed in Paragraph 7 are part of this core mission, core aspect of the Sixth District's work, right?
A. Uh-huh.
Q. Is that a yes?
A. Yes.
Q. Okay. In Paragraph 7, there's also a statement, the last sentence, "Advancing voting rights and eliminating barriers to political participation that have plagued the promise of full citizenship for black Americans since this country's founding is a core issue that ties our members and the communities in which they live together."
Do you see that?
A. Yes, I do.
Q. And you would agree that advancing voting

rights and eliminating barriers to political participation for black Americans is a critically important issue to the Sixth District?

A. Yes, it is.

Q. And the Sixth District will continue its efforts at educating voters regardless of the outcome of this lawsuit, right?

A. Yes.

Q. And the Sixth District will continue working to advance voting rights and eliminate barriers to political participation for black Americans regardless of the outcome of this lawsuit, right?

A. Correct.

Q. If you could go with me to Page 7.

A. (Witness complies.)

Q. In Paragraph 14, you say, "The new maps directly affect AME church's advocacy efforts by undermining the ability of black Georgians, including the church's members, to elect representatives of their choice."

Do you see that?

A. Yes, I do.

Q. Can you explain to me how the new maps affect the church's advocacy efforts?

A. Yes. Over the last six to eight years, the black population in Georgia has increased, increased efficiently enough where there should have been -- at least I think in the new districts, there should have been opportunity for more black or minority districts. But that did not happen with the drawing of those maps.

And, in fact, some of our members who had minority representation, had that not taken from them, but no longer able to vote for those representatives because they were no longer in those districts, which means it limits them in terms of their opportunity to vote for candidates of their choice. And the reality is that, in most instances, you change your senator or your representative by your vote. This time, it was done by the legislature when they had no input.

Q. Looking at the next paragraph there, Paragraph 15, it says, "AME Church will be forced to divert resources from its broader voter registration and Community Empower Initiatives to areas where black voting strength has been unlawfully watered down in order to protect the representation and interest of its members."

Do you see that?

A. Yes, I do.
Q. Can you explain to me how the AME Church protects the representation and interest of its members in this paragraph?
A. Oh, absolutely. For example, I think it was Paulding County, a couple of years ago, they reduced the number of polling sites in the county. And what was done, they actually moved the -- and Paulding's population is predominantly African-American.
What they did, they moved the polling sites away from where the predominantly African-American citizens lived. Where some of them used to be able to walk to their polling site now needed a car to drive to their polling site. And so something like that, the AME Church would feel we have a responsibility to speak out and advocate to prevent those kind of things from happening. And, again, you have older population in that area.
Q. So the ways that the Sixth District protects the representation and interest of its members relate to the process by which voting happens; is that accurate?
A. No. I would say it seeks to impact the way voting happens, but also the way it should happen.

And it shouldn't happen that way.

Q. So in Paragraph 15, when we're talking about the diversion of resources to areas where black voting strength has been unlawfully watered down, what are the areas where black voting strength has been unlawfully watered down that are referred to in that paragraph?

A. Again, the changing of districts so that, in some instances, a number of blacks were even moved into the district where the black population becomes concentrated. But when you do that, you take away blacks from other districts where perhaps you could get another minority district.

Q. And where there was not another minority district that the Sixth District thinks there should have been, what activities has the Sixth District undertaken besides filing this lawsuit to address that lack of a district?

A. The strongest effort we have, unfortunately, is advocacy, speaking out. If you don't have the votes in the legislature, the only thing you can try to do is persuade. And so persuasion comes through advocacy.

Q. And has the Sixth District engaged in advocacy about the redistricting maps since the

Special Session 2021?
A. Yes, we've spoken to legislature, held a couple -- held press conferences during that process.
Q. And when you said "during that process," was that during the Special Session?
A. Yes. We had a press conference during that session. In addition to that, we wrote our legislators. We called some, didn't get a response back from them, but we called them, anyway.
Q. Do you recall at the press conference what your message to the legislature was during the Special Session?
A. Yes. We talked about the increase in the black population. We talked about the fact that they should increase black representation in the legislature as opposed to leaving it the same or even reducing it. So we made all of those arguments to no avail.
Q. So backing up to Paragraph 14 where there's a reference to the AME church's advocacy efforts --
A. Uh-huh.
Q. -- is that referring to efforts like press conferences and reaching out to legislators?
A. More than that. It affects our advocacy not only by -- it didn't prohibit us from having a

1 press conference and that kind of thing. But the
2 other thing is is areas where the districts are,
3 mostly in rural Georgia, there's not much means of
4 advocating through the press and that kind of thing
5 because, you know, for example, I don't know what a
6 local newspaper is in some of these areas. And the
7 Atlanta Journal Constitution is going to deal with
8 the area that its strength is.
9 Q. Let me go to the next one and mark as
10 Exhibit 5.
11 (Defendant's Exhibit 5 was marked for
12 identification.)
13 BY MR. TYSON:
14 Q. This is a thick document, but I'm not going
15 to ask you about all of the different pieces of it,
16 so.
17 A. Oh, my goodness.
18 Q. This is a document titled "Plaintiff's
19 Responses and Objections to Defendant's First Set of
20 Interrogatories, Requests for Production of
21 Documents, and Requests for Admission."
22 Do you see that?
23 A. Uh-huh.
24 Q. Okay.
25 THE COURT REPORTER: Is that "yes"?

THE WITNESS: Yes.
BY MR. TYSON:
Q. I'm going to go to Page 6, if we could, on the responses. So if you look down at the bottom of the page, there is a reference to -- it says, "AME." Do you see that?
A. Yes.
Q. And, I'm sorry, Bishop Jackson. I should have asked you, do you recall ever seeing this document before?
A. I don't think so. I'm not going to say, no, but I don't think so.
Q. That's fine. So let me just ask you a few questions about the AME section there. And there's a reference, you see that "Prior to the adoption of the Senate and the House plan, the nature of AME Church's election-related organizational resources, efforts, outreach, and activities included, without limitation," and then there's a list of activities that go to the next page. Do you see that?
A. Yes.
Q. So I just want to ask you about each of those. In the 2022 election, did AME Church or the Sixth District hold Souls to the Polls events to transport churchgoers to polling locations?

A. They were not sponsored by the Sixth District. They were really sponsored by those local churches.

Q. Okay.

A. For example, 500 and something churches, there may have been maybe 35 across the state which helped Souls to the Polls.

Q. But nothing about the redistricting maps kept the churches of the Sixth District from holding the Souls the Polls events --

MR. GARABADU: Object to form.

BY MR. TYSON:

Q. -- in 2022, right?

A. Wherever they were, we wanted them to vote.

Q. Okay. And my question was specifically, did the redistricting maps stop the Sixth District from holding any Souls to the Polls events?

A. I can't say yes or no because, again, those are hosted by individual churches, and I'm not sure what impact that may have had.

Q. Okay. The second item on the list I see there is registering voters for elections.

A. Uh-huh.

Q. Did the redistricting maps stop Sixth District from registering voters for elections in

2022?
A. No.
Q. Did the redistricting maps affect the Sixth District's ability to register voters for elections in 2022?
A. To the effect -- to the effect that we may not have known which House district, which Senate district the people who are registering would be in, whether it would be a different district or not, that would pose some hibitation [sic].
Q. But beyond not knowing the district's number, nothing about the maps kept the Sixth District from registering voters in 2022?
A. Correct.
Q. And next on the list, there was a hosting Get Out the Vote efforts to increase voter turnout. Did the redistricting maps affect the Sixth District's ability to hold or host Get Out the Vote efforts?
A. I'm not sure that question applies because our Get Out the Vote efforts may have been on a Wednesday night having a Get Out the Vote rally where everybody in that area came to the rally -- or, hopefully, they came to the rally. So the Get Out the Vote rally was not designated specifically for or

1 targeted to any specific district. It was just to
2 make sure that everybody who could got out to vote
3 wherever they were voting.
4 Q. Now, I know you said that providing food,
5 water, encouragement, and assistance to votes waiting
6 in line at polling locations, that activity changed.
7 That was due to Senate Bill 202 and not to the
8 redistricting maps, right?
9 A. Again, I think they're related. I'm not
10 sure how you can separate them. If your voting
11 district changed, they still couldn't bring you water
12 or a snack if you are waiting in line.
13 Q. Did AME target civic engagement activities
14 to particular legislative districts in 2022?
15 A. The districts where there was a change.
16 Q. So just so I understand, Sixth District
17 targeted civic engagement activities to any district
18 where there was a change, not just the districts
19 challenged in this lawsuit, right?
20 A. No. What happened was we had members, for
21 example, who may have lived in a district. With the
22 redistricting, that district was changed. It
23 affected them in terms of not being able to vote for
24 the person, say, who was their current
25 representative; or, in fact, it changed their

representation, say, from a minority district to something else. They would contact us. And on the basis of that, we made some determination as to whether or not we would get involved.

Q. Are you aware if -- well, let me ask it this way. After the census comes out, district maps have to change -- well, are you aware that after the census results come out, district maps have to change?

A. I'm not sure they have to change as much as for political consideration. They get changed.

Q. Has the AME or the Sixth District engaged in redistricting specific public education efforts in 2022?

A. No.

Q. Does the Sixth District have less money for its food bank program as a result of the redistricting plans being implemented?

A. I would say less money for a host of reasons, not just because of the redistricting plan.

Q. Okay. And that would include things like Senate Bill 202, I'm assuming?

A. No. I'm saying that if -- I'm referring to the fact, again, for example, because of COVID, inflation, and some other factors, there's a lot more

poor people than we had before.
Q. Does the Sixth District have social justice activities that are not related to voting?
A. Yes.
Q. What are some of those?
A. Education and especially in light of the policies coming through now, for example, Georgia has this habit of passing legislation which is totally irrelevant. For example, the critical race theory is not taught anywhere in the high schools and all, but yet we passed a law. So we fight back against some of that kind of stuff.
Q. Okay. Has the Sixth District had less resources at those nonvoting-related social justice activities because of the redistricting plans?
A. I'm not sure it's a matter of less because in most anything like that, you never feel you have enough. For example, I would love to have more resources to deal with issues such as education, such as affordable housing, you know, such as transportation and a whole bunch of things we would take on, especially that blessed transportation.
Q. But that, wishing you had more resources, isn't the result of the redistricting plans; it's a result of other factors. Is that right?

A. Redistricting may be one of them, but it's not the only one.

Q. And you can't quantify how much redistricting contributes versus any other cause?

A. No. No.

Q. And I'm not asking here for a precise number, but do you have an estimate of how much of the Sixth District's work is focused on the individuals who are affected by the redistricting plans from 2021?

A. Our effort would not be focused solely on individuals. It would be also related to impact, all these changes, impact and affect the community, how it impacts and affects that community's ability to be heard in the state house. Redistricting affects not only people, but it affects a whole bunch of different things. It affects spending. It affects policy. So redistricting has a broad reach.

Q. When we talked earlier about the payment for Operation Voter Turnout from various categories of the Sixth District's budget, is that a decision you make solely as the bishop, or are there others involved in the decision for how to make those budgetary operational distributions, I guess?

A. If the budget has already been passed, then

ultimately, it becomes the bishop's decision, but the bishop always gets the input from the finance committee, the treasurer, the accountant. So you hear from all of those people and then the bishop has to make a decision. Prior to the budget being passed, then there's a budget committee which really puts all that together.

Q. And just to confirm and make sure I understand for when the budget committee puts the budget together, the budget committee is not making the call about a specific program that's going to be -- money is going to be spent on. That's up to the bishop?

A. The budget, the way the budget works, beginning of each conference year, there's a budget committee. For example, for Georgia, there's a budget committee composed that represent two people from each of the annual conferences. They put together drafts of the budget. That budget is then presented to each of the annual conferences, and that's where it's approved.

After it's been approved, say if we are in the middle of the fiscal year or something, then it becomes the bishop's responsibility. You get the input, you get the advice, and then the bishop makes

a decision.

Q. So you get the input and advice, but the decision to spend Sixth District's resources on Operation Voter Turnout was your decision?

A. My decision was we would not increase the budget. We would not ask the people for more money. We would have to find funds in the current budget.

Q. And then is there a further authorization that happens after that where somebody finds the funds and says, here is the resources, and you say, spend that on Operation Voter Turnout?

A. No. What I do in that instance, for example, I get with the members of the Social Action Commission, the members of the Christian Education Commission, and whatever other commissions, and say, look, you all sit down and work this out how you want to break it down, and that's what they do.

Q. Okay. That helps. Thank you.

A. Uh-huh.

Q. Mr. Jackson, let's move to Topic No. 3 back on our list of topics, which is the organization's mission and its exempt purpose. I'm sorry. The organization's exempt purpose and activities it undertakes in accordance With --

A. What page is that?

Q. I'm sorry. That's on page -- this is Exhibit No. 1, the notice of deposition.
A. Uh-huh.
Q. I want to set that one off to the side. We'll keep coming back to it. The fourth page.
A. Okay.
Q. So Topic No. 3 is the organization's exempt purpose and activities it undertakes in accordance with its exempt purpose. Do you see that topic?
A. Yes.
Q. And I'll go through our questions for these. You're the designee for Topic 3, right?
A. Yes.
Q. Did you review any documents specifically to prepare for Topic No. 3?
A. No, I didn't, other than just to be reminded by the attorney for the District, you know, that we're a 501(c)(3) nonpartisan tax exempt. Other than that...
Q. Okay. So did you speak with the attorney for the Sixth District then to get that information?
MR. GARABADU: And I'm just going to instruct the witness not to reveal the substance of the communications between the attorneys.
THE WITNESS: Correct. Yeah, the attorney

just sends me a memo, which he does often, just to remind me of stuff.

BY MR. TYSON:

Q. So -- and, again, I'm not asking for a precise legal conclusion here, but if you were going to describe the exempt purpose of the Sixth District, how would you describe it?

A. Nonpartisan, nonprofit.

Q. If you could grab the thickest document for me, the complaint. And back on Page 7, Paragraph 17 is a statement encouraging and supporting civic participation among its members as a core aspect of the AME church's work. Do you see that?

A. Yes.

Q. Can you just describe generally for me what the other core aspects or mission of the AME are beyond encouraging and supporting civic participation among the members?

A. Yeah. It deals with civic, social, religious, and all of that which relates to developing what we refer to as a whole person, emotional.

Q. And as part of that mission, the Sixth District undertakes a variety of activities to help and support its members; is that right?

A. Yes.

Q. And can you just give me kind of a broad sketch of the different activities that the Sixth District undertakes beyond voting?

A. Sure, for example, under Christian education, we provide workshops and seminars that may deal with how to be good stewards of money, how to provide self-care. We may deal with, in terms of people's physical health, you know, how you are eating and all that, so to really deal with the whole person.

A lot of it has to do with teaching and training, Christian education. Under education, it deals with trying to make sure that all of our children get a quality education. I'm a firm advocate -- for example, as it relates to education, when I was in New Jersey, I spent 12 years as the chair of the Board of Education for the City of Orange, and then I spent 11 years as the chair of the Board of Essex County Community College.

And one of my major concerns, especially in the urban schools, is that too many of our children -- I mention it that May and June were tough months for me because you'd have thousands of kids walking across a stage getting a diploma, but not

having an education. And so, therefore, education, make sure our kids get good education. That meant improving the public school system. That also included for me being an advocate for school choice. So there are a number of things we do to try to impact the quality of people's lives.

Q. If you had to summarize the mission of the Sixth District, how would you summarize the mission?

A. We have four priorities which I set when I came to the Sixth District. One was church growth. Two was Christian education. Three was handling money God's way, and the other was social justice. Those were our four priorities and where we concentrated our effort.

Q. And is the Sixth District's advocacy around redistricting and voting practices part of its social justice priority?

A. Yes.

Q. Has the Sixth District's mission been frustrated by the redistricting maps that were adopted in Georgia?

A. Yes.

Q. How so?

A. Well, again, with the increase of the African-American population in Georgia, you're not

seeing that reflected in these new districts, which is a major area or major concern, in addition to that, how that impacts issues which are a particular interest to the African-American community. So it's just been a number of ways, and a redistricting affects a whole lot of stuff.

Q. Okay. Mr. Jackson, let's move to the next topic on our list here that's on the list of topics, Topic No. 4, which is "the organization's organizational structure including individuals who have the authority to make funding and resource allocation decisions for the organization from January 1, 2021 through the present."

Do you see that?

A. Yes, I do.

Q. And you're the designee for Topic 4, correct?

A. Not the only designee.

Q. Are there others that are going to testify for the Sixth District about Topic 4?

A. You mean in terms of testifying?

Q. Yes, sir.

A. Then it would be me.

Q. Did you review any documents specifically for Topic No. 4 of the deposition?

A. No, I didn't.
Q. Did you speak to anybody who are currently or formally associated with the Sixth District to prepare for Topic No. 4?
A. No, I didn't.
Q. So can you just describe -- I know we've already touched on a lot of these pieces as we've gone on, but can you just generally describe for me how the Sixth District is organized as an organization?
A. Sure. The Sixth District is a part of what we call the connection of African Methodist Episcopal Church. It is one of the 20 Episcopal districts by which the denomination is divided. Each Episcopal district is presided over by a bishop where it gets the name Episcopal, Episcopal referring to a bishop-led church.
The bishop appoints what's called presiding elders, which is basically middle management. At each annual conference, we have what we call presiding elder districts. For example, in Atlanta, there are four, so I have four presiding elders. Atlanta, north Georgia, Commerce has -- I guess has about maybe 150 churches so each of them have maybe 30, 35 churches on their district. The bishop makes

the assignment of pastors to all 500 and some churches.

In the state of Georgia, presiding elders supervise the churches on their district, and then we have what we call components. That might be like the Women's Missionary Society, the Lay organization, the Sons of Allen, the Young People Division. So there are a number of components in each Episcopal district.

And then we have what we call a planning meeting where we meet every year in the end of May or June where the plans for the district for the coming year are gone over and approved. And then you have a midyear meeting, which is where we evaluate where we are midway through the year. And that's how we are structured and operate.

Q. And the Sixth District will undertake its social justice mission regardless of whether new redistricting maps were adopted or not, right?

MR. GARABADU: Objection to form.

THE WITNESS: The legacy of the AME Church is really two things: one, education; and, two, social justice. They have always been at the heart of the church's mission. So the social justice ministry was not founded because of redistricting.

The social justice ministry was founded because over the life of the nation, there's been a need for social justice.

BY MR. TYSON:

Q. And I think we covered this piece already. But in terms of who decides how resources are allocated, I believe what we talked about was there's kind of a budgetary process to develop a budget, and then you as the bishop with info from others get to decide how those funds are spent; is that right?

A. Yes.

Q. Okay. So let's move to Topic No. 5. We're probably going to camp on this one for a little bit. Are you good? Do you want a break at this point?

A. No, I'm fine.

Q. Okay. So Topic No. 5 is "The specific ways in which the actions of the defendant that form the basis of the complaint in this action cause the organization to divert resources away from its organizational activities to activities in which the organization had not previously engaged and the identification of the overall amount of the diverted resources."

And then A underneath that says, "The specific activities and projects the organization was

unable to engage in due to the diversion of resources to activities necessitated by such actions."

So you're the designee for the Sixth District for Topic No. 5, right?

A. Yes.

Q. And did you review any documents or talk to anyone to prepare for Topic No. 5 specifically?

A. No.

Q. So what I want to do here -- we've talked about the financial changes as a result of the redistricting plans. What I want to talk next about is the nonfinancial activities and changes that happened under this topic.

So has the Sixth District diverted nonfinancial resources as a result of the redistricting plans that were adopted in 2021?

A. Yes.

Q. And what are some of those resources?

A. We have arranged for churches throughout Georgia to become engaged in what we call Adopt a School Program where local churches adopt a school in the neighborhood. We'll work with the students. And I'm extremely proud of this project.

For example, we have a lot of young people, low income, who have not experienced a lot of things

that they now experience through this. For example, here in the Atlanta area, a number of young people who had never been to a professional baseball or football game, something to that effect, the churches take them. And, you know, it was a great joy to me to see those kids' eyes light up to be at Mercedes Benz stadium for a football game or to be at Truist Park for a baseball game because it was new to them.

In addition to that, we also have across the state where we try to provide food programs, again, for the poor, low income. And we've provided food for hundreds of thousands of families across the state of Georgia. And then in addition to that, there's also our program dealing with children and youth, starting after-school programs. So when kids get out of school, they don't have to go to an empty home because their parents are at work.

So there's a lot of programs that our churches -- you know, there was one of our members who wrote a story about two years ago and Newsweek Magazine, which made my heart glad she talked -- but every night before she goes to bed, she thanks God for her son and her church. She found herself in a position she never thought she would be in being a single mother. And because the church had a Rites of

Passage Program that helps young boys grow into men -- and they also provided a karate class -- gave the boy confidence and that kind of thing. And she said if it was not for the ministry of that church, she's not sure how well her son would have done. So it's those kind of things that churches do that don't get much, but make a major impact.

Q. Those are all fantastic programs. They really are.

And what I want to try to understand is specifically how the new redistricting maps affected those kinds of programs for the churches. Has there been an effect?

A. Again, I think so. Redistricting affects a whole bunch of things. For example, some of these programs, local churches got grants for. Their legislators helped them with those grants. A new legislator, you don't know if that legislator is going to be supportive of these efforts or productive of those efforts. So redistricting has a major impact.

Q. And I definitely understand kind of from a forward-looking perspective if you have a legislator who is not supportive in getting grants. I guess my question is a little bit different. I just want to

understand, are the churches or the Sixth District doing something different today based on the maps that were adopted?

A. Well, again, you know, we have our Founder's Day coming up February, next month. I will find out from some of the folks if their new legislator is supportive of the program they had in place before. And I won't have to ask them. They'll come to me. They'll say, Bishop, let me tell you something. So I'll find out.

Q. But as of right now, you don't -- you don't know yet because you haven't talked to them?

A. I don't know yet.

Q. Okay. Beyond legislators possibly not being supportive of an existing effort from a church, are there other things that the maps affect the Sixth District's programs?

A. You know, for example, constituent services you know, when folks had representatives and senators that they really knew because they were familiar in their neighborhood, they called the office and had a problem, they got a response. So, again, we have to see if, in fact, constituent services are still as good as they used to be.

Q. Are there specific activities that the

Sixth District is not able to engage in because of the way the maps were drawn?

A. Well, see, again, it's hard for me to answer that because even if I'm the bishop of the District, there are 500 and something churches. It's not possible for me to know what's happening in all those 500. But whenever we have a district meeting, if I have concerns and problems between my staff and me, then they let us know.

And, you know, a lot of times -- for example, I have gotten to know a lot of the legislators and all and I would be able to come -- for example, I was terribly saddened when Speaker Ralston passed because if there was a real problem I had with a legislator, I would call the Speaker and ask him to help. And I really liked Ralston. So, again, I won't know until we have this meeting.

Q. Okay. Are there new activities that the Sixth District has undertaken as a result of the adoption of the redistricting maps?

A. Not yet.

Q. Do you have plans to engage in new activities?

A. If I knew -- we're in the process now of going over all of this to see what we can do. Some

things I suspect we may need to stop doing; some things we may need to do. So we're evaluating all of that now.

Q. But no decisions have been made yet?

A. No decisions have been made.

Q. Okay. We talked earlier about the Community Empower Initiatives. Do you recall that?

A. Yes.

Q. If you need to reference, I was referencing the complaint in Paragraph 18, the big document, on Page 8.

A. Page 8?

Q. Yes.

A. No. 3?

Q. Yes, sir. No. 3, Page 8, Paragraph 18.

A. Okay.

Q. And we talked about that last sentence of 18 about the AME Church will be forced to divert resources, and that's broader voter registration and Community Empower Initiatives. Do you see that?

A. Yes.

Q. And we talked about the different financial changes that the Sixth District would have to make. Are there changes or reductions in activities that are not financial related to voter registration and

community empowerment that the Sixth District will undertake in response to the redistricting maps?

A. Well, one, we've already been forced to undertake and that means to stop. For example, we had started sending out, prior to SB 202, absentee voter applications and found it very productive. But, again, SB 202 has made that illegal, so we can no longer do that.

We also had in place to assist people who needed to get to a polling site. In fact, we worked very closely with the mobile vans, but now the mobile vans are illegal. Then we had a role in helping people to use the ballot drop boxes, especially -- we have a lot of our members who were -- don't get off work until after 5:00. And now the ballot drop box is -- they're inside, no longer outside. And when that building closes usually around 5:00, the ballot drop boxes are no longer accessible. And so that went that. So it's affected us in a number of ways.

Q. And I know you just listed off various changes that happened in Senate Bill 202.

A. Uh-huh.

Q. Are you unable to identify the impact of Senate Bill 202 versus the redistricting maps on the Sixth District?

A. Again, I don't think you can separate them. For example, again, and I use the Augusta area as a major example. There was a senator in that Augusta -- and I forget what district it was -- but he was very much in opposition to almost everything the citizens in that district wanted. And, I mean, not citizens, but the citizens in his own district. But with the redistricting, they actually took part of another district, which was predominantly African-American where a number of our churches were, and put them in his district. So now we're shackled by a heavy burden.

Q. And the heavy burden that you're shackled to there is a legislator --

A. He's now their senator.

Q. -- who doesn't represent the interest of the black voters?

A. Yes.

Q. Okay.

MR. GARABADU: Since we've been going for an hour, would this be a good time to take a break?

THE VIDEOGRAPHER: Off the video record at 11:11 a.m.

(A recess was taken from 11:11 a.m. to 11:21 a.m.)

THE VIDEOGRAPHER: Back on the video record at 11:21 a.m.

BY MR. TYSON:

Q. Bishop Jackson, we were talking about different activities that the Sixth District had to change as a result of the redistricting plans. Do you recall holding virtual town hall meetings related to redistricting?

A. Yes.

Q. Okay.

(Defendant's Exhibit 6 was marked for identification.)

BY MR. TYSON:

Q. I'm going to hand you what we've marked as Exhibit 6. And the Bates number is cut off on the bottom of that, but this is the latest round of documents. And can you tell me what Exhibit 6 is?

A. Agenda from a virtual town hall held in October of 2021.

Q. Okay. And this was held before the Special Session in 2021; is that right?

A. Uh-huh.

Q. Is that a yes?

A. Yes. I'm sorry.

Q. I wanted to ask you, on the top of the

second page, there's a reference to redrawing of the Sixth Congressional District to help take back the House. Do you see that?

A. Uh-huh. Uh-huh.

Q. Do you know if a redistricting map had been released -- or, actually, let me step back for a second.

Do you recall -- did the Sixth District participate in this call through you or others?

A. Yes.

Q. And what was the Sixth District's role --

A. As a matter of fact, I think this was a Faith Works town hall.

Q. And so one of the discussions was the redrawing of the Sixth Congressional District; is that right?

A. Uh-huh.

Q. Is that a yes?

A. Yes.

Q. And do you recall if a map had been released that redrew the Sixth Congressional District when this call was held?

A. I don't know if a map had been released or not, but I do know there was discussion relative to it. And the reason I know is because I live in the

Sixth District, and I know there was discussion about redrawing the Sixth or the Seventh District. And from discussions which I had -- and this was with people on both sides involved with the redistricting -- the feeling was that they had to reduce -- well, they wanted to reduce one of the districts in Georgia that was currently held by a democrat. And my only concern was that I was in the Sixth District, and word came to me they were going to take 300,000 people out of another district and put them in the Sixth District, and that very much alarmed me.

Q. And at the bottom there, it indicates that you spoke on What Do We Do Next? Do you see that?

A. Yes.

Q. And there's a reference to Operation Voter Turnout, I see, and then Meeting the Requirements of SB 202 as it Now Stands. Do you see that?

A. Yes.

Q. Do you recall if there was a discussion about advocacy or anything related to redistricting?

A. Not state, but federal.

Q. Okay. So not for the state legislative lines, but for the congressional districts?

A. Correct.

Q. Has the Sixth District held other town hall meetings like this?

A. We held about four -- I take that back. We held about six of them in different parts of the state. And, again, the primary emphasis was we're going to get out the vote and help make people aware. And let me say this call here was primarily only among ministers. It was not, you know, the lay people and all the faith leaders' call.

Q. Got it. Thank you. Let me move to Topic No. 6, which is "the activities or expenditures the organization plans to undertake in the future related to the laws, policies, and protocols challenged in this action if it is unsuccessful in achieving relief through this action."

Do you see that?

A. Which one?

Q. No. 6.

A. On Document No. 1?

Q. Yes, sir, in Exhibit A.

A. Okay.

Q. And I'll ask my same questions here: You are the designee for Topic 6 for the Sixth District, right?

A. Yes.

Q. And did you review any documents or speak to anybody to prepare for this topic?
A. No.
Q. And I know we can't predict the future necessarily. But regardless of the outcome of this case, the Sixth District is going to continue to advocate for voting rights, right?
A. That is correct.
Q. And regardless of the outcome of this case, the Sixth District will continue to educate voters about their districts?
A. The AME Church is committed to an ongoing effort to always make sure that the African-American community is aware and informed on the issues that will impact us, in fact, impact the state because it's not just a matter of African-Americans, but that impacts the state for good or bad.
Q. Okay. Will -- if you know, will the Sixth District change any of its voter education efforts if it's unsuccessful in this case?
A. I would say it depends. You know, something may change or the legislature, rather, may make some changes which we view as a positive. If that's the case, we'll change our effort to work with the legislature. So it depends upon what the

legislature does.

Q. Okay. And that makes sense. Again, I know we can't predict the future necessarily on this, so.

A. Sure.

Q. Let's move to Topic No. 7, which I think will be a very quick one, "The total expenditures of the organization on activities related to this action since the organization began participating in this litigation."

MR. GARABADU: And, again, I'll instruct the witness not to mention specific budget line items pursuant to the First Amendment of privilege.

THE WITNESS: I don't know, anyway.

BY MR. TYSON:

Q. So, Bishop Jackson, you are the designee for Topic No. 7, right?

A. Yes.

Q. And did you speak to anybody or review any documents to prepare for this topic?

A. No.

Q. And you're aware that one of the types of relief being sought in this case is an award of attorney's fees to the plaintiffs, right?

A. Yes.

Q. Has the Sixth District spent any money on

attorney's fees up to this point in this case?
A. No. Now, that, I do know.
Q. Do you know if the Sixth District plans to spend money on attorney's fees at all as part of this case?
A. I'm praying not.
Q. Okay. So let's move to Topic 8, then. Topic 8 is "The nature of membership of the organization, including how individuals become members, any obligations of members, and any benefits offered by the organization to its members."
Do you see that?
A. Yes, I do.
Q. And you are the designee for Topic 8, correct?
A. Yes.
Q. And did you review any documents or talk to anybody to prepare for Topic 8?
A. No.
Q. So if you could describe for me just the nature of membership in the Sixth District.
A. It would be the same as it is for the connection of church. Persons come and join the church. For example, if it's Turner Chapel here in Marietta, somebody comes and joins the church.

They're required to go through a 90-day period of membership training, what it means to belong to the church, that kind of thing.

Then after the 90 days, they're ready for what we call full membership. Full membership, they are entitled to participate in anything that's related to the church. They're able then to be either nominated or elected to serve as an officer in the church, participate in any of the organizations or components.

And we do expect them to attend, expect them to contribute to the work of the church, and to be involved in their community. That's one of the major emphasis of the Methodist church. You're involved in your community. We believe the church at its best is not the church gathered, but the church scattered where after Sunday morning, you go in the world and make a difference in the Lord's name.

Q. So you reference individuals joining churches. When an individual becomes a member of an AME Church in the Sixth District, do they also become -- does that individual also become a member of the Sixth District?

A. Yes.

Q. And then are churches in the Sixth District

also members of the Sixth District?
A. Yes.
Q. And is there a way that a church -- if it wants to become a member of the Sixth District, is there a process it goes through for that?
A. There is a process.
Q. And I believe you said there were 524 member churches?
A. Correct.
Q. So if you could go with me to the big document again, the complaint.
A. (Witness complies.)
Q. We're going to go to Page 7, Paragraph 16.
A. Uh-huh.
Q. So there's a reference there to more than 500 member churches that are part of the Sixth District in Georgia. And that's the churches that are members, not the individuals, right?
A. Correct.
Q. And then there's a reference to tens of thousands of members in Atlanta alone. That's a reference to the individuals who are members of churches, and then by extension, become a member of the Sixth District when they join the church?
A. Correct.

Q. And it indicates that "The AME Church's members include black Georgians who are registered to vote and reside in newly-drawn districts whose boundaries dilute black voting strength."

Do you see that?

A. Correct. Let me say, I don't know how this got in here, but it's a mistake.

Q. Oh, okay.

A. Where it says with 36 congregations. There's much more than 36 in Atlanta.

Q. Okay. Do you have an estimate of roughly --

A. Over a hundred.

Q. Over a hundred. Okay. That's fine.

If you can find your declaration again, the one that starts with Exhibit K. I'm sorry to make you jump back and forth between documents so much.

A. Oh, I got it.

Q. So if you could go to Page 5, Paragraph 10.

A. (Witness complies.) Uh-huh.

Q. There's a reference to approximately 60 congregations located in and around the areas that comprise Georgia Senate District 16 and 17 as well as some house districts? Do you see that?

A. Uh-huh.

Q. And those are member churches that have individual members who are part of those churches in that area, right?

A. Correct.

Q. And do you know how the Sixth District went about determining the number of congregations that are in those particular districts?

MR. GARABADU: Objection. I'll just instruct the witness not to answer as it relates to either internal deliberations of the AME Church pursuant to the First Amendment privilege or as it relates to the conversations with counsel pursuant to the attorney-client privilege.

BY MR. TYSON:

Q. And, Bishop Jackson, just to clarify my question, which is: Do you know how that was determined?

A. Yes.

Q. Okay. And was that determined through -- again, not getting into what discussions were, but was the process an internal process or in consultation with counsel?

A. Internal process.

Q. And were Sixth District staff members involved in that internal process?

A. Let me just say this, determination was based on location.

Q. In the second sentence there in Paragraph 10, it says, "Many, if not all, of these churches have congregates who identify as black and who are registered -- residents and registered voters in or around the senate districts." Do you see that?

A. Yes.

Q. When you're using the term "identify as black" in the declaration, what does that refer to?

A. Simply to say they're African-American.

Q. Okay. Do you know if there was any specific analysis done of the residents of the individual church members as part of your statement in this paragraph?

A. Explain. I'm not sure what you mean.

Q. So you reference that there was a reference to location in determining the congregations.

A. Yes.

Q. And my question just is you have -- you say that the churches have congregates who are residents in or around the senate districts and house districts?

A. Yes.

Q. Do you know -- well, was that an assumption

1 based on you attend church close by?
2 A. No. Each church has a role of its
3 congregation.
4 Q. Okay. And so the Sixth District was able
5 to access those roles to determine the residents of
6 the members --
7 A. We asked the pastors if they could provide
8 that information with -- if they or some committee,
9 whatever in the local church, could provide it, which
10 they did.
11 Q. Got you. And then just to confirm, the
12 same process you just described happened for
13 Paragraph 11, about Georgia Senate District 23; is
14 that right?
15 A. Yes.
16 Q. And did the same process you just described
17 in Paragraph 10 also happen for Paragraph 12 around
18 those house districts?
19 A. Yes.
20 Q. And then in Paragraph 13, you say, "Members
21 of AME Church include black registered voters who I
22 understand reside in the new state senate and new
23 house districts discussed above."
24 Do you see that?
25 A. Yes.

Q. And that understanding is based on the process you described for Paragraph 10; is that right?

A. Yes.

Q. We can set that aside for the moment. I'm going to have to come back to it in a little bit, but we're finished with that document for now.

I know you mentioned this earlier, but could you just briefly describe the obligations of individual members of the Sixth District?

A. Yes. One, to attend new members class; two, to be involved in their local church; three, to contribute to the support of the work of the church -- and by the work of the church, that means the local church and the Sixth District as well -- and to be active in the communities where they live.

Q. And this may be a topic more appropriate for a membership organization that's not a church, but could you describe the benefits that a member of the Sixth District would receive as an individual?

A. Sure. One, they get a pastor, a shepherd. Two, they become a part of a church family, a congregation. I guess this is No. 4, they also get a means by which issues that impact their lives can be met and addressed. For example, if they needed

1 counseling or something, they get -- you know,
2 churches provide counseling. And then depending upon
3 the church, you know, there may by Rites of Passage
4 Programs that help them with the raising of their
5 children. Some churches provide self-defense
6 classes. Others have classes regarding how to handle
7 money, how to get out of debt. Others have, you
8 know, book clubs. You know, so there are a host of
9 things that the churches provide.
10 Q. And you mentioned earlier that the churches
11 maintain membership roles. Are those roles reported
12 to the Sixth District, or are they maintained by each
13 church?
14 A. They're maintained by each church.
15 Q. And so if you wanted to determine the
16 address of an individual in the church, the Sixth
17 District could get that information from the church,
18 but doesn't have it directly, right?
19 A. Yes, doesn't have it directly.
20 Q. Let me move next to Topic No. 9, "Whether
21 and how the organization determined if any of its
22 individual members are impacted by the laws,
23 policies, and protocols challenged in this action."
24 Do you see that?
25 A. Yes, I do.

Q. And you're the designee for Topic No. 9, correct?
A. Yes.
Q. And did you review any documents or speak with anybody to prepare for Topic No. 9?
A. No.
Q. And I think we pretty much already covered this, but aside from the process you described in response to my questions about Paragraph 10 of your declaration, did the Sixth District undertake any other process to determine the impact of the redistricting maps on individual members?
A. No.
Q. That may be the shortest topic we have so far.
A. Well, we can find some others. I'll help you.
Q. Let's go to Topic No. 10, "The methods used by the organization to determine which districts it would challenge in this action."
And you're the designee of Topic No. 10, correct?
A. Yes.
Q. And did you review any documents or speak to anybody about Topic No. 10?

A. No.
Q. Now, I understand that there will be an attorney-client element to how the case came together, so I want to be very specific. I'm not asking you for any conversations with your attorney on these questions. But you're aware that the complaint challenges particular districts on the state legislative maps, right?
A. Yes.
Q. Did the Sixth District go through any process that did not involve its attorneys in determining how to -- which districts would be challenged in this case?
MR. GARABADU: I'm going to object to that and just instruct the witness to not necessarily go into conversations that the Sixth District had internally, again, pursuant to the First Amendment privilege. But besides that, you know, he can answer as he see fits.
THE WITNESS: The only thing I would say is we had different members in some of these districts who contacted the office concerned about, you know, how the maps would affect them.
BY MR. TYSON:
Q. So let me -- let's take the complaint, if

we could, the big document.
A. Uh-huh.
Q. And if you can go to Page 26.
A. (Witness complies.)
Q. In Paragraph 62, and that paragraph states, "Georgia's black population is sufficiently numerous and geographically compact to comprise the majority of the voting age population in at least three senate districts that the State failed to draw."
Do you see that?
A. Yes.
Q. And, again, not getting into conversations with counsel, but are there other senate districts that the Sixth District contends should have been drawn as majority black districts that were not drawn beyond the three that are referenced in the complaint?
MR. GARABADU: Objection, calls for a legal conclusion.
BY MR. TYSON:
Q. You can answer, if you know.
A. Whatever he said, I'm with that.
Q. Okay. So let me rephrase my question. I'm not asking you for a legal conclusion. Are there other districts that the Sixth District is aware of

that -- where black voters could be the majority of the voting age population that the Sixth District contends the State failed to draw besides the three that are referenced?

A. I would not say --

MR. GARABADU: I'll renew my objection.

MR. TYSON: Sure.

THE WITNESS: I'm going to say I'm thoroughly familiar with all of the districts, but I would suspect that there are.

BY MR. TYSON:

Q. Okay. Does the Sixth District support the drawing of districts that contain a majority black voting age population wherever those districts can be drawn?

A. I would have to see what's around those districts before I could answer that.

Q. Okay. That's very reasonable. Let me ask you one more question along this line. Back to your declaration, on Page 7, Paragraph 13.

A. Uh-huh.

Q. I've already asked you about the first part of that paragraph. I wanted to ask you about the last part there when you get to it. It's this one, Mr. Jackson.

A. Oh, Exhibit K. Okay. All righty.
Q. So if you can turn to Page 7, Paragraph 13.
A. Yes.
Q. You stated at the end that "The members we were referencing would reside in the illustrative additional majority blacks state senate and state house districts presented by plaintiffs in this case that could have and should have been drawn in the above discussed areas."
Do you see that?
A. Yes.
Q. And so for the statement that they should have been drawn, what is the basis for that statement?
A. The fact that the population in these areas would be sufficient to have a majority black state and house district and there's no sufficient reason why there weren't except for political considerations.
Q. Thank you. So let's move to Topic No. 11. "The organization's communications with the Georgia General Assembly regarding the laws, policies, and protocols it challenges in this action from January 1, 2021, to the present."
And you are the designee for the Sixth

1 District for Topic 11, right?
2 A. Yes.
3 Q. And did you review any documents or talk to
4 anybody to prepare for Topic No. 11?
5 A. No.
6 Q. So earlier, I know we discussed that there
7 was a press conference you held, I believe, during
8 the Special Session related to redistricting; is that
9 correct?
10 A. Correct.
11 Q. And you also referenced reaching out to
12 members of the General Assembly. Was that during the
13 Special Session or before?
14 A. During the special session.
15 Q. Okay. Did the Sixth District publicly
16 testify or anybody from, as a representative of the
17 Sixth District, testify to any of the legislative
18 hearings about redistricting plans?
19 A. There were some, but I don't remember who
20 they were. I know it was not myself, but there was
21 some who did.
22 Q. And they were testifying on behalf of the
23 Sixth District or they --
24 A. No, testifying on behalf of themselves as
25 residents, but they happened to be members of the AME

Church.
Q. And that's what I was trying to discern that it's a member of an AME Church certainly, but the Sixth District itself didn't send an representative?
A. No.
Q. At the press conference that you held during the session, what was the Sixth District urging the legislature to do about redistricting plans?
A. To make sure that the maps represented what Georgia looks like in terms of its citizens and where they live and who they would have a chance -- the opportunity to vote for to be a senator or representative.
Q. Besides the contact with individual legislators in the press conference, were there any other communications on behalf of the Sixth District to the Georgia General Assembly in 2021 about redistricting plans?
A. I don't think so.
Q. Okay. And when you referenced reaching out to individual legislators, were you doing that communication or was it somebody else?
A. There were a number of people.

Q. Were they all acting on behalf of the Sixth District in their communications?

A. Some were acting on their own who happened to be members of the AME Church.

Q. And so my question is just specifically about someone contacting a legislator on behalf of the Sixth District.

A. No. That would be me.

Q. Okay. And do you recall which legislators you contacted during the Special Session?

A. Well, I remember I spoke with Lieutenant Governor Geoff and with Speaker Ralston.

Q. Any other legislators you can think of?

A. Not that I can think of.

Q. And do you recall what you advised the lieutenant governor and the speaker to do about redistricting plans?

MR. GARABADU: Objection. I'm going to ask the witness not to respond to that to the extent that it violates the First Amendment associational privilege, especially since Bishop Jackson is lobbying on behalf of the Sixth District.

MR. TYSON: Okay.

BY MR. TYSON:

Q. Mr. Jackson, is there any part of those

conversations that you are comfortable in answering over your -- in light of your counsel's objection, or is it all privileged in your mind?

A. Just telling them we were opposed to what they were trying to do.

Q. Okay. Do you recall when those conversations happened with lieutenant governor and speaker?

A. No, I don't remember the exact day.

Q. But it was during the Special Session?

A. Yes.

MR. TYSON: And, Mr. Garabadu, you may want to interpose an objection here.

BY MR. TYSON:

Q. But do you recall if you discussed the legislative maps or the congressional maps in those communications?

MR. GARABADU: I'm going to renew my objection and just instruct the witness to not answer to the extent that it reveals First Amendment associational privilege concerns.

THE WITNESS: Just legislative.

BY MR. TYSON:

Q. Okay. Have you contacted, or anyone on behalf of the Sixth District contacted members of the

1 General Assembly about redistricting from -- in 2022
2 as opposed to in 2021?
3 A. No.
4 Q. Did the Sixth District support any of the
5 maps that were introduced in the Special Session?
6 A. No.
7 Q. So let's move to Topic No. 12,
8 "Communications between the organization and any of
9 the coplaintiffs, its individual member plaintiffs,
10 its other members, and other advocates and advocacy
11 organizations concerning this litigation or the
12 redistricting plans challenged in the action."
13 Do you see that topic?
14 A. Yes, I do.
15 Q. And you're the designee for the Sixth
16 District for Topic 12, correct?
17 A. Yes.
18 Q. Okay. And did you review any documents or
19 speak to anyone to prepare for this topic?
20 A. No.
21 Q. Was any other organization part of the
22 press conference that you held during the Special
23 Session about the redistricting plans?
24 A. Yes, other faith leaders from across the
25 state.

Q. So was there any participation by Alpha Phi Alpha fraternity?
A. No.
Q. Any participation by the Georgia State Conference of the NAACP?
A. No.
Q. Any participation by Georgia Coalition for the People's Agenda?
A. No.
Q. Any participation by the GALEO Latino Community Development Fund?
A. No.
Q. Participation by Common Cause?
A. No.
Q. Or by the Legal Women Voters?
A. No.
Q. Do you recall who the other faith leaders were that participated in the press conference?
A. Some of them. You mean you want some names?
Q. If you can, ones you remember.
A. Reverend Timothy McDonald. He's the pastor for Iconium Baptist Church in Atlanta. Reverend Gerald Durley who is the intern pastor at Providence Baptist Church in Atlanta. Who else participated?

Reverend Lee May, pastor of Transforming Faith Church in Decatur. And I'm not sure who else participated.

Q. Okay. So, Bishop Jackson, you're aware that there are some individual plaintiffs who are a part of this case as well?

A. Yes.

Q. Do you know Eric T. Woods?

A. I can't say yes or no because when you've got over 500 churches, I don't know all of them by name.

Q. Got it. But do you know if Mr. Woods is a member of the Sixth District?

A. Yes.

Q. He is?

A. Yes.

Q. Do you know if Katie Bailey Glenn is a member of the Sixth District?

A. Yes.

Q. Yes, you know --

A. No, I don't know. Her, I don't know.

Q. Okay. Do you know if Mr. Brown, Phil Brown, is a member of the Sixth District?

A. That, I don't know.

Q. Do you know if Janice Stewart is a member of the Sixth District?

A. She definitely is.
Q. Does Ms. Stewart have a formal role with the Sixth District?
A. No, she's a member. She's very outspoken.
Q. But it's correct that Mr. Woods, Ms. Glenn, Mr. Brown, and Ms. Stewart did not participate in the press conference during the Special Session?
A. No, they did not.
Q. All right. Well, let me move to Topic No. 13, which is "the specific relief the organization seeks that will cause it to cease diverting resources to address the laws, policies, or protocols challenged in this action."
So you see that topic, right?
A. Yes.
Q. And you are the designee for Topic 13, correct?
A. Yes.
Q. And did you review any documents or speak with anyone to prepare for Topic 13?
A. No.
Q. And so I understand you're not a lawyer, and I don't want to ask you for a specific legal conclusion here. But if you had to describe what relief the Sixth District would get that would enable

it to stop diverting resources, what would that be?
A. Generally speaking, to have districts along that reflect the population of Georgia and the increase of African-Americans in the state where the number of African-American or predominantly African-American districts would increase.
Q. And if the number of predominantly African-American districts increase on the legislative maps, would you have be able to stop having to educate voters about changes in districts?
MR. GARABADU: Objection to form.
THE WITNESS: Our commitment to social justice doesn't limit us to the issue of districts, but whatever issues that arise that we feel impact our congregations and our communities.
BY MR. TYSON:
Q. And what I'm asking probably in not a very helpful way is, there are specific allegations in the complaint that we've talked about that you're having -- the AME Church is having to divert resources from its voter registration and Community Empower Initiatives.
And so my question is: If the number of predominantly African-American districts increase, would the Sixth District be able to stop diverting

resources from those programs to the affected district?

MR. GARABADU: Objection to form.

THE WITNESS: I've discovered that not only in Georgia, but in New Jersey and all these states, it's always something coming up. So it may not be districts, but it will be something else.

BY MR. TYSON:

Q. Okay.

A. But I'm looking forward to the day when it's not.

Q. Okay. Bishop Jackson, let me move next -- and I think maybe the easiest way to do this is just to do Topic 14 and 15 together. I'm not going to have a lot of questions about those.

But Topic 14 is the documents produced in this litigation by plaintiffs and the information contained in the documents. And then Topic 15 is the process by which the organization searched for and identified documents responsive to discovery requests served in this case. Do you see those?

A. Yes.

Q. And you're the designee for Topics 14 and 15, right?

A. Yes.

Q. And did you speak to anybody or review any documents to get ready for those topics?

A. No.

Q. And if you could just very generally -- obviously, I don't want to get into any discussions between you and your counsel, but just very generally describe what process the Sixth District went through to locate documents that are responsive to our requests.

A. Searched my laptop MacBook, home, and office, and in the office to see which documents pertain to this.

Q. Does the Sixth District maintain any sort of central e-mail server or file server?

A. I'm technologically illiterate. If we do, I don't know about it.

Q. Okay.

A. I ask my son to do stuff I don't understand.

Q. Certainly. And any documents that you found that were responsive, you provided to your counsel; is that right?

A. Yes.

Q. Does the Sixth District have staff member e-mail boxes that were searched?

A. Yes.
Q. So I guess both the staff members and their boxes were search?
A. Yes.
Q. Does the Sixth District have any other locations of files that were not searched as part of this process?
A. No.
Q. I did have a question about one document I want to mark and ask you about.
(Defendant's Exhibit 7 was marked for identification.)
BY MR. TYSON:
Q. I'll mark this as Exhibit 7.
A. Uh-huh.
Q. And this is a document that was provided to us in discovery. Looks like a Facebook post titled, Mid-Year Convocation Itinerary.
A. Uh-huh.
Q. Does this document relate to the claims in this case at all regarding the districting maps?
A. Does what now?
Q. Does this document relate to the redistricting maps?
A. No.

Q. Okay. Well, Bishop Jackson, I think I might be near the end. I would like to kind of go through my notes and consult with co-counsel here. I might be near the end of my questions. So if it's all right with you, can we take maybe a ten-minute break or so?

A. Sure.

THE VIDEOGRAPHER: Off the video record at 12:07 p.m.

(A recess was taken from 12:07 p.m. to 12:21 p.m.)

THE VIDEOGRAPHER: Back on the video record at 12:21 p.m.

BY MR. TYSON:

Q. All right, Bishop Jackson, I'm nearly finished. I have a few more questions to ask you about.

A. Uh-huh.

Q. Back earlier, when we were discussing in Topic 1 and 2, just the diversion of different -- I'm sorry, in Topic 5, the different activities of the organization based on the redistricting plans, does the Sixth District have any staff members who are solely devoted to advocacy around the redistricting?

A. No.

Q. Do you have any volunteers who are solely devoted to redistricting advocacy?
A. No.
Q. Have you had a situation in the Sixth District where the Sixth District wasn't able to complete a project it wanted to do because of its work around redistricting?
A. No.
Q. Earlier when we were talking about the Georgia General Assembly, you mentioned a state senator from the Augusta area who didn't represent black interests. Do you recall that?
A. Yes, I do.
Q. And was that Senator Max Burns?
A. I believe so.
Q. And are the interests that you referenced that were unrepresented the same ones you discussed earlier about health care and those topics, or were they unique situations for Senator Burns?
A. They were unique situations for Senator Burns and -- because I got this from folk in that district, but there were also instances where he was outspoken on some issues that were disturbing.
Q. And do you recall what the disturbing issues were?

A. I would have to go back and check.
Q. Okay.
A. But they were covered in the papers, if I'm correct.
Q. But sitting here today, you can't recall what those issues were?
A. No.
Q. You also mentioned when we were talking about the relief that the organization was seeking in Topic 13 that the number of predominantly African-American districts should increase. Do you recall that?
A. Yes.
Q. Do you have -- and, again, I'm not asking for a legal conclusion on this. But if, for example, 33 percent of the districts in a legislation were majority black, would that be a sufficient number in your mind?
MR. GARABADU: Objection to the form to the extent it calls for a legal conclusion.
THE WITNESS: I'm not sure. I don't understand your question.
BY MR. TYSON:
Q. Okay. You reference that you wanted the number of predominantly African-American districts to

increase.

A. Uh-huh.

Q. And so my question is basically, how much of an increase is enough of an increase in your mind to allow the organization to stop diverting resources to respond to redistricting plans?

MR. GARABADU: Objection to the form to the extent that it calls for a legal conclusion.

THE WITNESS: Yeah, I'm not sure there's a specific number mark. And so I just say our concern is that with the increase and number of blacks -- and I should say blacks and people of color in the state, the new maps do not reflect that increase.

MR. TYSON: Bishop Jackson, I appreciate your time today. That's the questions I have. Mr. Garabadu may have some as well, but I appreciate you working with us today.

THE WITNESS: All right.

EXAMINATION

BY MR. GARABADU:

Q. Bishop Jackson, I promise I won't keep you long, but I did have a couple of quick questions for you.

Now, you'll remember earlier today, Mr. Tyson asked you some questions about how you

prepared for this deposition. Do you remember those questions?

A. Yes, I do.

Q. So, Bishop Jackson, do you -- and without talking about, you know, what the substance of those preparations look like, do you remember having preparation sessions with your attorneys about this deposition?

A. Yes.

Q. And during those prep sessions, did you look at any documents either on screen, on Zoom, or in paper to refresh your recollection?

A. Yes.

Q. I want to talk to you a little bit about the questions Mr. Tyson asked you about relating to voting-related activities that the church does. Do you remember Mr. Tyson asking you questions about that?

A. Yes.

Q. Who in the Sixth District carries out those kinds of voting-related activities? Are they staff members? Are they volunteers? Are they -- who is it exactly who does that?

A. There's a gentleman named James Garmon.

Q. Okay. And is Mr. Garmon a volunteer or a

paid staff member?
A. He's a paid -- well, we give him a stipend. I wouldn't say paid. We give him a stipend.
Q. Okay. And in terms of other activities that the church does related to voting-related activities, so, you know, voter registration drives, Operation Voter Turnout, Souls to the Polls, who carries out those activities?
A. Mr. Garmon. In fact, when I was in -- living in New Jersey, pastoring in New Jersey, Mr. Garmon was on the staff at -- I'm trying to think. I've forgotten the name of the college in the southern part of the state, so we've known each other for a number of years. And he moved to Georgia.
And when the voting stuff came up, he volunteered to assist. He's basically volunteered -- and I would say in the middle of last year, we just started giving him a stipend. I just felt a little guilty, and they give him a little stipend.
Q. And I understand that Mr. Garmon might kind of lead these efforts, but is Mr. Garmon the only person in the whole state --
A. No.
Q. -- who does voter registration drives?
A. No. We have people all over the state at

each of the conferences. What he primarily does, if there's an episcopal district effort, just to make sure we -- for example, Operation Voter Turnout to make sure every conference was doing the same thing, had the same focus. That's when he would assist.

Q. Okay. And those other people that you mentioned kind of across the state, who are those folks who participate in these activities?

A. For example, in each conference, it would be like the chair of the Social Action Commission. Then in local churches, every local church is supposed to have a Social Action Committee. So you would have people from their local churches. And then in some of the organizations or components of the Sixth District, we would have volunteers who also like to missionary, the Lay Organization, who volunteer and would assist.

Q. And are members or chairs of those Social Action Committees, are they paid by the church?

A. No.

MR. SAVITSKY: Excuse me. I'm so sorry to interrupt. The audio is not on for those who are appearing virtually. Sorry to whomever I interrupted. I can't hear.

THE VIDEOGRAPHER: Okay. You can hear us

now?

MR. SAVITSKY: Yes, I can. Thank you very much. And, again, apologies for the interruption.

BY MR. GARABADU:

Q. So, bishop Jackson, you talked about the Social Action Committee members. Are those Social Action Committee members paid in any way?

A. No.

Q. Are they volunteers, then?

A. Volunteered.

Q. And are chairs of the Social Action Committee paid, or are they volunteers?

A. They're volunteers.

Q. And are the other members of the AME Church who participate in these voting-related activities, are they also participating on a volunteer basis?

A. Yeah. Most everybody that does anything, you know, volunteers, for example, if it's the chair of Christian education, if it's the chair of music, and all of those are basically voluntary positions.

Q. Okay. So is it fair to say, then, Bishop Jackson, that folks who are volunteering to help out with these voting-relating initiatives, that their participation in those activities isn't their day job?

A. No, definitely not. They would be in the poor house.

Q. So they have other jobs on the side --

A. Correct.

Q. -- but they help with these election-related activities; is that right?

A. Correct. Many of them all have other jobs, or some of them are retired.

Q. Okay. So is it fair to say, Bishop Jackson, that in terms of the human resources that the AME Church has to pursue these voting-related activities, would you say that's a finite source, then?

A. Yes.

Q. Okay. I want to talk to you a little bit about these voting-related activities after the state legislative maps were passed in December 2021.

Do you remember Mr. Tyson asking you some questions about how those activities might have changed after the maps were passed?

A. Yes.

Q. Okay, I wanted to get a little clearer about that because I think there was a little bit of confusion that happened there.

So did the voting-related activities at the

AME Church change in any way after the maps were passed 2021?

A. No. In fact, what has really made all of us need a sabbatical is the fact that over the last several years -- there's always been something in Georgia. As a matter of fact, I could also say the nation. Between 2018 and then '20, and then -- it's just been one thing after another. It was either the challenge as it relates to voting rights. Then it became SB 202. Then it became the districting. It's just been one ongoing thing.

Q. Bishop Jackson, I understand that kind of these voting-related activities might have existed before 2021, but did the focus or did the specific activities that the church pursued change in some way after 2021?

A. Let me tell you this. Part of my other frustration was that before I came to Georgia, I was very distraught when I found out that the AME Church in Georgia really was not engaged or involved on issues of social justice. And that was very troubling to me. I'm pleased because now the church is so excited to be involved in those kind of issues because that's been the legacy of the church, as specifically for Georgia and more specifically

Atlanta with its history between Dr. King, Andy Young, all of that crowd, you know, almost everybody had become rather -- it was like everything was accomplished, and so there were very little engagement. So I'm excited now that the church is back engaged where it ought to be.

Q. I want to talk to you about one of the ways that the church has gotten more gauged. You mentioned while Mr. Tyson was asking you some questions about activities that the church was pursuing in the Augusta area around redistricting.

A. Uh-huh.

Q. Can you describe that a little bit more?

A. Yeah. A lot of it dealt with the fact that the district had been changed, and I was pleased. In fact, I preach at Bethel in Augusta twice every year, and I was pleased because of when I preached there in February, a lot of the members came to me concerned about the district and which made me feel divergent because it meant that they were aware, and they were staying on top of what was going on.

And so they organized meetings with the political leadership in Augusta, Republican and Democratic. They even had a couple of marches in Augusta relative to the maps. They spoke out in

terms that they wanted to be able to select who their senator would be as opposed to having the legislature really say, this is who you've got to choose between. So I was very pleased. We had a press conference in Augusta dealing with the redistricting, so they were very much engaged.

Q. Okay. And you mentioned that you learned about this in February of -- was that February 2022?

A. No. I learned of it the first time I preached in Augusta and that -- I'm not sure it was February, but it was in -- it was when the whole redistricting debate was going on.

Q. Okay. And you mentioned a couple of times of activities that congregations around Augusta were doing. I think you said marches. You said some advocacy-related things --

A. Uh-huh.

Q. -- and meeting with their local leaders. Did I get that right?

A. Yeah. As a matter of fact, the ministers in the area had a citywide meeting to discuss it. I wasn't there, but I know they had it. So they were very much engaged.

Q. Okay. And you said that this was going on while redistricting was happening. Do you mean this

was happening while the Special Session was taking place?

A. Correct. Correct.

Q. And do you know if that -- those, you know, advocacy-related efforts and those education-related efforts continued after the Special Session was over?

A. For a short while, they did.

Q. And is it safe to say, Bishop Jackson, that those were not activities that the church was doing before redistricting happened?

A. The church was involved in voting issues, but as it related to the redistricting, not until that. And, in fact, the ministers had made me feel -- made me feel good. One of the Baptist preachers said, now, you know, we Baptists don't have bishops, but you are all of our bishops now. So that made me feel good. So they really kind of brought me in. It really wasn't spurred by my leadership. They just -- you know, they adopted me, so I was glad to be in there.

Q. And, Bishop Jackson, were these types of activities that happened during and after the Special Session? Were they, again, mostly done by volunteers --

A. Oh, yeah.

Q. -- of the AME Church?
A. Oh, yes. The AME Church and members of other churches in the Augusta area.
Q. Okay. And do you know if similar activities took place in any other parts of the state related to redistricting?
A. Some parts of the state, but not to the extent that Augusta did.
Q. Okay.
A. Ms. Stewart is -- as you mentioned, she's an AME, but she is one of those that you're going to hear her one way or the other, so she made sure I heard her.
Q. And Ms. Stewart, to be clear, doesn't live in the Augusta area?
A. No. I think she lives in -- near a place called Camilla, Camilla, Georgia.
MR. GARABADU: I'm going to ask my co-counsel if there's anything else I am forgetting, but I think we might be close to the end.
I think we're all set on our end.
FURTHER EXAMINATION
BY MR. TYSON:
Q. I have a few more questions in light of that, not surprisingly. So, Bishop Jackson,

Mr. Garabadu was asking you about the volunteer work. And I know volunteers are a critical part to church life all the way around.

Does the Sixth District have any way of measuring or quantifying how much volunteer time is spent on particular activities?

A. Not the Sixth District. I would suspect that the pastors of the churches to which they belong or the conference to which they belong would.

Q. So sitting here today, you can't identify how much volunteer time was spent on redistricting tasks versus something else?

A. Obviously, whatever time whoever put into it, I'm sure was voluntary because we weren't paying them.

Q. And you discussed with Mr. Garabadu some additional activities that happened in Augusta and other places. Were there activities that had to stop or be reduced in Augusta because of the advocacy around redistricting?

A. No. I wouldn't say stop because of the advocacy. In fact, I would hope it increased due to advocacy.

Q. So, in other words, it wasn't like the people in Augusta had to stop one task to start

working on redistricting. In fact, it actually got them more involved in the church?

A. I think all of the -- I think all of this came together, redistricting, SB 202, some issues, some of the 2018 election, I just think it's just a lot. Some of it was also brought on -- which is very much related to the redistricting, was a debate of the voting rights in Congress. So it was a lot of, you know -- and as a matter of fact, it was almost like we felt like we were under siege.

Q. And you talked about the efforts in Augusta. Do you know if the community was pleased with the outcome of the advocacy, or did they disagree with the outcome?

A. They weren't pleased because of the way the district ended up being drawn. So I'll be pleased when that gets corrected.

Q. And do you recall the districts in Augusta and the advocacy around that, was that specifically for districts in Richmond County, or was that a broader geographic area? Do you remember?

A. You know, I'm not really familiar -- you know, I came to Georgia from a state that had 22 counties. Now I'm in one with 159. I don't know where I am.

Q. Got it. Let me ask a better question, then. You're exactly right. We have a lot of counties.

For the Augusta redistricting you talked about, do you recall if the advocacy was about state senate and state house districts in the Augusta area, or was it other parts of the state or other parts of the area?

A. I would think it was Augusta and the surrounding area. It wasn't state. For that particular, it was for that area.

Q. Thank you. And you mentioned Mr. Garmon and his work --

A. Uh-huh.

Q. -- in response to Mr. Garabadu's questions. Has Mr. Garmon been unable to complete any of his tasks that he was assigned because of his work related to redistricting?

A. He's been involved in a whole lot, so I wouldn't say he's been -- I wouldn't say he stopped. I would say it's ongoing because, for example, even now, in light of the turnout for the November election, there is this tremendous urgency to begin now for '24 because, very disappointingly, black turnout in 2022, less than 50 percent of blacks in

the state voted. And I think there's some reasons for that, but -- so those are the reasons we have to address.

MR. TYSON: Well, Bishop Jackson, I don't have any further questions. I don't know if Mr. Garabadu has any more.

MR. GARABADU: No, I think we're done as well.

MR. TYSON: And we're completed. Thank you.

THE VIDEOGRAPHER: That's the end of the deposition. Off the record at 12:44 p.m.

(Deposition conclude at 12:44 p.m.)

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[illegible] uary, 2023.

Tracy Williams

_____
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Georgia Code

Title 9, Chapter 11

Article 5, Section 9-11-30

(e) Review by witness; changes; signing.

If requested by the deponent or a party before completion of the deposition, the deponent shall have 30 days after being notified by the officer that the transcript or recording is available in which to review the transcript or recording and, if there are changes in form or substance, to sign a statement reciting such changes and the reasons given by the deponent for making them. The officer shall indicate in the certificate prescribed by paragraph (1) of subsection (f) of this Code section whether any review was requested and, if so, shall append any changes made by the deponent during the period allowed. If the deposition is not reviewed and signed by the witness within 30 days of its submission to him or her, the officer shall sign it and state on the record that the deposition was not reviewed and signed by the deponent within 30 days. The deposition may then be used as fully as though signed unless, on a motion to suppress under paragraph (4) of subsection (d) of Code

Section 9-11-32, the court holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

DISCLAIMER: THE FOREGOING CIVIL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY. THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE STATE RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

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IN THE 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*, v. BRAD RAFFENSPERGER, in his official capacity as Secretary of State of Georgia, *Defendant*.	CASE NO. 1:21-CV-05337-SCJ

AMENDED NOTICE OF 30(b)(6) DEPOSITION OF SIXTH DISTRICT OF THE AFRICAN METHODIST EPISCOPAL CHURCH

PLEASE TAKE NOTICE that, pursuant to Rules 26 and 30 of the Federal Rules of Civil Procedure, counsel for Defendant Brad Raffensperger, in his official capacity as Secretary of State of Georgia, will take the oral examination under oath of the designated representatives of the Sixth District of the African Methodist Episcopal Church ("AME" or "Organization") on Monday, January 9, 2023, beginning at 9:00 a.m. at the law offices of Taylor English Duma, 1600 Parkwood Circle, Suite 200,

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Atlanta, GA 30339 and continuing thereafter until completed. The deposition will also be available to attend via Zoom videoconferencing through Veritext Legal Solutions. Details regarding the videoconferencing will be emailed to those participating once all arrangements are finalized.

The deposition shall be taken before a Notary Public or some other officer authorized by law to administer oaths for use at trial. The deposition will be taken by oral examination with a written and/or sound and visual record made thereof (*e.g.*, videotape, LiveNote, etc.). The deposition will be taken for the purposes of cross-examination, discovery, and for all other purposes permitted under the Federal Rules of Civil Procedure or any other applicable law.

Please note, under Rule 30(b)(6) of the Federal Rules of Civil Procedure, the Organization must designate one or more officers, directors, managing agents, or other appropriate persons who consent to testify on behalf of the organization. The Person(s) must be ready to testify about the information known or reasonably available to the Organization regarding the topics listed in Exhibit A, attached hereto.

Respectfully submitted this 3rd day of January, 2023.

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Attorneys for Defendant

Exhibit A

1. The Organization's allocation of resources and budgetary decisions from January 1, 2021 through the present that reflect the diversion of funds and resources the Organization alleges it has undertaken in its Complaints.

2. The changes made to the Organization's budgets – as well as any contemporaneous rationale for such changes – during its budget years from January 1, 2021 through the present related to the laws, policies, or protocols challenged in this action.

3. The Organization's exempt purpose and activities it undertakes in accordance with its exempt purpose.

4. The Organization's organizational structure, including individuals who have the authority to make funding and resource-allocation decisions for the Organization from January 1, 2021 through the present.

5. The specific ways in which the actions of the Defendants that form the basis of its Complaints in this action caused the Organization to divert resources away from its organizational activities to activities in which the Organization had not previously engaged, and the identification of the overall amount of the diverted resources.

    a. The specific activities and projects the Organization was unable to engage in due to the diversion of resources to activities necessitated by such actions.

6. The activities or expenditures the Organization plans to undertake in the future related to the laws, policies, and protocols challenged in this action if it is unsuccessful in achieving relief through this action.

7. The total expenditures of the Organization on activities related to this action since the Organization began participating in this litigation.

8. The nature of membership of the Organization, including how individuals become members, any obligations of members, and any benefits offered by the Organization to its members.

9. Whether and how the Organization determined if any of its individual members are impacted by the laws, policies, and protocols challenged in this action.

10. The method(s) used by the Organization to determine which district(s) it would challenge in this action.

11. The Organization's communications with the Georgia General Assembly regarding the laws, policies, and protocols it challenges in this action, from January 1, 2021 to the present.

12. Communications between the Organization and any of the co-Plaintiffs, its individual member plaintiffs, its other members, and other advocates and advocacy organizations, concerning this litigation or the redistricting plans challenged in this action.

13. The specific relief the Organization seeks that will cause it to cease diverting resources to address the laws, policies, or protocols challenged in this action.

14. The documents produced in this litigation by Plaintiffs and the information contained in the documents.

15. The process by which the Organization searched for and identified documents responsive to discovery requests served in this case.

CERTIFICATE OF SERVICE

I hereby certify that on January 3, 2023, I caused a copy of the foregoing to be served by electronic mail on all counsel of record.

/s/ Bryan P. Tyson
Bryan P. Tyson

Counsel for Defendant

Operation Voter Turnout

The 2022 elections are rapidly approaching. Unless something changes there will be a number of significant changes in the conduct of elections going forward. We will be bound by the changes made in SB202, "The Election Integrity Act" passed by the Georgia Legislature. It is going to be a very negative, controversial and polarizing election. This is an effort to suppress the vote of Black and Brown voters. Each of us must remain "woke", informed and determined to cast our ballot.

I am asking the Sixth Episcopal District to organize to produce a larger Black turnout in the 2022 elections. A turnout that rivals or exceeds the 2020 Black voter turnout. This effort will again be called "Operation Voter Turnout." The success of this effort depends largely on the support and participation of pastors. Again, "everything rises or falls on leadership." Pastoral indifference will hurt this cause, pastoral enthusiasm and commitment will help us produce a great voter turnout. Every week the pastor should be talking about and encouraging us to vote.

This is a current draft of Operation Voter Turnout. It will be updated periodically to point out and explain changes.

Operation Voter Turnout

1. Operation Turnout will begin with the churches and congregants in the Sixth Episcopal District. The goal will be to ensure that every registered voter in our congregations vote in the 2020 election. The members on roll will be the list that each church uses to make sure each of them vote.

2. Each pastor will appoint a "Operation Turnout Committee" in each local church. It will be the responsibility of the "Operation Turnout Committee" in the local church to:
   a. Make a list of all the eligible voters in the local church.
   b. Write or call them about the November election, give them date, encourage them to vote and inform them how important election is. Tell them the church is trying to make sure all of its congregants vote.
   c. Encourage congregants to vote early, by absentee ballot or early voting. Can get application for absentee ballot online at: sos.ga.gov. Click on Elections then Voter Info- go down to Absentee Voting- click on fillable PDF of the Georgia Application for Official Absentee Ballot. Fill out application online. Include address of county Election Office for them to mail it. The rules are changed regarding who can obtain or assist with returning absentee ballots.

3. If there are any questions regarding the absentee ballot application or absentee ballot they can check status at: https://elections.sos.ga.gov/Elections/countyregistrars.do

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4. Those who don't vote by absentee ballot are encouraged to vote early. Early voting will lessen the likelihood of having to wait in long lines to vote. You will need photo ID to vote. We would like all of our congregants to have voted by absentee ballot or early voting. This will not only lessen the likelihood of having to stand in long lines, but will lessen the amount of work we have to do getting people to the polls and tracking voters on Election Day. Absentee ballots must now be returned at least 11 days prior to the election or will not be counted.

5. The Operation Voter Turnout Committee in the local church will follow up with congregants in the local church to see who applied for Absentee Ballot and follow thru. Those who will not vote by absentee ballot will be encouraged to vote early.

6. The Committee will compile a list of those who are voting by absentee ballot and those who are voting early. Periodically the Committee will follow up with congregants to see who completed the absentee ballot process and those who voted early.

7. The Committee will follow up to see who has not yet voted and encourage them to vote. Polls open at 7AM and close at 8PM. Committee will inquire who needs transportation and seek to assist if necessary.

8. The Committee will ask congregants to encourage their family, friends, neighbors and co-workers to also vote. Each congregant will be asked to commit to get 10 people to vote. Ask them to turn in the names and contact info of their 10 people. Committee will reach out to them.

9. If anyone has problems voting they should be directed to call the Election Protection Hotline for free and non-partisan advice – 1-866-OUR-VOTE or 1-866-687-8683.

10. There will be a training session scheduled for our Mid-Year Meeting in October to go over new rules and operations.

IN THE 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*.	No. 21 Civ. 5337 (SCJ) **AMENDED COMPLAINT FOR DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF** **STATUTORY CLAIMS ONLY -- SINGLE-JUDGE DISTRICT COURT**

INTRODUCTION

1. Section 2 of the Voting Rights Act makes it illegal for States to draw district lines that water down the voting strength of voters from particular racial groups. Yet Georgia's newly-adopted legislative maps do just that. The new State Senate and State House maps dilute the voting strength of Black Georgians

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because they fail to include more than a half-dozen additional districts where Black voters could form a majority and have the opportunity to elect candidates of their choice.

2. Georgia is one of the fastest growing states in the Nation—and that growth has been driven entirely by Black Georgians and other Georgians of color. Over the last decade, Georgia's Black population grew by 16 percent, while the population of white Georgians fell during the same period. Black Georgians today comprise a third of Georgia residents, and people of color now make up nearly half of the State's population. The growth of the State's Black and other minority communities is driving Georgia's continued economic growth and its increasing prominence on the national stage.

3. Yet the new legislative maps for Georgia's General Assembly, which were rushed through the legislative process in a week and a half, do not account for the growth of Georgia's Black population. Rather, the new maps systematically minimize the political power of Black Georgians in violation of federal law.

4. Georgia's growing Black population could easily support over a half-dozen new Black-majority State Senate and State House districts in areas where Black voters, despite voting cohesively, have previously been unable to elect candidates of their choice. That includes new Black-majority districts in areas

around metro Atlanta, Augusta, Southwestern Georgia, and elsewhere across the State. But the State's maps do not do that. Instead, the State drew only a small handful of new Black-majority districts, mostly in areas that were already electing Black-preferred candidates. Thus, despite the tremendous growth of the State's Black population over the past decade, Black Georgians will have few new political opportunities in the State Senate and State House under the State's new maps.

5. The State's maps negate the unprecedented growth of Black communities in Georgia, unnecessarily packing Black Georgians together in some places, dissecting areas with large, cohesive Black populations in others, and ultimately diminishing Black Georgians' true voting strength statewide and in specific districts. Especially in light of Georgia's legacy of racial discrimination against and subordination of its Black population and the ongoing, accumulated effects of that legacy, the State's maps will prevent Black Georgians from exercising political power on an equal playing field with white Georgians.

6. Georgia can and must do better than this. The State's manipulation of the redistricting process to dilute the political strength of Black voters robs fellow citizens of the ability to engage in politics with equal dignity and equal opportunity, violating Section 2 of the Voting Rights Act of 1965, as amended 52

U.S.C. § 10301. Plaintiffs—Alpha Phi Alpha Fraternity Inc., the Nation's oldest Black fraternity; the Sixth District of the African Methodist Church, one of the Nation's oldest Black churches; and Eric Woods, Katie Bailey Glenn, and Phil Brown, individuals whose votes will be diluted under Georgia's unfair maps—accordingly seek declaratory and injunctive relief blocking the implementation of the unlawful new maps for both chambers of the General Assembly.

JURISDICTION, COURT TYPE, AND VENUE

7. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331 because it arises under federal law, including 52 U.S.C. § 10301 and 42 U.S.C. § 1983. This Court also has jurisdiction of this action pursuant to 28 U.S.C. §§ 1343(a)(4) and 1357, because this is a civil action to secure equitable relief under Section 2 of the Voting Rights Act, which is an Act of Congress that protects the right to vote.

8. Plaintiffs' action for declaratory and injunctive relief is authorized by 28 U.S.C. §§ 2201 and 2202, and Rules 57 and 65 of the Federal Rules of Civil Procedure.

9. The challenge here is based solely on the federal Voting Rights Act. Accordingly, there is no basis to convene a three-judge court pursuant to 28 U.S.C. § 2284, and the case is properly before a single-judge district court.

10. This Court has personal jurisdiction over the Defendant, who is a citizen of the State of Georgia and resides within this District.

11. Venue is proper under 28 U.S.C. § 1391(b) because a substantial part of the events or omissions giving rise to the claim occurred in the Northern District of Georgia, as the Georgia Assembly sits within this District.

PARTIES

12. Plaintiff ALPHA PHI ALPHA FRATERNITY INC. ("Alpha Phi Alpha") is the first intercollegiate Greek-letter fraternity established for Black Men. Founded at Cornell University in 1906, Alpha Phi Alpha's members have long stood up for the civil rights of Black Americans. Members of the fraternity have included civil rights leaders such as Martin Luther King, Jr., Thurgood Marshall, and W.E.B. DuBois. Alpha Phi Alpha has thousands of members in Georgia, including Black Georgians who are registered voters and reside in newly drawn districts whose boundaries dilute Black voting strength, including but not limited to new Georgia Senate Districts 16, 17, and 23 as well as the Georgia House Districts drawn in those areas and in other areas discussed herein. These members suffer harm because they are denied the opportunity to elect candidates of their choice.

13. Alpha Phi Alpha has long made political participation for its members and Black Americans an organizational priority. Beginning in the 1930s, Alpha Phi Alpha created a National Program called "A Voteless People is a Hopeless People," which seeks to enhance Black political participation and voting. Alpha Phi Alpha actively registers voters through its "First of All, We Vote" initiative, holds events to raise political awareness and empower Black communities, and fights efforts to diminish Black political power. The new maps directly affect those efforts by undermining the ability of Black Georgians, including members of Alpha Phi Alpha, to elect representatives of their choice.

14. Georgia's unfair and discriminatory redistricting frustrates and impedes Alpha Phil Alpha's organizational priorities by diminishing the voices and diluting the voting strength of Black Georgians, who Alpha Phi Alpha works to empower and engage in greater civic and political participation. If the new maps take effect, Alpha Phi Alpha will be forced to divert resources from its broader voter registration and community empowerment initiatives to the affected districts in order to protect the representation and interests of its members and to try to counteract the negative effects of vote dilution.

15. Plaintiff SIXTH DISTRICT OF THE AFRICAN METHODIST EPISCOPAL CHURCH ("AME Church") is a nonprofit religious organization.

The AME Church traces its roots to 1816 as the first independent Protestant denomination founded by Black people in response to segregation and discrimination in the Methodist Episcopal Church. The Sixth District is one of twenty districts of the AME Church, and covers the entirety of the State of Georgia.

16. There are more than 500 member-churches that are part of the AME Church in Georgia, with 36 congregations and tens of thousands of members in Atlanta alone. AME Church's members include Black Georgians who are registered to vote and reside in newly drawn districts whose boundaries dilute Black voting strength, including but not limited to new Georgia Senate Districts 16, 17, and 23 as well as the Georgia House Districts drawn in those areas and in other areas discussed herein. These members suffer harm because they are denied the opportunity to elect candidates of their choice.

17. Encouraging and supporting civic participation among its members is a core aspect of the AME Church's work. Advocating for the right to vote, regardless of candidate or party, and encouraging the AME Church's eligible members to vote has been a priority of the Church. The 1965 civil rights march from Selma to Montgomery in Alabama was organized in and began at the steps of Brown Chapel AME Church in Selma. After they were beaten by Alabama state

troopers on the Edmund Pettus Bridge on "Bloody Sunday," the wounded marchers fled back to the sanctuary of Brown Chapel. AME Church's current activities in support of voter participation reflect this storied history. Today, AME Church continues to encourage civic participation by holding "Souls to the Polls" events to transport churchgoers to polling locations during advance voting periods, registering voters for elections, hosting "Get Out the Vote" efforts to increase voter turnout, and providing food, water, encouragement, and assistance to voters waiting in lines at polling locations. The new maps directly affect those efforts by undermining the ability of Black Georgians, including the Church's members, to elect representatives of their choice.

18. Georgia's unfair and discriminatory redistricting frustrates and impedes AME Church's core organizational priorities by diminishing the voices and diluting the voting strength of Black Georgians, who AME Church works to empower and engage in greater civic and political participation. If the new maps take effect, AME Church will be forced to divert resources from its broader voter registration and community empowerment initiatives to the affected districts in order to protect the representation and interests of its members and to try to counteract the negative effects of vote dilution.

19. Plaintiff ERIC T. WOODS is a Black citizen of the United States and the State of Georgia. Mr. Woods is a resident of Tyrone, Georgia in Fayette County and has been registered to vote at his current address since 2011. Under the State's new State Senate plan, he will reside in State Senate District 16. He lives in a region where Black Georgians form a cohesive political community and tend to support the same candidates, and where the Black community is sufficiently large and geographically compact to constitute a majority of eligible voters in a district in which Black voters would have the opportunity to elect their preferred candidates. However, under the State's redistricting plan, Mr. Woods' candidate of choice will typically be outvoted by the white majority in the district in which he now resides. The State's new plan dilutes Mr. Woods' voting power and denies him an equal opportunity to elect a candidate of his choice to the Georgia State Senate.

20. Plaintiff KATIE BAILEY GLENN is a Black citizen of the United States and the State of Georgia. Ms. Glenn is a resident of McDonough, Georgia in Henry County and has been registered to vote at her current address for approximately 50 years. Under the State's new State Senate plan, she will reside in State Senate District 17 and State House District 117. She lives in a region where Black Georgians form a cohesive political community and tend to support the same

candidates, and where the Black community is sufficiently large and geographically compact to constitute a majority of eligible voters in a district in which Black voters would have the opportunity to elect their preferred candidates. However, under the State's redistricting plan, Ms. Glenn's candidate of choice will typically be outvoted by the white majority in the district or districts in which she now resides. The State's new plan dilutes Ms. Glenn's voting power and denies her an equal opportunity to elect a candidate of her choice to the Georgia State Senate and/or the Georgia State House.

21. Plaintiff PHIL S. BROWN is a Black citizen of the United States and the State of Georgia. Mr. Brown is a resident of Wrens, Georgia in Jefferson County and a member of the local AME Church. He has been registered to vote at his current address for years. Under the State's new State Senate plan, he will reside in State Senate District 23. He lives in a region where Black Georgians form a cohesive political community and tend to support the same candidates, and where the Black community is sufficiently large and geographically compact to constitute a majority of eligible voters in a district in which Black voters would have the opportunity to elect their preferred candidates. However, under the State's redistricting plan, Mr. Brown's candidate of choice will typically be outvoted by the white majority in the district in which he now resides. The State's new plan

dilutes Mr. Brown's voting power and denies him an equal opportunity to elect a candidate of his choice to the Georgia State Senate.

22. Plaintiff JANICE STEWART is a Black citizen of the United States and the State of Georgia. Ms. Stewart is a resident of Thomasville, Georgia in Thomas County and a member of the local AME Church. She has been registered to vote at her current address for years. Under the State's new State House plan, she will reside in State House District 173. She lives in a region where Black Georgians form a cohesive political community and tend to support the same candidates, and where the Black community is sufficiently large and geographically compact to constitute a majority of eligible voters in a district in which Black voters would have the opportunity to elect their preferred candidates. However, under the State's redistricting plan, Ms. Stewart's candidate of choice will typically be outvoted by the white majority in the district in which she now resides. The State's new plan dilutes Ms. Stewart's voting power and denies her an equal opportunity to elect a candidate of her choice to the Georgia State House.

23. Defendant BRAD RAFFENSPERGER is being sued in his official capacity as the Secretary of State of Georgia. Defendant RAFFENSPERGER is the State of Georgia's chief election officer and as such is responsible for overseeing the conduct of its elections and implementing election laws and regulations,

including the State House and State Senate district maps at issue in this litigation. *See* Ga. Code Ann. § 21-2-50(b); Ga. Comp. R. & Regs. 590-1-1-.01, .02 (2018); *Jacobsen v. Fla. Sec'y of State*, 974 F.3d 1236 (11th Cir. 2020).

LEGAL BACKGROUND

24. The Voting Rights Act of 1965 (the "VRA") is the crown jewel of the Civil Rights Movement—a hard won and sweeping national reform that sought to replace the disenfranchisement and racial discrimination of the Jim Crow era with a true multi-racial democracy. Both Democratic and Republican members of Congress and presidents have repeatedly reauthorized and expanded the VRA, including most recently in 2006, when the statute was reauthorized by a massive bipartisan majority in the U.S. House of Representatives, a unanimous U.S. Senate, and the "proud" signature of President George W. Bush.

25. The VRA prohibits any state law or practice "which results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color . . . ." 52 U.S.C. § 10301(a). The VRA has always applied to redistricting, and Section 2 of the VRA in particular bars any redistricting scheme whereby members of a racial minority group "have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice." 52 U.S.C. § 10301(b).

26. As Congress made clear when it reauthorized and amended the VRA in the 1980s, a Section 2 claim may be established purely based on discriminatory effects, and does not require discerning or ferreting out any particular intent on the part of state lawmakers. *See, e.g.*, *Thornburg v. Gingles*, 478 U.S. 30, 47 (1986). A court considering a potential Section 2 violation in the redistricting context thus needs only determine whether the result of the enacted plan is the dilution of minority political strength, regardless of any intent. In this way, the VRA continues to operate as a powerful tool for uprooting and ameliorating "the accumulation of discrimination" that can stymie political participation among racial minority groups.

27. The unlawful dilution of Black voting strength "may be caused by the dispersal of blacks into districts in which they constitute an ineffective minority of voters or from the concentration of blacks into districts where they constitute an excessive majority." *Gingles*, 478 U.S. at 46 n.11.

28. Courts applying Section 2's effects-based standard rely on the test laid out in the Supreme Court's *Gingles* decision. Under the *Gingles* standard, a plaintiff challenging a redistricting scheme as a dilution of minority voting strength must first show that three preconditions are met: (1) the racial minority group or groups are sufficiently large and geographically compact to constitute a majority in

a single-member district; (2) the minority group is politically cohesive; and (3) the white majority votes as a bloc such that it will usually defeat the minority group's preferred candidate. 478 U.S. at 49–51.

29. Beyond those preconditions, vote-dilution claims under Section 2 are subject to "[a] totality of circumstances" analysis, guided by factors enumerated by Congress in a Senate Report that accompanied the 1982 amendment to the VRA.[1] The Senate Report itself and the cases interpreting it have made clear that these factors are not-exhaustive and that "there is no requirement that any particular number of factors be proved, or that a majority of them point one way or the

[1] These non-exhaustive factors include: (1) the extent of any history of official discrimination that touched the right of the members of the minority group to register, to vote, or otherwise to participate in the democratic process; (2) the extent to which voting is racially polarized; (3) the extent to which the State has voting practices or procedures that may enhance the opportunity for discrimination against the minority group; (4) whether the members of the minority group have been denied access to a candidate slating process, if any; (5) the extent to which members of the minority group in the State bear the effects of discrimination in such areas as education, employment and health, which hinder their ability to participate effectively in the political process; (6) whether political campaigns have been characterized by overt or subtle racial appeals; and (7) the extent to which members of the minority group have been elected to public office in the jurisdiction. *See* S. Rep. No. 97-417, at 28–29 (1982). Courts have also considered (8) whether there is a significant lack of responsiveness on the part of elected officials to the particularized needs of the members of the minority group; and (9) whether the policy underlying the State's use of the challenged standard, practice or procedure is tenuous.

other." *United States v. Marengo Cnty. Comm'n*, 731 F.2d 1546, 1566 n.33 (11th Cir. 1984) (quoting S. Rep. 97-417, at 29 (1982)). The ultimate question is whether minority voters "have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice." 52 U.S.C. § 10301(b).

STATEMENT OF FACTS

BLACK POPULATION GROWTH IN GEORGIA

30. Georgia has undergone a dramatic demographic shift over the last decade. The State's population grew by over 1 million people to 10.71 million people, up 10.6% from 2010. Black, Latino, Asian, and multiracial Georgians collectively account for *all* of this population growth.

31. Georgia's Black population in particular increased by almost half a million people over the past decade—a 16% jump—while the State's overall white population fell during the same period. Today, a third of Georgia residents are Black.[2]

[2] Unless otherwise noted, and wherever possible, references to "Black" in this Complaint refer to the demographic category "any part Black," and thus include people who identify as mixed race or multiracial so long as they identify as any part Black. This category is slightly different from another demographic category, "Non-Hispanic Black."

32. Georgia's steady demographic shift has resulted in the white percentage of the electorate decreasing and the percentage of voters of color increasing. Between 2000 and 2019, Georgia's eligible voter population grew by 1.9 million, with nearly half of this increase attributed to growth in the State's Black voting population, according to a Pew Research Center analysis of data from the 2019 American Community Survey (the "2019 ACS Survey").[3]

33. By 2019, the Black voting-eligible population in Georgia had reached a record high of 2.5 million eligible voters, making up a third of the State's total electorate. As a share of eligible voters in the State overall, Black voters saw a 5-point increase between 2000 and 2019.

34. Much of Georgia's population gain comes from the fast-growing and rapidly diversifying metro Atlanta and surrounding counties. Today, the growth of Black, Hispanic, and Asian populations in the metro Atlanta area has transformed some of Atlanta's suburbs from predominantly white into multiracial communities. Among those metro Atlanta counties that have seen double-digit growth over the

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[3] Abby Budiman & Luis Noe-Bustamante, *Black Eligible Voters Have Accounted for Nearly Half of Georgia Electorate's Growth Since 2000*, Pew Rsch. Ctr. (Dec. 15, 2020), https://www.pewresearch.org/fact-tank/2020/12/15/black-eligible-voters-have-accounted-for-nearly-half-of-georgia-electorates-growth-since-2000/

last ten years are Fayette, Clayton, Dekalb, Henry, Rockdale, Walton, Spalding, and Newton Counties. Many of these metro Atlanta counties, like Clayton, already had large or even majority Black populations to begin with, and all had significant further increases in their Black populations over the last decade.

35. In addition to metro Atlanta, a substantial part of Georgia's Black population (including much of the rural Black population) is distributed across counties located in the "Black Belt"—a region of the American South where Black slave labor historically was concentrated and where Black Georgians today comprise a substantial portion of the population. Georgia's Black Belt consists of predominantly rural counties running east to west across a swath of the state's central and southern regions, roughly from Augusta to Macon to Southwest Georgia. Those counties include a number of counties outside and near the city of Augusta that have large Black populations, among others, Burke, Hancock, Jefferson, Richmond, Taliaferro, and Washington Counties. Some counties in that area (such as Richmond and Burke) have seen significant population growth over the last decade, while others, even where there has been overall population decline, have nevertheless seen relative gains in the Black percentage of the population. Those counties also include a number of counties outside and near the cities of Columbus and Albany in southwestern Georgia that have large Black populations,

among others, Marion, Stewart, Webster, Sumter, Terrell, Early, Dougherty, Mitchell, and Thomas Counties. Some counties in that area have seen population growth over the last decade, while others, even where there has been overall population decline, have nevertheless seen relative gains in the Black percentage of the population.

THE 2021 REDISTRICTING PROCESS IN GEORGIA

36. From start to finish, the General Assembly's 2021 redistricting process was an opaque affair that denied the public generally, and Black voters and their representatives in particular, any ability to meaningfully participate.

37. That is particularly troubling because the present redistricting effort is the first full cycle in over 50 years that will have occurred without approval or oversight from the United States Department of Justice, which had previously conducted such oversight pursuant to Section 5 of the VRA.

38. Prior to 2013, the redistricting process in Georgia was subject to Section 5's "preclearance" requirement. Under that requirement, any change in the rules or process with respect to voting in jurisdictions with the worst records and histories of discrimination in voting (so-called "covered jurisdictions") could not be enforced unless and until the jurisdiction first obtained a determination of the change's fairness to minority voters from a federal court in Washington, D.C. or

from the United States Attorney General. The State of Georgia was a covered jurisdiction under the Section 5 regime.

39. However, in 2013, the United States Supreme Court in *Shelby County, Ala., v. Holder*, 570 U.S. 529 (2013), struck down the formula used to determine which jurisdictions were covered by Section 5 of the VRA, functionally ending the preclearance regime. As a result, jurisdictions like Georgia no longer need to seek preclearance for changes to their voting rules.

40. The Georgia Senate Committee on Reapportionment and Redistricting (the "Senate Committee") and the Georgia House Committee on Legislative and Congressional Reapportionment (the "House Committee" and, together with the Senate Committee, the "Redistricting Committees") are responsible for creating and updating Congressional and state legislative district lines in accordance with U.S. Census data.

41. This year, the Redistricting Committees presided over a process that was marked by a lack of transparency, and that culminated in a rushed special legislative session to pass the challenged maps.

No Meaningful Public Participation: "Town Halls" Before Full Census Data Release and No Maps for the Public to Review

42. From the start, advocates for transparency in the redistricting process called on the Redistricting Committees to adopt guidelines that would ensure that the public could review and comment on proposed maps prior to the General Assembly taking them up.[4] State Senate Minority Leader Gloria Butler, a member of the Senate Committee who represents a majority-Black Senate district, similarly urged that "Georgians are entitled to not only examine the criteria used to create their own districts, but also provide substantive feedback on any proposed maps before they are adopted."[5]

43. Despite those calls, the Redistricting Committees adopted guidelines that contained no requirement to publicize the proposed plans in advance.[6]

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[4] Letter from Fair Districts GA, et al., to the Honorable Geoff Duncan & the Honorable David Ralston, *Public Participation in the Upcoming Redistricting Process* (Apr. 19, 2021).

[5] David Armstrong, Sherry Liang, & Stephen Fowler, *Georgians Urge Transparency in Redistricting Process, Demand End to Backroom Deals*, GPB (July 29, 2021); *see also, e.g.*, Ross Williams, *Calls for Transparency During Georgia Redistricting Tour a Common Refrain – and a Longshot*, Ga. Recorder (July 30, 2021).

[6] House Committee, 2021–2022 Guidelines for the House Legislative and Congressional Reapportionment Committee, https://www.house.ga.gov/Documents/CommitteeDocuments/2021/Legislative_an

44. Rather than giving the public an opportunity to comment on the actual proposed maps, the Redistricting Committees convened a series of "town-hall meetings," all of which were held in the two-month period *before* the August 2021 release of the Census block-level data (i.e., the information that states use to redraw congressional and state legislative districts), and months before any maps were proposed.

45. No town halls were held in three of metro Atlanta's most populous counties—Gwinnett, Cobb, and DeKalb counties.

46. Despite having no proposed maps on which to comment and no Census block-level data to analyze, hundreds of Georgians nevertheless participated in the town hall meetings to make their voices heard. During the hearings, speakers called for fairness in drawing maps, more opportunities for meaningful public input, and more transparency in the process.[7]

47. The other avenue for public participation was a web portal, where the Chairs of the Redistricting Committees frequently noted that members of the

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d_Congressional_Reapportionment/2021-2022%20House%20Reapportionment%20Committee%20Guidelines.pdf.

[7] Stephen Fowler, Sherry Liang, & David Armstrong, *Here's What Georgians Had to Say About 2021 Redistricting at Town Halls Across the State*, GPB (Aug. 10, 2021).

public could submit comments about redistricting via a web portal. However, the web portal only allowed Georgians to submit comments as text. Members of the public who wished to submit their own proposed maps or any other types of attachments were unable to do so. The Redistricting Committees also failed to make the hearing process accessible to non-English speakers.[8]

The Governor Calls a Special Legislative Session Before Any Maps Are Shown to the Public.

48. On September 23, before the Redistricting Committees had proposed any maps, Governor Brian Kemp called for a special legislative session of the General Assembly, to begin on November 3, 2021, in order to finalize congressional and state legislative maps. Four days later, Lieutenant Governor Geoff Duncan and Senate Committee Chairman John F. Kennedy released the first proposed map of the State's congressional (but not its state legislative) districts.

49. On October 28, 2021, with the special session starting the next week, the Senate Democratic Caucus publicly released its proposed Senate map for consideration (the "Senate Democratic proposal"). On October 29, 2021, the House

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[8] *See, e.g.*, Dave Williams, *Rights Groups Push for Redistricting Maps Reflecting Growth of Minorities*, Statesboro Herald (Aug. 30, 2021), https://www.statesboroherald.com/local/rights-groups-push-redistricting-maps-reflecting-growth-minorities/.

Democratic Caucus publicly released its proposed House map for consideration (the "House Democratic proposal").

50. On November 2, 2021, while municipal elections were under way across the State of Georgia, and with the start of the special session less than 24 hours away, the Redistricting Committee Chairs released proposed Senate and House maps (the "Senate Committee proposal" and "House Committee proposal," respectively) for consideration during the special session.

The State Senate Map Is Rushed Through the Legislative Process

51. The Senate map was rushed through the entire legislative process in under two weeks.

52. Specifically, on November 4, 2021, less than 48 hours after the Senate Committee proposal was first released, the Senate Committee convened to discuss the proposal.

53. During the legislative process, proponents of the Senate Committee proposal indicated that they believed their only obligation under the Voting Rights Act was to maintain existing majority-minority districts, which they viewed as "voting-rights protected districts." Contrary to that apparent belief, however, the Voting Rights Act applies to every aspect of the redistricting process, and prohibits

the State from taking *any* action to prevent its Black citizens from participating in politics on equal footing.

54. The next day, November 5, the Senate Committee convened again. Senator Butler explained that the Senate Democratic proposal provided more minority-majority districts and Black-majority districts than the Committee proposal did. At the end of the meeting, Senator Butler moved to table a vote on the Senate Committee proposal, noting that more time was needed to assess the proposed maps. The motion failed. The Committee map was then passed out of the Committee, less than 72 hours after it had been released to the public.

55. On November 9, 2021, one week after the Senate Committee proposal was released to the public, the full Senate passed the Committee map, now stylized as Senate Bill 1EX ("S.B. 1EX"). On November 15, 2021, less than two weeks after the map was released to the public, the House passed S.B. 1EX. Not a single legislator of color in the House or the Senate voted in favor of S.B. 1EX.

The State House Map Is Rushed Through the Legislative Process

56. The State House map was rushed through the legislative process in mere days, similarly without transparency or opportunity for meaningful debate or public engagement.

57. On November 5, 2021, less than 72 hours after the House Committee proposal had been released, the House Committee convened to discuss the proposal and the House Democratic proposal.

58. On November 8, 2021, the House Committee held a hearing to consider the proposed maps. This hearing was the first time the public would be able to comment on the proposed House maps. Less than *two hours* before the hearing began, a new version of the House Committee proposal was released, now styled as House Bill 1EX ("H.B. 1EX"). The House Committee Chair explained that the revised version was "probably 75% the same" as the previous House Committee proposal. H.B. 1EX was quickly passed out of Committee.

59. On November 10, 2021, approximately 48 hours after H.B. 1EX was publicly released, the full House voted to pass the new proposal. On November 12, 2021, 4 days after H.B. 1EX was publicly released, the Senate voted to pass the new proposal. Not a single legislator of color in the House or the Senate voted in favor of H.B. 1EX.

60. On December 30, 2021 Governor Kemp signed S.B. 1EX and H.B. 1EX into law. Despite the General Assembly's rushing those measures through the legislative process in less than two weeks, Governor Kemp waited for nearly 40 days after the special session ended before signing them into law.

THE HASTILY-PASSED MAPS DILUTE BLACK VOTING STRENGTH

61. In the end, despite the tremendous growth in Georgia's Black population, the districts that emerged from the General Assembly's hasty process included few, if any, new Black majority State Senate and State House districts in any areas that were not already electing candidates supported by Black voters. In other words, the State drew maps that systematically impede the growth of Black communities' political power, despite the growth in their populations. Those new maps for both the State Senate and the State House dilute Black voting strength statewide and in specific districts and undercut the ability of Black voters to participate in politics and exercise political power on equal footing with white voters.

62. Georgia's Black population is sufficiently numerous and geographically compact to comprise the majority of the voting age population in *at least* three Senate districts that the State failed to draw.

63. This includes areas in the southern metro Atlanta region, and specifically in and around new Senate Districts 16 and 17. The areas in and around these districts have seen enormous change and diversification over the last decade, including substantial growth of the Black population. Instead of drawing new majority Black districts in those areas to accurately reflect the growth of the Black

population, as they could have, the Redistricting Committee drew and jammed through the legislative process a map that carves up the large, cohesive Black communities in those areas, rendering Black voters in those districts unable to elect candidates of their choice despite those communities' booming populations.

64. Senate District 16 ("SD16") in S.B. 1EX includes all or part of Fayette, Spalding, Pike, and Lamar Counties, and lies in the southwestern part of the burgeoning Atlanta metropolitan area. In Fayette County, the largest of those, the Black voting-age population has increased by over 50% over the last 10 years, while the white voting-age population has decreased slightly. In Spalding County, the second-largest in that group, the Black voting-age population is up by over 18%. Meanwhile, sizeable Clayton County, which borders Fayette County, is approximately 75% Black, and the Black voting-age population there has also grown by approximately 30% over the last decade. Black voters are sufficiently numerous in the area in and/or around SD16 that a district could have been drawn in that area with Black voting-age population greater than 50%. In particular, the State could have drawn an additional majority-Black district in the southern portion of the Atlanta metro region, around where SD16 was drawn, by "unpacking" the Black population in Senate Districts 34 and 44 (which include parts of Clayton and Dekalb counties as well as part of Fayette County) and

thereby "uncracking" the Black population in SD16. Instead, the Black voting-age population of SD16 under S.B. 1EX is just 24%.

65. Senate District 17 ("SD17") in S.B. 1EX includes parts of Henry, Newton, and Walton Counties (as well as all of Morgan County), and lies in the central-eastern part of the burgeoning Atlanta metropolitan area. Those counties have also seen explosive growth in the Black population over the past decade. Henry County's Black voting-age population increased by almost 75% in the last decade; Newton County's increased by more than 45%; Walton County's by over 40%. Meanwhile, sizeable Dekalb and Rockdale Counties, which border Henry, Newton, and Walton Counties, both have large and growing Black populations. Dekalb County is around 50% Black and its Black voting-age population increased by 12% over the last decade; Rockdale County is almost 60% Black and its Black voting-age population increased by 53% over the last decade. Black voters are sufficiently numerous in the area in and/or around SD17 that a district could have been drawn in that area with a Black voting-age population greater than 50%. In particular, the State could have drawn an additional majority-Black State Senate district in the southeastern portion of the Atlanta metro region, around where SD17 was drawn, by "unpacking" the Black population in (among others) Senate Districts 10 and 43 (which include parts of Henry, Rockdale, and Newton

Counties) and "uncracking" the Black population in SD17, which under S.B.1 EX, has been combined with predominantly white populations in Walton and Morgan Counties. The Black voting-age population of SD17 under S.B. 1EX is less than 34%.

66. Another new Black-majority State Senate district could have been drawn in the area west of Augusta, including portions of what is known as Georgia's Black Belt, which includes the area in and around Senate District 23 ("SD23") in S.B. 1EX. The relative size of the Black population in that area has increased over the last decade. For example, SD23 under S.B. 1EX includes a significant portion of Richmond County, where an already-large Black voting-age population has increased in the last decade by double digits, as well as Burke County (among others), which also already had a substantial Black population and which also has seen increases in its Black voting age populations. Meanwhile, additional nearby counties with significant and growing Black populations, such as Baldwin, Hancock, and Washington Counties, were left out of SD23 under S.B. 1EX. A district could have been drawn in that area in and/or around SD 23 such that the Black voting-age population of that district was greater than 50%. In particular, the State could have drawn an additional majority-Black State Senate district in the Augusta region, around where SD23 was drawn, by "unpacking" the

Black population in Senate Districts 22 and 26 and "uncracking" the Black population in SD23 and Senate District 25. But here, too, the State failed to draw a district that accorded a cohesive Black community the opportunity to elect candidates of their choice, instead dividing up Black voters and drawing a district in which white bloc voting would continue to defeat Black voters' candidates of their choice.

67. In the end, S.B. 1EX, which was summarily rushed through the legislative process, created only a single new Black majority State Senate district in the entire state, and it did so in an area that was already electing Black-preferred candidates, thus ensuring that the massive growth of the Black population in Georgia would not translate into an increase in political power in the Georgia State Senate.

68. Georgia's Black population is also sufficiently numerous and geographically compact to comprise the majority of the voting age population in *at least* five House districts that the State failed to draw.

69. At least three new, additional Black-majority House Districts could have been drawn in the southern and eastern portions of the Atlanta metro area, in similar places to SDs 16 and 17 as discussed above.

70. In particular, the State could have drawn an additional Black-majority House District in the area in and/or around Spalding, Clayton, and Henry Counties, in and/or around the area where House Districts 74 and 117 under H.B. 1EX (and where Senate Districts 16 and 17 under S.B. 1EX) were drawn, by "unpacking" the Black population in (among others) House District 78 (which stretches into Clayton County) and "uncracking" the Black population in House Districts 74 and/or 117, including in parts of Henry and Spalding Counties that have seen substantial growth in their Black populations but that were both drawn into districts with Black voting-age populations well below 40%. As already explained, Black voters are sufficiently numerous in those counties and the areas around them that an additional House District could have been drawn such that the Black voting-age population of the district was greater than 50%. Yet with H.B. 1EX, the General Assembly failed to do that.

71. The General Assembly also could have drawn at least one additional Black-majority House District in the area in and/or around Henry and/or Spalding Counties, in and/or around where House District 117 under H.B. 1EX (and Senate District 17 under S.B. 1EX) was drawn, for example, by "unpacking" the Black population in (among others) House District 116 and "uncracking" the Black population in House Districts 117 and 134. As already explained, those counties

and the areas around them also have sizeable and growing Black populations. Black voters are sufficiently numerous in that area that an additional House District could have been drawn such that the Black voting-age population of the district was greater than 50%. Yet with H.B. 1EX, the General Assembly failed to do that.

72. The General Assembly also could have drawn an additional Black-majority House District in the area in and/or around Newton County, in and/or around where House District 114 under H.B. 1EX was drawn, by "unpacking" the Black population in (among others) House District 92 and "uncracking" the Black population in House District 114. As already explained, Newton County's voting-age population is nearly 50% Black, and the Black voting-age population has increased by over 45% over the last decade. Black voters are sufficiently numerous in that area that an additional House District could have been drawn such that the Black voting-age population of the district was greater than 50%. Yet with H.B. 1EX, the General Assembly failed to do that, instead cracking Newton County in half.

73. The General Assembly also could have drawn an additional Black-majority House District in the area outside Augusta, for example in and/or around (among others) Baldwin County, and in and/or around the area where (among

others) House Districts 118, 124, 133, 149, and 155 under H.B. 1EX (and Senate District 23 under S.B. 1EX) were drawn, by (among other things) "uncracking" the Black population in House Districts 133 (which includes parts of Baldwin County and Milledgeville) and 155 (which includes Wilkinson County). As already explained, those counties and the areas around them (among others) have sizeable and growing Black populations. Black voters are sufficiently numerous in that area that an additional House District could have been drawn with a Black voting-age population of the district was greater than 50%. Yet with H.B. 1EX, the General Assembly failed to do that, ultimately drawing five total Black-majority House Districts in and around Augusta when it could have drawn six.

74. The General Assembly also could have drawn an additional Black-majority House District in the area in and around Macon-Bibb County, in and/or around the area where (among others) House Districts 144 and 145 under H.B. 1EX were drawn. Macon-Bibb County and the areas around it have sizeable Black populations, and the Black population in Macon-Bibb County has increased by double digits over the last decade, such that Macon-Bibb (which is one of the State's most populous counties) is now over 50% Black by voting age population. Black voters are sufficiently numerous in that area that an additional House District in and around Macon-Bibb County could have been drawn such that the

Black voting-age population of the new district was greater than 50%. Yet with H.B. 1EX, the General Assembly failed to do that, drawing two such districts when it could have drawn at least three.

75. The General Assembly also could have drawn an additional Black-majority House District in the area around Columbus and Albany in the southwestern portion of the State, in and/or around (among others) Muscogee, Marion, Stewart, Webster, Sumter, Terrell, Dougherty, Mitchell, and Thomas Counties, and in and/or around the area where House Districts 137, 140, 141, 150, 153, and 154 under H.B. 1EX were drawn. As already explained, those counties and the areas around them have sizeable Black populations. Black voters are sufficiently numerous in that area that an additional House District could have been drawn such that the Black voting-age population of the district was greater than 50%. Yet with H.B. 1EX, the General Assembly failed to do that, drawing six total Black-majority House Districts in the Southwestern Georgia region around Columbus and Albany when it could have drawn seven. An additional majority-Black district could have been drawn in the region by (for example) "unpacking" the Black population in House District 153 (which includes Albany), and "uncracking" the Black populations in House Districts 171 and 173 (which include Mitchell and Thomas Counties).

76. The General Assembly also failed to draw other potential new Black-majority districts in other parts of the State, diluting the voting strength of Black voters in those areas as well.

77. The State ultimately drew only a total of two additional Black majority State House districts in the entire state, and, as with the Senate map, it did so largely in areas that were already electing Black-preferred candidates, again minimizing the growth of Black political power.

78. Instead of drawing districts reflecting the tremendous growth of the State's Black population over the last decade, the State instead repeatedly opted to draw fewer, more concentrated Black-majority districts, effectively "packing" black voters in some districts and "cracking" other cohesive Black populations, thereby diluting their strength in the regions at issue.

79. Black voters in Georgia tend to vote similarly, and Black communities exhibit substantial cohesion in terms of voters' candidate preferences. White voters in Georgia likewise tend to vote cohesively against Black-preferred candidates. This phenomenon, known as "racially-polarized voting," exists in each of the areas where the challenged districts just discussed were drawn, with Black voters tending to vote cohesively as a bloc, and white voters also voting as a bloc against the Black-preferred candidates.

80. The level of racially polarized voting in those areas where the challenged districts discussed above are located means that the preferred candidates of Black voters will typically be defeated by a white majority under the districting scheme enacted by S.B. 1EX and H.B. 1EX.

81. Thus, under the maps as Georgia drew them, Black voters whose communities are sufficiently numerous to constitute a working majority and elect candidates of their choice will nevertheless be marginalized, with their political strength diluted.

82. The totality of the circumstances in this case[9] confirms that Black voters in Georgia have less opportunity than white voters to participate in the political process and elect representatives of their choice.

1. Georgia's History of Subordinating Black Voters, Including Through the Redistricting Process

83. Georgia has a long and well-documented history of state-sanctioned discrimination against Black voters, which resonates into the present and burdens Black political participation.

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[9] As noted already, the determination whether a challenged districting scheme unlawfully dilutes Black voting strength is based on the totality of the circumstances, taking into account a non-exhaustive set of historical and contextual factors known as the "Senate Factors." *See supra* n.1 and accompanying text.

84. For over a century, unrelenting discrimination was "ratified into state constitutions, enacted into state statutes, and promulgated in state policy. Racism and race discrimination were apparent and conspicuous realities, the norm rather than the exception." *Brooks v. State Bd. of Elections*, 848 F. Supp. 1548, 1560 (S.D. Ga. 1994); *see also Johnson v. Miller*, 864 F. Supp. 1354, 1379–80 (S.D. Ga. 1994) ("[W]e have given formal judicial notice of the State's past discrimination in voting, and have acknowledged it in the recent cases."), *aff'd and remanded sub nom. Miller v. Johnson*, 515 U.S. 900 (1995); *Ga. State Conf. of the NAACP v. Fayette Cnty. Bd. of Comm'rs*, 950 F. Supp. 2d 1294, 1314 (N.D. Ga. 2013), *aff'd in part, vacated in part, rev'd in part and remanded*, 775 F.3d 1336 (11th Cir. 2015).

85. After Reconstruction, state and local governments in Georgia contrived numerous formal legal means to effectively eradicate the Black vote, such as poll taxes, whites-only primaries, literacy tests, and grandfather clauses. Polling places were moved without notice, ballots went unrecognized, ballot boxes were "stuffed" with fraudulent ballots, and vote counts were manipulated.[10]

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[10] John Hope Franklin, *Slavery to Freedom: A History of Negro Americans* 333 (Alfred A. Knopf, 3d ed. 1967).

86. Those methods of discrimination survived well into the twentieth century. The poll tax, for example, was not abolished until 1945, after it had been in effect for almost 75 years. Whites-only primaries remained in place until 1945, when a federal court invalided the system in *King v. Chapman*, 62 F. Supp. 639 (M.D. Ga. 1945), *aff'd sub nom. Chapman v. King*, 154 F.2d. 460 (5th Cir. 1946), *cert. denied*, 327 U.S. 800 (1946). Georgia's literacy test and grandfather clause, which the Supreme Court noted in *South Carolina v. Katzenbach*, 383 U.S. 301 (1966), were "specifically designed to prevent Negroes from voting" (*id.* at 310–11), remained in place until the enactment of the Voting Rights Act of 1965. As recently as 1962, 17 municipalities and 48 counties in Georgia required racially segregated polling places.

87. Georgia's redistricting scheme for the General Assembly in particular has systematically undermined Black representation. In 1917, Georgia established the "county-unit" voting system, which assigned different voting power to urban and rural counties, diminishing the voting strength of urban areas where there tended to be greater numbers of Black voters. This system was in place for nearly half a century, until the U.S. Supreme Court struck it down as contrary to the principle of "one person, one vote." *See Gray v. Sanders*, 372 U.S. 368, 381 (1963).

88. Voter discrimination in Georgia is far from ancient history. Even after the passage of the VRA in 1965, Georgia continued to adopt policies that suppressed or weakened the Black vote. As a result, the entire state of Georgia was designated as a covered jurisdiction subject to Section 5 preclearance, due to its long history of racially discriminatory practices and procedures in voting and elections.

89. During the first redistricting cycle after the VRA's passage, a three-judge district court upheld a federal objection to the State's redistricting plans and determined that Georgia had diluted the Black vote in an Atlanta-based congressional district in order to ensure the election of a white candidate. *See Georgia v. United States*, 411 U.S. 526 (1973).

90. The next cycle, when Georgia attempted to institute a redistricting plan following the 1980 U.S. Census, a federal district court again found the plan was designed with a racially discriminatory purpose. *Busbee v. Smith*, 549 F. Supp. 494, 499–500 (D.D.C. 1982), *aff'd mem.*, 459 U.S. 1166 (1983).

91. In all, between 1968 and 2013, before the Section 5 preclearance process was effectively halted by the Supreme Court, the federal Department of Justice objected to state- and local-level election and districting measures in Georgia on the basis of racial discrimination over 170 times.

92. Since 1982, plaintiffs secured favorable outcomes in at least 74 lawsuits brought against governmental units in Georgia under Section 2 of the Voting Rights Act, and that count is almost certainly underinclusive. At least five of these lawsuits resulted in reported judicial decisions; at least 69 more were settled favorably without a reported decision. Indeed, in the last decade alone, Section 2 plaintiffs have successfully challenged a number of discriminatory practices taking place in the same regions and even the same counties as the districts challenged in this lawsuit, such as Fayette County in Metro Atlanta and Sumter County in Southwestern Georgia. *See Wright v. Sumter Cnty. Bd. of Elections & Registration*, 979 F.3d 1282, 1305 (11th Cir. 2020); *Ga. State Conf. of the NAACP*, 950 F. Supp. 2d at 1314–16.

93. In the years following the Supreme Court's abrogation of the VRA's preclearance requirements, Georgia and its counties and municipalities have enacted a deluge of discriminatory voting practices and procedures.[11] For example,

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[11] *See* Jennifer L. Patin, *Voting Rights Communication Pipelines: Georgia after Shelby County v. Holder*, Laws.' Comm. for Civ. Rts. Under L. (June 21, 2016), https://www.lawyerscommittee.org/georgiavra2016/.

since 2013 the State has shuttered nearly 10% of its polling locations.[12] Former Secretary of State (and current Governor) Brian Kemp provided a manual to counties that repeatedly reminded them that they were no longer required to obtain preclearance from the Department of Justice in order to close polling locations in areas with "low incomes, small populations and substantial minority populations."[13]

94. The above is just a sampling from Georgia's history of discrimination, segregation, and subordination. As courts in this district have held, the accumulated weight of all that history has resulted in "diminished political influence and opportunity" for Black citizens in Georgia into the present day. *See, e.g.*, *Cofield v. City of LaGrange, Ga.*, 969 F. Supp. 749, 756–57 (N.D. Ga. 1997); *see also, e.g.*, *Ga. State Conf. of the NAACP*, 950 F. Supp. 2d at 1314–16 (N.D. Ga. 2013).

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[12] Mark Niesse, Maya T. Prabhu and Jacquelyn Elias, *Voting Precincts Closed Across Georgia Since Election Oversight Lifted*, The Atlanta J.-Const. (Aug. 31, 2018).

[13] *Id.*

2. Subordination of Black Georgians through Political Violence

95. The *de jure* political restrictions and other barriers to political power imposed by Georgia on its Black citizens have further been accompanied by the constant threat and reality of political violence as a tool to cement white dominance in the political arena. That violence, echoing through history to the present day, similarly undermines Black political participation.

96. After the Civil War, and even before the end of Reconstruction, the Ku Klux Klan began organizing in Georgia and engaging in lethal voting-related violence to prevent Black men from participating in the political process.[14] For example, in 1868, twenty-eight newly-elected Black representatives—Georgians who had been enslaved until only a few years prior, and who had risen up to be elected to the General Assembly following the end of the war—were expelled from that body on the basis of racial animus. When a group of mostly Black citizens marched in protest, they were shot at, and some were killed, by hostile white citizens. This violent episode, known as the Camilla Massacre, intimidated many black voters from going to the polls on subsequent election days. Indeed, just

[14] *See, e.g.*, Laughlin McDonald, *A Voting Rights Odyssey: Black Enfranchisement in Georgia* 29, 35-37 (Cambridge Univ. Press, 2003).

months later, three Black men were gunned down outside a polling place in Savannah.[15]

97. Throughout the late 19th century, white supremacists imposed a reign of terror meant to force Black Americans into a subordinate state. White mobs lynched nearly two hundred victims during the 1890s, an average of roughly one victim per month. Those lynchings continued well into the 1940s. While the reasons for these extrajudicial killings varied, the increase in mob violence correlated with campaigns to erase Black Georgians from public life.

98. The rise of a mass civil rights movement and voting rights campaign in the wake of *Brown v. Board of Education* increased Black political participation, and also white resistance to this participation. This resistance often took the form of new waves of violence, such as the 16th Street Baptist Church bombing and the assassination of Martin Luther King, Jr., that were meant to terrorize Black citizens and suppress the burgeoning movement for Black political rights.

3. Racial Polarization in Georgia

99. This Court has recognized that "voting in Georgia is highly racially polarized," and "[d]istricts with large black populations are likely to vote

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[15] Eric Foner, *Reconstruction: America's Unfinished Revolution, 1863–1877* 426 (N.Y.: Perennial Classics, 2002).

Democratic." *Ga. State Conf. of the NAACP v. Georgia*, 312 F. Supp. 3d 1357, 1360 (N.D. Ga. 2018); *see also, e.g.*, *Wright*, 979 F.3d at 1305.

100. Indeed, Black voters in Georgia are politically cohesive. For example, in the 2008 presidential election, Barack Obama secured 98% of Black voter support in Georgia and only 23% of white voter support.

101. More recently, 99% of Black voters supported Stacey Abrams for governor in 2018, compared to only 16% of white voters. And in recent runoff elections for U.S. Senate, Black voters' candidates of choice, Reverend Raphael Warnock and Jon Ossoff, won with roughly 97% of Black voter support compared to 18% of white voter support.

102. The white majority usually votes as a bloc to defeat Black voters' candidates of choice. That is true with respect to statewide contests (notwithstanding a few recent victories by Black-preferred candidates in the 2020 presidential and U.S. Senate races that saw unprecedented turnout) and particularly with respect to more localized contests in areas within or near the regions where Plaintiffs allege that additional Black majority districts can and should be drawn.

103. Racial polarization is another factor supporting the conclusion that Black voters' political strength is diluted by the districting scheme drawn by the General Assembly in S.B. 1EX and H.B. 1EX. Those districts undermine Black

representation, particularly when considered in combination with Black voters' geographic concentration and with the State's long legacy of unfair and discriminatory redistricting.

4. Discriminatory Electoral Devices

104. Georgia's continued use of electoral devices that shut out racial minorities further undercuts Black voters' ability to participate in politics on equal footing. Chief among those devices is the majority vote requirement, whereby when no candidate receives an outright majority, the State requires a runoff election between the plurality winner and the candidate with the next highest number of votes.

105. The majority-vote requirement is deeply rooted in racist policy.[16] The requirement was adopted in 1963, following the demise of the county-unit system. Federal court decisions in cases like *Toombs v. Fortson*, 205 F. Supp. 248 (N.D. Ga. 1962), and *Wesberry v. Sanders*, 376 U.S. 1 (1964), required the State to drop the county-unit system and reapportion its legislative districts to be roughly equal in population. Those decisions severely limited key tools that the white majority had previously used to suppress the political power of Black voters.

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[16] *See generally* Laughlin McDonald, *The Majority Vote Requirement: Its Use and Abuse in the South*, 17 Urb. Law. 429 (1985).

106. The majority-vote requirement was a direct response to decisions like *Toombs* and *Wesberry*. Denmark Groover, who introduced the proposal, was recalled to have said on the state house floor, "[W]e have got to go to the majority vote because all we have to have is a plurality and the Negroes and the pressure groups and special interests are going to manipulate this State and take charge if we don't go for the majority vote."

107. The majority vote/runoff system, which Georgia continues to deploy, weakens Black voters. When elections are decided using plurality voting, the white vote in a majority white jurisdiction can be split among several different candidates, while Black voters can—in theory—vote as a single bloc for a candidate of their choice, who could then end up winning with a plurality. But with majority runoff voting, even if white voters split their vote in the first round and a Black-preferred candidate somehow obtains a plurality, white voters receive a second chance to unite behind a white candidate to ensure victory.

108. The Supreme Court has acknowledged that runoff elections serve to dilute minority voting power in at-large elections. In *Rogers v. Lodge*, 458 U.S. 613 (1981), the Court upheld a trial-court finding that Georgia's majority-vote requirement, especially when combined with at-large voting, helped a white majority to consistently out-vote an organized Black minority, and thus worked "to

submerge the will of the minority" and "deny the minority's access to the system." *Id.* at 627 (citation omitted); *see also City of Port Arthur v. United States*, 459 U.S. 159, 167 (1982) (U.S. Department of Justice properly conditioned approval of town's at-large election scheme on elimination of majority-vote requirement)). Yet Georgia continues to employ this discriminatory device, including in combination with at-large voting. *See also Georgia State Conf. of the NAACP v. Fayette Cty. Bd. of Comm'rs*, 118 F. Supp. 3d 1338 (N.D. Ga. 2015) (granting preliminary injunction against at-large voting scheme).

5. Ongoing Effects of Georgia's History of Discrimination

109. On top of those deeply ingrained patterns of discrimination in elections and voting itself, Black Georgians and others also face the continued burden of discrimination and disparities on a number of other fronts, from education, employment, and transportation, to healthcare, to housing, to unequal treatment in the criminal justice system. All of those disparities in turn affect the ability of Black Georgians to participate in politics on equal footing.

110. For example, Georgia's history of segregated education, which persisted into the 1970s, continues to effect socioeconomic inequality in Georgia to this day. Many Black Georgians who attended segregated schools during the time of *de jure* segregation are in their 50s and 60s today—together, they comprise over

a quarter of all Black voters in the state. And even today, many children in Georgia continue to attend effectively segregated and unequal schools, with Black children facing harsher school discipline, scoring lower on standardized testing, and attending college at lower rates.

111. Black Georgians also face persistent disparities across a number of other economic metrics. In Georgia, the poverty rate for African Americans is double that of non-Hispanic whites (18.8% versus 9%), according to the 2019 ACS Survey. For Georgians under 18, that gap is even wider: The poverty rate for African Americans under 18 is nearly three times the rate of non-Hispanic whites (28.1% versus 9.5%).

112. The same 2019 ACS Survey, shows a stark racial disparity in median household income ($47,083 for African Americans versus $71,790 for non-Hispanic whites) and median family income ($58,582 versus $87,271). It also reveals that the unemployment rate of African Americans is nearly double that of non-Hispanic whites (7% versus 3.8%).

113. Black Georgians have significantly lower rates of homeownership than non-Hispanic whites. Only 47% of African Americans own their own home compared to 75% non-Hispanic whites, according to the 2019 ACS Survey. And

the median home values of African Americans who do own homes is significantly less than that of non-Hispanic whites ($164,900 to $220,100).

114. These economic disparities also persist in access to transportation. For example, according to the 2019 ACS Survey, more than three times as many African Americans are part of a household that has no vehicle available as non-Hispanic whites (11.7% to 3.4%).

115. Black Georgians also face disparities with respect to housing, experiencing more housing instability and moving more frequently. In addition, Georgia continues to have high levels of residential segregation, including in Atlanta and the areas around Augusta and Columbus and Albany in Southwestern Georgia.

116. Health outcomes also continue to be consistently worse for Black Georgians compared to whites. For example, the infant mortality rate of Black infants is more than double that of white infants (11.2 versus 4.9).[17] Black women

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[17] Kaiser Family Foundation, *State Health Facts: Infant Mortality Rate by Race/Ethnicity*, https://www.kff.org/other/state-indicator/infant-mortality-rate-by-race-ethnicity/?currentTimeframe=0&selectedDistributions=white--black-or-african-american&sortModel=%7B%22colId%22:%22Location%22,%22sort%22:%22asc%22%7D (last visited Nov. 30, 2021).

are nearly three times more likely to die from pregnancy-related causes than white women, and the Georgia Department of Public Health has found that 70% of such pregnancy-related deaths are preventable.[18]

117. These and many other disparities dramatically affect political participation. The correlation, for example, between wealth and economic stability and voter participation, is well established. Indeed, socioeconomic factors such as education, income, poverty, and employment, as well as housing stability and access to healthcare, have all been shown to affect voting behavior, such that the persistent racial disparities amount to burdens on Black Georgians' ability to participate in the political process on equal footing.

118. Meanwhile, criminal justice policies that disproportionately affect Black Georgians, like disenfranchisement for persons with criminal convictions, directly block some Black Georgians from participating in politics, and further burden Black communities from exercising political power on a level playing field.

119. These disparities are all interconnected, and spring from concerted policy decisions meant to isolate and marginalize Black Georgians in particular, among them the legacy and continued reality of segregated and unequal education,

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[18] Ga. Dep't of Public Health, *Maternal Mortality Factsheet 2012–2016*, https://dph.georgia.gov/maternal-mortality (last visited Nov. 30, 2021).

redlining and housing discrimination, discrimination in lending and employment, the imposition of punitive collateral consequences in the criminal justice system, and unremedied decisions around the construction public transportation infrastructure that cut off Black communities from economic opportunity. The collective weight of those policies and the disparities that flow from them all disadvantage Black Georgians' ability to fully participate in politics.

6. Use of Racial Appeals in Political Campaigns

120. Racial appeals have long been used by political campaigns in Georgia. At the height of Jim Crow, Georgia's Senator Walter George noted at a campaign stop in Barnesville (part of Senate District 16) that national reformers would seek "to send a Connecticut judge down here. . . to try you on an anti-lynching charge." While this type of racially-charged fearmongering may have changed in form, the sentiment has continued to pervade our political discourse. As just a few examples:

121. In 2005, State Representative Sue Burmeister, who represented a Richmond County district at the time, complained that Black voters in her district's Black-majority precincts only showed up at the polls when they were "paid to vote."

122. In 2009, Nathan Deal, a former Congressman who was elected Governor in 2010, ridiculed criticism of voter ID measures as "the complaints of ghetto grandmothers who didn't have birth certificates."

123. State Senator Michael Williams, a former Forsyth County legislator who ran for Governor in 2018, toured the State in a "deportation bus" and pledged to "put them on this bus and send them home." Williams, who represented a county where white mobs ran out most Black residents in a violent 1912 racial cleansing, also campaigned heavily on protecting sculptures of Confederate soldiers at Stone Mountain.

7. (Lack of) Success of Black Candidates

124. Black voters have historically been and continue to be underrepresented in Georgia State government. From 1907 until 1962, not a single Black politician held a seat in the Georgia legislature. Thereafter, the State Senate had only two Black members until 1983, after the redistricting following the 1980 Census. And in 1999, less than 20% of both State chambers were Black, whereas Black Georgians represented nearly 29% of the State's population according to the 2000 Census.[19]

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[19] *See* Charles S. Bullock III & Ronald Keith Gaddie, *Voting Rights Progress in Georgia*, 10 N.Y.U. J. Leg. & Pub. Pol'y 1, 29–30 & tbl.7 (2006).

125. That disparity persists today: The voting age population of Georgia was almost 33% Black, but the Georgia General Assembly remains only 27% Black—a disparity that translates into several State Senators and as many as 10 or 11 members of the State House of Representatives.

126. Meanwhile, Black candidates almost never win statewide office. Despite the fact that a third of voting-eligible Georgians are Black, Georgia elected its first Black Senator since Reconstruction only last year, and has still never elected a Black governor or a Black Secretary of State. Indeed, before this past year's Senate election, the last time a Black candidate won any statewide office in a contested election was in 2006.

127. Moreover, in the particular areas where the districts at issue in this lawsuit are located, Black candidates have rarely and in some instances never before won election to the General Assembly.

8. Unresponsiveness of Elected Officials to Black Voters

128. Moreover, the candidates that *have* succeeded in the areas around the challenged districts have been unresponsive to the concerns of Black Georgians, further confirming that S.B. 1EX and H.B. 1EX will contribute to an unequal political playing field for Black voters.

129. Such unresponsiveness is evidenced by the continuing, unremedied socioeconomic and other disparities faced by Black Georgians that were discussed already, none of which have been adequately addressed by elected policymakers.

130. Another recent example of this unresponsiveness is the General Assembly's passage of S.B. 202, which was supported by every white Republican member of the General Assembly, including those who will represent Black voters in districts whose boundaries dilute Black voting power under the maps set forth in S.B. 1EX and H.B. 1EX. Civil rights groups, civic institutions serving the Black community, and political leaders and representatives of the community have unanimously decried S.B. 202—which imposes new restrictions on absentee voting and other new barriers to the franchise—as an unwarranted burden on the right to vote, and one that will fall disproportionately on the rights of Black Georgians in particular. Advocates also opposed provisions in the bill that appear to allow State officials to supplant local election boards in predominantly Black jurisdictions like Fulton County. Black Georgians and their institutions, leaders, and representatives strenuously opposed S.B. 202 to no avail.

131. The unresponsiveness of elected officials in Georgia to the concerns of Black Georgians is also evidenced by the ongoing purge of Black members of

various county election boards in the State, including in Spalding and Morgan Counties.[20]

132. It is also demonstrated by Georgia elected officials' opposition to the reauthorization of the VRA. Georgia's representatives led an unsuccessful campaign against the VRA's reauthorization in 2006, rebelling against their own political party and trying to doom the legislation by proposing "poison pill" amendments to the VRA on the floor of the U.S. House of Representatives.

9. Lack of Valid Rationale for the Discriminatory Maps

133. Finally, the State has offered no valid rationale for its decision to systematically dilute Black political power in Georgia and to silence the voices of Black Georgians by refusing to draw new majority Black districts.

134. Tellingly, in the Georgia legislative hearings, legislators defending the new redistricting maps, when asked to justify why their proposed districts were drawn in the way they were drawn, explained that when a district was previously a "VRA district," they had "maintain[ed] the existing district." This language demonstrates that legislators sought to do nothing more than maintain existing

[20] James Oliphant and Nathan Layne, *Georgia Republicans purge Black Democrats from county election boards*, Reuters (Dec. 9, 2021), https://www.reuters.com/world/us/georgia-republicans-purge-black-democrats-county-election-boards-2021-12-09/?s=09.

majority-minority districts from the 2011 redistricting process, and reveals a flawed understanding of what the Voting Rights Act requires. The Voting Rights Act demands more than mechanical preservation of existing majority-minority districts.

135. Meanwhile, the State's rushed process hammers home the lack of any considered rationale for S.B. 1EX and H.B. 1EX. As explained already, the maps challenged here emerged from a shoddy process that contained no room for democratic debate. The Redistricting Committees never allowed the public to engage in the mapmaking process or review proposed maps ahead of time. Instead, the Committees jammed the proposed maps through the legislative process within days of their first being proposed, without meaningful deliberation or measured consideration, and without considering any alternatives.

136. In sum, S.B. 1EX and H.B. 1EX unlawfully dilute the voting strength of Black Georgians in violation of Section 2 of the Voting Rights Act. The maps drafted in 2021 could have—and should have—been drawn to give the increased Black population in Georgia a full and fair opportunity to elect representatives of their choosing and participate in politics on equal footing with white citizens. Instead, the State drew maps that dilute and weaken the Black vote. The broader context—including Georgia's long history of official and pervasive discrimination

against Black voters, racially-polarized voting, discriminatory voting practices that survive in the State to this day, and other disparities that reflect the legacy of discrimination and that continue to disproportionately burden Black political participation—amply supports the conclusion that Georgia's unfair new redistricting scheme improperly and unlawfully dilutes the vote of Black citizens in Georgia.

CLAIM FOR RELIEF

COUNT 1: SECTION 2 OF THE VOTING RIGHTS ACT (52 U.S.C. § 10301 AND 42 U.S.C. § 1983)

137. The allegations contained in the preceding paragraphs 1 through 123 are re-alleged as if fully set forth herein.

138. S.B. 1EX violates Section 2 of the Voting Rights Act, as amended, 52 U.S.C. § 10301.

139. S.B. 1EX denies or abridges the Plaintiffs' and/or their members' right to vote on account of their race and color, by diluting their voting strength as Black citizens in Georgia. It does not afford Plaintiffs an equal opportunity to participate in the political process and to elect representatives of their choice and denies Plaintiffs the right to vote in elections without discrimination on account of their race and color, all in violation of 52 U.S.C. § 10301.

140. H.B. 1EX also violates Section 2 of the Voting Rights Act, as amended, 52 U.S.C. § 10301.

141. H.B. 1EX denies or abridges the Plaintiffs' and/or their members' right to vote on account of their race and color, by diluting their voting strength as Black citizens in Georgia. It does not afford Plaintiffs an equal opportunity to participate in the political process and to elect representatives of their choice and denies Plaintiffs the right to vote in elections without discrimination on account of their race and color, all in violation of 52 U.S.C. § 10301.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that the Court:

A. Declare S.B. 1EX and H.B. 1EX to be in violation of Section 2 of the Voting Rights Act;

B. Preliminarily and permanently enjoin the Defendant and his agents from holding elections under S.B. 1EX and H.B. 1EX;

C. Set a reasonable deadline for State authorities to enact or adopt redistricting plans for the Georgia State Senate and State House that do not abridge or dilute the ability of Black voters to elect candidates of choice and, if State authorities fail to enact or adopt valid redistricting plans by the Court's

deadline, order the adoption of remedial redistricting plans that do not abridge or dilute the ability of Black voters to elect candidates of choice;

D. Order, if necessary, an interim electoral plan for the 2022 elections;

E. Order expedited hearings and briefing, consider evidence, and take any other action necessary for the Court to order a VRA-compliant plan for new State Senate and House districts in Georgia.

F. Award Plaintiffs' their costs, expenses, and disbursements, and reasonable attorneys' fees incurred in bringing this action in accordance with 52 U.S.C. § 10310(e) and 42 U.S.C. § 1988;

G. Retain jurisdiction over this matter until Defendant has complied with all orders and mandates of this Court;

H. Grant such other and further relief as the Court may deem just and proper.

Respectfully submitted,

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EXHIBIT K

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DEFENDANT'S EXHIBIT
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ALPHA PHI ALPHA FRATERNITY INC., *et al.*,

Plaintiffs,

vs.

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

Defendant.

DECLARATION OF BISHOP REGINALD T. JACKSON, ON BEHALF OF THE SIXTH DISTRICT OF THE AFRICAN METHODIST EPISCOPAL CHURCH

My name is Reginald T. Jackson. I am over the age of twenty-one (21) years of age and am fully competent to execute this Declaration. I have knowledge of the facts recited here, which are true and correct, and are based on my personal knowledge. Under penalty of perjury, I state the following:

1. I am the presiding prelate of the Sixth Episcopal District of the African Methodist Episcopal Church ("AME Church"). The Sixth District is one of twenty districts of the AME Church and covers the entirety of the State of Georgia. The Sixth District of the AME Church is a Plaintiff in this action.

2. I was elected and consecrated the 132nd bishop of the AME Church in 2012, and have served in this position for nine years. I have served as the chairman of the Social Action Commission of the AME Church and am the current chairman of the Commission on Colleges, Universities and Seminaries.

3. The AME Church traces its roots to 1816 as the first independent Protestant denomination founded by Black people in response to segregation and discrimination in the Methodist Episcopal Church.

4. The AME Church places a strong emphasis on social service. In addition to its primary mission of religious education, AME Church has a secondary mission of service to the homeless, the imprisoned, the poor, and other needy persons.

5. Encouraging and supporting civic participation among its members is a core aspect of the AME Church's work. Advocating for the right to vote, regardless of candidate or party, and encouraging the AME Church's eligible members to vote have been priorities of the Church.

6. AME Church's activities in support of voter participation reflect the history of the civil rights march from Selma to Montgomery in Alabama. The march was organized in and began at the steps of Brown Chapel AME Church in Selma. After they were beaten by Alabama State Troopers on the Edmund

Pettus Bridge on "Bloody Sunday," the wounded marchers fled back to the sanctuary of Brown Chapel.

7. The AME Church continues to encourage civic participation by holding "Souls to the Polls" events to transport churchgoers to polling locations during advance voting periods, registering voters for elections, hosting "Get Out the Vote" efforts to increase voter turnout, and providing food, water, encouragement, and assistance to voters waiting in lines at polling locations. Advancing voting rights and eliminating barriers to political participation that have plagued the promise of full citizenship for Black Americans since this country's founding is a core issue that ties our members—and the communities in which they live—together.

8. There are more than 500 member-churches that are part of the Sixth District of the AME Church in Georgia. There are 36 congregations in Atlanta alone. The AME Church, the District, and our individual congregations serve as key community institutions, connecting members locally and throughout the State and its regions, fostering dialogue and fellowship, and maintaining the vibrancy and interconnectedness of our communities.

9. AME Church's membership includes tens of thousands of Black Georgians who are registered voters, including in Metro Atlanta, Augusta and the surrounding counties, Southwestern Georgia (including the counties in and

around Columbus and Albany), and other counties across the state. Several congregants are named Plaintiffs in this case.

10. There are approximately 60 congregations located in and around the areas that comprise new Georgia Senate Districts 16 and 17 (as well as the new House Districts drawn in and/or around the same areas, such as House Districts 74, 114, 117, and 134), including, without limitation, in Fayette County, Spalding County, Henry County, Newton County, and other counties in the area. Many, if not all, of these churches have congregants who identify as Black and who are residents and registered voters in or around Georgia Senate Districts 16 and 17 (as well as the new House Districts drawn in and/or around the same areas, such as House Districts 74, 114, 117, and 134).

a. For example, Cleveland Chapel AME Church, located in new Senate District 17, is one of our member congregations in Hampton, Georgia. Cleveland Chapel AME is in southwestern Henry County, in the Metro Atlanta area, where the population of Black Georgians has grown significantly over the past decade.

b. For another example, Rising Star Missionary Baptist Church, located in Senate District 16, is one of our member congregations in Griffin, Georgia. Rising Star Missionary Baptist is in southwestern Spalding

County, just on the outskirts of Metro Atlanta, where the population of Black Georgians has also grown since 2010.

11. Numerous AME churches are also located in and around the area that comprises new Georgia Senate District 23 (as well as the new House Districts drawn in and/or around the same area, such as House Districts 128 and 133), including, without limitation, in Richmond County (which includes Augusta) as well as various nearby counties, such as Burke County, Jefferson County, and Baldwin County. These churches also have congregants who identify as Black and who are residents and registered voters in or around Georgia Senate Districts 23 (as well as the new House Districts drawn in and/or around the same areas, such as House Districts 128 and 133).

a. For example, Spring Bethel AME Church, located in Senate District 23, is one of our member congregations in Louisville, Georgia. Spring Bethel AME Church is located in Jefferson County.

b. Flipper Chapel AME Church, located in House District 133, is one of our member congregations in Milledgeville, Georgia. Flipper Chapel AME is in central Baldwin County.

12. There are also numerous AME churches established in and around the area that comprises new Georgia House Districts 171 and 173 (as well as other new House Districts drawn in and/or around the same area), including, without

limitation, in Dougherty County (which includes Albany) as well as various nearby counties, including, among a number of others, Mitchell County and Thomas County. These churches also have congregants who identify as Black and who are residents and registered voters in or around Georgia House Districts 171 and 173.

a. For example, St. Peter AME Church, located in House District 171, is one of our member congregations in Camilla, Georgia. St. Peter AME is in Mitchell County, a part of southwest Georgia.

13. Members of AME Church include Black registered voters who I understand reside in the new State Senate and State House districts discussed above , but who would reside in the illustrative additional majority-Black State Senate and State House districts presented by Plaintiffs in this case that could have and should have been drawn in the above-discussed areas .

14. The new maps directly affect AME Church's advocacy efforts by undermining the ability of Black Georgians, including the Church's members, to elect representatives of their choice.

15. AME Church will be forced to divert resources from its broader voter registration and community empowerment initiatives to areas where Black voting strength has been unlawfully watered down in order to protect the representation and interests of its members.

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

Dated this 28th day of December, 2021,

By: /s/ Reginald T. Jackson

Reginald T. Jackson

IN THE 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*, v. BRAD RAFFENSPERGER, in his official capacity as Secretary of State of Georgia. *Defendant*.	CASE NO. 1:21-CV-05337-SCJ

PLAINTIFFS' RESPONSES AND OBJECTIONS TO DEFENDANT'S FIRST SET OF INTERROGATORIES, REQUESTS FOR PRODUCTION OF DOCUMENTS, AND REQUESTS FOR ADMISSION

Pursuant to Rules 26, 33, 34 and 36 of the Federal Rules of Civil Procedure, Alpha Phi Alpha Fraternity Inc. ("APA"), Sixth District of the African Methodist Episcopal Church ("AME Church"), Eric T. Woods, Katie Bailey Glenn, Phil Brown, and Janice Stewart (collectively, "Plaintiffs") submit the following objections and responses to Defendant Secretary of State Brad Raffensperger's First Set of Interrogatories, Requests for Production of Documents, and Requests for Admission ("Requests") as follows.

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DEFENDANT'S EXHIBIT
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PRELIMINARY STATEMENT

1. Discovery is ongoing, and Plaintiffs have not completed their investigation. These responses are based on the information and documents currently available to Plaintiffs, and Plaintiffs reserve the right to alter, supplement, amend, or otherwise modify these responses in light of additional facts revealed through subsequent inquiry and as appropriate under the rules.

2. These responses and objections are based on Plaintiffs' understanding of each individual Request and not on an admission or agreement with Defendant's use or interpretation of terms. To the extent Defendant asserts an interpretation of any Request that is inconsistent with Plaintiffs' understanding, Plaintiffs reserve the right to supplement their responses and objections.

3. In responding to the requests, whenever Plaintiffs agree to search for or produce documents, such agreement does not constitute a representation or concession that such documents exist or are relevant or admissible as evidence. Further, Plaintiffs' responses to the requests shall not be construed in any way as an admission that any definition provided by Defendant is either factually correct or legally binding.

RESPONSES AND OBJECTIONS TO INSTRUCTIONS

INSTRUCTION NO. 5: With regard to attorney-client and work-product privilege objections to the production of documents, you are requested to prepare an index listing each and every document, or portion of document, withheld, stating the document date, preparer, intended recipient(s), and subject matter(s).

RESPONSE: Plaintiffs object to this instruction insofar as it requests a privilege log of redacted documents. Preparation of such a log would be unduly burdensome and disproportionate to the needs of this case, given that all of the relevant information that would be contained within such a log will be apparent on the face of a redacted document. Consistent with Section E(1)(a) of the Stipulation and Order Regarding Discovery entered by this Court on September 2, 2022 (ECF No. 155), Plaintiffs will not log redacted documents in the first instance. In the event that Defendant requests additional information about specific redactions to determine the basis for the privilege asserted, Plaintiffs will respond to such particularized requests for information.

INSTRUCTION NO. 8: All documents should be produced in the same order as they are kept or maintained by you in the ordinary course of business and in the manual, booklet, binder, file, folder, envelope, or other container in which they are ordinarily kept or maintained. If for any reason the container cannot be produced, you shall produce copies of all labels or other identifying markings thereon.

RESPONSE: Plaintiffs object to this instruction as unduly burdensome and incompatible with the parties' negotiated ESI Protocol. Documents will be produced in electronic format.

RESPONSES AND OBJECTIONS TO DEFINITIONS

DEFINITION NO. 2: "Communications" means any oral, written, or electronic utterance, notation, or statement of any nature whatsoever, including, but not limited to, emails, texts, social media postings, correspondence, letters, memoranda, pamphlets, brochures, conversations, dialogues, or discussions.

RESPONSE: Plaintiffs object to the definition of "COMMUNICATIONS," which purports to impose obligations that exceed those imposed by the Federal Rules of Civil Procedure. Plaintiffs object, moreover, to the inclusion of "utterance" in this definition of communications as vague and overbroad. Defendant has offered no definition of "utterance" and it is not apparent what an "utterance" would mean in the context of a search for documents.

DEFINITION NO. 3: "Document" means any written, recorded, or graphic material of any kind, whether prepared by you or by any other person, that is in your possession, custody, or control. The term includes: agreements; contracts; letters; inter-office communications; memoranda; reports; records; instructions; specifications; notes; notebooks; scrapbooks; diaries; photographs; photocopies; charts; graphs; descriptions; drafts, whether or not they resulted in a final document; minutes of meetings, conferences, and telephone or other conversations or communications; invoices; recordings; published or unpublished speeches or articles; publications; transcripts of telephone conversations; phone mail; electronic-mail; ledgers; financial statements; microfilm; microfiche; tape or disc recordings; and computer print-outs.

RESPONSE: Plaintiffs object to the purported definition of "DOCUMENT" to the extent that it seeks information and materials protected by attorney-client privilege, work product

doctrine, and/or First Amendment privilege, including the associational rights of Plaintiffs' members and donors.

DEFINITION NO. 11: "Solicitation" means any form of advertisement or communication that requests contact information from the recipient and/or provides the recipient with a method to contribute to the sender. This includes, but is not limited to, digital advertising or messages sent by electronic mail, social media, physical mail, or in-person through pamphlets or similar materials. It also includes any messages that are placed on websites, social media webpages, or any other similar location.

RESPONSE: Plaintiffs object to the purported definition of "SOLICITATION" as vague and overbroad, particularly but not limited to its inclusion of "any messages that are placed on websites, social media webpages, or any other similar location" whose contents are not within the custody, possession, or control of Plaintiffs.

RESPONSES AND OBJECTIONS TO THE INTERROGATORIES

The Plaintiffs respond and object to the Interrogatories as follows:

INTERROGATORY NO. 1: Identify the nature of each Organizational Plaintiff's election-related organizational resources, efforts, outreach, and activities implemented prior to the adoption of the Senate Plan and the House Plan. The response to this Interrogatory should explain how those resources, efforts, outreach, and activities compare as a percentage of each Organizational Plaintiff's overall resources, efforts, outreach, and other activities.

RESPONSE: Plaintiffs object to this interrogatory to the extent that it seeks information protected by the First Amendment privilege, including the associational rights of Plaintiffs' members and donors. Plaintiffs further object to this interrogatory because Plaintiffs do not break down their resources, activities, and efforts in the manner this interrogatory suggests. Plaintiffs also object to this Interrogatory on the grounds that it is vague and ambiguous, including as to its use of the terms "election-related organizational resources, efforts, outreach, and activities." Plaintiffs further object to this Interrogatory on the grounds that it is improperly compound and contains multiple subparts. Plaintiffs further object to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and not proportional to the needs of the case. Plaintiffs additionally object to this Interrogatory to the extent that it seeks information protected by the attorney-client privilege and/or work product doctrine.

Subject to and without waiving the foregoing objections, Plaintiffs respond:

AME: Prior to the adoption of the Senate Plan and the House Plan, the nature of AME Church's election-related organizational resources, efforts, outreach, and activities included without limitation: AME Church encouraged civic participation by holding "Souls to the Polls"

events to transport churchgoers to polling locations during advance voting periods, registering voters for elections, hosting "Get Out the Vote" ("GOTV") efforts to increase voter turnout, and providing food, water, encouragement, and assistance to voters waiting in lines at polling locations. Prior to the 2020 General Election, AME Church approached Defendant Secretary to offer up its Georgia churches to serve as polling sites if needed. AME Church assisted its members and the people it serves by transporting voters to the polls and conducting outreach efforts to rural voters in Georgia.

APA: Prior to the adoption of the Senate Plan and the House Plan, the nature of Alpha Phi Alpha's election-related organizational resources, efforts, outreach, and activities included without limitation: participating in a national program called "A Voteless People is a Hopeless People," which seeks to enhance Black civic participation and voting; participating in voter education efforts; holding events to raise political awareness and empower Black communities; advocating for voting rights legislation and for fair maps in the redistricting process; and running voter registration drives as part of the "First of All, We Vote" initiative.

INTERROGATORY NO. 2: Identify the nature of each Organizational Plaintiff's election-related organizational resources, efforts, outreach, and activities implemented after the adoption of the Senate Plan and the House Plan. The response to this Interrogatory should explain how those resources, efforts, outreach, and activities compare as a percentage of each Organizational Plaintiff's overall resources, efforts, outreach, and other activities.

RESPONSE: Plaintiffs object to this interrogatory because Plaintiffs do not break down their resources, activities, and efforts in the manner this interrogatory suggests. Further, Plaintiffs object to this interrogatory because it seeks information protected by the First Amendment

privilege, including the associational rights of Plaintiffs' members and donors. Plaintiffs also object to this Interrogatory on the grounds that it is vague and ambiguous, including as to its use of the terms "election-related organizational resources, efforts, outreach, and activities." Plaintiffs further object to this Interrogatory on the grounds that it is improperly compound and contains multiple subparts. Plaintiffs further object to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and not proportional to the needs of the case. Plaintiffs additionally object to this Interrogatory to the extent that it seeks information protected by the attorney-client privilege and/or work product doctrine.

Subject to and without waiving the foregoing objections, Plaintiffs respond:

AME: In addition to continuing the election-related activities identified in the Response to Interrogatory No. 1—subject to restrictions imposed by Senate Bill 202, such as limits on providing food, water, encouragement, and assistance to voters waiting in lines at polling stations—AME expanded and intensified, and intends to further expand and intensify in the affected districts, its civic engagement activities, including but not limited to the following: voter registration efforts, community empowerment initiatives, and voter education efforts. AME was forced to devote additional resources to educating voters about their new districts, including through responding to increased inquiries from pastors and members relating to the redistricting process. AME, along with partner organizations, has also launched a new initiative called "Faith Works," which is a voter campaign that brings together religious leaders across Georgia to promote democracy. AME refers Defendant to https://faithworks.vote/ for further information.

APA: In addition to continuing the election-related activities identified in the Response to Interrogatory No. 1, APA expanded and intensified, and intends to further expand and intensify in

the affected districts, its civic engagement activities, including but not limited to the following: voter registration efforts, community empowerment initiatives, poll worker recruitment, and voter education efforts. APA was forced to devote additional resources to educating voters about their new districts. APA has also been forced to increase its efforts to combat voter apathy, which has been exacerbated by the redistricting process and the feeling among many members that they lack a voice in the electoral process.

INTERROGATORY NO. 3: Identify each vendor with whom each Organizational Plaintiff has contracted since January 1, 2019, for advertisements, Solicitations, electronic communications, or physical mailings related to redistricting, the Senate Plan, or the House Plan.

RESPONSE: Plaintiffs object to this Interrogatory because it seeks information protected by the First Amendment privilege, including the associational rights of Plaintiffs' members and donors. Plaintiffs further object to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and not proportional to the needs of the case. Plaintiffs additionally object to this Interrogatory to the extent that it seeks information protected by the attorney-client privilege and/or work product doctrine. Plaintiffs will not provide a response to this Interrogatory.

INTERROGATORY NO. 4: Explain in detail the basis for the claim that each Organizational Plaintiff has been and will be required to divert resources because of the Senate Plan and the House Plan. See, e.g., Compl. ¶¶ 14, 18. In responding to this Interrogatory, please include a list of each activity from which each Organizational Plaintiff has diverted resources or will divert resources from because of the Senate Plan and the House Plan.

RESPONSE: Plaintiffs object to this Interrogatory on the grounds that it is vague and ambiguous as to its use of the term "required," and the phrase "each activity." Plaintiffs further

object to this Interrogatory on the grounds that it is improperly compound, contains multiple subparts, and purports to impose obligations that are greater or more burdensome than those imposed by the applicable federal and local rules. Plaintiffs object that this Interrogatory is premature as discovery is ongoing, and Plaintiffs reserve the right to supplement this response. Plaintiffs additionally object to this Interrogatory to the extent that it seeks information protected by the attorney client privilege and/or work product doctrine.

Subject to and without waiving the foregoing objections, Plaintiffs respond:

AME: The Senate Plan and the House Plan have forced, and will continue to force, AME to allocate more time, money, and other resources to educating voters across the State, especially in districts where the Black vote has been diluted, about the new districting plan, and how to make members' voices heard. In order to fund these new public education efforts, AME will also need to spend more time seeking grants and outside funding. By spending more time and staff resources on these redistricting-specific public education efforts, AME will have less time, money, and other resources to coordinate, oversee, manage, and plan for other voter education programs, and for GOTV efforts, such as transporting voters to the polls and engaging in outreach efforts for rural voters. This new financial burden also means that AME has less money for other core activities, including its food bank program and other non-voting related social justice activities. Note that the response to this interrogatory is necessarily non-exhaustive.

APA: The Senate Plan and House Plan have forced Alpha Phi Alpha to divert resources from its voter education and registration programming in order to protect the representation and interests of its members in the affected districts. In particular, the redistricting process has exacerbated a sense of apathy among voters who feel that their voices are not heard through the

electoral process. In response, APA has devoted significant resources to promoting voter engagement and combating voter apathy, including through the "Black Men Vote" initiative (which seeks to mobilize Black men to make their voices heard in the political process through voter registration, education, and canvassing), a partnership with "Black Voters Matter," and supporting "Souls to the Polls" efforts by local churches. Note that the response to this interrogatory is necessarily non-exhaustive.

INTERROGATORY NO. 5: Identify each and every election-related activity that each Organizational Plaintiff has discontinued since the adoption of the Senate Plan and the House Plan, including an explanation of why the Organizational Plaintiff can no longer continue that activity, the costs associated with continuing that activity, and all alternatives that each Organizational Plaintiff considered in order to continue that election-related activity.

RESPONSE: Plaintiffs object to this interrogatory to the extent that it seeks information protected by the First Amendment privilege, including the associational rights of Plaintiffs' members and donors. Plaintiffs also object to this Interrogatory on the grounds that it is vague and ambiguous, including as to its use of the term "election-related activity." Plaintiffs further object to this Interrogatory on the grounds that it is improperly compound and contains multiple subparts. Plaintiffs further object to this Interrogatory on the grounds that it is overly broad, unduly burdensome, not proportional to the needs of the case, and seeks information that is not relevant to any party's claims or defenses, including by requesting information regarding "each and every "election-related activity" that was discontinued for reasons unrelated to redistricting. Plaintiffs additionally object to this Interrogatory to the extent that it seeks information protected by the

attorney-client privilege and/or work product doctrine. Plaintiffs object that this Interrogatory is premature as discovery is ongoing, and Plaintiffs reserve the right to supplement this response.

Subject to and without waiving the foregoing objections, Plaintiffs respond that they have not discontinued any election-related activities since the adoption of the Senate Plan and the House Plan, other than those precluded by the adoption of Senate Bill 202.

INTERROGATORY NO. 6: Identify all "members" of the Organizational Plaintiffs that Organizational Plaintiffs plan to rely on for purposes of establishing associational standing.

RESPONSE: Plaintiffs object to this Interrogatory on the grounds that it is vague and ambiguous, including as to its use of the term "rely on." Plaintiffs further object to this Interrogatory on the grounds that it seeks a legal opinion or conclusion. Plaintiffs object to this Interrogatory to the extent that it seeks information protected by the First Amendment privilege, including the associational rights of Plaintiffs' members. Plaintiffs additionally object to this Interrogatory to the extent that it seeks information protected by the attorney client privilege and/or work product doctrine.

Subject to and without waiving the foregoing objections, Plaintiffs direct Defendant to Paragraphs 9 through 13 of the Declaration of Bishop Reginald T. Jackson on Behalf of the Sixth District of the African Methodist Episcopal Church (ECF No. 70-1), and Paragraphs 5 through 9 of the Declaration of Sherman Lofton, Jr., on Behalf of Alpha Phi Alpha Fraternity, Inc. (ECF No. 70-2).

INTERROGATORY NO. 7: Explain how individuals or organizations, if any, become members of the Organizational Plaintiffs and list all requirements of membership for each.

RESPONSE: Plaintiffs object to this Interrogatory to the extent that it seeks information protected by the First Amendment privilege, including the associational rights of Plaintiffs' members. Plaintiffs object to this Interrogatory on the grounds that it is improperly compound and contains multiple subparts. Plaintiffs additionally object to this Interrogatory to the extent that it seeks information protected by the attorney client privilege and/or work product doctrine. Plaintiffs further object to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence in that it seeks information with no relevance to any claim or defense. Plaintiffs will not provide a response to this Interrogatory.

INTERROGATORY NO. 8: Identify the responsibilities or obligations entailed in being a "member" of the Organizational Plaintiffs and any benefits conferred by such membership.

RESPONSE: Plaintiffs object to this Interrogatory to the extent that it seeks information protected by the First Amendment privilege, including the associational rights of Plaintiffs' members. Plaintiffs object to this Interrogatory on the grounds that it is improperly compound and contains multiple subparts. Plaintiffs additionally object to this Interrogatory to the extent that it seeks information protected by the attorney client privilege and/or work product doctrine. Plaintiffs further object to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence in that it seeks information with no relevance to any claim or defense—nothing about this case is affected by the responsibilities or obligations of membership in the Organizational Plaintiffs, nor the benefits conferred by such membership. Plaintiffs will not provide a response to this Interrogatory.

INTERROGATORY NO. 9: State whether each Individual Plaintiff would reside in the additional majority-Black House and Senate districts you contend can be drawn in Paragraph 4 of the Complaint.

RESPONSE: Plaintiffs object to this Interrogatory as irrelevant. Plaintiffs' claim does not require them to prove that each Plaintiff would reside in the additional majority-Black House and Senate districts described in Paragraph 4 of the Complaint. Plaintiffs further object to this Interrogatory as mischaracterizing Plaintiffs' complaint by conflating the "additional majority-Black districts" Plaintiffs allege could be drawn as an evidentiary matter with Georgia's obligation to draw legislative districts in which Black voters have the opportunity to elect the candidate of their choice.

Subject to and without waiving Plaintiffs' objections, all Individual Plaintiffs would reside in additional majority-Black legislative districts referenced in the illustrative plan put forward as part of Plaintiffs' motion for preliminary injunction, ECF No. 39.

INTERROGATORY NO. 10: Explain in detail the legislative process that Plaintiffs contend should have governed the consideration and passage of the Senate Plan and the House Plan and all evidence supporting each Plaintiff's contention that such legislative process is more typical than the legislative process that applied to the Senate Plan and the House Plan. *See* Compl. ¶¶ 3, 36, 41–47, 51–60, 135.

RESPONSE: Plaintiffs object to the terms "consideration" and "more typical" as vague and ambiguous. Plaintiffs further object to this Interrogatory as irrelevant and not reasonably related to the needs of this case or to any party's claim or defense. Plaintiffs will not provide a response to this Interrogatory.

INTERROGATORY NO. 11: Explain whether the "additional majority-Black districts" that you contend could be drawn in Paragraphs 62–66, 69–75 of the Complaint are the only additional majority-Black district that can be drawn on the House Plan and the Senate Plan without reducing the total number of districts in the region and statewide in which Black voters are able to elect their candidates of choice.

RESPONSE: Plaintiffs object to this Interrogatory as irrelevant and not reasonably related to the needs of the case or to any party's claim or defense, because no claim or defense requires proving Plaintiffs' proposed maps create "the only additional majority-Black district" that can be drawn. Plaintiffs further object to this Interrogatory as improperly seeking to circumvent the scheduling order. This Interrogatory seeks information contained in Plaintiffs' expert disclosures, and the scheduling order does not require Plaintiffs to disclose expert witnesses and opinions until December 5, 2022. Subject to and without waiving any of the foregoing General or Specific Objections, Plaintiffs state that they shall disclose expert witnesses and opinions on or before December 5, 2022, subject to any changes in the schedule agreed to by the Parties or ordered by the Court. Subject to and without waiving any of the foregoing objections, the "additional majority-Black districts" that Plaintiffs contend could be drawn in the Complaint are not the only additional majority-Black legislative districts that can be drawn.

INTERROGATORY NO. 12: Explain all instances of requests from Democratic and minority legislators being ignored by the Republican-controlled General Assembly.

RESPONSE: Plaintiffs object to this Interrogatory as unduly burdensome and overly broad to the extent it seeks an explanation of "all instances," including those not limited to the subject matter of this case. Plaintiffs further object to this Interrogatory as vague and ambiguous

in that it does not define "requests" and "ignored" and would require Plaintiffs to speculate as to its scope. Plaintiffs further object to this Interrogatory because they do not have personal knowledge of all requests that the Democratic and minority legislators in the Georgia General Assembly have made since January 1, 2020. The Interrogatory is also unduly burdensome because, to the extent that Plaintiffs have personal knowledge of requests from Democratic and minority legislators that the Republican-controlled General Assembly ignored, such information would be public, and thus equally attainable by Defendant. Plaintiffs additionally object to this Interrogatory as improperly seeking to circumvent the scheduling order. This Interrogatory seeks information contained in Plaintiffs' expert disclosures, and the scheduling order does not require Plaintiffs to disclose expert witnesses and opinions until December 5, 2022. Subject to and without waiving any of the foregoing objections, Plaintiffs direct Defendant to Paragraph 54 of the Amended Complaint as a non-exhaustive example of this conduct, and state that they shall disclose expert witnesses and opinions on or before December 5, 2022, subject to any changes in the schedule agreed to by the Parties or ordered by the Court.

INTERROGATORY NO. 13: Identify all instances of racial discrimination in election practices that you contend occurred between 2002 and 2022.

RESPONSE: Plaintiffs object to this Interrogatory as unduly burdensome and overly broad to the extent it seeks an explanation of "all instances," including those not limited to the subject matter of this case or to Georgia. Plaintiffs object to this Interrogatory as unduly burdensome, vague, and irrelevant to the extent it does not limit the scope of the request to Georgia. Plaintiffs further object to this Interrogatory because they do not have personal knowledge of all instances of racial discrimination in election practices between 2002 and 2022. The Interrogatory

is also unduly burdensome because, to the extent that Plaintiffs have personal knowledge of racial discrimination in election practices, such information would be public, and thus equally attainable by Defendant. Plaintiffs further object to this Interrogatory as improperly seeking to circumvent the scheduling order. This Interrogatory seeks information contained in Plaintiffs' expert disclosures, and the scheduling order does not require Plaintiffs to disclose expert witnesses and opinions until December 5, 2022. Subject to and without waiving any of the foregoing objections, Plaintiffs direct Defendant to Paragraphs 38, 91-94, 136 of the Amended Complaint and to pages 8-10, 12-27 of the expert report of Dr. Adrienne Jones (ECF No. 26-8), and pages 18-21 of the expert report of Dr. Jason Morgan Ward (ECF No. 39-10) as non-exhaustive examples of racial discrimination in election practices, and state that they shall disclose expert witnesses and opinions on or before December 5, 2022, subject to any changes in the schedule agreed to by the Parties or ordered by the Court.

INTERROGATORY NO. 14: Identify all racial appeals in state Senate and state House races that you contend occurred from 2011 to the present.

RESPONSE: Plaintiffs object to this Interrogatory as unduly burdensome and overly broad to the extent it seeks an explanation of "all instances," given that racial appeals are so common in state legislative races in Georgia. Plaintiffs further object to this Interrogatory because they do not have personal knowledge of all racial appeals in state Senate and state House races from 2011 to the present. The Interrogatory is also unduly burdensome because, to the extent that Plaintiffs have personal knowledge of racial appeals, such information would be public, and thus equally attainable by Defendant. Plaintiffs further object to this Interrogatory as improperly seeking to circumvent the scheduling order. This Interrogatory seeks information contained in

Plaintiffs' expert disclosures, and the scheduling order does not require Plaintiffs to disclose expert witnesses and opinions until December 5, 2022. Subject to and without waiving any of the foregoing objections, Plaintiffs direct Defendant to Paragraphs 120-123 of the Amended Complaint and to pages 25 to 29 of the expert report of Dr. Adrienne Jones (ECF No. 26-8), and pages 19 to 21 of the expert report of Dr. Jason Morgan Ward (ECF No. 39-10).

REQUESTS FOR PRODUCTION

REQUEST NO. 1: All documents referenced in the responses to the foregoing interrogatories.

RESPONSE: Subject to and without waiving the foregoing objections, Plaintiffs have not referenced any documents in their responses to the foregoing Interrogatories that are not already within the possession of Defendant or otherwise publicly available.

REQUEST NO. 2: All documents reflecting each Organizational Plaintiff's corporate by-laws.

RESPONSE: Plaintiffs object to this Request on the grounds that it is overly broad, unduly burdensome, and seeks information that is neither relevant to any party's claims or defenses nor proportional to the needs of the case. Plaintiffs further object to this Request on the grounds that it is vague and ambiguous, including as to its use of the term "reflecting." Plaintiffs further object to this Request to the extent that it seeks information protected by the attorney-client privilege and/or work product doctrine.

Subject to and without waiving these objections, Plaintiffs will produce any responsive, nonprivileged documents in their possession, custody, or control that they are able to locate following a reasonable search.

REQUEST NO. 3: All documents reflecting each Organizational Plaintiff's articles of incorporation.

RESPONSE: Plaintiffs object to this Request on the grounds that it is overly broad, unduly burdensome, and seeks information that is neither relevant to any party's claims or defenses nor proportional to the needs of the case. Plaintiffs further object to this Request on the grounds

that it is vague and ambiguous, including as to its use of the term "reflecting." Plaintiffs further object to this Request to the extent that it seeks information protected by the attorney-client privilege and/or work product doctrine.

Subject to and without waiving these objections, Plaintiffs will produce any responsive, nonprivileged documents in their possession, custody, or control that they are able to locate following a reasonable search.

REQUEST NO. 4: All documents that reflect corporate resolutions approved by each Organizational Plaintiff's board of directors or similar authorizing entity, that relate in any way to this litigation or to determining how each Organizational Plaintiff will allocate its resources for activities related to the Senate Plan and the House Plan.

RESPONSE: Plaintiffs object to this Request on the grounds that it is overly broad, unduly burdensome, and seeks information that is neither relevant to any party's claims or defenses nor proportional to the needs of the case. Plaintiffs further object to this Request on the grounds that it is vague and ambiguous, including as to its use of the term "reflect." Plaintiffs further object to this Request to the extent that it seeks information protected by the attorney-client privilege and/or work product doctrine. Plaintiffs additionally object to this Request to the extent it seeks documents or information protected by the First Amendment privilege, including the rights to association and petition. *See NAACP v. Button*, 371 U.S. 415, 429 (1963); *Perry v. Schwarzenegger*, 591 F.3d 1126, 1142 & n.9 (9th Cir. 2009) (the "right to associate with others to advance one's shared political beliefs" entails "the right to exchange ideas and formulate strategy and messages, and to do so in private," as well as "to organize and direct them in the way that will make them most effective"); *AFL-CIO v. FEC*, 333 F.3d 168, 177-78 (D.C. Cir. 2003) (holding

"that compelled disclosure of internal planning materials ... will ... frustrate those groups' decisions as to how to organize ... [themselves], conduct ... [their] affairs, and select ... [their] leaders, as well as their selection of a message and ... the best means to promote that message" (quotations omitted) (alterations in original)).

Subject to and without waiving the foregoing objections, Plaintiffs will produce, to the extent such documents exist, any nonprivileged, responsive resolutions that reflect any diversion of resources identified in response to the above Interrogatories.

REQUEST NO. 5: All documents that reflect minutes of each Organizational Plaintiff's corporate meetings and meetings of each Organizational Plaintiff's board of directors or similar authorizing entity that relate in any way to this litigation or to determining how each Organizational Plaintiff will allocate its resources for activities related to the Senate Plan and the House Plan.

RESPONSE: Plaintiffs object to this Request on the grounds that it is overly broad, unduly burdensome, and seeks information that is neither relevant to any party's claims or defenses nor proportional to the needs of the case. Plaintiffs further object to this Request on the grounds that it is vague and ambiguous, including as to its use of the term "reflect." Plaintiffs further object to this Request to the extent that it seeks information protected by the attorney-client privilege and/or work product doctrine. Plaintiffs further object to this Request to the extent that it calls for the disclosure of privileged financial information or for budget allocations related to specific election-related plans, programs, or initiatives that are protected by the First Amendment associational privilege. *See Buckley v. Valeo*, 424 U.S. 1, 66 (1976) ("[T]he invasion of privacy of belief may be as great when the information sought concerns the giving and spending of money

as when it concerns the joining of organizations, for [f]inancial transactions can reveal much about a person's activities, associations, and beliefs." (quotation omitted)); *NAACP v. Button*, 371 U.S. 415, 429 (1963); *Perry v. Schwarzenegger*, 591 F.3d 1126, 1142 & n9 (9th Cir. 2009) (The "right to associate with others to advance one's shared political beliefs" entails "the right to exchange ideas and formulate strategy and messages, and to do so in private," as well as "to organize and direct them in the way that will make them most effective."); *AFL-CIO v. FEC*, 333 F.3d 168, 177 (D.C. Cir. 2003) (holding "that compelled disclosure of internal planning materials ... will ... frustrate those groups' decisions as to how to organize ... [themselves], conduct ... [their] affairs, and select ... [their] leaders, as well as their selection of a message and ... the best means to promote that message.") (quotation omitted); *Int'l Soc'y for Krishna Consciousness, Inc. v. Lee*, 1985 WL 315, at *8 (S.D.N.Y. Feb. 28, 1985) ("*ISKCON*") (associational privilege protects against the "compelled disclosure of the sources or uses of an organization's funds").

Subject to and without waiving the foregoing objections, Plaintiffs will produce, to the extent such documents exist and are not privileged, any corporate meeting minutes that reflect any diversion of resources identified in response to the above Interrogatories.

REQUEST NO. 6: All documents that describe the roles of each corporate officer position of each Organizational Plaintiff (e.g., chairman, president).

RESPONSE: Plaintiffs object to this Request on the grounds that it is overly broad, unduly burdensome, and seeks information that is neither relevant to any party's claims or defenses nor proportional to the needs of the case. Plaintiffs further object to this Request to the extent that it seeks information protected by the attorney-client privilege and/or work product doctrine.

Subject to and without waiving these objections, Plaintiffs will produce any responsive, nonprivileged documents in their possession, custody, or control that they are able to locate following a reasonable search.

REQUEST NO. 7: All documents that reflect each Organizational Plaintiff's Form 990 tax returns for every year from 2018 to the present.

RESPONSE: Plaintiffs object to this Request on the grounds that it is overly broad, unduly burdensome, and seeks information that is neither relevant to any party's claims or defenses nor proportional to the needs of the case. Plaintiffs further object to this Request on the grounds that it is vague and ambiguous, including as to its use of the term "reflect." Plaintiffs further object to this Request to the extent that it seeks information protected by the attorney-client privilege and/or work product doctrine. Plaintiffs additionally object to this Request to the extent that it seeks documents that are available through or from public sources and thus are equally available to Defendant.

Subject to and without waiving the foregoing objections, Plaintiffs will produce their Form 990 tax returns from 2018 to the present.

REQUEST NO. 8: All documents reflecting the amount of each Organizational Plaintiff's annual budget or expenditures that supports each Organizational Plaintiff's election-related initiatives in Georgia for every year from 2018 to the present.

RESPONSE: Plaintiffs object to this Request on the grounds that it is overly broad, unduly burdensome, and seeks information that is neither relevant to any party's claims or defenses nor proportional to the needs of the case, particularly insofar as the Request seeks documents dating to 2018. Plaintiffs further object to this Request on the grounds that it is vague and

ambiguous, including as to its use of the terms "reflecting," "supports," and "initiatives." Plaintiffs further object to this Request to the extent that it seeks information protected by the attorney-client privilege and/or work product doctrine.

Plaintiffs further object to this Request to the extent that it calls for the disclosure of privileged financial information or for budget allocations related to specific election-related plans, programs, or initiatives that are protected by the First Amendment associational privilege. *See Buckley*, 424 U.S. at 66; *NAACP v. Button*, 371 U.S. at 429; *Perry*, 591 F.3d at 1142 & n.9; *AFL-CIO*, 333 F.3d at 177; *ISKCON*, 1985 WL 315, at *8.

Subject to and without waiving these objections, Plaintiffs will not respond to this Request.

REQUEST NO. 9: All documents that demonstrate the amount and types of resources each Organizational Plaintiff has been diverting or will be required to divert because of the enactment of the Senate Plan and the House Plan.

RESPONSE: Plaintiffs object to this Request on the grounds that it is overly broad, unduly burdensome, and seeks information that is neither relevant to any party's claims or defenses nor proportional to the needs of the case. Plaintiffs further object to this Request on the grounds that it is vague and ambiguous, including as to its use of the term "will be required." Plaintiffs further object to this Request to the extent that it seeks information protected by the attorney-client privilege and/or work product doctrine.

Plaintiffs further object to this Request to the extent that it calls for the disclosure of specific election-related plans, programs, events, or initiatives that are protected by the First Amendment associational privilege. *See Buckley*, 424 U.S. at 66; *NAACP v. Button*, 371 U.S. at 429; *Perry*, 591 F.3d at 1142 & n.9; *AFL-CIO*, 333 F.3d at 177; *ISKCON*, 1985 WL 315, at *8. The disclosure

of "all documents" relating to Plaintiffs' specific election-related plans, programs or events would severely impair their ability to organize their affairs, select and promote their message, and advocate successfully for the causes and candidates they support.

Subject to and without waiving the foregoing objections, Plaintiffs will produce non-privileged documents, to the extent such documents exist, that show how the enactment of the Senate Plan and the House Plan has burdened and will continue to burden Plaintiffs' purposes, goals, and efforts.

REQUEST NO. 10: All documents that reflect the amount of money each Organizational Plaintiff raised for each of the three years before December 30, 2021.

RESPONSE: Plaintiffs object to this Request on the grounds that it is overly broad, unduly burdensome, and seeks information that is neither relevant to any party's claims or defenses nor proportional to the needs of the case, in particular as to its request for information dating to December 30, 2018. Plaintiffs further object to this Request on the grounds that it is vague and ambiguous, including as to its use of the terms "reflect." Plaintiffs further object to this Request to the extent that it seeks information protected by the attorney-client privilege and/or work product doctrine. Plaintiffs further object to this Request to the extent that it calls for the disclosure of privileged information regarding donors and finances that is protected by the First Amendment associational privilege. *See Buckley*, 424 U.S. at 66; *NAACP v. Button*, 371 U.S. at 429; *Perry*, 591 F.3d at 1142 & n.9; *AFL-CIO*, 333 F.3d at 177; *ISKCON*, 1985 WL 315, at *8.

Subject to and without waiving these objections, Plaintiffs will not respond to this Request.

REQUEST NO. 11: All documents that reflect the amount of money each Organizational Plaintiff raised since December 30, 2021.

RESPONSE: Plaintiffs object to this Request on the grounds that it is overly broad, unduly burdensome, and seeks information that is neither relevant to any party's claims or defenses nor proportional to the needs of the case. Plaintiffs further object to this Request on the grounds that it is vague and ambiguous, including as to its use of the term "reflect." Plaintiffs further object to this Request to the extent that it seeks information protected by the attorney-client privilege and/or work product doctrine. Plaintiffs further object to this Request to the extent that it calls for the disclosure of privileged information regarding donors and finances that is protected by the First Amendment associational privilege. *See Buckley*, 424 U.S. at 66; *NAACP v. Button*, 371 U.S. at 429; *Perry*, 591 F.3d at 1142 & n.9; *AFL-CIO*, 333 F.3d at 177; *ISKCON*, 1985 WL 315, at *8.

Subject to and without waiving these objections, Plaintiffs will not respond to this Request.

REQUEST NO. 12: All documents that reflect fundraising Solicitations that Organizational Plaintiffs have sent, which mention or refer to this litigation, the Senate Plan, or the House Plan.

RESPONSE: Plaintiffs object to this Request on the grounds that it is overly broad, unduly burdensome, and seeks information that is neither relevant to any party's claims or defenses nor proportional to the needs of the case. Plaintiffs further object to this Request on the grounds that it is vague and ambiguous, including as to its use of the terms "reflect." Plaintiffs further object to this Request to the extent that it seeks information protected by the attorney-client privilege and/or work product doctrine.

Plaintiffs further object to this Request on the grounds that it calls for the disclosure of internal communications protected by the First Amendment and is calculated to chill Plaintiffs' exercise of their First Amendment rights. *See NAACP v. Button*, 371 U.S. at 428-

31("[A]ssociation for litigation may be the most effective form of political association," and such activities "are modes of expression and association protected by the First and Fourteenth Amendments."); *Eilers v. Palmer*, 575 F. Supp. 1259, 1261 (D. Minn. 1984) ("[C]ompelled disclosure of the names of those individuals or groups supporting the plaintiff's lawsuit would create a genuine risk of interference with protected interests in two ways. First, such disclosure might make the plaintiff, or future plaintiffs, reluctant to accept the support of unpopular groups, fearing that evidence of such support would be used at trial to the plaintiff's disadvantage. Second, the supporters themselves, for various reasons, may have a desire for anonymity that might cause them to withhold support knowing that their names would be disclosed.").

Plaintiffs further object to this Request to the extent that it calls for the disclosure of privileged information regarding donors and finances that is protected by the First Amendment associational privilege. *See Buckley*, 424 U.S. at 66; *NAACP v. Button*, 371 U.S. at 429; *Perry*, 591 F.3d at 1142 & n.9; *AFL-CIO*, 333 F.3d at 177; *ISKCON*, 1985 WL 315, at *8. The disclosure of Plaintiffs' specific election-related plans, programs or events would severely impair their ability to organize their affairs, select and promote their message, and advocate successfully for the causes and candidates they support. It is precisely this sort of information that the First Amendment associational privilege protects against disclosure.

Subject to and without waiving these objections, Plaintiffs will not respond to this Request.

REQUEST NO. 13: All documents that reflect each Organizational Plaintiff's expenditures made on Solicitations for the two years prior to December 30, 2021.

RESPONSE: Plaintiffs object to this Request as irrelevant, overly broad and unduly burdensome, in particular with respect to its purported request for documents long-predating this

litigation. Plaintiffs further object to this Request to the extent that it calls for the disclosure of privileged information regarding donors and finances that is protected by the First Amendment associational privilege. *See Buckley*, 424 U.S. at 66; *NAACP v. Button*, 371 U.S. at 429; *Perry*, 591 F.3d at 1142 & n.9; *AFL-CIO*, 333 F.3d at 177; *ISKCON*, 1985 WL 315, at *8. The disclosure of Plaintiffs' specific election-related plans, programs or events would severely impair their ability to organize their affairs, select and promote their message, and advocate successfully for the causes and candidates they support. It is precisely this sort of information that the First Amendment associational privilege protects against disclosure.

Subject to and without waiving any of the foregoing objections, Plaintiffs will not produce any documents in response to this Request.

REQUEST NO. 14: All documents that reflect each Organizational Plaintiff's expenditures made on Solicitations from December 30, 2021, through the present.

RESPONSE: Plaintiffs object to this Request as unduly burdensome and overly broad to the extent it seeks "all documents," and not relevant to the needs of this case or to any party's claim or defense. Plaintiffs further object to this Request to the extent that it calls for the disclosure of privileged information regarding donors and finances that is protected by the First Amendment associational privilege. *See Buckley*, 424 U.S. at 66; *NAACP v. Button*, 371 U.S. at 429; *Perry*, 591 F.3d at 1142 & n.9; *AFL-CIO*, 333 F.3d at 177; *ISKCON*, 1985 WL 315, at *8. The disclosure of Plaintiffs' specific election-related plans, programs or events would severely impair their ability to organize their affairs, select and promote their message, and advocate successfully for the causes and candidates they support. It is precisely this sort of information that the First Amendment associational privilege protects against disclosure.

Subject to and without waiving any of the foregoing objections, Plaintiffs will not produce any documents in response to this Request.

REQUEST NO. 15: All documents that reflect each Organizational Plaintiff's income derived from selling or renting a contact list, whether that list included e-mail addresses, phone numbers, addresses, or any other methods of contacting individuals.

RESPONSE: Plaintiffs object to this Request as unduly burdensome and overly broad to the extent it seeks "all documents," and not relevant to the needs of this case or to any party's claim or defense. Plaintiffs further object to this Request to the extent that it calls for the disclosure of privileged information regarding donors and finances that is protected by the First Amendment associational privilege. *See Buckley*, 424 U.S. at 66; *NAACP v. Button*, 371 U.S. at 429; *Perry*, 591 F.3d at 1142 & n.9; *AFL-CIO*, 333 F.3d at 177; *ISKCON*, 1985 WL 315, at *8. The disclosure of Plaintiffs' specific election-related plans, programs or events would severely impair their ability to organize their affairs, select and promote their message, and advocate successfully for the causes and candidates they support. It is precisely this sort of information that the First Amendment associational privilege protects against disclosure.

Subject to and without waiving any of the foregoing objections, Plaintiffs respond that there are no documents responsive to this Request because they do not sell or rent contact lists.

REQUEST NO. 16: For any Solicitation that referred to the Senate Plan and/or the House Plan in any way, all documents that reflect the amount of money each Organizational Plaintiff received through such Solicitations.

RESPONSE: Plaintiffs object to this Request as unduly burdensome and overly broad to the extent it seeks "all documents," and not relevant to the needs of this case or to any party's

claim or defense. Plaintiffs further object to this Request to the extent that it calls for the disclosure of privileged information regarding donors and finances that is protected by the First Amendment associational privilege. *See Buckley*, 424 U.S. at 66; *NAACP v. Button*, 371 U.S. at 429; *Perry*, 591 F.3d at 1142 & n.9; *AFL-CIO*, 333 F.3d at 177; *ISKCON*, 1985 WL 315, at *8. The disclosure of Plaintiffs' specific election-related plans, programs or events would severely impair their ability to organize their affairs, select and promote their message, and advocate successfully for the causes and candidates they support. It is precisely this sort of information that the First Amendment associational privilege protects against disclosure.

Subject to and without waiving any of the foregoing objections, Plaintiffs will not produce any documents in response to this Request.

REQUEST NO. 17: All public statements made by each Plaintiff, or any Plaintiff's representative, concerning the Senate Plan and/or the House Plan. In responding to this request, such statements should include public testimony, e-mail messages, text messages, social media posts, speeches, or other similar statements.

RESPONSE: Plaintiffs object to this Request as overly broad, disproportionate to the needs of the case, and unduly burdensome to the extent it seeks "all public statements" and is not restricted to statements made on behalf of or at the direction of Plaintiffs. Plaintiffs object to this Request as vague because it fails to define the term "representative" and therefore could apply to a number of persons connected to Plaintiffs in some capacity. Plaintiffs also object that, to the extent this Request seeks non-public or internal communications of Plaintiffs or Plaintiffs' members, the Request impairs associational rights and privileges protected by the First Amendment. Plaintiffs further object that the Request is unduly burdensome insofar as it requests

public materials already available to the Defendant. Plaintiffs also object that this Request is not relevant, as Plaintiffs' public statements are not relevant to the needs of this case or to any party's claim or defense. Plaintiffs further object that this Request seeks documents outside Plaintiffs' possession about organizations or individuals not party to this lawsuit.

Subject to and without waiving any of the foregoing objections, Plaintiffs will produce any responsive, nonprivileged documents in their possession, custody, or control containing public statements made by each Plaintiff concerning the House Plan and the Senate Plan that they are able to locate following a reasonable search.

REQUEST NO. 18: All public statements made by each Plaintiff, or any Plaintiff's representative, since January 1, 2020, regarding the redistricting process in the State of Georgia. For this request, responsive records should include any statements proposing principles or changes to proposed redistricting plans in Georgia. In responding to this request, such statements should include public testimony, e-mail messages, text messages, social media posts, speeches, or other similar statements.

RESPONSE: Plaintiffs object to this Request as overly broad to the extent it seeks "all public statements" and is not restricted to statements made on behalf of or at the direction of Plaintiffs. Plaintiffs object to this Request as vague because it fails to define the term "representative" and therefore could apply to a number of persons connected to Plaintiffs in some capacity. Plaintiffs further object that the Request is unduly burdensome insofar as it requests public materials already available to the Defendant. Plaintiffs also object that, to the extent this Request seeks non-public or internal communications of Plaintiffs or Plaintiffs' members, the Request impairs associational rights and privileges protected by the First Amendment. Plaintiffs

further object to this Request to the extent that it seeks information protected by the attorney-client privilege and/or work product doctrine. Plaintiffs additionally object to this Request to the extent it seeks documents or information protected by the First Amendment privilege, including rights to association and petition. Plaintiffs further object that this Request seeks documents outside Plaintiffs' possession about organizations or individuals not party to this lawsuit.

Subject to and without waiving the foregoing objections, Plaintiffs will produce any responsive, nonprivileged documents in their possession, custody, or control containing public statements made by each Plaintiff regarding the redistricting process in the State of Georgia in their possession, custody, or control that they are able to locate following a reasonable search.

REQUEST NO. 19: All documents that reflect communications since November 1, 2020, between any Plaintiff in this action and any Plaintiff in any other civil action challenging the redistricting plans adopted during the 2021 special session.

RESPONSE: Plaintiffs object to this Request as unduly burdensome and overly broad to the extent it seeks "all documents," and as not relevant to the needs of this case or to any party's claim or defense, including to the extent it seeks documents not concerning the subject matter of this action. Plaintiffs further object to this Request to the extent that it seeks information protected by the attorney-client privilege and/or work product doctrine. Plaintiffs further object to this Request to the extent that it calls for the disclosure of information that is protected by the First Amendment associational privilege. *See Buckley*, 424 U.S. at 66; *NAACP v. Button*, 371 U.S. at 429; *Perry*, 591 F.3d at 1142 & n.9; *AFL-CIO*, 333 F.3d at 177; *ISKCON*, 1985 WL 315, at *8. The disclosure of Plaintiffs' communications with "any Plaintiff in any other civil action challenging the redistricting plans" would severely impair their ability to organize their affairs,

select and promote their message, and advocate successfully for the causes and candidates they support. It is precisely this sort of information that the First Amendment associational privilege protects against disclosure.

Subject to and without waiving any of the foregoing objections, Plaintiffs will produce any responsive, nonprivileged documents in their possession, custody, or control that they are able to locate following a reasonable search.

REQUEST NO. 20: All documents since November 1, 2020, that reflect communications between any Plaintiff in this action and any campaign for individuals running for elected office.

RESPONSE: Plaintiffs object to this Request as unduly burdensome and overly broad to the extent it seeks "all documents," and not relevant to the needs of this case or to any party's claim or defense. Plaintiffs further object to this Request to the extent that it seeks information protected by the attorney-client privilege and/or work product doctrine.

Subject to and without waiving any of the foregoing objections, Plaintiffs will produce any responsive, nonprivileged documents in their possession, custody, or control that they are able to locate following a reasonable search.

REQUEST NO. 21: All documents since November 1, 2020, that reflect communications between any Plaintiff in this action and the United States Department of Justice relating to the House Plan and the Senate Plan.

RESPONSE: Plaintiffs object to this Request as unduly burdensome and overly broad to the extent it seeks "all documents," not just those relevant to the needs of this case or to any party's claim or defense. Plaintiffs further object to this Request to the extent that it seeks information protected by the attorney-client privilege and/or work product doctrine.

Subject to and without waiving any of the foregoing objections, Plaintiffs will produce any responsive, nonprivileged documents in their possession, custody, or control that they are able to locate following a reasonable search.

REQUEST NO. 22: All documents that reflect any agreements entered into with any Plaintiff in any of the other civil actions challenging the redistricting plans adopted during the 2021 special session.

RESPONSE: Plaintiffs object to this Request as unduly burdensome and overly broad to the extent it seeks "all documents," or includes information protected by the attorney-client privilege, the work product doctrine, and/or proprietary information.

Subject to and without waiving any of the foregoing objections, Plaintiffs will produce any responsive, nonprivileged documents in their possession, custody, or control that they are able to locate following a reasonable search.

REQUEST NO. 23: All documents that reflect any agreements entered into by any Plaintiff and Fair Fight Action, Inc. or Fair Fight, Inc.

RESPONSE: Plaintiffs object to this Request as unduly burdensome and overly broad to the extent it seeks "all documents," and not relevant to the needs of this case or to any party's claim or defense. Plaintiffs further object to this Request as Plaintiffs and Fair Fight, Inc. are co-plaintiffs in litigation, and to produce any documents would implicate issues of privilege and work product.

Subject to and without waiving any of the foregoing objections, Plaintiffs will produce any responsive, nonprivileged documents in their possession, custody, or control that they are able to locate following a reasonable search.

REQUEST NO. 24: All documents that support any denial by Plaintiffs to any of Defendant's requests for admission.

RESPONSE: Plaintiffs object to this Request as unduly burdensome and overly broad to the extent it seeks "all documents."

Subject to and without waiving any of the foregoing objections, Plaintiffs will produce any documents in their possession, custody, or control supporting their denials to Defendant's requests for admission.

REQUESTS FOR ADMISSION

REQUEST NO. 1: Admit that before the Senate Plan and House Plan were enacted, each Organizational Plaintiff expended resources on election-related activities.

RESPONSE: Plaintiffs object to this Request because it is overly broad, including as to its temporal scope. Subject to and without waiving the foregoing objections, Plaintiffs respond: Admit.

REQUEST NO. 2: Admit that after the Senate Plan and House Plan were enacted, each Organizational Plaintiff expended resources on election-related activities.

RESPONSE: Admit.

REQUEST NO. 3: Admit that no Organizational Plaintiff has discontinued any previous election-related activities since the Senate Plan and House Plan were enacted.

RESPONSE: Plaintiffs object to this Request on the grounds that it is vague and ambiguous, including as to its use of the term "previous election-related activities." Subject to and without waiving the foregoing objections, Plaintiffs respond: Admit.

REQUEST NO. 4: Admit that the House Plan increased the number of majority-Black state House districts over the prior plan.

RESPONSE: Plaintiffs object to this Request to the extent it seeks information not currently in the Plaintiffs' possession, custody, or control, and refers to persons, entities, or events not known or controlled by the Plaintiffs. Plaintiffs further object to this Request to the extent that it calls for information that can be obtained from other sources that are more convenient and less burdensome, including the Defendant's own records. Plaintiffs additionally object to this Request on the grounds that it is vague and ambiguous. Subject to and without waiver of the foregoing

objections, Plaintiffs respond that, without a definition of "majority-Black," they cannot provide a response to this Request

REQUEST NO. 5: Admit that Democratic and minority legislators were invited to meet with the chair of the committee with jurisdiction over redistricting in their respective chambers.

RESPONSE: Plaintiffs object to this Request as vague, overbroad, and disproportionate to the needs of the case, including to the extent it does not make clear whether it refers to all or some Democratic and minority legislators in the Georgia General Assembly. Plaintiffs also object to this Request to the extent it seeks information not currently in the Plaintiffs' possession, custody, or control, and refers to persons, entities, or events not known or controlled by Plaintiffs. Plaintiffs further object to this Request to the extent that it calls for information that can be obtained from other sources that are more convenient and less burdensome, including the Defendant's own records. Based on Plaintiffs' present knowledge, information, and belief, Plaintiffs cannot provide a response to this Request.

REQUEST NO. 6: Admit that the redistricting plans that were invalidated for voting rights violations as referred to in Paragraphs 89–90 of the Complaint were drawn by Democratic-controlled General Assemblies.

RESPONSE: Plaintiffs object to this Request to the extent it seeks information not currently in the Plaintiffs' possession, custody, or control, and refers to persons, entities, or events not known or controlled by the Plaintiffs. Plaintiffs further object to this Request to the extent that it calls for information that can be obtained from other sources that are more convenient and less burdensome, including the Defendant's own records. Subject to and without waiver of the foregoing objections, based on their present knowledge, information, and belief, Plaintiffs respond:

The maps referred to in Paragraph 89 were passed by the 136th General Assembly, which consisted of 51 Democrats in the Senate, 5 Republicans in the Senate, 157 Democrats in the House, and 23 Republicans in the House. Because Plaintiffs do not know who actually drew the maps, however, they cannot admit or deny this request.

REQUEST NO. 7: Admit that Black voter turnout set records in the January 2021 runoff elections.

RESPONSE: Plaintiffs object to this Request on the grounds that the phrase "Black voter turnout set records" is overbroad, vague, and ambiguous in that it fails to define "Black voter turnout" and "records." This Request fails to specify whether "Black voter turnout" refers to the absolute number of Black voters who voted in the January 2021 runoff elections, or the proportion of the electorate that was comprised of Black voters. This Request also fails to specify whether "records" refers to record turnout for a January runoff election, an election for a U.S. Senate seat, or for an election in general. Subject to and without waiver of the foregoing objections, Plaintiffs lack sufficient information to admit or deny that the Black voter turnout set records in the January 2021 runoff elections.

REQUEST NO. 8: Admit that Georgia does not have a candidate slating process.

RESPONSE: Plaintiffs object to this Request on the grounds that the phrase "does not have a candidate slating process" is overbroad and imprecise. Subject to and without waiver of the foregoing objections, based on their present knowledge, information, and belief, Plaintiffs neither admit nor deny this statement.

REQUEST NO. 9: Admit that Black individuals have been elected to statewide office in Georgia.

RESPONSE: Admit.

Dated: October 5, 2022

Respectfully submitted,

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Counsel for the Alphi Phi Alpha Plaintiffs

*Admitted *pro hac vice*

Statewide Virtual Town Hall
Monday, October 18, 2021

7PM

7PM	Invocation	[redacted]
7:05PM	Black Church: "Call to Conscience"	[redacted]
7:10PM	Eyes on Georgia	[redacted]
7:15PM	What Do We Do Next	Bishop Reginald T. Jackson
7:20PM	Presentation of Special Guest	[redacted]
7:25PM	Special Guest	[redacted] Founder and President National Action Network Host, Politics Nation, MSNBC
7:45PM.	Questions	[redacted]
8PM	CNBC Church Vaccination	[redacted]
8:05PM.	Charge and Closing Prayer	[redacted]

Notes

These are the matters we need to address as we come to the close of the Town Halls. Letting the clergy and laity at the Town Hall what we will be doing and need their support on. We will be reaching out across the state to clergy and lay to build infrastructure and be effective and productive.

[redacted]- Black Church: "Call to Conscience" – historically Black Church has been the "conscience of the nation". In this environment the Black Church must raise its voice and in God's name call the nation to task as it seeks to turn back time to an era when civil rights, voting rights and other rights were not in place and the "evangelical right" declares that "any preaching or teaching of social justice is an injustice against the Gospel of Jesus Christ."

[redacted] – the eyes of the nation are on Georgia as it prepares to elect a governor, U S Senator and Representatives and State Legislature. Especially in light of the expected candidates in the governor's race, hopes of Republicans picking up a U S Senate seat

to take back control of the Senate and redrawing of the 6th Congressional District to help take back the House. If efforts to suppress and make it harder to vote succeed in Georgia they have a good chance of succeeding in other targeted states.

Bishop Reginald Jackson – What Do We Do Next? – after the town halls what do we do? What must we do to prepare and organize. Media? Operation Voter Turnout? Uniting the thousands of Black churches in Georgia? Meeting the requirements of SB 202 as it now stands.

6th District AME Church
September 15 ·

2022 Mid-Year Convocation Itinerary

SIXTH EPISCOPAL DISTRICT
AFRICAN METHODIST EPISCOPAL CHURCH

MID-YEAR CONVOCATION 2022

OCTOBER 5TH - 7TH

"FAITH WORKS"

WEDNESDAY, OCTOBER 5, 2022

10 A.M.	**Bishop Meets with Presiding Elders***
12 P.M.	**Lunch***
2 P.M.	**Sixth District Board of Christian Education to Meet***
3:30 P.M.	**Components to Meet with the Bishop***
5 P.M.	**Dinner**
7 P.M.	**Opening Worship** Dr. DeForest Soaries, First Baptist Church Lincoln Gardens, NJ

THURSDAY, OCTOBER 6, 2022

8:30 A.M.	**Morning Glory**
9 A.M.	**Opening Plenary,** *"Operation Voter Turnout"* *Education, Mobilization, Organization and Protection* Dr. DeForest Soaries
10:30 A.M.	**Candidates for Governor of Georgia** Ms. Stacey Abrams, Democratic Nominee Gov. Brian Kemp, Republican Nominee
11:30 A.M.	**Hour of Power** Rev. Lee May, Transforming Faith Church, Decatur, GA
1 P.M.	**Lunch**
3 P.M.	**Candidates for State Office (5 minutes each)** Lt. Governor, Secretary of State, Attorney General, Education, Labor, Insurance, Agriculture
4 P.M.	**Candidates for Federal Office** Rev. Senator Raphael Warnock, Democratic Nominee Mr. Herschel Walker, Republican Nominee
5 P.M.	**Break**
7 P.M.	**Evening Worship** Rev. Reginald Sharpe Fellowship Baptist Church, Chicago, IL

FRIDAY, OCTOBER 7, 2022

9 A.M.	**Morning Glory**
9:30 A.M.	**Plenary Session** Bishop Reginald T. Jackson, Presiding **A. Annual Conferences** 1. Retirement Services 2. Annuity and Health Payments 3. Presiding Elder District Assessments
10:30 A.M.	**B. AME Candidates Speak**
11:30 A.M.	**Hour of Power** The Rev. Dianne N. Brown, House of Hope, Atlanta, GA
1 P.M.	**Lunch**
3 P.M.	**Plenary Session** **A. Registration Meetings** **B. District Alignments** **C. Annual Conferences** **D. Sixth Episcopal District** 1. Christian Education 2. District Evangelism 3. Social Action **E. Other**
7 P.M.	**Closing Worship Service** The Rev. Katherine Brooks, Bethel AME Church Bristol, PA

MACON CENTREPLEX
200 Coliseum Drive, Macon, GA 31217

*Note: All Wednesday morning/afternoon meetings will be held at St. Paul AME Church
2501 Shurling Drive, Macon, GA 31211

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DEFENDANT'S EXHIBIT 7 1/9/23 TM
PENGAD 800-631-6989