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.

CASE NO. 1:21-CV-05337-SCJ

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VIDEO 30(b)(6) DEPOSITION OF

SHERMAN MACKAWAYNE LOFTON, JR.

January 10, 2023

9:03 a.m.

Suite 200
1600 Parkwood Circle SE
Atlanta, Georgia

S. Julie Friedman, CCR-B-1476
~~~~~~~~~~~~~~~~~~~~~~~~~~~

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Leo Mileman, Videographer

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Sherman Mackawayne Lofton, Jr.

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THE VIDEOGRAPHER: Good morning. We are on the video record at 9:03 a.m. -- excuse me -- on January 10th, 2023.

Please note 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 -- 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) Sherman Lofton, 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, For The Northern District of Georgia, Atlanta Division.

Location of this deposition is at Taylor, English in Atlanta, Georgia.

My name is Leo Mileman representing Veritext. I'm the videographer. The court reporter is Julie Friedman from the firm Veritext.

Would counsel all present please introduce yourselves, after which the court reporter will

swear in the witness.

MR. BOYLE: I'm Donald Boyle for Defendant Brad Raffensperger.

MS. LaROSS: Diane LaRoss for Defendant Brad Raffensperger.

MS. DOUGLAS: Maura Douglas for Alpha Plaintiffs.

MR. GARABADU: Rahul Garabadu for the Alpha Plaintiffs.

MR. PARKS: I'm Daryl Parks observing. I'm not counsel for these purposes.

THE COURT REPORTER: I'm sorry. I'm not hearing you, sir.

MR. PARKS: My name is Daryl Parks. I'm not making an appearance as counsel in this case, but observing.

THE COURT REPORTER: Okay.

THE VIDEOGRAPHER: And the people on Zoom.

MR. JACOUTOT: Bryan Jacoutot for the State Defendants.

MS. MAY: Caitlin May for Alpha Phi Alpha Plaintiffs.

MS. TSAI: Denise Tsai for Alpha Phi Alpha Plaintiffs.

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SHERMAN MACKAWAYNE LOFTON, JR., having been first duly sworn, was examined and testified as follows:

CROSS-EXAMINATION

BY MR. BOYLE:

Q. Could you state your full name for the record, sir.

A. Sherman Mackawayne Lofton, Jr.

Q. Okay. Mr. Lofton, again, I'm Don Boyle for the Defendant. I'll be taking your deposition today.

Could you give us your -- your home address.

A. [redacted] McDonough, Georgia [redacted]

Q. Have you ever had your deposition taken before, Mr. Lofton?

A. Yes. I have.

Q. How many times?

A. Once.

Q. How long ago was that?

A. 19, 20 years ago.

Q. What were the circumstances? What was it about?

A. I would say I was deposed to give

testimony for a professor that was suing the Georgia Institute of Technology.

Q. Okay. All right. Your counsel probably have talked to you about this, but it always helps to go over ground rules on how depositions work.

We have a court reporter taking down my questions. She'll be taking down your answers, any objections by counsel. Also, a videographer.

It's important that both you and I express ourselves in words. Even though there is a videographer, there will be a written transcript to which people will refer, so it's important that we not just nod our head or shake our head, 'cause that doesn't get down on the transcript.

Is that all right?

A. Certainly.

Q. Okay. If I ask a question that is confusing, it's perfectly all right; and you should ask me to rephrase it; and I'll try to rephrase it.

Is that all right?

A. Certainly.

Q. I don't expect that we'll be going all day, but it always makes sense to try to take a break for people to stretch their legs maybe every hour or a little over an hour, and we'll try to do that.

But if at any time, as long as a question's not pending, you just let me know; and we can take a break. Okay?

A. Okay.

Q. Also, the format we're in sometimes seems like a conversation; but it is a formal proceeding in that you're sworn to tell the truth. I'm asking you questions.

So it's important that we not interrupt each other, just so that the reporter can get it down straight.

Is that okay?

A. That's fine.

Q. All right. Are you on any medications today that would keep you from giving clear testimony?

A. No.

Q. Have you ever given trial testimony?

A. No.

Q. Have you ever been convicted of a crime?

A. No.

Q. In preparing to testify today, did you discuss this case with anyone other than counsel?

A. No.

Q. Tell me about your educational background,

where you went to high school, any college, any graduate education.

A. I went to high school at M.D. Collins. That was located in College Park, 2800 Burdette Road. I graduated in 1984.

Then matriculated at the Georgia Institute of Technology from 1984 to 1990.

Q. You received a degree there?

A. I received a Bachelor's of Science degree in management, with a minor in finance and a minor in management information systems.

Q. Okay. Did you receive any other formal education?

A. No.

Q. Did you go to work right after your time at Georgia Tech?

A. Well, I was always working while I was at -- while I was a student. That work continued until I started my career maybe a year and a half after I graduated.

Q. What work were you doing while you were a student?

A. I was a bellman, limousine driver, valet parker, doorman at the Ritz Carleton Atlanta Hotel.

Q. Okay.

A. And I was also a deejay. That was my own company.
Q. Okay. Were you in the Alpha Phi Alpha Fraternity at Georgia Tech?
A. I was not.
Q. Okay. Were you in another fraternity at Georgia Tech?
A. A social fraternity, no. Honorary fraternity, yes.
Q. Okay. Which was what?
A. Kappa Kappa Psi, a national honorary fraternity for band in college, universities.
Q. So once you got out of Georgia Tech, what was your -- what was your first job that was different from what you had been doing when you were in school?
A. I was computer -- The role is called Computer Services Specialist 3. I worked for Georgia Tech, the College of Management, or the Ivan Allen College at the time.
Q. Okay. What were your duties in that job?
A. Basically to provide computer support services to professors in the schools of what they call Literature, Communication, and Culture; Georgia Tech's version of English; History, Technology

Society; Public Policy; Modern Languages; ROTC, as well as the School of Economics.

Q. How long were you in that position?

A. Well, three years.

Q. What was your next job?

A. Working for the Office of Information Technology at Georgia Tech as a network engineer.

Q. And how long were you in that position?

A. About two years.

Q. So we're up to about '95?

A. Actually, no. '97.

Q. Okay.

A. I started the job at Tech -- With computers, I started in '92.

Q. Okay. So what did you do after being a network engineer?

A. I went to work for a private company called AmQuest. They were a division of American Software in Buckhead.

Q. And what was your position there?

A. What was my position there? I was only there like three months.

I don't remember the title. I was more of a network consultant kind of position.

Q. All right. Well, what was your next job?

A. I left there. Went to work for Vanstar, and that was as a -- What was the first job? I forget. Ultimately, became a --

I was a enterprise management consultant, international consultancy program.

Q. What's involved in being an enterprise management consultant?

A. Ultimately, what -- Well, at the time, it was helping customers, essentially, how do they manage their infrastructure. That was their servers, their applications, their network infrastructure, et cetera in terms of bringing that into like a cohesive management platform to try to integrate what they were using.

Some of them were already using other management platforms such as HP OpenView, Tivoli, what have you.

And we were using a variety of different platforms, depending on customer's use, to try to help make their management of those elements more efficient and to, more or less, get them to like what we called a single pane of glass, so that way, they're not having to look at different products and different tools and consoles in order to get an understanding of the health state, status of their

systems across their infrastructure.
Q. And how long were you at Vanstar?
A. Till about '99 when Vanstar got acquired by Inacom.
Q. How do you spell that?
A. Inacom is I-N-A-C-O-M.
Q. Okay. I'm sorry. Please. Go ahead.
A. And then once the acquisition completed -- I don't remember the exact timeframe; but I remember they filed for -- Well, I got laid off two weeks before they filed for bankruptcy, which was June of 2000.
Q. Okay. I remember 2000. That was difficult.
So what was the next job that you had?
A. I worked for a company called Predictive Systems. They were a network consultancy based out of New York. They had a office in Roswell.
Q. Let me go back to Vanstar/Inacom. That was here in the Atlanta area?
A. The offices were. Yes.
Q. Okay.
A. Well, they're -- The main company were headquartered elsewhere, but there were offices here in Atlanta, metropolitan Atlanta.

Q. Okay. And how long were you with Protective Systems?
A. Predictive Systems.
Q. Oh, Predictive. Got it.
A. Until 2002.
That company got acquired by another company called INS, which was owned by Ross Perot 2002; and I was laid off June of 2002.
Q. What was your next job?
A. I worked for a rubber manufacturing company called Kleen-Tex.
Q. Where was that located?
A. La Grange.
Q. What did you do there?
A. Network engineer; computer support; a variety of different, you know, IT-type functions.
Q. And how long were you there?
A. Nine months.
Q. What was your next job?
A. I went back to Georgia Tech. I was a network engineer -- well, a network security engineer.
Q. So when did you start that position?
A. September of '02.
Q. And how long were you in that position?

A. Got promoted to network security manager '05-ish, around 2005 or so.

Then I left Georgia Tech June of '06 -- May -- June of '06.

Q. And what was your next position?

A. Took a contract position with Tek Systems. I was contracted with the CDC as a -- what was that role -- security -- network security engineer consultant.

Q. So you would have started there late '02?

No. Obviously, late '06?

A. Yes. July of '06.

Q. Okay. And how long were you there?

A. Late February or early March of '07.

Q. And what was your next position?

A. I worked for Turner Broadcasting Systems as a network -- senior network engineer -- no -- senior network security engineer. Sorry.

Q. And how long were you there?

A. I left in 2021, 2021.

Q. Okay. All right. Did your title change at all when you were at TBS?

A. It did. It changed. It went to senior manager of network security services.

Q. And what was your next position?

A. Senior security cloud solution architect for Microsoft.
Q. And how long were you there?
A. About a year and a half.
Q. And what was your next position?
A. Current position. Senior director of cybersecurity operations at Georgia Tech.
Q. Why did you leave TBS?
A. Because they wanted me to go work for AT&T, and I didn't want to work for AT&T.
Q. What was the reason not to work for AT&T?
A. I don't like their culture.
Q. Okay. Would it -- Would it have required a move?
A. No.
Q. Okay. Why did you leave Microsoft?
A. Because the opportunity to go back to my alma mater became available, and it was a -- a role that I couldn't pass up.
Q. Okay. Okay. So what are your duties in your current position?
A. I oversee the -- the daily operations of the cybersecurity teams. I have a team of cybersecurity engineers. Their role is to -- essentially to take care of all of our cybersecurity

systems, where we do incident detection, threat -- threat detection, tool -- tools that are associated with that, as well as certificate distribution and assignment to different academic business units on campus; the care and feeding of log systems, where we collect logs for different systems around the campus -- business units, academic units, research units, et cetera.

I also have a data analytics team. They're responsible for taking all the data and then creating datasets and then making certain interpolations of trying to forecast what we may think may be pending threats, as well as helping different academic business units determine how we're able to make intelligence out of the data that they're feeding us.

Lastly, I also manage a -- a security operations center, what we call the SOC. I've got a team of SOC analysts, a group of FTEs, full-time employees, as well as student -- student employees, whose job is to take the ingestion of security incidents to triage, to resolve, whether that's resolve manually or through automation, to resolve those incidents to try to, you know, reduce the threat landscape to the campus.

Q. Okay.
(Defendant's Exhibit 1 was marked for identification.)
THE COURT REPORTER: Defendant's Exhibit 1.
Q. (By Mr. Boyle) Mr. Lofton, the reporter's handed you what we've marked as Exhibit 1; and I've put this up on the share screen for the people online.
This is the Amended Notice of 30(b)(6) Deposition of Alpha Phi Alpha Fraternity, Inc. Go ahead and page through it.
Have you seen this document before?
And it's got an Exhibit A on Pages 4 and 5.
A. Yes. I've seen this.
Q. Okay. If you go the second page, and it says under "Please note" that the organization must designate appropriate persons to testify.
Are you the person that Alpha Phi Alpha has designated to testify?
A. I am.
Q. Okay. And if you turn to Exhibit A on Pages 4 and 5 where there are topics numbered 1 through 15, since you say you read this before,

are -- are you the person to talk about all these topics for Alpha Phi Alpha?

A. I've read it before. It's been a minute. I'll probably need to read through it again, just to --

Q. Take your time.

A. -- refamiliarize myself with it.

Q. Yeah. Please do.

A. Okay.

Q. Okay. So you're ready to testify on all those topics?

A. Yes.

Q. Thank you.

Let's flip -- Flip back again to the second page, if you would.

A. (Witness complies with request of counsel.)

Q. It says right near the end in the last full paragraph, the person must be ready to testify about the information known or reasonably available to the organization regarding the topics listed in Exhibit A.

Are you -- Are you able to do that?

A. Yes. I am.

Q. Okay. All right. So you'll be testifying

about information known or reasonably known to the fraternity, Alpha Phi Alpha, right?

A. That's correct.

Q. Okay. You said you were not in the fraternity when you were at Georgia Tech. Could you tell me how you became associated with the fraternity.

A. Certainly. I was initiated into the fraternity May 6, 1995, through the Omicron Phi Lambda Chapter, which is one of the fraternity's alumni chapters which is seated in South Fulton, Georgia.

Q. Tell me, how -- how do the alumni chapters work; and is that -- is that different from other fraternities people may be familiar with.

A. Well, I -- I guess when you say how fraternities are known by other parties, I only know Alpha.

Q. Sure.

A. I mean, sure I know of what the perception may be of fraternities.

Q. Uh-huh.

A. But we're not the historical context of -- We're not the beer-drinking --

Q. Uh-huh.

A. -- party animal, "Animal House"-type fraternity. That's not Alpha. Alpha's --

The fraternity itself is more rooted -- focus on community service, focus on academic, and scholarship excellence --

Q. Uh-huh.

A. -- and service to mankind. Now that's essential bare bones at the root and foundation of the fraternity.

Q. Uh-huh.

A. And so from the alumni level, what that means is that we have a charge or a mission of service and serving the communities where we are seated and serve -- or where we reside, where we live, where we work, et cetera.

Q. Okay. Does admission -- Well, did your admission as a -- to that alumni chapter have anything to do with the fact that you'd gone to Georgia Tech?

A. No.

Q. Okay. So does -- does -- Does a man join Alpha Phi Alpha apart from having attended college?

A. No. You have to -- To join an alumni chapter, you have to have obtained a baccalaureate degree.

Q. Okay. But the particular chapter may not have anything to do with a particular school?
A. That's correct.
Q. Okay. So when did you first learn about this deposition today and that you might be involved?
A. A few months ago.
Q. And that's when you were told you might be the witness?
A. Yes.
Q. When did you start preparing to give testimony today?
A. Last month.
Q. And how did you go about preparing starting last month?
A. Had meetings with counsel.
Q. How many meetings did you have specifically to prepare?
A. Three to four.
Q. Okay. Were they all in person?
A. No. They were virtual.
Q. Okay. Can you estimate how much total time you spent in those meetings?
A. About a hour each.
Q. Uh-huh. What did you understand your obligations would be as the Alpha Phi Alpha witness?

A. To answer questions. Tell the truth. Tell the truth, the best of my knowledge; and just be forthcoming and truthful.

Q. Okay. But specifically to -- to testify today in getting ready, did you look at any paper documents?

A. Documents such as like what -- what you've provided with --

Q. Exhibit 1 --

A. -- Exhibit 1?

Q. -- the notice.

Yes.

A. Yes.

Q. Okay. Did you look at filings in the case?

A. I don't think I looked at filings. I looked at Exhibit 1, and I think maybe two other documents.

Q. Do you remember what those were?

A. One document was my -- it was a -- my --

Was it my disclosure?

Q. Your declaration?

A. My declaration. Thank you.

And I don't remember the name of the other document.

Q. Do you remember anything about it?
A. No. You can probably ask me about it. I don't --
Q. Okay.
A. -- actually know.
Q. Do you remember reviewing any e-mails specifically to get ready?
I mean, other than just -- Other than, say, a communication from your counsel, but an e-mail with information that would help you get ready to testify.
A. No. Other than a e-mail like for the directions to be here and where -- where to be today. Outside of that, no.
Q. Okay. Did you go over any financial records or information of the fraternity?
A. No.
Q. And when I say the fraternity, I'm saying -- I'm talking about Alpha Phi Alpha, right?
A. No.
Q. Did you bring any documents today to help you testify?
A. I did not.
Q. Did you review any deposition or other testimony given in this case to help you testify?

A. No. I didn't.
Q. Did you talk to anyone besides counsel to try to gather information to help you testify to the topics in the notice?
A. No.
Q. All right. Let's start going through the -- the topics. We'll sort of structure the deposition today. We may bounce around a little bit. I'll try not to. We're --
We'll take the first two topics together, and the first one is 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 the complaints.
And No. 2 is the changes made to the organization's budgets -- as well any contemporaneous rationale for such changes -- during its budget years from January 1st, 2021 through the present related to the laws, policies, or protocols challenged in this action.
So as to No. 1, what -- what can you tell me about how the fraternity has allocated its resources and budgetary decision -- made budgetary decisions since January 1st of 2021?

MS. DOUGLAS: And before the witness answers the questions on these two topics, I'll instruct him not to discuss any specific budget line items pursuant to the First Amendment associational privilege; but you can discuss resources and allocation generally.

THE WITNESS: Okay. Speaking of allocation of resources, what we have found is a lot of the resources that the chapters -- 'Cause a lot of the work here in Georgia, that's done by the fraternity or done by the chapters themselves, so, of course, the brothers are members of chapters. The work occurs through the chapters.

So chapters have had to essentially, in some cases, try to help assist other chapters in other areas of the state, because, as you can imagine, chapter sizes vary. You know, of course, in our metropolitan areas, the chapters are usually a little larger, so in the more rural areas, they're smaller.

So with that said, so sometimes the larger chapters have to assist the smaller chapters with that -- with that work. Because of their sizes, they don't -- may not necessarily have

the numbers. They also may not have --

Because they may be a smaller chapter, another chapter may assist them with some of the resources that they have, whether that is monetary, whether that is tangible items -- signage, posters, technology, et cetera.

MR. BOYLE: Okay. Let me make sense of this.

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

THE COURT REPORTER: Defendant's Exhibit 2.

Q. (By Mr. Boyle) Okay. Mr. Lofton, the reporter's handed you as Exhibit 2 the amended complaint in this case. It is fairly lengthy, but I'll ask you.

Have you seen it before?

A. Yes. I have.

Q. Okay.

A. I can't say I've read through -- through it in its entirety, but I'm -- I've read through parts of it.

Q. Okay. Did you have anything to do with providing information for the factual allegations in the complaint?

A. Directly?
Q. Yes, sir.
A. No.
Q. And if I -- If I could ask you, how did -- how did you come to be the witness for Alpha Phi Alpha today?
MS. DOUGLAS: I'll just instruct the witness not to discuss any substance of attorney-client conversations, which I don't understand to be the question but --
THE WITNESS: Certainly.
I serve as the Georgia District director for the fraternity.
Q. (By Mr. Boyle) Uh-huh.
A. So in that case, I serve as the spokesperson for the District of Georgia for the fraternity.
Q. Okay, okay. Okay. If you turn to Page 5, and there are numbered Paragraphs 12 through 14 there that relate specifically to Alpha Phi Alpha; and I'll ask you to just take a minute and read these over, so I can ask about those.
A. Okay.
Q. Had -- Do you recall reading those three paragraphs before today?

A. Yes.
Q. Okay. Do you believe those paragraphs are accurate?
A. Yes. I do.
Q. Okay. Turn to Paragraph 14. It says in the second sentence of 14, "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."
Can you be more specific about the --
Can you provide details as to -- as to what that sentence means?
A. Yeah. Certainly.
So, again, the chapter -- The chapters that comprise the District of Georgia are in specific cities, slash, counties. The work that they have been doing were typically focused on certain areas.
Because of the -- Some of the way some of these maps have been constructed did require for chapters to actually go beyond typically where they typically do their work just to be more impactful, which meant additional time, driving additional

distances, spending more monies there, allocating more of their chapter budgets to acquire more materials, to engage -- to engage citizens to help inform and enlighten around -- around topics that are dealing with voter registration, voter education, and voter mobilization.

Q. Okay. So although the complaint, which has a date on it of March 30th, 2022 (indicating), says in Paragraph 14, "If the new maps take effect, Alpha Phi Alpha will be forced to divert resources...", are you testifying that the fraternity has already started to divert resources?

A. We had to, you know. You said March of '22. We had the primaries. The primaries season went into effect, what, right after like May -- May of '22.

So yes. Chapters had to divert resources in -- in -- during the primary season, during the late summer, early fall in preparation for the upcoming -- at that time for the upcoming general election, as well as resources for the runoff election for the U.S. Senate race.

Q. What has the fraternity done historically with regard to voting?

A. Historically, I think it was in the -- one

of the documents we had talked about. One of our national programs --

Q. Uh-huh.

A. -- is called Voteless People is a Hopeless People.

Q. Uh-huh.

A. That program was established in the 1930s. Actually, it's the oldest national program that we have. That program during a time of Jim Crow and other voter suppression laws and activities that were taking place here in Georgia and elsewhere were used to help to try to register at that time.

The focus, of course, were on African-Americans to -- to try get them registered to vote, because --

Q. Uh-huh.

A. -- there were systemic -- systemic methods to try to prevent that same citizen base from registering to vote.

And so the program was born for that particular reason, to try to increase voter registration; and then, of course, assuming people would be registered to vote, that they would then vote.

Q. Uh-huh. And has that been a continuing

program up to the present day?
A. It still exists today.
Q. Okay. And that was in existence in Georgia in, say, 2019?
A. Yes.
Q. In 2020?
A. Yes.
Q. 2021?
MS. DOUGLAS: Objection. Asked and answered.
Q. (By Mr. Boyle) Go -- Yeah. Go ahead and answer.
A. Yes.
Q. In 2022?
A. Yes.
Q. Okay. Uh-huh.
(Defendant's Exhibit 3 was marked for identification.)
THE COURT REPORTER: Defendant's 3.
Q. (By Mr. Boyle) Mr. Lofton, the reporter's handed you what's been marked as Exhibit 3. Is that a document you recognize?
A. Actually, no.
Q. Okay. We may have got this from your -- from the fraternity's website. It doesn't have Bates

numbers, so I apologize.

But if you'd just page through it, it has table of contents on the fifth page. Does this generally seem to be talking about the program you were just testifying to?

A. Yeah. That's my assumption.

Q. Okay. But --

A. I can't say I've read this before, but yeah. That would be my assumption.

MR. BOYLE: Okay. It will be four.

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

THE COURT REPORTER: Defendant's Exhibit 4.

Q. (By Mr. Boyle) Mr. Lofton, the reporter's given you as Exhibit 4 a document titled, "ALPHA PHI ALPHA FRATERNITY, A VOTELESS PEOPLE IS A HOPELESS PEOPLE, NATIONAL COMMITTEE, PROGRAM EXECUTION & PRESENTATION GUIDE."

A. Uh-huh.

Q. Is this something you've seen before?

A. Okay. No.

Q. Turn to the second page of Exhibit 4, if you will. It's printed on two sides. See where it says, "Things to keep in mind."?

A. Yes. I see it.
Q. It says there, "Alpha Phi Alpha Fraternity, Incorporated is a 501(c)(7) organization pursuant to the Internal Revenue Code."
Is that your understanding?
A. It is.
Q. What's your understanding of -- of 501(c)(7) corporation?
A. Outside of -- you know, that there's -- It's not much. I mean, that's not a area of expertise for me.
I would -- I would say my understanding is that it's basically defined as what our not-for-profit status is --
Q. Uh-huh.
A. -- and that, you know, there's certain things that we have to follow in order to operate in order to maintain that particular status from, you know, whether tax -- tax exempt, et cetera.
Q. Uh-huh. Okay. Are you able to testify about your own alumni chapter and how it has been specifically affected by the redistricting?
A. A bit.
Q. Please go ahead.
A. A bit. 'Cause my role as -- as district

director, I'm over all the chapters, so I don't spend as much time with my own chapter just because of the role that I have.

So while I may be aware of certain activities, I can't say that I can speak in depth about everything that they've done, 'cause they haven't necessarily been my focus of sort, 'cause I've got other chapters across the district. That depends on what things are going on that may have my attention.

Q. Okay. Does the fraternity have a national budget?

A. It does.

Q. Okay. How has the fraternity's national budget been affected by the redistricting in Georgia?

MS. DOUGLAS: And, again, I'll instruct the witness not to discuss specific budget line items pursuant to the First Amendment.

THE WITNESS: Okay. I can't speak to the general organization budget.

Q. (By Mr. Boyle) Uh-huh.

A. That's -- My focus is on the district.

Q. Okay. But you believe it has been affected?

A. I can't speak to the national -- to the

general organization's budget.

Q. Okay. And when you -- Explain to me what the district is.

A. So organizationally, there's the general organization, which is -- you may refer to international; and then within the general organization, there are regions, other regions verified. We're in the southern region.

Q. Uh-huh.

A. Within the southern region, there are districts, of which there are seven. For -- For the southern region, those districts actually are specific to the seven southern states that comprise that region. Georgia is one of those districts.

Q. Okay.

A. Within the districts, you have chapters. Chapters are -- We have college chapters. We have alumni chapters.

Q. Uh-huh.

A. And so -- So each of those levels, there's a general organization budget. There's a region budget. There's a district budget. The chapters have their budgets as well.

Q. Okay. How have those various levels of the Georgia District budget been affected by the

redistricting?

A. The district budget has not been impacted. The chapters, their budgets have been impacted, because the work -- the work that's done is done at the chapter level, and so it's the chapters themselves whose -- who have had to make budget adjustments, you know, whether that was raising dues, whether that was trying to raise monies in order to try to offset certain increases and things that have come up associated with some of the roll out of our get out the vote campaigns -- Voteless People is a Hopeless People.

Q. Okay. Are there annual dues paid by members in Georgia?

A. To chapters, yes.

Q. Do you know what that amount is currently?

A. It varies per chapter.

Q. Okay. Do you know what it is for your chapter?

A. It is. Yes.

Q. What is it?

A. Well, we have two categories. We have dues for what we would term life members, and then we have dues for nonlife members. Life members pay 235 and -- no -- 240, and then nonlife members pay

390.
Q. So that's per year?
A. Per year.
Q. Okay. And has that gone up since the redistricting map went into effect?
A. For my chapter, it went up $5 --
Q. Okay.
A. -- per member.
Q. All right. Do you attribute that increase to the changes in the activity of the chapter due to redistricting?
A. I can't say. I wasn't at the budget presentation meeting, so I don't -- when the budget was -- When they made the increase to dues, I wasn't at the meeting where the finance team presented the budget and its rationale for increasing.
Q. Okay. Does your position have anything to do with determining dues at any level?
A. No.
MR. BOYLE: Okay. Uh-huh. Where are we now -- five?
THE VIDEOGRAPHER: Yes.
MR. BOYLE: Five. Okay.
(Defendant's Exhibit 5 was marked for identification.)

THE COURT REPORTER: Defendant's Exhibit 5.

Q. (By Mr. Boyle) Sir, the reporter's handed you as Exhibit 5, a document entitled, Plaintiffs' Responses and Objections to Defendant's First Set of Interrogatories, Requests for Production of Documents, and Requests for Admission."

Have you ever seen this document before? I know it's lengthy.

A. Can you give me just a minute.

Q. Yes, sir.

A. Yes. I've seen this.

Q. Okay. All right. If you turn to Page 7, and that's the response to Interrogatory No. 1, which starts on Page 6; but then the specific response for the fraternity, which is identified as APA, starts there on Page 7.

If you look at that paragraph starting, "APA: Prior to...", did you have anything to do with putting this language together, Mr. Lofton, before it was served?

A. No.

Q. Did you have anything to do with -- with putting these responses together at all that are Exhibit 5?

A. No.
Q. Okay. Do you know who did on behalf of the fraternity, if anyone?
A. I do not.
Q. Okay. All right. Do you believe that paragraph is correct?
And take your time to read it over again, the one on Page 7 relating to the APA.
A. Yes. I do.
Q. Okay. Let's turn to the next interrogatory response for APA, which is on the bottom of Page 8, the top of Page 9; and read over that paragraph starting, "APA: In addition to continuing..." Just read that to yourself.
A. (Witness complies with request of counsel.)
Q. It says at the bottom of the Page 8, "... 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..."
And then it gives -- The top of Page 9, it gives various examples -- voter registration

efforts, et cetera. So let me ask you about these specific.

Okay. So what voter registration efforts were expanded and intensified or -- or may be expanded and intensified in the future as a result of the redistricting?

A. Well, part of the ways, well, we had certain chapters that would -- We had chapters that would go out and conduct voter registration drives.

Q. Uh-huh.

A. Senate Bill 202 kind of put certain restrictions in place on some of the voter registration efforts. Where, for instance, we used to -- usually each chapter --

Well, each alumni chapter, at least, would have at least what we called a deputy registrar that worked with the local registrar's office to go through the training to be deputy registrar, so they would typically be on site when they were doing voter registration efforts; and then when they were collecting these voter registration forms, they would then bring those back and in. That part, they're not able to do anymore.

And so the voter registration efforts, typically, now they're done -- The citizens are

1 going to do it at the actual event itself. They have
2 to complete the form on site, or we encourage them to
3 go to the Secretary of State's website to register
4 themselves on the site directly.
5 So in terms of intensifying, we've had to
6 increase the number of voter registration efforts at
7 the collegiate level, as well as the alumni level.
8 The college chapters increase the number of voter
9 registration drives that they've done on their
10 respective campuses or in their communities
11 surrounding it or nearby the campuses.
12 And for the alumni chapters, they've
13 increased the number of voter registration efforts or
14 drives, whether they did those directly as chapters
15 themselves or in collaboration with other
16 organizations, other fraternities and/or sororities
17 as well.
18 Also, held forums about the importance of
19 voting. They've had online forums, in-person forums
20 regarding voting, educating on the elements of Senate
21 Bill 202 to try to help people understand what they
22 can do, what they can't do, you know, whether that
23 was voting in person, absentee voting, election day.
24 Also, you know, explaining at some of
25 the -- Some of the areas where our chapters are

seated and the areas that we serve, a lot of these polling precincts where people vote are typically -- a lot of times are polling precincts that are known to have long lines and have gotten longer because some of the poling precincts, of course, have been closed over the last few years; and so it was, of course -- Now the other poling precincts, it takes longer to vote, you know, whether that's early voting or election day voting.

Q. Okay. You mentioned Senate Bill 202 several times. Have any of these increased efforts or changed activities been attributable to the redistricting, as opposed to Senate Bill 202?

A. Well -- Well, I'll say the -- the frequency of the events, these events that we have, voter registration events, voter initiatives, yes, in terms of the redistricting, because we've had to -- Chapters have had to expand where they have typically gone just in order to be -- try to be more impactful to reach more voters. Because of the way some of the districts have been reconfigured, what had been before, now we have to now go reach to other areas where we may not have gone prior to, so it's -- Yeah.

So in case for the redistricting, if I

take our alumni chapter in Augusta, for instance, the Alpha Chi Lambda Chapter, a lot of the efforts pretty much center in Richmond County; but because of the redistricting, they had to go out to -- I don't know the county per se -- but out to like Wrens, Georgia; Louisville Georgia; Wadley. Jefferson County, I think it is.

And that's not an area that they typically have gone to, because they typically focused efforts right there, more or less like Richmond County, Columbia County; but they've had to go to other areas maybe 50 minutes -- 50 minutes to an hour outside the City of Augusta just to try to be more impactful and to try to, one, motivate voters, educate voters, get voters registered, because of those -- because of redistricting.

MS. DOUGLAS: Counsel, it's a few minutes after 10:00. Just wanted to check in with the witness, since it's been over an hour, if you want to take a brief break.

MR. BOYLE: I think that's fine, taking a break now would be a --

Ten minutes, shall we say?

MS. DOUGLAS: Fine with us.

MR. BOYLE: 10:15.

THE WITNESS: Okay.
THE VIDEOGRAPHER: Off video record at 10:04 a.m.
(Recess from 10:04 a.m. to 10:18 a.m.)
THE VIDEOGRAPHER: Back on the video record at 10:18 a.m.
Q. (By Mr. Boyle) Okay. Mr. Lofton, when you were testifying right before the break about, as an example, a chapter located in Augusta and its alternate or expanded activities to different areas from where it had gone before -- Remember that?
A. Yes.
Q. Would you say that that meant some other chapters in Georgia were changing their activities as well so that overall the fraternity was essentially at the same level of activity?
In other words, what I -- I know I'm asking a long, convoluted question.
Is the fraternity as a whole in Georgia engaging in more activity because of the redistricting; or is it a matter of a chapter goes into a new area, and then another chapter doesn't go into that area because of the new district lines?
MS. DOUGLAS: Objection to form.
THE WITNESS: Well, the chapters are going

into areas because of redistricting because of impact; because certain areas, they were probably included in the districts before; but now they have changed.

And so because they have been changed, the -- the voting demographic in that district shifted, so in order -- and -- and since the -- Since the voting demographic shifted, some of those constituents were frustrated and also were -- were becoming apathetic to the fact. Like, ah, well, why should I, you know, why should I vote now. It doesn't matter.

And so yes -- So yes. So we felt compelled in order to try to, one, keep the motivation up, try to do what we can to try to help increase voter turnout and, you know, with the -- So that meant we had to extend ourselves beyond what we had normally been doing.

Q. (By Mr. Boyle) Okay. You testified earlier about annual dues. Does the fraternity in Georgia have other sources of funds beside annual dues?

A. No.

Q. So the -- So the Georgia District doesn't get any funding from the national organization?

A. I wish it did, but no.
Q. And it doesn't engage in any sort of fund raising outside of the fraternity members?
A. No. No. We're -- We're a member -- a member-driven organization, so on the district level, how we collect our funds, we collect --
In terms of our operating, we collect funds from the chapters, so the chapters know that they have to pay certain fees.
Or we call it district -- or district -- For us, we call it district taxes, so they have to pay a district tax to us. They have regional fees they have to pay. They have general organization fees they have to pay.
All that's incorporated into the membership dues that they pay at the chapter level, and so those things are factored into how they construct and come up with their dues structure, knowing that they have to pay certain fees at the district, regional, general organization level.
So from the district for how we construct our operations, budget is all based on what we receive from the chapters in the form of district assessments and taxes.
Q. Are you able to testify as to the total

amount of increased dues that the district has had to raise -- has had to collect allegedly as a result of redistricting?

A. I am not.

And the chapters, the work itself, the increase -- the increase for the budgets have occurred at the chapter level.

Q. Uh-huh.

A. The district does not impose upon the chapters. We don't impose on them to increase anything.

You know, of course, if we have to increase the fees that we charge, then, of course, we know that they're going to have to make an increase on their level; but their increases that they're doing are for all of their program -- programmatic efforts -- for the national programs, for the other community service initiatives that they have.

But in respect to supporting the national program of Voteless People is a Hopeless People, the chapters have had to make -- They have had to make expenditures -- increase -- increased level of expenditures beyond what they had been doing in the past in order to support the expanded -- expanded efforts.

Even in the sense of even collaborating, chapters collaborating together in order to -- to go to things or a chapter going to help another chapter in another area in order to do those things, it's -- That's what this has become. Not that chapters never worked together before; but typically, when it came to the voter programs, the chapters typically focused in their service areas; but because of the voter redistricting, they've had to actually collaborate to try to cover -- to try to cover some of these areas and where the districts have been reconfigured.

Q. Okay. And what's the source of your -- your knowledge of these -- these increased efforts that you've just testified to?

A. Chapters provide annual reports --

Q. Uh-huh.

A. -- to the district. We have a -- chapter evaluations that they submit to us annually. Their chapter reports are basically a summary of the list of activities that they've done over the -- over the last year; and typically, that report runs November -- November to October, so they -- they report on those activities.

You may get reports on where some chapters -- A president, a chapter president may

call me to let me know, hey, this weekend, we went to this area; and we did these level of activities, so there's always the formal submission of activities. Then there's always the more informal, hey, by the way, we're going to this area this weekend or on a Saturday.

Q. Uh-huh.

A. You know, sometimes I may be invited to come --

Q. Uh-huh.

A. -- depending on, you know, what they're trying to do, you know; or I may stay -- stay close to home or help my chapter or the chapter where I live, 'cause the chapter where I live is not the chapter of my membership so --

Q. Okay. In your position as district director, do you have regular meetings with chapter presidents?

A. Typically, quarterly. I do quarterly meetings with chapter presidents mostly talking about announcements, upcoming -- upcoming events --

Q. Uh-huh.

A. -- whether that's a district event or a region event --

Q. Uh-huh.

A. -- making more -- appraising them of certain things that are coming up.

Like we have a meeting next month. We'll be talking about plans for the upcoming regional convention. We'll be talking about how about celebrating our graduating seniors. A spring leadership meeting, we have planned, you know, things like that.

So, you know, especially as we're about five months -- well, four and a half, five months from the end of the school collegiate year, there are things that we need to make sure administratively that they're taken care of; and, you know, a lot of reminders that we kind of cover through that process of just make sure, that, hey, don't forget these deadlines that are coming up.

You know, chapter elections usually happen April, May. Then after elections, they have reports they have to submit, you know, just those -- those administrative reminders.

Q. Okay. So is it your testimony on behalf of the fraternity today that the Alpha Phi Alpha in Georgia has expanded its activities as a result of redistricting, but not reduced its activities in any way?

A. Yes. It absolutely has not reduced. It has expanded throughout -- throughout -- throughout the state.

Q. Okay.

A. Now and I use district and state kind of interchangeably so --

Q. Uh-huh. Okay. So -- So the testimony of the fraternity through you today is that the fraternity has not had to cut back in any way on the activities it would otherwise be doing because of redistricting?

A. We have not cut back. We have increased.

Q. Okay. In the increase of activity, are you able to -- to testify on behalf of the fraternity as to any specifics, like any particular -- any particular program where the number of hours have gone up or the number of dollars appropriated to it have gone up, things --

MS. DOUGLAS: And, again, I'll --

Q. (By Mr. Boyle) -- like that?

MS. DOUGLAS: I'm sorry.

MR. BOYLE: I'm -- I'm done.

MS. DOUGLAS: I'll instruct the witness not to discuss specific budget line items.

Q. (By Mr. Boyle) Okay.

A. Also, can you repeat.
Q. Are you able to talk about any specific programs that have -- that have increased because of redistricting?
A. Well, so a Voteless People is a Hopeless People is our umbrella, kind of a -- is our national program, which under that is our voter initiative-type activities.
Whether we call that Get Out the Vote, whether we call that, First of All, We Vote, whether we call that Souls for the Polls, all of those fall up under a Voteless People is a Hopeless People, those types of activities have had to increase. In terms of voter registration activities, voter education activities, voter mobilization activities, have all increased.
Q. Uh-huh. And you've testified and the -- and the documents I showed you, which I -- I know may be new to you today, but they reflect that the --
Some of these programs go back to the 1930s, correct?
A. Yes.
Q. Okay. So does the district generally give direction to the chapters on how they should be implementing these voteless people/hopeless people,

souls to the poles, et cetera programs?
A. So the district in terms of what we do --
So a Voteless People is a Hopeless People goes -- I -- I kind of -- I kind of perused the implementation guide; and the implementation guide kind of at least provides a framework for, you know, what types of activities; or it gives ideas.
Q. Uh-huh.
A. Chapters are free to modify that how they see fit. Some activities in one area may not resonate well in another area. Brothers in chapters in a particular area typically know the area better than -- than I would, for instance.
If they're, let's say, in South Georgia, they would know South Georgia landscape better than I would. So they may know, well --
Q. Uh-huh.
A. -- we'll do -- These are the types of activities that we're going to do here, you know, as opposed to a chapter in metropolitan Atlanta.
Q. Uh-huh.
A. May choose to do a similar activity, but then maybe do it a little bit differently, and that's okay.
I think the -- the crux of it is

registering voters. We're educating voters. We're helping to mobilize to get voters out. That's really where the focus is.

So the methods that they use or the how they create the vehicle to accomplish that, they have latitude in that regard.

Q. Uh-huh. But you do get reports?

I mean, does the district level get reports from the chapters, whether on an annual or quarterly or other basis, on how many hours members have spent on particular programs?

A. We do not collect -- Currently, we do not collect that information on the district level. On the regional level, they do collect what we call service hours.

Q. Uh-huh.

A. But that's not specific to voter activity. That's for community service, in general.

Q. Uh-huh.

A. And so chapters report that to the region and -- And typically, we're trying to capture the number of hours that chapters are doing on an annual basis and then try to then aggregate that to then show impact across the region, but they -- from that report, they --

I have not seen where they're now taking that same data and saying oh, well, this is the number of hours for Georgia or for Florida or for Alabama. It's more or less, they just report it across the region.

Q. Okay. And I apologize. I know you said this earlier.

So is the region above the district or below the district?

A. Above.

Q. Okay. So the chapters are reporting past the district level to the regional level?

A. Correct.

Q. Okay. And are you aware of any documentation in the form of a spreadsheet or otherwise that would show -- that would track hours on these various programs that maybe say 2020 hours, 2021 hours?

A. I'm not -- I'm not sure how the region is -- 'cause that's a committee takes care of that. I'm not sure what they're utilizing to capture that. I know they -- The chapters submit through a online forum.

In terms of the back end, what's on the back end, what -- whether it's a -- it's -- I would

assume it's either some kind of a relational database or a spreadsheet of some sort. That's my assumption.

But what they're using to capture in the back end, I'm not sure.

Q. Uh-huh. Okay. So I -- I appreciate that you're testifying to the best of your ability today.

But you're saying there -- there isn't any information that -- that you have access to at the district level that would track changes in hours devoted to voter registration, get out the vote efforts, et cetera by fraternity members in Georgia over the last several years?

A. Nothing that I can -- I don't have any document that will track or show a trend in the number of events, hours, what have you.

All I can do is go off the -- the reports that I get from the -- from the chapters themselves, you know, based on the activities that they're doing. Whether that's through informal communication or through the reports that they submit, the annual reports that they submit to the district.

Q. Okay. Are you able to say what percentage of the fraternity's activity in Georgia is focused on people who are affected by redistricting in the particular districts alleged in the complaint?

A. No.
Q. Okay. Is that something anybody at the fraternity would be able to do?
A. It would -- it would take -- Someone would have to coordinate that, but --
Q. Uh-huh.
A. -- there's nothing organized currently where we're collecting, where we have collected that to the district level.
Q. Okay. Does the district maintain an annual budget?
A. Yes.
Q. Who's in charge of that?
A. Who's in charge of the budget itself in terms of creating the budget or --
Q. Yes.
A. We have a finance team which consists of a treasurer and a financial secretary.
Q. And who are in those positions right now?
A. The names of the people?
Q. Yes.
A. Brother Donald Webster, and Brother Gerald Yerby.
Q. Is that Y-E-R-B-Y?
A. Y-E-R-B-Y.

Q. So Webster is the treasurer?
A. Yes.
Q. And Yerby is the financial secretary?
A. That's correct.
Q. Okay. And are those -- Are those positions that rotate or -- Or do people stay in those for years?
A. They're appointed by me.
Q. Okay.
A. Or the district director --
Q. Okay.
A. -- so --
Q. Do you know how long Mr. Webster's been in his position?
A. He served as treasurer my tenure. Let's see. This is for a -- Probably 15 years.
Q. How about Mr. Yerby?
A. I want to say this might be Year 8 -- Year 7, Year 8.
Q. Okay. But you didn't consult with either one of them about budget issues before you came to testify today?
A. No.
MS. DOUGLAS: Objection. Form.
Q. (By Mr. Boyle) All right. Do you

remember the last time you looked at the district's annual budget?

A. I looked at the proposed budget for -- The proposed budget that I viewed was for 2024 or '25, and I looked at that in November.

Q. Uh-huh. Did that reflect any changes or increases of activity because of redistricting?

MS. DOUGLAS: Objection to the extent the question seeks information protected by the First Amendment privilege.

I instruct the witness to answer only if he can provide general answers on resources and allocation and not specific line items.

THE WITNESS: I can't recall. I don't believe so.

Q. (By Mr. Boyle) Okay. If you've -- If you're still got the interrogatory -- excuse me -- the discovery responses, Exhibit 5.

A. Okay.

Q. Let's turn to Page 10, and there's a paragraph starts at the bottom of Page 10 and goes over to the top of 11. If you'd just read that to yourself. Let me ask you about that.

A. Okay.

Q. Okay. So it says at the bottom of the

Page 10, "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."

Is that accurate?

A. Yes.

Q. And from your previous testimony, is it true that that alleged diversion of resources occurred only at the chapter level?

A. They occur at the chapter level. Yes.

Q. Okay. And then on the top of Page 11, "In response, APA has devoted significant resources to promoting voter engagement and combating voter apathy, including through the 'Black Man Vote' initiative... a partnership with 'Black Voters Matter,' and supporting 'Souls to the Polls efforts by local churches."

Is that accurate?

A. Yes.

Q. And is that devotion of resources, again, only at the chapter level, not the district level?

A. That's correct.

Q. If we wanted to send a subpoena to the region to -- to get the information on the chapter

resources and chapter spending, where would we direct that?

A. To the regional vice -- southern regional vice president.

Q. Who is that?

A. His name is Cecil E. Howard.

Q. Okay. Do you have contact information for him?

A. Yes. I do.

Q. Which is what --

A. I don't know --

Q. -- if you --

A. -- it offhand. I'd have to --

Q. Do you know what --

So what can you tell me. What can you tell me off the top of your head?

A. He lives in Tampa, Florida.

Q. Maybe you can get that for us at a break. I appreciate that.

A. What -- What did you need, his mailing address or --

Q. Yeah. Because we -- Say we want to send a subpoena to him, we just -- we just need to know where it goes.

A. Okay.

Q. Thank you.
If we go back to Exhibit 1, the -- the notice --
A. (Witness complies with request of counsel.)
Q. -- let's look at the top of Exhibit A, the two top -- the topics there.
Mr. Lofton, as a representative for Alpha Phi Alpha Fraternity, have you told me everything the fraternity knows about Topic No. 1?
Is there anything else you would want to say?
A. Yes.
Q. So you've told me everything you know?
A. Yes.
MS. DOUGLAS: Objection. Vague.
Q. (By Mr. Boyle) Okay. How about Topic No. 2? Is there anything else that you need to say to give a full testimony as to Topic -- if you've covered Topic 2?
MS. DOUGLAS: Same objection.
THE WITNESS: I mean, based on the questions you've asked, yes.
Q. (By Mr. Boyle) Okay. Are there any questions I should have asked about Topic 2?

MS. DOUGLAS: Objection to form.
THE WITNESS: I don't know.
Q. (By Mr. Boyle) All right. Okay. Let's go to Topic 3 -- "The Organization's exempt purpose and activities it undertakes in accordance with its exempt purpose."
So we saw in that earlier document that it said that the fraternity is a 501(c)(7) organization.
You recall seeing that?
A. Yes.
Q. And your understanding of that is what?
A. That that's -- That's our organization. That's -- We are a not-for-profit organization, so from a tax exempt purpose, what it stated was that we can't -- we can't endorse any political parties or a candidate over another in the name of the fraternity.
MR. BOYLE: Okay. All right. I'm sorry. We need to take a five-minute break. Can we do that.
THE VIDEOGRAPHER: Off the video record at 10:46 a.m.
(Recess from 10:46 a.m. to 10:56 a.m.)
THE VIDEOGRAPHER: Back on the video record at 10:56 a.m.
Q. (By Mr. Boyle) Okay. I -- I apologize

for bouncing around, Mr. Lofton; but let me ask you one or two more questions on one and two.

Tell me again about the annual reports that you get from the chapters.

MS. DOUGLAS: And, again, I'll --

Sorry, if you didn't finish your question.

Q. (By Mr. Boyle) I think you testified there were annual reports to -- to you in your position as district director.

MS. DOUGLAS: And I'll instruct the witness not to discuss any specific budget line items pursuant to the First Amendment.

THE WITNESS: Yeah. The reports are not directly to me. They are submitted to a -- committee -- committee of chapter evaluations.

The reports are a summary of the chapter's activities over the last year to capture. Essentially, what we're looking for are their -- they conducted the national programs, any other special initiatives, and other activities that they may have, did over the year community servicewise, social, you know, anything else of interest that they may have done over the last year.

Q. (By Mr. Boyle) Okay. And do you recall

whether any of those reports showed a diversion of resources by the chapters resulting from redistricting?

MS. DOUGLAS: Same instruction to the witness.

THE WITNESS: Okay. I don't read the reports that go to that chapter evaluations committee. It's that committee's charge to review the reports, assess the reports, and give the chapters their score.

MR. BOYLE: Okay. Counsel, I have a question for you. Have -- Have Plaintiffs produced those reports?

MS. DOUGLAS: Not that I'm aware of, but we can confirm.

MR. BOYLE: Okay. Are you going to produce those reports?

MS. DOUGLAS: We don't have plans to.

MR. GARABADU: I don't think.

MS. DOUGLAS: Huh-uh.

MR. BOYLE: Okay. Is that because of a privilege or because you think that wasn't requested?

MS. DOUGLAS: We can confirm and discuss. We believe they would likely be protected by the

First Amendment but --

MR. BOYLE: Okay.

MS. DOUGLAS: -- beg to differ.

MR. BOYLE: Well, it sounds from Mr. Lofton's testimony that they may have relevant information that -- going to the Plaintiff's allegation, so I'll make a request now that they be produced, so we can take that up at another time.

THE COURT REPORTER: Defendant's Exhibit 5.

MR. GARABADU: I think we have five.

THE COURT REPORTER: Yes.

MR. BOYLE: I think this is six.

THE COURT REPORTER: I mean, six. Excuse me, guys.

MR. BOYLE: Yeah.

THE COURT REPORTER: I can't read my own writing. Is that okay?

MR. BOYLE: Yeah. That should be good. Yeah. If you want -- Okay.

THE COURT REPORTER: I'm going to tuck this under.

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

THE COURT REPORTER: And there you go, sir.

Q. (By Mr. Boyle) Mr. Lofton, I've handed you as Exhibit 6 a 990 tax form. I know that the first page is a little cut off, but it's 2019. If you -- If you look at the top, it says for the 2019 calendar year, and I'll ask you to page through it and tell me if you've ever seen it before.

A. The fraternity's 990, I would not be privy to this.

Q. Okay. It says on the first page that -- under F about 2 inches down the principal officer is Donald Jackson in Baltimore, Maryland.

Are you familiar with him?

A. No.

Q. Okay. Is -- Does the fraternity have a main office in Baltimore, Maryland?

A. It does.

Q. It says here at the top of the first page (indicating), "State of legal domicile" -- this is under letter M -- is Maryland.

Do you see that?

A. Yes.

Q. Is that your understanding?

A. It is.

Q. Let's turn to the second page.
A. (Witness complies with request of counsel.)
Q. It's printed sideways.
Okay. Do you see at the top it says under 1 that "...describe the organization's mission."
Read what it says there in all caps just to yourself.
A. Okay.
Q. Okay. Do you believe that's correct?
A. Yes.
Q. Okay. Is that consistent with the exempt purpose of the organization?
A. Yes.
Q. Okay. There's further detail in 4a and 4b. Read those to yourself.
A. Okay.
Q. Okay. In 4b it talks about national and special programs including Brother's Keeper?
A. Yes.
Q. Is that a program that is active in Georgia?
A. Yes.
Q. Has that been affected by redistricting?
A. I don't believe so. No.

Q. Okay. The last line of 4b talks about town meetings and candidate forums.

A. Uh-huh.

Q. Has the Georgia District of the fraternity been engaging in town meetings or having anything to do with town meetings as a result of redistricting?

A. And for clarification, when you ask if the Georgia District, you mean the entity as the Georgia District Association of Alpha Phi Alpha Fraternity or the chapters being conducted -- the chapters within the Georgia district?

Q. Right. The -- I mean -- I mean, all the chapters, I guess, any or all of the chapters within the Georgia District.

A. Have they been in --

Q. Involved in town meetings?

A. Yes.

Q. Okay. Specifically regarding redistricting?

A. Well, some meetings were revolving -- involving redistricting. Some other meetings were involving voter -- voter education and voter mobilization.

But yes. There were meetings that include -- that were -- discussed redistricting.

Yes.

Q. Okay. How about candidate forums? Did -- Did any of the chapters in Georgia sponsor any candidate forums that had anything to do with redistricting?

A. They had candidate forums, but the candidate forums were for candidates that were running for office. I did not attend the forums, so I'm not sure what questions may have been asked of the candidates. If they were pertinent to redistricting, I -- I can't answer.

Q. Okay. So is the fraternity a corporation?

A. Yes.

Q. Do you know where it's incorporated?

A. Currently, I want to -- initially, the first --

Well, yes. I want to say incorporated in Baltimore, Maryland. I want to say we're incorporated in Washington, D.C., if memory serves correctly.

Q. So is it incorporated in both places, or do you mean it was founded in Maryland?

A. No. It was founded in New York.

Q. Okay.

A. The first incorporation occurred in New

York.
Q. Uh-huh.
A. But a second incorporation occurred in Washington, D.C.
Q. Uh-huh.
A. And I believe there was an incorporation in Illinois at one point, and I believe that we're also incorporated in Maryland.
Q. Okay. Well, as far as you know, is it -- Is it a corporation in good standing.
A. As far as I know, yes.
Q. Okay. Sorry.
THE COURT REPORTER: Uh-huh.
MR. BOYLE: Uh-huh.
(Defendant's Exhibit 7 was marked for identification.)
THE COURT REPORTER: Defendant's Exhibit 7.
Q. (By Mr. Boyle) The court reporter's handed you, Mr. Lofton, Exhibit 7, which is a document from the Georgia Secretary of State's website for Alpha Phi Alpha incorporated, Alpha Phi Alpha, which is showing a 2008 incorporation as a Georgia corporation.
Is this the same entity as Alpha Phi

Alpha, Inc., the plaintiff in this case; or is this a different entity?

A. This is a different entity.

Q. Do you know what it is?

A. I do not.

Q. Okay. Is it possible it's a chapter?

A. I don't know, and the person who registered is deceased, so I don't know.

Q. Do you know what relationship he had with Alpha Phi Alpha Fraternity, Inc.?

A. I don't.

Q. Okay. How do you know he's deceased?

A. 'Cause I attended his funeral.

Q. Okay. So he was a member of the fraternity?

A. Yes.

Q. Okay. Do you recognize that address of [redacted]?

A. I do not.

Q. Okay.

(Defendant's Exhibit 8 was marked for identification.)

THE COURT REPORTER: Defendant's Exhibit 8.

Q. (By Mr. Boyle) So Exhibit 8 is another

1 document from the Georgia Corporations website, and
2 you'll see it has a reference to a control number,
3 8070114, at the top right; and that's the same
4 control number that's on Exhibit 7.
5 A. Uh-huh.
6 Q. I'm just showing you this. It's got some
7 more names on it at the bottom with officers --
8 Anthony Rundles and Deonte Simmons.
9 Do you recognize those names?
10 A. I do.
11 Q. Okay. Who are those people?
12 A. Well, they're brothers of the
13 fraternity --
14 Q. Uh-huh.
15 A. -- of course, and -- But looking at this
16 in terms of how it's phrased and knowing their
17 association, Alpha Phi, which is stated before
18 incorporated, is the chapter at Clark Atlanta
19 University.
20 Q. Ah.
21 A. So I'm assuming that this is something
22 that they established for the Alpha Phi chapter of --
23 Q. Uh-huh.
24 A. -- the fraternity.
25 Q. Okay.

A. And Brother Dr. Hardy was an initiate. Used to be an advisor for the Alpha Phi chapter. Brother Simmons and Rundles are both -- came into the fraternity through the Alpha Phi Chapter at Clark Atlanta.

Alpha Phi Incorporated threw me off. I'm like why did the -- Oh, probably Alpha Phi so --

MR. BOYLE: Okay.

(Defendant's Exhibit 9 was marked for identification.)

THE COURT REPORTER: Defendant's Exhibit 9.

Q. (By Mr. Boyle) The reporter's handed you, Mr. Lofton, Exhibit 9, which is a printout from the Maryland Secretary of State website. This appears to be to referring to Alpha Phi Alpha Incorporated, the plaintiff in this case, with a principal office 2313 St. Paul Street in Baltimore.

Is that the main office of the fraternity?

A. Yes.

Q. It shows a resident agent of William Lyle. Do you know who that is?

A. Yes.

Q. Who is he?

A. He is a past executive director for the

fraternity.

Q. Okay. And it's -- it's showing near the bottom date of formation or registration in 2003.

Do you know why it would say 2003?

A. I don't. No.

Q. Okay. And then it says State of Formation: Illinois.

Does that seem -- Is that accurate to you, as far as you know?

A. The headquarters, before it was in Baltimore, it was in Chicago, Illinois.

Q. Uh-huh.

A. So it would make sense that they were incorporated in the state of Illinois.

Q. Okay.

(Defendant's Exhibit 10 was marked for identification.)

THE COURT REPORTER: Defendant's Exhibit 10.

Q. (By Mr. Boyle) The reporter's handed you as Exhibit 10 a printout from the Illinois Secretary of State for entity Alpha Phi Alpha Fraternity. It reflects here that it's a corporation not-for-profit qualified in 1954 as a District of Columbia corporation.

And then on the next page it says an agent of George Reaves. Do you recognize George Reaves?

A. I know the name.

Q. Who is he, or do you know anything more than the name?

A. No.

Q. Okay. Do you think he has something to do with the fraternity?

A. Yes.

Q. Okay. Do you believe that this is referring to the plaintiff in this case, Alpha Phi Alpha Fraternity Inc.?

A. Yes. I believe it's -- is referring to the fraternity.

Q. Okay. Okay.

(Defendant's Exhibit 11 was marked for identification.)

THE COURT REPORTER: Defendant's Exhibit 11.

Q. (By Mr. Boyle) The reporter's handed you as Exhibit 11 a printout from the D.C. government website for corporations.

And this refers to Alpha Phi Alpha fraternity registered April 9th, 1911. Is that consistent with your understanding of when the

fraternity was founded?
A. It's consistent with what we refer to as our second incorporation.
Q. The first one being in New York?
A. Yes.
Q. Okay. As far as you know, is -- is the -- is the fraternity still incorporated in New York?
A. I don't know.
Q. Okay. Okay. You see at the bottom of the first page of Exhibit 11, it says, "Entity Status, Revoked."
Do you know anything about the -- the national organization's corporate status in D.C.?
A. I don't.
Q. Okay. Whose job is it to keep up with the national organization's corporate status?
A. I would assume it would either be our executive director.
Q. Who is? Who is --
A. Sean McCaskill.
THE COURT REPORTER: And one more time, please.
THE WITNESS: Sean, S-E-A-N, McCaskill, M-C-C-A-S-K-I-L-L.
THE COURT REPORTER: Thank you, sir.

THE WITNESS: Certainly.
Q. (By Mr. Boyle) Is the district of the fraternity in Georgia separately incorporated?
A. I don't believe so.
Q. Okay.
A. I'm trying to recall if we've ever had to submit any renewals or anything. I don't --
Not to my knowledge. No.
Q. Is that something that would be within your responsibilities as district director?
A. It'd be in my responsibility to oversee, if that was the case.
Q. Okay. Does the fraternity -- Strike that.
Does -- Does the Georgia district of the fraternity have a regular legal counsel apart from this lawsuit?
A. Yes.
Q. Who is that?
A. Ira Foster.
Q. And is Mr. Foster with a firm?
A. Is he with a firm?
Q. Yes.
A. Yes. He is.
Q. Which firm is that?

A. I don't know his -- I don't know it offhand. I'm sorry.

Q. Okay. Okay. I want to go on to Topic 4 in the exhibit -- in the notice, and that is the Organization's organizational structure, including individuals who have the authority to make funding and resource-allocation decisions for the Organization from January 1st, 2021 through the present.

You've already told me about how the fraternity is -- is organized. Are you -- Are you able to testify as to Topic 4?

A. If you're referring to the general organization or to the Georgia District?

Q. Let's talk -- Let's talk about the -- the whole organization. Let's start at the top and work our way down.

A. So my knowledge will be limited at the general organization level.

Q. What do you mean by general organization?

A. That's our (indicating) -- That's our governing body, the general organization. National, international, that's -- that's that body.

Q. Okay. All right. So what's above that? Anything?

A. No.
Q. Okay. So what are you able to testify to? I'm sorry. I'm confused.
A. Georgia District association.
Q. Okay. And other than yourself, who's at the district level? Who are the officers at the district level?
A. Myself. There is -- We have an assistant district director, which is the highest-ranking college brother --
Q. Uh-huh.
A. -- for the district. We have an executive director.
Q. Uh-huh.
A. We have, of course, our treasurer, our financial secretary. We have our director of educational activities, a director of membership intake, a director of technology. That's our executive board. That's in --
Also, the immediate past district director serves on the executive board.
Q. Who's the immediate past district director?
A. Benny Hand, H-A-N-D.
Q. Okay. Do you have a staff besides those

directors you just mentioned?
A. No.
Q. Has that structure changed since the redistricting?
A. No.
Q. Do your financial secretary and treasurer come up with a budget for the district level?
A. They present a proposed budget, and that proposed budget is presented to the board.
So we have our executive board. Then we have the board of directors, which is the executive board plus other members; and it's presented to the board of directors.
Q. Are you aware of any changes in the district-level budget?
I know you've testified previously about the chapters. But are you aware of any changes at a district level budget as a result of redistricting?
A. No.
MS. DOUGLAS: I instruct the witness not to discuss specific budget line items.
THE WITNESS: No.
Q. (By Mr. Boyle) Okay. How have your activities personally as district director changed as a result of the redistricting process in 2021?

A. You mean once the maps were presented or even prior to the maps --

Q. I guess the whole --

A. -- being presented?

Q. -- process through from the census through the deliberations in the General Assembly and through the final approval?

A. My activities, my personal activities for the -- On behalf of the fraternity, we were involved in, one, asking the chapters to participate in the census 2020 initiative in terms of considering -- to consider being volunteers for census 2020 activities, meaning helping go around, you know, neighborhoods asking people to verify -- verify data that, you know, the census -- I forget their titles -- census takers, if you will, were going around collecting information; and then, you know, once that census data was -- we start seeing -- We start like in a preliminary report with that census data.

I then went to one of the town hall meetings that was held by the joint House and Senate State -- the Georgia joint House and Senate committee on redistricting. I went to one of the town halls, the one that they held in Columbia County, August 20 -- August 2021.

I went there on behalf of the fraternity to speak -- to speak at that particular town hall meeting that they had to talk about, you know, Alpha's position and, you know, requested them to, you know, follow what the data from the census is stating, showing where the demographic shifts, where the demographic changes have occurred, especially in the metropolitan areas based on the growth and please create maps that would be reflective of that, and that was with the census, the redistricting committee.

Then at our Alpha Legislative Day in '21, which we had to conduct virtually, because typically our Alpha Legislative Day we -- we -- Pre-COVID, we would meet at the -- at the dome, at the capitol; but 2021 and 2022, we had to conduct those -- conduct those virtually.

In the past, it was an opportunity to -- afford an opportunity to speak, whether in the House well or the Senate well. In -- In my capacity as district director, my comments usually were a reminder to the legislators to do the will of the George -- of the people, to look beyond party. Do the will of the people, and then show the parallel between the mission of the fraternity in terms of

being to assist the downtrodden, to be an agent of change, to help uplift humanity; that as legislators, that when they took their oath, that they pledged to work on behalf of all Georgians, and so those activities there.

In addition, working with other organizations like Black Men Vote. Had meetings with Black Men Vote, Team Unity. Chapters about, different activities about voter registration, voter mobilization, voter education.

Trying to look for effective ways to -- to motivate. You know, what -- what can we do. What -- Like, you know, going into barber shops and having barber shop talks about the importance of voting. You know, looking for ways to reach -- to reach a variety of voters, you know, these last -- last two cycles, the last two cycles being 2020 and 2022.

But for redistricting more specifically, the 2022 cycle, because of the fact that once the maps that were constructed by the joint committee, by the joint House and Senate committee, how it was going to impact the 2022 election.

Q. Uh-huh. Okay. Do any of the -- the state-level directors receive compensation of any kind for their service as --

A. No. Volunteer.
Q. -- state of Georgia?
A. Volunteers.
Q. Okay. Including yourself?
A. Including myself.
Q. Okay. Are you getting compensated for your testimony today?
A. I am not.
Q. Did you receive compensation of any kind from the fraternity for those activities you just testified about regarding redistricting?
A. No. I did not.
Q. Okay. How about even a per diem or mileage, anything like that?
A. I receive for travel. For travel, I receive a per diem for travel.
Q. Which is what?
A. I forget what it is exactly.
What we do is, because there is a per diem for like fuel based on mile, so what they've -- What they did was come up with something to incorporate mileage, I mean, for fuel cost and, plus, a per diem.
I forget the exact amount. I have to go back and look at my records to see what that -- I have -- I have a expense sheet I fill out, and it

just calculates itself.
Q. Uh-huh. Are you able to testify how much the fraternity expended in per diems to yourself and other district officers because of redistricting?
A. I am not.
Q. And those per diems come from the dues received from the chapters?
A. Yes.
And just to clarify that, dues from the chapters, the dues from the chapters, the chapters pay a district tax to the district. That creates -- So that forms our district operations budget, so that per diem comes out of the district operation budget, which we receive form the chapters in the form of a district tax, which they get because of members paying dues to the chapters.
Q. Are you able to -- to estimate the district operations budget over the last three years?
A. Not offhand. I don't remember the number offhand.
Q. Okay. Do you know roughly what the percentage of member dues goes to the operations -- district operation budget?
A. I do not.
Q. Okay. Okay. Let's go back to the notice.

Topic 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."

And then there's a subpart -- "The specific activities and projects the Organization was unable to engage in due to the diversion of resources to activities necessitated by such actions."

I believe we've already covered some this. We may have covered all of this. Is there -- Is there anything else that the fraternity has to say about Topic 5?

MS. DOUGLAS: Objection to form.

THE WITNESS: No.

Q. (By Mr. Boyle) Okay. I believe your testimony, looking at -- at a is that the fraternity -- the district -- strike that -- the chapters within the Georgia District kept doing what they had been doing, but they expanded their activities as a result of redistricting?

MS. DOUGLAS: Objection to form.

THE WITNESS: They've expanded; but in

doing so, I had to stop doing other things, so other programs that they may have done, they either had to put on pause, because they had to spend more time, because the time itself doesn't change.

So the time they had to spend to dedicate more time and activities toward voter -- voter activities took away from some of the things that they were doing prior to, whether that could have been collecting food for school lunch programs or for Boy Scouts or for some of the male-mentoring programs that some of them had. They've had to either reshuffle or pause or put things off or suspend or, you know, reschedule in order to conduct more activities related to voting activities.

Q. (By Mr. Boyle) Okay. Well, that's helpful. So you've -- you've described at least three different kind of programs that had to be put on hold, as you said, because of redistricting efforts -- collecting food, Boy Scouts, and male-mentoring programs.

Can you identify any others that were paused because of increased activities relating to redistricting?

A. Go to high school. Go to college. Brother's Keeper. Roadside cleanups.

And in some cases, some may not have been paused but the turnout for some of those activities, the members that were participating may have been reduced, because members either had to split their time to either do those activities or go elsewhere to focus on other activities.

So some cases, some things were either put on pause to go do voter activities; or they had to split; and then members that were participating in the other activities may not have had the same numbers that they normally would have had, because members' time were split.

Q. Okay. Can you identify any other specific programs that were affected because of redistricting efforts.

A. Back to school where they may have made donations for like book bags. I mean, nothing else really comes to mind.

But, you know, chapters don't always do the same thing. Some do other programs, and so some of their programmatic efforts or some of the other programs that they may were doing were -- either have to be, you know, worked around or voting was worked

around in order to -- 'cause they didn't want to stop doing what they were doing. They still wanted to do as much as they could, but, you know.

Sometimes they had to do with reduced -- reducing the number of people that were doing certain activities, so other members could go do voter initiatives or voter activities to split time; or the chapter would have to go to another area to help another chapter in their activities, which may not have been on their calendar to do; but they extended themselves to go assist another chapter in doing so.

Q. Okay. Is the fraternity able to put a dollar amount on the -- the other activities that were affected by redistricting efforts?

MS. DOUGLAS: Again, I'll instruct the witness not to discuss specific budget line items and only answer the question to the extent he can generally about resources.

THE WITNESS: I'm not aware of being able to put the dollar amount on it.

Q. (By Mr. Boyle) Do you know of any documents that would reflect a dollar amount?

A. No.

Q. Do any of the fraternity's charitable efforts benefit fraternity members?

A. Can you clarify.
Q. Sure. I mean, Boy Scouts, for example, what does the fraternity have to do with the Boy Scouts?
MS. DOUGLAS: Objection. Relevance.
Q. (By Mr. Boyle) You have to answer.
A. Well, one of the -- We talk about national programs, special -- or initiatives, special projects. The fraternity, as part of special projects, has -- had been associated with Boy Scouts of America. Chapters had been encouraged to sponsor Boy Scout troops.
So not all chapters sponsor Boy Scout troops, but some do; so usually if they're doing that, they're serving as pack leaders, you know, coordinating with Boy Scout councils --
Q. Uh-huh.
A. -- you know, doing Boy Scout activities as, you know, this is how we give back to -- you know, one of the ways that the chapter is giving back to its community, investing time with young men in the Boy Scout program.
Q. Okay. Thank you.
So the -- that activity of the fraternity is helping boys who -- who are not members of the

fraternity at that point, right?
A. That's correct.
Q. Okay. What's the Brother's Keeper program?
A. Brother's Keeper, that national program is, essentially, a chapter will assist its more senior brothers in a chapter, senior in age, or even brothers who may not be up in age but may be infirmed. You know, as they get up in age, they may need help with things around the house, cut --
Q. Uh-huh.
A. -- the yard, grocery shopping. Sometimes even maybe they need financial help, in paying bills or what have you.
And it's a way that -- And in some cases even after a brother passes, to assist the widow, the brother's family, the widow, children --
Q. Uh-huh.
A. -- et cetera.
So it's just a way that we try to, one, look after our members.
So you have older members who may not be able to get around, so that brother may not be able to attend meetings or attend functions, so it's a way to at least you can't come to us, we come to you kind

of way.

So it's a way to really kind of show that as a brother's keeper, we're here to help -- help -- help the brothers that, you know, may -- for whatever reason, may not be able to, you know, do certain things for themselves that they had been accustomed to doing.

Q. Thank you for that.

Have -- Have any Brother's Keeper programs be adversely affected because of increased activity relating to redistricting?

A. I'm not certain of that. I'm not sure.

Q. Okay. Can you give an example of any other fraternity programs that aid members such as the Brother's Keeper program which aids senior members?

A. I mean, the chapters would have to -- you know, when they're -- When they put together their calendar of events for the year, they kind of put together, you know, what they want to do; and there may be a particular cadence for a particular program, you know, whether it's a Brother's Keeper, Go to High School, Go to College, A Voteless People is a Hopeless People.

And in some cases, things come up; and

then they will do things more of an impromptu-type nature kind of thing; and so that's why I said if they have to reshuffle, that there is something on the calendar for, say, Go to High School, Go to College. And then, well, we're doing -- Oh, we need to also go now. We've got to go do this other thing around voter initiatives, so, hey, we've got to do this at the same day, same time. How do we -- How do we accomplish that?

So they have to, basically, a group of brothers handle the program; and another group of brothers may go handle some of the activities around Voteless People is a Hopeless People.

Q. Okay. Are you able to say or is the fraternity able to say what percentage of its work in Georgia is dedicated to challenging redistricting?

A. No.

Q. Topic 6 is: "The activities or expenditures the Organization plans to take 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.

So you ready to talk about Topic 6?

A. Yes.

Q. So, in other words, say you don't win this

lawsuit and the redistricting map of 2021 stands. What additional efforts will the fraternity undertake?

MS. DOUGLAS: Objection. Speculation.

THE WITNESS: Yeah. We haven't -- I wouldn't know. We haven't -- That's not something we've discussed.

Q. (By Mr. Boyle) Okay. Topic 7, "The total expenditures of the Organization on activities related to this action since the Organization began participating in this litigation."

Are you prepared to testify to that?

A. Yes. But I wouldn't know what the total expenditures of the organization has been.

Q. All right. Is that something you tried to look up before you came in?

A. No.

Q. Would it be possible for you to look it up or to get it from your financial secretary or treasurer?

A. Well, as I say, again, so the -- the programming -- the programming occurs at the chapter level, not at the district level, so it's not something that it would be captured by my financial team, by the district finance team.

Q. Okay.
(Defendant's Exhibit 12 was marked for identification.)
THE COURT REPORTER: Defendant's Exhibit 12.
Q. (By Mr. Boyle) Mr. Lofton, the court reporter's handed you Exhibit 12. This is a document. It says Exhibit J on the first page, 'cause it was filed in court on March 31st, 2022.
The second page says "DECLARATION OF SHERMAN LOFTON, JR., ON BEHALF OF ALPHA PHI ALPHA FRATERNITY, INC." It's got numbered pages two through seven, and then a signature on the Page 8.
Is that your signature?
A. Yes. It is.
Q. Okay. Take your time with it, if you need it.
But do you recognize this document?
A. Yes. I do.
Q. Did you have anything to do with writing it up?
A. Contributed to it. Yes.
Q. Did anybody help you put it together besides attorneys?
A. No.

Q. Paragraph 5 on numbered Page 3 says, "Alpha Phi Alpha has over 3,000 members across Georgia."

Is that correct?

A. Yes.

Q. It says, "Members of our organization live in every region of the state..."

Is that correct?

A. Yes.

Q. And then on the next page, Paragraph 6, it says members of our organization live in and around new Georgia Senate District 16 and 17 and newly drawn House Districts 74, 114, 117, and 134; is that correct?

A. Yes.

Q. And you have an example. "... one of our members, Brother Harry Mays, resides in House District 117."

Is that correct?

A. Yes.

Q. Sir, why did you list him specifically?

MS. DOUGLAS: I'd instruct the witness not to discuss any internal deliberations or strategy pursuant First Amendment associational privilege. You can answer the question to the

extent it doesn't attack the privilege.
THE WITNESS: We needed a brother.
Q. (By Mr. Boyle) Wait. I'm sorry. I don't --
You needed a brother for this declaration or --
A. Well, just the brother that resided there.
Q. Okay. Well, I mean, I'm just asking --
A. Well, we --
Q. -- if you know.
I mean, this Paragraph 6 doesn't give specific names of brothers of fraternity in the Senate districts or in the other three House districts mentioned. I'm just wondering why that is.
Can you say?
MS. DOUGLAS: Same -- Same objection and instruction.
THE WITNESS: No. I don't. I -- I can't say.
Q. (By Mr. Boyle) Did you have to consult documents in order to -- to sign on to Paragraph 6 --
MS. DOUGLAS: Objection to the --
Q. (By Mr. Boyle) -- as correct?
MS. DOUGLAS: Objection to the extent the question seeks information that's protected by

attorney-client privilege.

You can answer the question to the extent it doesn't involve substantive discussion with counsel.

THE WITNESS: Could you repeat the question.

Q. (By Mr. Boyle) Sure. I mean, as to --

I'll rephrase it. As to Paragraph 6 which, you know, you've signed with your signature on the last page, by signing that that's accurate, did you -- did you have that information off the top of your head or did you have to go to some documents in order to be able to say that's true?

A. Yes.

MS. DOUGLAS: Same instruction.

Q. (By Mr. Boyle) You had it on the top of your head?

A. No. I had to refer to look at maps.

Q. Okay. Do you remember which maps you looked at?

A. We looked at the newly drawn maps and the maps prior.

Q. Okay. Paragraph 7 says members also live in and around the area that comprises new Georgia Senate District 23, House Districts 128 and 133.

That's correct?
A. Yes.
Q. Okay. And I'll assume. You tell me if this is right. I mean, I -- I'm assuming that you would look at the -- at the new House and district maps, and then having your own knowledge from being in the fraternity and -- and being the district director, you would know where members -- where members live in certain counties and you'd know which counties are in the new districts and that enables you to testify to six and seven; is that right?
MS. DOUGLAS: Objection to form.
THE WITNESS: That's okay.
Q. (By Mr. Boyle) All right. Thank you.
Same thing for Paragraph 8. That's pretty much the same process, right? You went through the same process there?
A. Yes.
Q. Let's look at Paragraph 11.
A. Uh-huh.
Q. There you say, "The Georgia District is one of the most active segments of the fraternity in community engagement."
There, are you -- are you referring to the national fraternity?

A. Yes.
Q. And, "The district prioritizes social justice, voter enfranchisement, criminal justice, education, and anti-poverty initiatives in its activities."
Is that correct?
A. Yes.
Q. And you say, "With additional representation in the State legislature, Black voters in Georgia could exert more political pressure on our state government to address systemic and inequality and continuing discrimination in these areas, particularly when it comes to voting rights, criminal justice, school-to-prison pipeline, and educational resources."
Is that correct?
A. Yes.
Q. How is the current representation in the state legislature preventing the fraternity from -- from exerting the political pressure it wants to exert in those areas?
A. Well, we've actually lost -- We lost a State House seat where we had a member that was a member of the State House, and then so we no longer have a member in the State House.

Q. Uh-huh. Okay. So in -- in Paragraph 11, are you really talking about have a fraternity member in the General Assembly?

A. Well, fraternity member, as well as additional representation from communities of color, you know, diluting. Some time the --

The reconfiguration of some of those districts made it where the likelihood of getting a -- a person of color in a seat for that representation was diluted in order to get a district to lean -- to lean more -- lean more in a way that probably was not representative of that district prior to.

Q. Okay. Can you give specific examples of how you feel the -- the new representative is not responsive to the areas that -- of emphasis that you've got described in Paragraph 11 here.

A. Try to remember. This was -- It's been awhile since I looked at the map.

So I believe it was the way Union City, Fairburn out in South Fulton, the way that district was set up initially did not extend out to going out toward Carroll County, where it does now; and so that -- that kind of -- kind of helped shift -- shift the demographic in a way and where that

representation had been, you know, a -- a majority -- a majority African-American type population in that district shifted to a minority position.

Q. Okay. Any others that you know of?

A. There are others. I can't recall offhand.

Q. Okay. Paragraph 14, you describe giving public comments on April 11, 2021, on behalf of Georgia members of Alpha Phi Alpha.

You -- you just -- You testified to that a few minutes ago, right?

A. I did.

Q. Did you have prepared remarks when you gave -- when you talked to those -- I'm sorry.

Did you have prepared remarks when you gave your public comments?

A. Yes.

Q. Did you prepare those all by yourself, or did you have help?

A. By myself.

Q. Paragraph 15, you talk about your own knowledge of growth in minority population in Henry County where you live. Can you give more -- be more specific about that, about what you observed.

A. Well, yes. I live in North Henry. Been there since 2006.

And just based off of observations, you know, when you go to the store, grocery store, and you go to the kids' schools, year after year, you start to see a makeup of whether it's the children in the school -- I served as a vice president of the PTSA at -- at my children's elementary school for four years. So year after year, you get to see, you know, the makeup of the student body. You know, and then having children at that time, having children at both elementary, middle, and high school levels, we got to see.

You know, again, whether it's at the net programs at the different schools, honors programs, concerts, chorals, different activities associated with that, clubs that my children were members of, the neighborhood where we reside, get to see how the neighborhood changes were occurring in terms of the makeup of your neighbors.

You know, going shopping out in the area, so definitely, I've seen a increase of African-American, Latino, and other -- other, I'll say, nonwhite populations in the North Henry area since 2006 since we've been residents in that area.

Q. In Paragraph 17 you say, "If the new maps take effect, Alpha Phi Alpha will be forced to divert

resources from its voter education and registration programming to the affected districts in order to protect the representation and interests of its members in the community."

Again, from your prior testimony, you're talking about activities at the chapter level, correct?

A. Yes.

MS. DOUGLAS: Counsel, we're approaching an hour. I don't know if it's a good time to break or if you've got -- I defer to you and the witness, but I want to find the time.

MR. BOYLE: Okay. That's fine. That's fine.

THE VIDEOGRAPHER: Off the video record at 11:56 a.m.

(Recess from 11:56 p.m. to 12:08 p.m.)

THE VIDEOGRAPHER: Back on the video record at 12:08 p.m.

Q. (By Mr. Boyle) Do you still have a copy of the complaint over there? I can't remember which exhibit we said that was. No. 2, I'm being told.

A. Exhibit No. 2.

Q. Okay. Great.

You see on the first page of Exhibit 2,

the complaint, the amended complaint; and it's got the Plaintiffs listed?

A. Yes.

Q. Okay. Do you know Plaintiff Eric T. Woods?

A. I do not.

Q. Okay. So you don't know whether he's a member of the fraternity?

A. No. I don't.

Q. Do you know Plaintiff Phil Brown?

A. No.

Q. And so do you know whether he's a member of the fraternity?

A. I do not.

Q. Okay. Let's go back to the -- the notice. We were on Topic 8.

Are you able to testify to Topic 8, if you'd read that one?

A. Yes.

Q. Did you have to review any documents to be able to testify on Topic 8?

A. No.

Q. So how do individuals become members of the fraternity?

A. So there -- there are two classifications

of brothers. There's college brothers and alumni brothers, so the requirements for collegiate candidates and alumni candidates are similar with -- with a few differences.

Candidates on the collegiate level, if they are under the age of 21, have to have a -- There's a parental affidavit that has to be signed by a parent or guardian giving permission or authorization for -- for the candidate to proceed through the membership process.

Collegiate candidates also have to have completed what we call a institutional approval form, which is a document that they have to present either to the registrar's office or to the Greek life office or to the student affairs office, which basically verifies their GPA and that they have met the college or university's requirements to participate in a membership intake process of a fraternity.

Those are the only two documents that a collegiate candidate would have to complete that alumni candidate would not. All the other processes -- processes are the same.

So for a member -- For a young person or for a person to express their interest or to want to move forward, they have to visit the fraternity's

national website. A series of steps to go through with some acknowledgment statements.

If you acknowledge yes to all of those, say yes I want to proceed, the candidate has to take a -- what we call a pretest. The pretest is a test of 30 questions, which takes about -- There's a time limit. You have 30 minutes to take that exam. All -- Anyone taking the test has to score a 90 or above to be -- to consider passing. If you pass the exam, the application itself is then opened to that individual.

Once the application is open, they have to also agree to a national background check. They have to basically pay for the background check, authorize the background check, and then basically click a button to make sure that the background check is sent off, so that process begins.

Then the actual application, they have to complete a profile, a candidate profile. They also have to select a chapter for which they want to come into the fraternity through; and then in doing so, they also have to designate what we call a sponsor and a recommender.

The sponsor and recommender are a -- two different brothers that have to be a member of the

chapter for which the candidate is applying through, and the sponsor and recommender both write letters of sponsorship and/or recommendation basically saying why they would -- why they're recommending the candidate for membership.

The candidate also has to provide a transcript, and the fraternity's minimum GPA requirement is a 2.5. If a college, university says that their requirement is a 3.0, the fraternity honors the college or university's GPA requirement. We'll go with the higher requirement in that -- in that sense.

They have to provide a -- There's an essay that they have to write. There is a resume that they have to provide. There is --

An alumni candidate also has to provide a image of their degree in addition to the transcript, showing that they completed the baccalaureate degree, 'cause a baccalaureate degree is a requirement to come into the fraternity on the alumni level.

Make sure I'm hitting all the first elements.

There's also a -- a medical health form that the candidates have to have completed by a physician. Of course, if there is like any

medications, things like that that they may be on, any kind of conditions that they may have, any disabilities they may have, any learning disabilities that may be known, especially for students, if there are learning disabilities, those are disclosed. Especially we need to know that for the testing through the intake process, so we can make the necessary accommodations for that.

And then once they submit the application and the background check comes back favorable, then they pay the requisite fees.

Q. Okay. What obligations do members have once they're in the fraternity?

A. Can you clarify and tell me what you mean by --

Q. Well, for --

A. -- obligations.

Q. -- example, is there a --

Well, there are annual dues that are required, right?

A. Yes.

Q. And if you don't -- I would imagine if a member doesn't pay the dues for some years, the member may lose status in the fraternity?

A. Your status moves from active to inactive.

Q. Is there a requirement, for example, to attend a certain number of meetings or engage in a certain number of activities to be in good standing?

A. No.

Q. Okay. So there's nothing else?

A. The only thing to remain in good standing is pay -- Well, your chapter dues, you have to pay; and then there's what we call your -- your grand tax or national dues, and though -- And that -- that applies to members that are what we call like life members.

Like myself, I'm a life member. I don't pay grand tax, since I'm a life member. I joined as a life member, so then I'm excluded from paying grand tax. I only pay chapter dues.

So life member, I'm always considered active. Whether I'm with the chapter or not, I'm always considered an active member.

Q. Are you saying grand with a D or with grant with --

A. Grand, G-R-A-N-D.

Q. Tax. Okay.

A. You can just call it national dues, if you will, or international dues.

Q. Are you aware of any change in the

national dues as a result of redistricting in Georgia?

A. No.

Q. Has the -- the way that individuals become members in the fraternity changed as a result of redistricting?

A. No.

Q. What benefits does the fraternity offer to its members?

And when I say benefits, I mean in a generic sense, not just something like -- Life insurance would be a benefit, I suppose; but I mean, broader than that.

A. Uh-huh.

Q. Advantages.

A. Oh, okay. Advantages of you're part of a fraternity which has a vast network, so you have a network of brothers who are in essentially every industry, every segment professionally.

You know, from a mentor perspective, from a -- If you're a collegiate brother, you know, once you're -- you try to maybe want to meet someone who may be working in your field of interest or field of study; and, of course, you know, maybe there's some opportunities or a way of making that connection.

Maybe there are some internship possibilities, future employment opportunities, et cetera.

But then, too, as you navigate, move around the country, or even outside the country, knowing that there are brothers or a brother there when you get -- when you move or get situated, knowing that, you know, there's a brother -- brothers you can reach out to that can help with your, you know, getting settled, you know, helping -- helping you get the, you know -- what to do, you know, where to go, where to live, you know, recommendations. You know, if I were to -- People looking for like a home church, home synagogue, home masjid, what have you. So those benefits.

Sometimes through just the comradery, the fellowship.

Sometimes the fraternity does occasionally have -- make -- you know, go into agreements to -- for members. Like we used to be able to get subscriptions from like "Black Enterprise"; or we used to get discounts with National Car Rental, you know, things like that.

Q. Have any of those benefits been adversely affected by redistricting?

A. No.

Q. Let's look at Topic 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."

Are you ready to testify on that?

A. Yes.

Q. What does the fraternity have to say about Topic 9?

A. I think the -- The only thing about nine was we wanted to know brothers that may -- who were actually living in one district and was put in a different district.

Q. And I think in your declaration, as we -- we were looking at that earlier, you had a name of -- of one individual, right?

A. Yes.

Q. Harry Mays, right, in House District 117.

Did you -- as you -- As you sit here today, can you give me the names of anyone else, any other individual members impacted by the laws, policies, and protocols?

MS. DOUGLAS: Objection to the extent that the First Amendment is implicated.

I will instruct the witness not to discuss any internal deliberations or strategy, but you

can answer the question otherwise.
THE WITNESS: Okay. Myself as a Henry County resident.
Q. (By Mr. Boyle) Okay. And be specific -- how -- How has it affected you?
A. That my district was reconfigured where it was made up of primarily like DeKalb County, Henry County, and Clayton -- and parts of Clayton. Now extends further east -- Rockdale, Newton, Walton, and even Madison, so that was interesting, to say the least.
Q. Okay. Are you talking about a House District?
A. I don't know if it was a House District or Senate District, but I believe -- I don't remember which.
Q. But as you sit here today, you can't give me the names of any other members who were adversely affected by redistricting?
MS. DOUGLAS: Objection to the extent that you need to reveal any names of members pursuant to the First Amendment associational privilege.
THE WITNESS: Not that I'm willing to say.
Q. (By Mr. Boyle) Okay. Topic 10. The methods used by the organization to determine which

district it would challenge in this action -- district or districts.

Are you ready to testify on that?

A. Yes.

Okay. Sorry.

Q. If you'd turn to the complaint, Exhibit 2.

A. (Witness complies with request of counsel.)

Q. And just -- I'm just skimming; but, you know, if you want to take your time and read it, at Paragraph 63, which is Page 26 through 75 and Page 34 -- so pages 26 to 34 are where the complaint is talking about specific House and Senate districts.

Do you know -- Are you able to say how the fraternity decided which districts it would challenge?

MS. DOUGLAS: And I would just instruct the witness not to discuss substantive discussions with counsel or internal strategy or deliberations within the fraternity pursuant to First Amendment associational privilege.

You can answer the question otherwise.

THE WITNESS: That decision was made in consult with counsel.

Q. (By Mr. Boyle) Okay. Okay. Topic 11.

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

Are you ready to testify about that?

A. Yes.

Q. Well, in your -- in your declaration and in your testimony today, you've talked about your public comments you gave in August 2011 -- or 2021, right?

A. Yes.

Q. Okay. Are there any other communications that the -- the fraternity has made with the General Assembly about the -- the actions challenged in this complaint?

A. No.

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

Are you ready to testify about that for the fraternity?

A. Yes.

Q. Okay. Let's take them one at a time.
So in the complaint, one of the co-plaintiffs in the Sixth District of the African Methodist Episcopal Church. What communications has the Alpha Phi Alpha Fraternity had with the Sixth District AME Church about the issues in the case?
A. And --
MS. DOUGLAS: I also instruct the witness not to discuss any substantive conversations with counsel.
THE WITNESS: None.
Q. (By Mr. Boyle) Okay. How about with Mr. Eric Woods?
A. None.
Q. With Katie Bailey Glenn?
A. None.
Q. With Phil Brown?
A. None.
Q. With Janice Stewart?
A. None.
Q. Okay. What communications have you had, apart from any communications involving counsel, with other members of your fraternity about this particular lawsuit?
A. The only communication was that the

lawsuit exists. I had communication with my regional vice president that this deposition would be occurring, and that's the extent of it.

Q. Was there some sort of a -- a formal board decision to take part in the litigation?

MS. DOUGLAS: And, again, instruct the witness not to discuss internal deliberations or strategy pursuant to First Amendment associational privilege.

But you can answer the question otherwise to the extent that it doesn't implicate the privilege.

THE WITNESS: No.

Q. (By Mr. Boyle) The fraternity is a plaintiff, correct?

A. It is.

Q. I'm not asking you about the contents of communications with counsel. What I'm -- What I'm trying to figure out is what was the process that the fraternity went through, at whatever level, to go ahead as a plaintiff in this lawsuit?

How was that -- How was that decision made?

A. That decision was made at the general organization level, and then communicated down to the

region and then down to myself as the district director that this was the -- the fraternity -- the fraternity was going to pursue this particular lawsuit.

Q. Okay. So you got a directive from above, as it were, to take part?

A. Yes.

Q. And that directive came from an individual or --

A. Yes.

Q. Who was that?

A. I'm trying to remember.

I don't remember if it was general counsel or a executive director. I don't remember.

Q. And I apologize if you told me.

Who's the general counsel?

A. Brother Darrel Parks.

Q. And who's the executive director?

A. Sean McCaskill.

Q. Sean McCaskill. Do you know of any communications between the fraternity and other advocates or advocacy organizations about the lawsuit, again, apart from communications where counsel were present?

A. I'm not aware of any.

Q. Okay. Is that something you tried to look up before you came to testify today?
A. No.
Q. Topic 13. The specific relief the Organization seeks that will cause it to cease diverting resources to address the laws, policies, or procedures challenged in this action.
So you're the -- You're ready to testify on behalf of the fraternity on Topic 13?
A. Yes.
Q. So what specific relief is the fraternity seeking in this action in order to cease diverting resources?
A. The relief would -- Maps that are more favorable to the representation of the demographic shift from the United States Census 2020. That would represent the population growth and -- and demographic shifts that the census showed.
Q. Okay. Other than this lawsuit, what diversion of resources is going on at this time from what the fraternity would otherwise be expending its resources on as a result of the redistricting?
MS. DOUGLAS: Objection. Asked and answered.
Q. (By Mr. Boyle) I'm sorry. If I asked you

that before, but indulge me. I apologize. If you can, tell me.

MS. DOUGLAS: Same objection.

Go ahead.

THE WITNESS: Okay. So for the answer, I mean, the diversion of resources we spoke about earlier.

We're essentially chapters having to reallocate their time, their -- their budgets, having to make budget adjustments to increase -- increased budget adjustment to accommodate expanding their voter initiatives, well, voter-related initiatives as it -- as it pertains to the redistricting, while trying to be more impactful to the new areas where these new districts have been -- or these districts have been reconfigured in order to, one, be present.

Also, to help motivate constituents to register to vote, to validate their voter registration. To vote, whether that's absentee, early voting, day-of-election voting, what have you. So to expand those efforts, that's basically where we've been since the maps were presented by the State House and State Senate.

Q. (By Mr. Boyle) Let's go to Topic 14. The documents produced in the litigation by Plaintiffs and the information contained in the documents.

Are you ready to testify to that topic on behalf of the fraternity?

A. Yes.

Q. What involvement have you had in the document production by the fraternity?

A. I haven't -- I wasn't any --

I did not serve as an active participant in producing any of the documents.

Q. Who did?

A. I don't know.

Q. Do you know what documents the fraternity's produced in the litigation?

A. Oh, I'm sorry. I was assuming you're talking about the documents that -- part of the exhibits?

Q. No, no. The -- as part of the --

As part of the litigation, as part of the discovery process, in addition to talking to people live like yourself, we ask the other side to produce certain --

A. Oh.

Q. -- categories of documents.

A. Correct.
Q. And it would be the lawyer's job to come to their -- go to their clients and try to find those documents.
Were you involved in that process?
A. Yes.
Q. Okay.
A. I was.
Q. Describe that process. Again, without --
You don't have to -- don't tell me what -- specifics of -- of what your lawyers and you may have talked about.
What was that process?
A. Counsel provided a list -- a list of documents that were requested. They provided that list to me, and I worked on procuring, to obtain those documents to provide back to counsel.
Q. Okay. And who did you go to, to try to find those documents, if anyone else?
A. It depended on what was being asked. If there were a document that I already had possession of, I presented it. In some cases, I had to go to other people to get other documents that they may have had access to or depending on where those documents were stored.

Q. Uh-huh. Did the fraternity undertake a search of e-mail accounts for document production?
A. Yes.
Q. Okay. Who was in charge of that?
A. I was in charge of it.
Q. And how was that search done?
A. So our e-mail communication is provided through a -- a tool called Base Camp.
So what I did, I requested the brother that serves as the administrator for Base Camp to go through, 'cause I don't have administrative access; I'm just a user -- to go through the e-mails for the time period that was requested for a variety of -- to do a search of all e-mails, communications that -- that had certain terminology or terms that was asked for.
Q. And who was that person that -- who helped you?
A. Marco Pitts.
Q. Is -- is that e-mail server -- Strike that.
Are the District's e-mails part of the larger organization's e-mail network, or do you have your own e-mail network for the district?
A. We have our own.

Q. Do you believe that was a complete search and complete production, or is there still an ongoing effort to find more documents?

A. I feel it was complete.

Q. Topic 15 is the process by which the organization searched for and identified documents responsive to discovery requests served in this case.

And I guess you may have already talked about that. Is there anything else to say on that?

A. No.

Q. Well, getting back to the e-mail search then, so you were given a list of search terms. Did you apply those search terms to the entire network, or was it just to certain mailboxes?

A. Well, Base Camp, the way Base Camp is set up, we have projects. So the e-mail, when we send communication out to what was considered the district, consists of chapter presidents, area directors, and Alpha advisors.

Alpha advisors are an alumni brother that's associated with a college chapter that's -- that's a liaison between the college chapter and the mentoring alumni chapter. And so district communication goes out to that segment. And then chapter presidents will then take that, because the

chapters have their own chapter e-mail distribution lists. The chapter president is then charged with making sure that communication is disseminated to their chapter membership.

And then area directors, who are essentially the -- we have -- I have --

The District of Georgia is divided up into eight areas -- no -- seven airs -- eight areas. I have eight area directors basically who are my eyes and ears for each of the areas.

And then when communications, they may be a secondary way to follow up and make sure that communication's being received and disseminated.

Q. Okay. So were the e-mails being searched just e-mails at the district level, or were they e-mails at the chapter level as well?

A. The district level.

Q. So if -- if individual chapters had e-mails that reflected diversion of resources effects on their budget allegedly due to redistricting, your e-mail search wouldn't have picked those up?

A. No. It would not have.

MR. BOYLE: Okay. Okay. Five minutes. We're almost done.

THE VIDEOGRAPHER: Off the video record at

12:41 p.m.

(Recess from 12:41 p.m. to 12:47 p.m.)

THE VIDEOGRAPHER: Back on the video record at 12:47 p.m.

Q. (By Mr. Boyle) Okay. Mr. Lofton, on Topic 7, we're -- we were asking you to testify about "... total expenditures of the Organization on activities related to the action since the Organization began participating..."

Are you able to testify as to attorneys' fees expended by the organization relating to this lawsuit?

A. No. I'm not.

Q. Is the fraternity paying attorneys for representing them in this lawsuit?

A. I wouldn't know. I'm not --

I don't know.

Q. Okay. So you didn't make an effort to research that before you came in today?

A. No. I didn't.

Q. Okay. If the attorney -- I mean, excuse me.

If the fraternity were paying counsel, would you expect that to come out of the national organization?

MS. DOUGLAS: Objection to form.
THE WITNESS: Yes.
MR. BOYLE: Okay. All right. Subject to any questions after questioning by other counsel, those are all the questions I have at this time.
We do not consider this deposition concluded until -- until we resolve the issue of the -- the annual reports that need to get produced, and we reserve the right to come back to question a witness about those.
And nor do we consider the numerous privilege objections to be well taken, and those are going to have to get resolved at some point and may resolve in a request for further examination.
So I'm done at this time. Thank you.
MS. DOUGLAS: And we'll reserve the right to object at the appropriate time to the re-openness of the deposition.
I think we need five minutes, if that's okay.
THE VIDEOGRAPHER: Off the video record at 12:50 p.m.
(Recess from 12:50 p.m. to 12:59 p.m.)

THE VIDEOGRAPHER: Back on the video record at 12:59 p.m.

MS. DOUGLAS: Mr. Lofton, thank you so much for your time today. No questions on redirect.

MR. BOYLE: That all right?

No. We're done. Thank you, sir.

THE WITNESS: Thank you.

THE VIDEOGRAPHER: It's the end of the deposition. Off the video record at 12:59 p.m.

THE COURT REPORTER: Is -- Our witness, is he reading and signing?

MS. DOUGLAS: We'll reserve that. It can come to Wilmer Hale.

THE COURT REPORTER: And you're ordering the transcript?

MS. DOUGLAS: Yes. We'll order.

THE COURT REPORTER: And you're ordering, Don?

MR. BOYLE: Yeah. Whatever we normally do.

(Whereupon, the deposition was concluded at 1:00 p.m.)

C E R T I F I C A T E

STATE OF GEORGIA:
COUNTY OF FULTON:

I hereby certify the foregoing transcript was taken down, as stated in the caption, and the questions and answers thereto were reduced to typewriting under my direction; that the foregoing pages 1 through 132 represent a true, complete, and correct transcript of the evidence given upon said hearing, and I further certify that I am not of kin or counsel to the parties in the case; am not in the regular employ of counsel for any of said parties; nor am I in anywise interested in the result of said case.

This, the 18th day of January, 2023.

S. Julie Friedman

S. JULIE FRIEDMAN, CCR-B-1476

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TO: Maura Douglas, Esq., maura.douglas@wilmerhale.com
Signature of Deponent Sherman Mackawayne Lofton, Jr.
Date Errata due back at our offices: 30 Days

Greetings:
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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

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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.

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March 02, 2023 12:44:16 -8:00 [6BAED779FC5E] [38.122.63.74]
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I, Georgeana L Gartrell, did witness the participants named above electronically sign this document.

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ERRATA

I, the undersigned, do hereby certify that I have read the transcript of my testimony, and that

___ There are no changes noted.

X ___ The following changes are noted:

Pursuant to Rule 30(7)(e) of the Federal Rules of Civil Procedure and/or OCGA 9-11-30(e), any changes in form or substance which you desire to make to your testimony shall be entered upon the deposition with a statement of the reasons given for making them. To assist you in making any such corrections, please use the form below. If additional pages are necessary, please furnish same and attach.

Page 26 Line 17 Change Add "as" in as well as any contemporaneous

Reason for change correcting scrivener's error

Page 44 Line 5 Change change "poling" to "polling"

Reason for change correcting scrivner's error

Page 95 Line 10 Change Change "be" to "been"

Reason for change correcting scrivener's error

Page 129 Line 8 Change Change "airs" to "areas"

Reason for change correcting scrivener's error

Page _____ Line _____ Change _____

Reason for change _____

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Sherman M Lofton Jr
Signed on 2023/03/02 12:44:16 -8:00

DEPONENT'S SIGNATURE

Sworn to and subscribed before me this 2nd day of March, 2023.

Georgeana L Gartrell
Commission # 2002-IA-32758
Electronic Notary Public
State of Ohio
My Comm Exp. Mar 22, 2025

Signed on 2023/03/02 12:44:16 -8:00

Notarial act performed by audio-visual communication.

NOTARY PUBLIC

My Commission Expires: March 22, 2025

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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 ALPHA PHI ALPHA FRATERNITY INC.

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 Alpha Phi Alpha Fraternity Inc. ("APA" or "Organization") on Tuesday, January 10, 2023, beginning at 9:00 a.m. at the law offices of Taylor English Duma, 1600 Parkwood Circle, Suite 200, Atlanta, GA 30339 and continuing thereafter

DEFENDANT'S EXHIBIT
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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

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

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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.

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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.

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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]

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[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."

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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,

[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/.

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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

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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

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[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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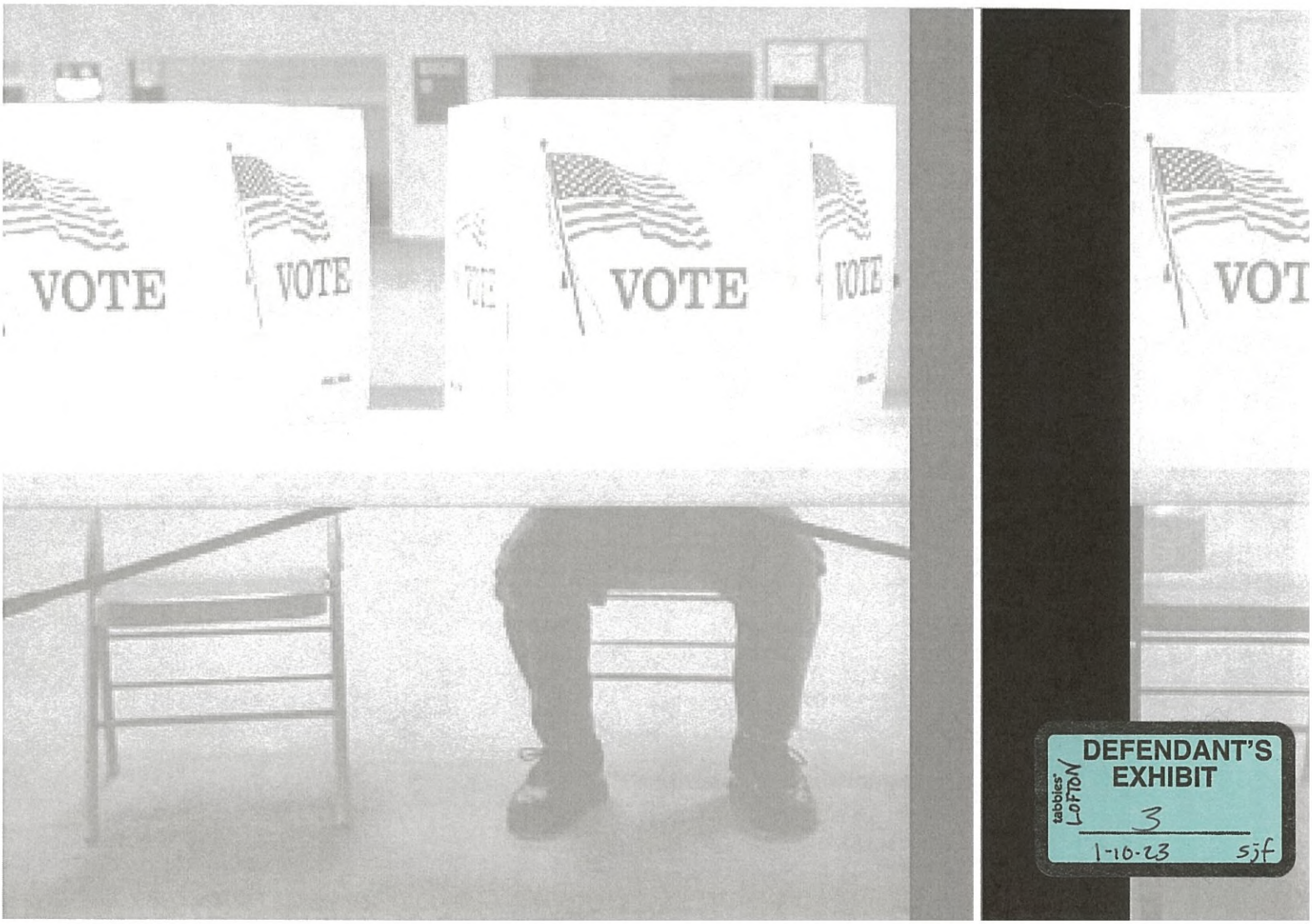
A VOTELESS PEOPLE IS A HOPELESS PEOPLE (VPHP)

IMPLEMENTATION GUIDE

FIRST OF ALL... WE VOTE

ALPHA PHI ALPHA FRATERNITY



DEFENDANT'S EXHIBIT
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FRATERNITY MISSION STATEMENT

ALPHA PHI ALPHA FRATERNITY DEVELOPS LEADERS, PROMOTES BROTHERHOOD AND ACADEMIC EXCELLENCE, WHILE PROVIDING SERVICE AND ADVOCACY FOR OUR COMMUNITIES.

FRATERNITY VISION STATEMENT

The objectives of this Fraternity shall be: to stimulate the ambition of its members; to prepare them for the greatest usefulness in the causes of humanity, freedom, and dignity of the individual; to encourage the highest and noblest form of manhood; and to aid down-trodden humanity in its efforts to achieve higher social, economic and intellectual status.

The first two objectives- (1) to stimulate the ambition of its members and (2) to prepare them for the greatest usefulness in the cause of humanity, freedom, and dignity of the individual-serve as the basis for the establishment of Alpha University.

Acknowledgments

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"Give Us the Ballot, We Will Transform the South"
by Martin Luther King, Jr.

Speech given before the Lincoln Memorial
at the March on Washington, May 17, 1957

Martin Luther King, Jr. Three years ago the Supreme Court of this nation rendered in simple, eloquent and unequivocal language a decision which will long be stenciled on the mental sheets of succeeding generations. For all men of good will, this May 17 decision came as a joyous daybreak to end the long night of segregation. It came as a great beacon light of hope to millions of distinguished people throughout the world who had dared only to dream of freedom. It came as a legal and sociological deathblow to the old Plessy doctrine of "separate-but-equal." It came as a reaffirmation of the good old American doctrine of freedom and equality for all people.

Unfortunately, this noble and sublime decision has not gone without opposition. This opposition has often risen to ominous proportions. Many states have risen up in open defiance. The legislative halls of the South ring loud with such words as "interposition" and "nullification." Methods of defiance range from crippling economic reprisals to the tragic reign of violence and terror. All of these forces have conjoined to make for massive resistance.

But, even more, all types of conniving methods are still being used to prevent Negroes from becoming registered voters. The denial of this sacred right is a tragic betrayal of the highest mandates of our democratic traditions and its is democracy turned upside down.

So long as I do not firmly and irrevocably possess the right to vote I do not possess myself. I cannot make up my mind — it is made up for me. I cannot live as a democratic citizen, observing the laws I have helped to enact — I can only submit to the edict of others.

So our most urgent request to the president of the United States and every member of Congress is to give us the right to vote. Give us the ballot and we will no longer have to worry the federal government about our basic rights. Give us the ballot and we will no longer plead to the federal government for passage of an anti-lynching law; we will by the power of our vote write the law on the statute books of the southern states and bring an end to the dastardly acts of the hooded perpetrators of violence. Give us the ballot and we will transform the salient misdeeds of blood-thirsty mobs into calculated good deeds of orderly citizens. Give us the ballot and we will fill our legislative halls with men of good will, and send to the sacred halls of Congressmen who will not sign a Southern Manifesto, because of their devotion to the manifesto of justice. Give us the ballot and we will place judges on the benches of the South who will "do justly and love mercy," and we will place at the head of the southern states governors who have felt not only the tang of the human, but the glow of the divine. Give us the ballot and we will quietly and nonviolently, without rancor or bitterness, implement the Supreme Court's decision of May 17, 1954.

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FOREWORD

The National Programs and Special Projects Committees of Alpha Phi Alpha Fraternity, Inc., are pleased to distribute the second edition of the A Voteless People Is A Hopeless People (VPHP) Implementation Guide. This second edition will build upon the work of the first edition published in 2000 that was created by Brother Zollie Stevenson, Jr., director of national programs (corporate headquarters); Brother John L. Colbert, Project Alpha chairman; Brother Ronald J. Peters, chairman of the National Programs Committee; and Brother Richard D. Smith, Jr., Special Projects.

The committee members who contributed to this guide are Brothers Cedric Giles, Dr. John Harkless, Dr. Richard Gardner, Sr., and Maurice Thompson II. Questions or comments regarding this guide should be sent to Brother Steven L. Jones, chairman, A Voteless People Is A Hopeless People, e-mail address: vphp@apa1906.net.

During the 1930s, our fraternity was very instrumental in abolishing poll taxes and literacy tests that served as a constraint for poor and non-white voters. Alpha Phi Alpha Fraternity, Inc., in today's environment, must also be engaged as states impose new voting requirements/restrictions relative to voter photo ID cards. According to some reports, nearly 25 percent of African-Americans lack a valid voter ID. This information, in addition to the pending Supreme Court decision on the extension of the Voting Rights Act of 1965, may further hinder voter registration. Alpha Phi Alpha Fraternity, Inc. must also serve as a voice to and for our communities to address economic and educational disparities, attacks on affirmative action, gun violence, and issues related to health care.

Therefore, the mission of A Voteless People Is a Hopeless People must not only focus on voter registration drives across racial and age lines. Chapters of Alpha Phi Alpha Fraternity, Inc., must include voters across all demographics, including but not limited to those of Hispanic heritage and the youth (eligible high school students, college and university students) voters. We must continue our efforts in voter registration and expand our efforts to be actively engaged in seeking qualified candidates to run for the full spectrum of public office. Once these candidates have been identified, our college and alumni brothers must actively engage and support them in successful campaigning. Chapters (college and alumni) in partnership with other groups in the community should host candidate forums to provide the community with opportunities to learn the views of the candidates on issues that are important to the voters. A key component of the A Voteless People Is A Hopeless People initiative will also be to increase voter turnout for all elections, starting with 2013 mayoral elections in cities such as Atlanta, Detroit, and New York to list a few. Additional focus will be on the 2014 mid-term election. In 2014, 33 United States Senate seats will be open for election, all 435 seats in the United Stated House of Representatives, and 36 states will be electing governors. Therefore, the mid-term election and the results of this election will undoubtedly set the stage for the 2016 presidential election. It is also noted in the fall of 2013, the states of New Jersey and Virginia will be holding gubernatorial races.

VOTER TURNOUT AMONG BLACK CITIZENS 1964–2008 PRESIDENTIAL ELECTION (SOURCE: U.S. CENSUS BUREAU, CURRENT POPULATIONS SURVEYS 1968 TO 2008)

Historically, the percentage of black citizens who vote has tallied below the percentage of all citizens who vote. Since 1972, when the difference peaked at 10.9%, the gap has started to narrow. With a 1.8% decline, 1980 marked the first significant decrease in the percent difference, and 1984 followed with an even more substantial 4.6% reduction. Despite the gap widening again in 1988 and 1992, with the difference rising to 5.9% and 7.3% respectively, the difference again began to fall in 1996. In 2000, the percentage of all citizens who voted outweighed the percentage of black citizens who voted by only 1.2%. In 2008, and for the first time in a presidential election, black citizens voted at a higher rate than the greater population, outpacing all Americans by 2.6%. The rise in voter turnout among black citizens in 2008 can most likely be attributed to the presence of a black democratic presidential nominee.

As noted, in 2008 the American political process was energized by the nomination of the first African-American Democratic Party presidential candidate, then United States Senator Barack Obama. Although this was a historical moment in American history, Obama's election also created partisan gridlock that has continued through his reelection in 2012. After the election of President

Obama in 2008, during the 2010 mid-term elections the Tea Party was able to make a significant impact on both the Republican Party and state elections throughout the United States. The gains made during the 2010 mid-term elections was due in part to low voter turnout of the youth vote and an estimated reduction of 3% of the African-America vote, compared to the 2008 election. Since the 2010 mid-term elections and the 2012 elections, a number of state governments have moved to initiate a number of voter ID laws and other legislation that may adversely affect the African-American community. In addition, on the national level we have seen ongoing gridlock in the United States Senate and the House of Representatives on a number of issues relative to gun control, immigration, tax reform, sequester, and women's reproductive rights.

2012 ELECTION: THE BLACK VOTE

While the composition of voters for the 2012 election is still being analyzed, preliminary numbers indicate the voting rate of blacks surpassed that of whites in 2012. However, the voter turnout in swing states was due in part to voter registration suppression issues and an election in which blacks heavily favored the incumbent President Barack Obama versus the Republican candidate Mitt Romney. Based on projections, had the white voter turnout been at the level of the 2004 election, Mitt Romney would have won. In addition, if the black voter turnout had been at the 2008 level, President Barack Obama may have lost.

The U.S. Census released its Current Population Survey May 2013 report titled The Diversifying Electorate—Voting Rates by Race and Hispanic Origin in 2012 (and Other Recent Elections). The report focuses on presidential elections since 1996 to provide analyses about how the American electorate is becoming increasingly more diverse. The report also highlights patterns of voter turnout by race and Hispanic origin. The full report is available at: http://hstrial-iinfo879.intuitwebsites.com/~local/~Preview/Census_-_Voting_in_2012.pdf

The following chart illustrates voting rates by race from 1988–2012 in presidential elections. As noted in the chart, the African-American voting rate participation is on the increase from 1996 through this past election cycle. However, the challenge for our fraternity is to increase voter awareness, voter registration, and voter turnout for mid-term elections. Historically during mid-term elections, the African-American community has low voter participation.

Voter participation should not be based on who is running or not running for an elected office but who is the best candidate who will address the needs of the voter. We must work to encourage voters to vote in every election so their vote is counted; each vote does make a difference.

Due to the nature of these pressing issues, the continuation of our work on voter registration in our communities is imperative, but we must be focused and strategic in our efforts. While many states are in the process of considering changes to their state voter registration process, the Voteless People Is A Hopeless People Committee will be tracking voter registration legislation by each individual state and will communicate to the membership the voter registration requirements at the state level. Regardless of whatever the states do to change voter registration requirements or the Supreme Court decision on the Voting Rights Act, we must ensure our voting registration events comply with both state and federal law.

Logically, we must continue to reinforce the struggle to achieve the right to vote to our children and youth, lest they forget the sacrifices endured by many to achieve the right to vote. We must also be strategic to pursue eligible voters for each election cycle. Thusly, Alpha Phi Alpha Fraternity, Inc., must engage across all segments of eligible voters to increase voter registration as well as candidate and issue awareness. These events should result in a cumulative effort with a Get out the Vote program on election day. The African-American community can no longer afford to vote during the national elections and not be actively engaged in mid-term elections, or at any time elections are being held for public office (i.e., local, state, or federal). The consequences are too high not to vote.

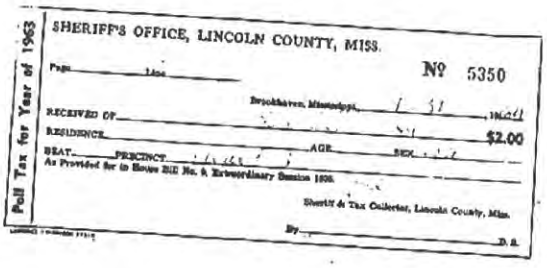
ORIGIN AND DEVELOPMENT

In 1932, the fraternity's Education for Citizenship program was created. It consisted of seven board members, the chairman being the director of education. The purpose of the Education for Citizenship movement was to emphasize vocational needs and placement, qualification and participation in voting, establishment and support of race business and enterprises, improvement of health conditions, a program of wealth conservation, the combating of the doctrine of racial inferiority and the support of all efforts vital to the improvement of black welfare.

Throughout the 1930s, chapters were conducting programs that were designed to put the philosophies of the fraternity into action. These involved mass meetings, radio discussions, plays and pageants, displays of place cards, and the tagging of individuals. The tags bore the slogan "A Voteless People is a Hopeless People."

In the 1940s and 1950s, brothers would work vigorously in voting campaigns and the abolishment of the poll tax as well as literacy tests. Brother Ishmael P. Flory stated, "The brothers, in the best Alpha tradition and ritual, are organizing and working so that (African Americans) might exercise the right to vote in the South."

Noted below is a 1964 poll tax receipt, lest we forget the struggles of those who have sacrificed for the right to vote. Therefore, based on evidence in the 2012 election and we must assume moving forward to future election cycles, we must be vigilant as states seek to impose restrictive voter registration requirements.


Poll Tax for Year of 1963
SHERIFF'S OFFICE, LINCOLN COUNTY, MISS.
Nº 5350
Page Line
Brookhaven, Mississippi, 1 31 1964
RECEIVED OF
RESIDENCE $2.00
BEAT PRECINCT AGE SEX
As Provided for in House Bill No. 8, Extraordinary Session 1959.
Sheriff & Tax Collector, Lincoln County, Miss.
By D. S.

One chapter interested in the Education for Citizenship program was Eta Lambda Chapter in Atlanta, Georgia, that conducted its Get Registered campaign. The chapter issued a report stating, "We are attacking this point by training both… [college and alumni] brothers in methods of facing our present civic problems, so that they may effectively instructs others."

During the 2012 national election, Alpha Phi Alpha Fraternity, Inc., held a national contest among the brotherhood, and the winning slogan was "First of All, We Vote." Brother Douglas James, Sr., a 1977 initiate of Phi Chapter located at Ohio University, Athens, created the logo above.

Alpha Phi Alpha General Office also provided a data collection tool available to the chapters to input their efforts in voter registration drives. As a result of chapters using this tool, National was able to identify those chapters that were actively participating in voter registration drives. According to the data provided, the college chapter Tau Eta in South Carolina registered approximately 1,235 voters during the 2012 election cycle.

At the local level, the alumni chapter Kappa Pi Lambda of Peoria, Illinois, also invested in a paid billboard to promote voting in the community.

Note: If your chapter had a unique way to promote voting **during the 2012 election cycle, please send a photo or a description of your efforts to the National e-mail address at @apa1906.net. We will include this information in an archive folder for potential future use.**

Alpha Phi Alpha Fraternity's voter registration efforts through the years have increased the voting strength of African Americans. Today, because of the political attacks on African Americans, immigrants, women, and the economically disadvantaged, we must continue our aggressive efforts in developing voter campaigns in our communities.

The following are the 2012 Reported Voter Registration results by regions based on reported voter registration drives submitted using our National VPHP reporting tool.

2012 NUMBER OF REPORTED REGISTERED VOTERS BY FRATERNITY

Region	Voter Registration Totals
Eastern	177
Midwestern	102
Southern	2,555
Southwestern	676
Western	403

2012 Total Number of Reported Registered Voters by the Fraternity 3,913

A key program initiative is to increase the active participation of chapters to conduct voter registration drives based on their individual state process and report the results using the national reporting tool. This tool can be accessed at the following link: **https://www.surveymonkey.com/FirstofAllWEVOTE**

CHAPTER I: PROGRAM COMPONENTS

The program components are designed to assist our citizens in becoming more politically aware and to exercise their rights as citizens to vote. The A Voteless People Is A Hopeless People models contained in this document include the following major program elements.

KNOWLEDGE:

To enable individuals to make informed political decisions as citizens, it is important to provide the voter with an accurate historical perspective and to help him/her see how current events influence their lives. Cultural enrichment helps to connect the humanitarian aspects of life with life's realities. Knowledge of the type mentioned helps to build political awareness and with education can bring about political consciousness. A strong effort must be made to educate voters, register voters, seek out qualified candidates, host candidate forums, and get out the vote on election day. Case in point: Each year, high schools offer an ideal opportunity for voter registration drives even in non-election years.

While each state is important in generating voter turnout, it is also imperative to be aware of the swing states in national elections. In these critical states, it is imperative we increase our efforts in voter awareness and voter registration and "get out the vote" on election day. Additional information about swing states will be provided during the 2016 presidential election cycle.

ATTITUDE:

Alpha Phi Alpha Fraternity, Inc., recognizes that simply knowing the facts is not enough to motivate people to exercise their rights as citizens. A Voteless People Is A Hopeless People seeks to have the local chapters create awareness of issues that affect the voter at the local, state (voter suppression and immigration issues), and national levels (e.g., gun rights, tax code revision, health care). Enabling people to explore their own value systems is a greater motivation to become engaged in the political process and to be motivated to vote on the value issues that are important to the voter.

SKILLS:

Brothers implementing the A Voteless People Is A Hopeless People program must be aware of the voter registration requirements in their respective states. Some states that allow Voter Registration Drives (VRDs) such as Colorado have financial penalties should the voter registration deadlines and process be violated, which are charged against the VRD prganizer and agent. In conducting voter awareness campaigns and hosting political forums, this is also an excellent opportunity for Alpha Phi Alpha Fraternity to collaborate with other community groups in hosting these events. In establishing partnerships in our local community, the fraternity can extend community awareness and education, while enlisting additional volunteers and generating greater attendance at voter events.

Due to the tax-exempt status of some churches, these institutions may prefer to have Alpha Phi Alpha Fraternity conduct voter registration drives, as we are not aligned with any political party. Also, public events hosted by the Divine 9 serve as another opportunity to hold voter registration drives. We must look at all of these opportunities to provide leadership training to prepare those all around us for leadership today and in the future.

CHAPTER II: THE LEADER'S ROLE

While no one person is expected to single-handedly make the program work, your success as an A Voteless People Is A Hopeless People coordinator is very important to the overall success of the program. It is the objective of the for A Voteless People Is A Hopeless People Committee to provide the overall strategy and voter registration requirements by state. The committee is structured to have alumni and college brother representation by region to serve as focal points for each region. The regional focal point will communicate to their respective regions and will serve to work with their individual states within the region to implement the five (5) areas of program execution:

1. Public issue forums
2. Candidate forums and/or debate watch
3. Voter education
4. Voter registration drives
5. Get Out the Vote programs

To assist in measuring our efforts at the chapter, district, and regional level, chapters will be requested to provide their event(s), voter registration number, and related expenses via the use of Survey Monkey for tracking purposes. The use of this tool will be very straight-forward and simple to allow the committee to capture the needed information without being a burden to complete. In addition, it is the intent of this committee to work with the regional VPs and AVPs to provide information updates via their respective Web sites. At the chapter level, the following are items for consideration, based on your respective state's voter registration requirements.

- Each chapter should identify a focal point and a committee to support the A Voteless People Is A Hopeless People program. The committee and focal point need to educate themselves and the members of their chapter on the voter registration process for their state. If their state allows for VRDs, then the coordinator may want to choose one chapter to be approved as the VRD organizer and agent to serve the whole state; therefore, each chapter does not need to go through this process. However, keep in mind the chapter that takes this responsibility needs to ensure education and compliance by the other chapters.

- Chapters should draft a tentative plan on how to participate in the five programs listed for execution. It is not the expectation that all chapters will do all five, but each chapter should be able to execute at least one event multiple times during the election cycle (i.e., voter registration drives at multiple locations). Brothers, also be aware of local elections that will be held this November 2013, such as the mayoral elections in Atlanta, GA, Detroit, MI, and New York, NY. For a listing of other local elections around the country, please go to the following link: http://en.wikipedia.org/wiki/United_States_elections,_2013.

  Chapters in the states of New Jersey and Virginia may want to consider their strategy for the gubernatorial elections that will be held this fall in 2013. The other states and chapters may wish to think about their respective strategies for the 2014 mid-term elections.

- Identify the major jobs to be carried out in both the program items and political forums.

- Orient your chapter to the overall action plan items established by the chapter committee for the A Voteless People Is A Hopeless People program. We suggest the following program to give everyone a sense of purpose of the program and the work involved.

- Review the A Voteless People Is A Hopeless People Implementation Guide.

- Understand your state's voter registration process and options for convicted felonies that have completed their sentencing requirements.

- At the chapter level, identify five (5) areas of program execution, and determine in what areas your chapter can be engaged in preferably all five, but at a minimum at least one. This information should be communicated to your regional focal point (contact information is listed in the Conclusion of this document), and the regional focal point will forward to the national committee chairman for recording purposes.

- Develop a working program and timetable showing: a) major work areas, b) tasks in each area, c) the person(s) responsible for each task, d) other organizations and groups with whom the chapter can collaborate to host events, and e) deadlines for

each task. A sample work program is contained in this Implementation Guide. You should also feel free to use your own management system to track voter registration date(s), location, the number of voters registered, and expenses for any supplies (e.g., pens, tent cards, postage).

- Publicize your events, especially candidate forums (e.g., newsletters, papers, electronic media, radio) for greater community attendance.
- Hold orientation meeting for political forum events.
- Hold subsequent sessions, involving the participants in the planning and implementation whenever possible.
- Conduct periodic programmatic review sessions to assess if the programmatic activities are on track. These sessions should include group members and representatives of co-sponsoring groups or agencies (public information forums on local, state, federal legislation, or proposals). Chapters should consider participation in town hall meetings of their elected officials whenever they are held. Questions should be researched prior to the event, succulent and to the point, and asked in a respectful manner.
- If required, file the necessary reports on your voter registration drives or political/candidate forums.

Chapter III: PLANNING YOUR PROGRAM

As the focal point for your chapter for the A Voteless People Is A Hopeless People program, propose a project model that you feel will work best for your chapter and the community. The modules presented are guides for how Alpha Phi Alpha chapters should implement A Voteless People Is A Hopeless People. You can amend the modules to meet the need(s) you envision.

In choosing a module(s), consider what is do-able given your in-house resources, your ability to generate additional support, and the level of your chapter's commitment to other programs during the year.

Whether you use a module(s) shown here or adapt the module guides to fit your chapter and other stakeholders, thus creating your own A Voteless People Is A Hopeless People program, consider the following points:

RECRUITMENT
Can you recruit members of the target population to attend the kind of sessions proposed?

PROGRAMMING
Can you obtain brothers, colleagues, and others to serve in key roles such as speakers, small-group facilitators, and support personnel?

LOGISTICS/TRANSPORTATION
Can you provide a suitable facility for the sessions for participants and transportation, if needed?

FINANCING
Can the chapter and other stakeholders secure the financing needed to carry out the A Voteless People Is A Hopeless People program and transportation if needed?

EVALUATION
Does your model program provide for the pre-program and post-program administration of both knowledge and attitude surveys, as well as a critique of the sessions by participants, planners, and presenters?

FOLLOW-UP
Does the implementation model that you selected provide components that will continue to stimulate interest after the program ends?

If you can answer "Yes" to these questions with reasonable certainty, your plan is strong and sound. You are ready to implement your plan.

Chapter IV: IMPLEMENTING YOUR PLAN

The following work areas need to be addressed to successfully carry out your A Voteless People Is A Hopeless People program: 1) personnel, 2) programming, 3) recruitment, 4) logistics and transportation, 5) parental consent, 6) finance, 7) evaluation, 8) follow-up, and 9) public relations.

Designate someone to coordinate efforts in each of these areas. If necessary, form a sub-committee to carry out these functions. Each of these areas should be carefully planned and coordinated with the other areas.

PERSONNEL

The A Voteless People Is A Hopeless People program can be implemented by every chapter. In general, no specialized personnel are needed to implement the program on a continuing basis. Laypersons are equipped to carry out the program components.

After selecting your personnel, it is important to share with them the overview of the A Voteless People Is A Hopeless People program so they can prepare a presentation in line with your program.

Presenters – Technically qualified people who can relate well with youth should be selected to present information. Memorizing basics facts for a presentation will not help an amateur speaker in the question-and-answer phase. Members of the chapter can either fill these roles or recommend others. Send a letter to each participant with general information about the A Voteless People Is A Hopeless People program. Also, invite them to attend your planning meetings.

Facilitators – Assign a leader to facilitate any group meetings with participants that you might have. These people should be familiar with the session focus and lead the group in discussing these issues. They should aid discussion and bring it back on course when it strays off topic. Someone should keep notes on the small-group meetings to gauge participant reaction to the presentations.

Conduct a brief training session for facilitators and other members of the A Voteless People Is A Hopeless People program. Guidelines for facilitators and role-playing exercises help facilitators realize the importance and limitations of their task.

Support Personnel – Assign group members or others to supervise meal planning, equipment placement, first aid, and other tasks.

PROGRAMMING CONTENT

The major task in developing content is to ensure that your program sessions reflect the three major components of the A Voteless People Is A Hopeless People program: 1) knowledge, 2) attitudes, and 3) skills.

Knowledge – Providing information strategies that will lead to success and sharing information from a cultural/historical perspective are among the areas to be covered in the A Voteless People Is A Hopeless People program sessions.

Attitude – The intent of A Voteless People Is A Hopeless People is to motivate citizens to assume their citizenship rights. Components in this segment are revealed through presentations and group activities. Four key areas should be presented and some may be combined.

Skills – A fundamental objective of the program is to equip participants with adequate skills to achieve educational success.

To assist in achieving these three objectives, the following four (4) areas are important to allow individuals and groups to determine the relative importance of issues being presented by candidates for elected offices either in local, state, or national elections. By using these four areas of analysis, the voter will be able to cast his/her vote based on the candidate that will best serve the individual, community, and national interest.

SUBJECT AREA AND FOCUSES HAVE BEEN LISTED BELOW:

CRITICAL THINKING
Using the questioning technique of, "who, what, when, where, why, and how" to come up with solutions

VALUING
Considering political information with respect to its worth, excellence, usefulness, or importance

RESPONSIBLE DECISION-MAKING
Considering relevant factors and related facts that pertain to political information and arriving at possibilities or

desirable outcomes

SETTING DEFINITIVE GOALS
Identifying short, intermediate, and long-range goals that are smart.

FOCUS

Our interaction with the participants should provide positive role models. We should encourage their development and leadership in a number of crucial areas: planning, organizing, analytical and critical thinking, decision-making, public presentation, and writing.

A person who relates well with people should present and explain these issues, drawing on the life experiences of people like the participants to illustrate each point.

Reactor panels that give immediate impressions of the presentation and small-group sessions that discuss both the presentation and reaction to it are invaluable in boosting motivation. Group exercises that promote exploration of values can stimulate small-group discussions. The program should be structured to allow participants who have leadership ability to identify effective ways to get the message to their peers, families, and communities.

The following activities are recommended to participants in developing citizenship skills:

1. Provide activities and discussions that focus on improving their analysis of political information. This should be embedded in the current events and historical perspective segments of the training.

2. Provide training on leadership skills and opportunities for them to lead program activities and/or discussions, etc.

RECRUITMENT

Give recruitment a high priority to allow enough time to select and identify program participants.

Target population – The target population could be any population in your community identified as being underrepresented among the voters in your community.

Co-sponsoring agencies – Invite agencies that work directly with underserved populations to serve as co-sponsors (e.g., block clubs, churches, high schools, colleges/universities, League of Women Voters, NAACP, National Urban League).

Other concerns – Also be prepared to answer questions on program content, appropriate dress, scheduling, meals/snacks, and emergency procedures. Co-sponsoring agencies can deal with many of these issues.

LOGISTICS AND TRANSPORTATION

Review the facilities, equipment, and materials needed to conduct the program:

- Meeting facilities
- Meal/snack service facilities
- Transportation
- Equipment (chairs, microphones, audio-visual aids)
- First aid
- Emergency procedures
- Materials (e.g., educational handouts, pencils, pads). This cost should be included when you submit your event results to the national committee via Survey Monkey.

If your chapter or partners are responsible for transportation and renting meeting facilities, secure appropriate contracts, review them with the national committee's legal counsel, ensure that the service vendors provide insurance, and investigate the possibility of securing a "rider" on these policies to cover your chapter.

Parental consent: Form can be obtained from the Membership Department. Please e-mail membership@apa1906.net to obtain the form. Chapters should also complete the Insurance Coverage form for any event related to A Voteless People Is A Hopeless People.

Written parental consent should be secured for youth participating in A Voteless People Is A Hopeless People program activities. Parental consent lets you know that you have permission to include minors in your program activities. Consent forms can also provide you with information on any health issues related to your youth participants. When working with school districts, a chapter can sometimes secure limited indemnification from accidental injuries to a participant. Many school districts can provide a copy of their parental consent forms for your use. Some school administrators will distribute and collect the parental consent forms for you. You may need to revise the parental consent form. Whether the consent form needs to be revised or not, provide a copy of the parental consent form to the chapter's legal counsel for approval prior to collecting parent signatures on the forms.

FINANCING THE PROGRAM

The sponsoring chapter(s) and partners are responsible for preparing the program budget and exploring available sources for financial underwriting.

Preparing the budget – A sound budget will be required by almost all chapters and collaborating agencies or groups for financial support. A program budget should include all conferences costs: facilities, printing, transportation, meals/snacks, lodging, speaker's honoraria, materials, and so forth.

Co-sponsor support – Discuss with your co-sponsoring organization resources that might be provided in support of the program (e.g., facilities, speakers, food).

In-kind support – Do not overlook "in-kind" support for program needs. In addition to the resources of the local chapter(s), chapter(s) should seek out community support and solicit their help in hosting events, where appropriate.

Outside fund-raising – Most major corporations operate foundations that support community service activities. Fraternity members and friends who work for such firms can be extremely helpful in securing funding.

EVALUATION

Your program should include two types of evaluations: 1) periodic discussion of program progress with participants and sponsoring organizations and 2) a Program Evaluation Survey (or other suitable data collection instrument).

Period progress discussions – Use a format to ask specific questions about the program. Identify a recorder to collect the oral and written feedback from the participants regarding the strengths and areas of concern. Inform the group about the strategies that will be used to address areas of concern.

Program evaluation survey – Data should be collected to design subsequent programs, to plan follow-up activities, and to provide program context to the chapter and program funding sources. Program evaluation asks participants their opinions regarding the program itself (i.e., the information presented, speakers, and group activities). Most of the questions require respondents to answer either "Yes" or "No." Other questions require respondents to provide answers.

The evaluation process will enable the chapter(s), to determine the critical success factors and areas for improvement during the election cycle or voter registration campaign.

The Survey Monkey tool will serve as the event roll-up track tool for chapter participation against the five execution strategies outlined in chapter two of this document.

FOLLOW-UP

Follow-up activities should be undertaken in a number of areas, including administration, public relations, and community outreach.

Administration – In addition to filing financial reports with funding sources, chapter(s) should also send articles of their events to the National Programs Office at the fraternity's corporate headquarters (e-mail address: vphp@apa1906.net) for potential inclusion in the Sphinx or as part of an event announcement via the general president's distribution list to the brotherhood. The document submitted should include photos and co-sponsoring organizations if they are involved in the event.

The report or Public Service Announcement (PSA) should include the date(s) and the event location, sponsoring and co-sponsoring organizations, agencies sponsoring participants, and the number of participants involved (if possible, by category, i.e., youth, community participation, brothers, partners, and so forth). Include copies of your program, evaluation instruments, handout materials, news clippings, and other published materials (please note, only provide significant documents; this does not require all materials used).

Send letters of thank you to participants, co-sponsors, underwriters, and others who contributed to the success of your event. Do not forget to thank the brothers for their efforts. They, too, are volunteers and their donations of time, money, and talent deserve recognition.

Programs – At the chapter level, the A Voteless People Is A Hopeless People Committee should work with participants, other sponsoring organizations, and other interested parties to promote A Voteless People Is A Hopeless People activities in the community.

PUBLIC RELATIONS

It is important for the community to understand what we are trying to accomplish with A Voteless People Is A Hopeless People campaign and to be inspired to join us. Public relations are an essential part of this thrust.

The news release – Chapters should consider using all available local media outlets in their communities, in addition to the use of electronic media such as Facebook, to invite the community and other stakeholders to these public events. Prepare a pre-conference release, with photographs, to give background on A Voteless People Is A Hopeless People, information about Alpha, and information on your chapter and its outreach programs.

The first paragraph of the release should tell the story:

who, what, where, when, and why. The second paragraph should answer all other questions. Other paragraphs are likely to be edited away, so follow this format to preserve essential information in the story.

Your release should be on the official letterhead of your chapter. It should be typed and double-spaced. It should contain a contact name and phone number. Follow-up contact should be made with printed media outlets.

Develop a complete media mailing list for all printed media outlets in your community. In some cases, local TV stations may cover your event if they are given advance notice. The more contacts you make, the more you increase your chances of getting coverage. Generally, you can e-mail your press release to the various media outlets. You should also understand the various media publishing schedules so your event will be printed in the news cycle before your event. If you are soliciting other organization responses, allow adequate lead time to allow for a timely response.

News media invitations – A separate letter or e-mail should be sent to the media to invite them to attend the various community voter registration and political forum events being hosted by the chapter(s) and partners. The communication should arrive two weeks before the event. A follow-up phone call should be planned 2–3 days before the event to check media commitments.

Special media – Alternative media sources also can provide coverage. These include special-interest publications This document will be updated as required; should anyone have suggestions or comments, please send them to vphp@apa1906.net.

RESOURCE

This document will be updated as required; should anyone have suggestions or comments, please send them to vphp@apa1906.net.

The National Standing Committee Members and Regional Focal Points:

COMMITTEE CHAIRMAN

Brother Steven L. Jones, vphp@apa1906.net

EASTERN

(ALUMNI)
Brother Dr. John Harkless
john.harkless@gmail.com
Brother Michael McCoy
bromichaelmccoy06@gmail.com
(COLLEGE)
Seeking two members, open

MIDWESTERN

(ALUMNI)
Brother Cedric Giles
cedricgiles@yahoo.com
Brother Dr. Richard Gardner, Sr.
rgardn14aphi@msn.com
(COLLEGE)
Seeking two members

SOUTHERN

(ALUMNI)
Brother Maurice Thompson II
maurice.thompsonii@gmail.com
Seeking one member
(COLLEGE)
Seeking two members

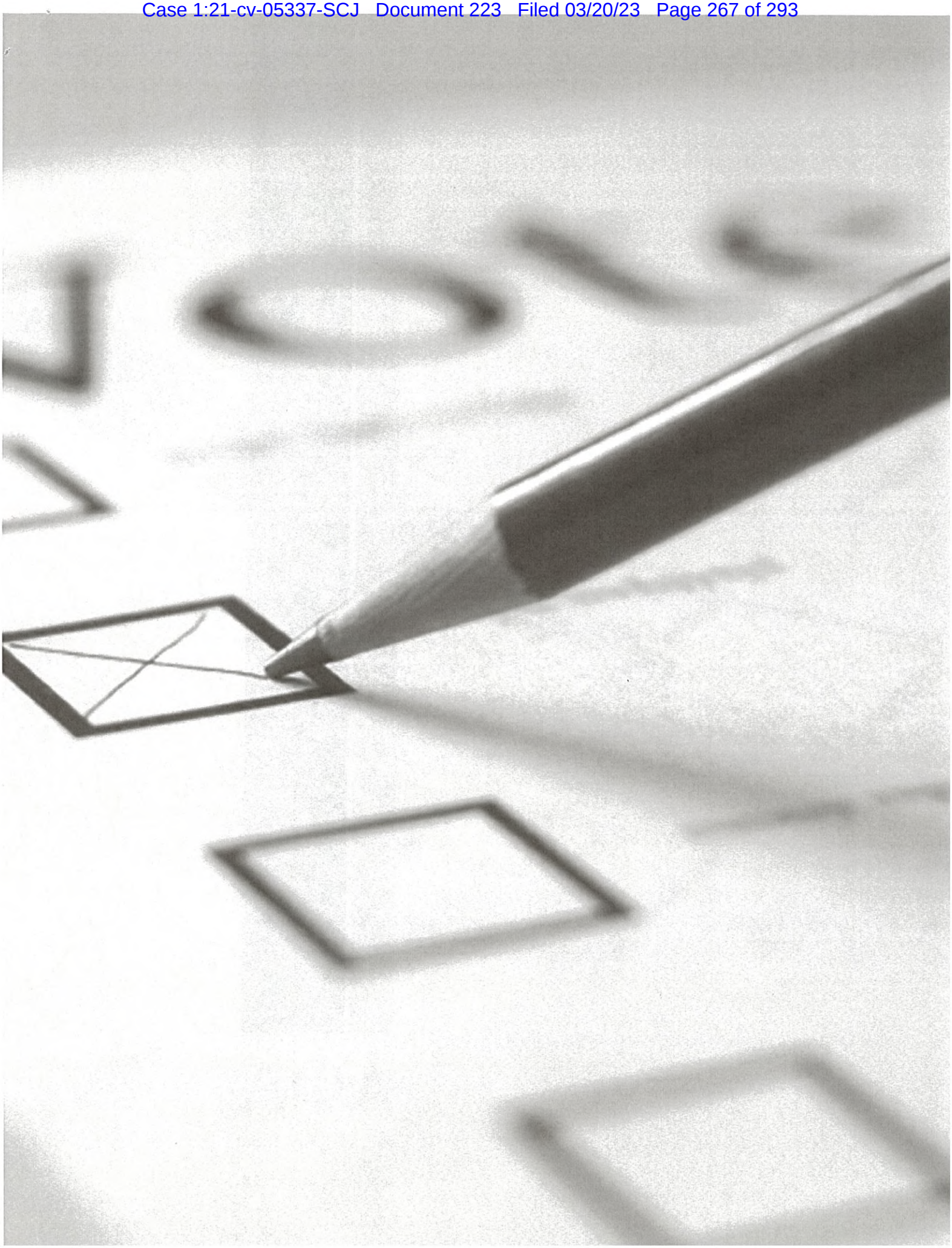
SOUTHWESTERN

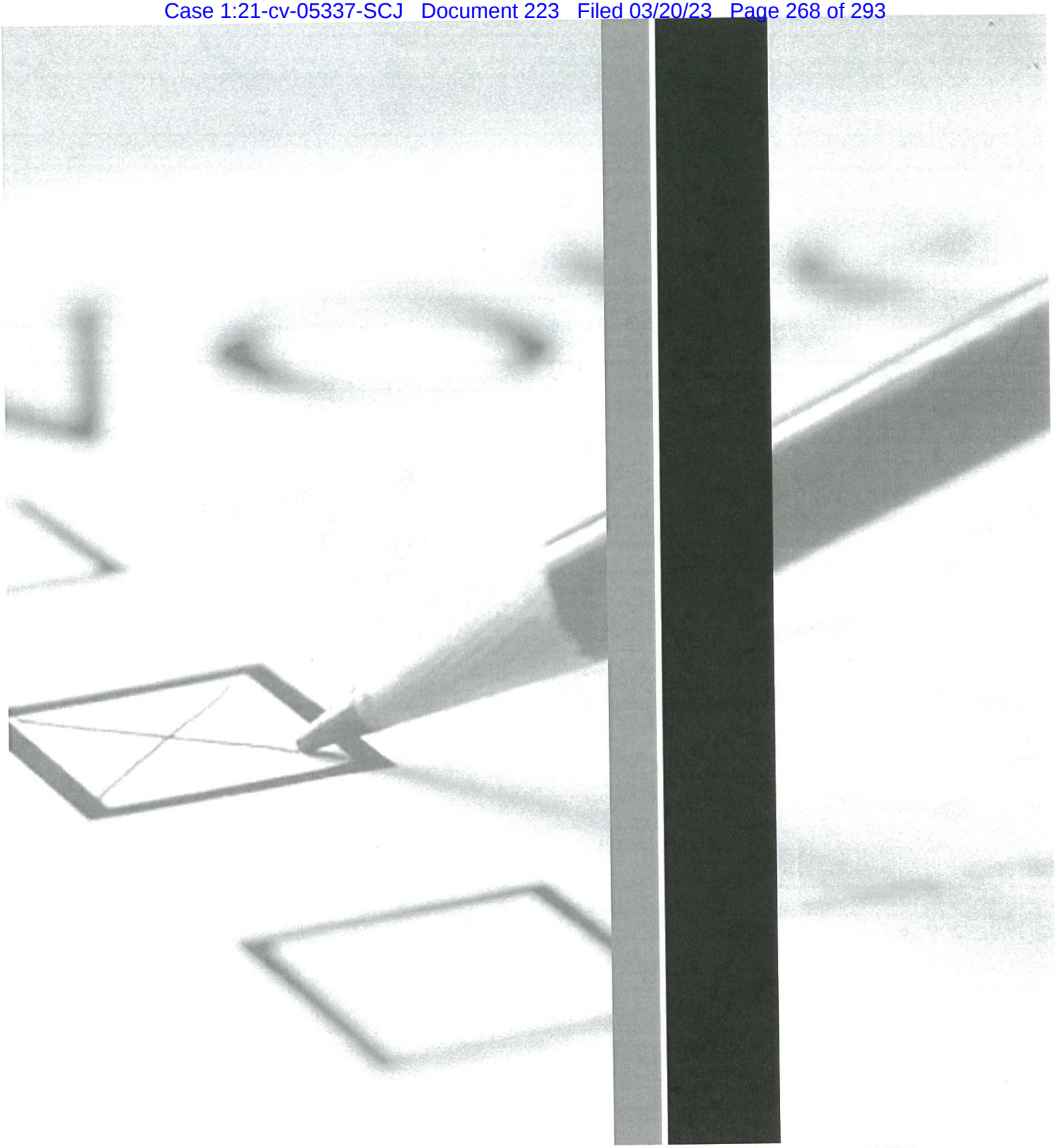
(ALUMNI)
Seeking two members
(COLLEGE)
Seeking two members, open

WESTERN

(Alumni)
Seeking one member
(College)
Seeking two members

If a member of the fraternity wants to become a member of the committee and become a regional focal point for his respective region, please submit a cover letter and résumé to the chairman of this committee. After review by the committee chairman, the information package will be forwarded to the general president of the fraternity for review.





ΑΦΑ

2313 Saint Paul Street

Baltimore, MD 21218

APA1906.net

ALPHA PHI ALPHA FRATERNITY
A VOTELESS PEOPLE IS A HOPELESS PEOPLE (VPHP)
NATIONAL COMMITTEE
PROGRAM EXECUTION & PRESENTATION GUIDE

FIRST OF ALL... WE VOTE
ALPHA PHI ALPHA FRATERNITY

tabbies
LEFTON
DEFENDANT'S EXHIBIT
4
1-10-23
SJT

Things to keep in mind.

BASIC IDEAS.

IRS

Alpha Phi Alpha Fraternity, Incorporated is a 501(c)(7) organization pursuant to the Internal Revenue Code.

Tax Status

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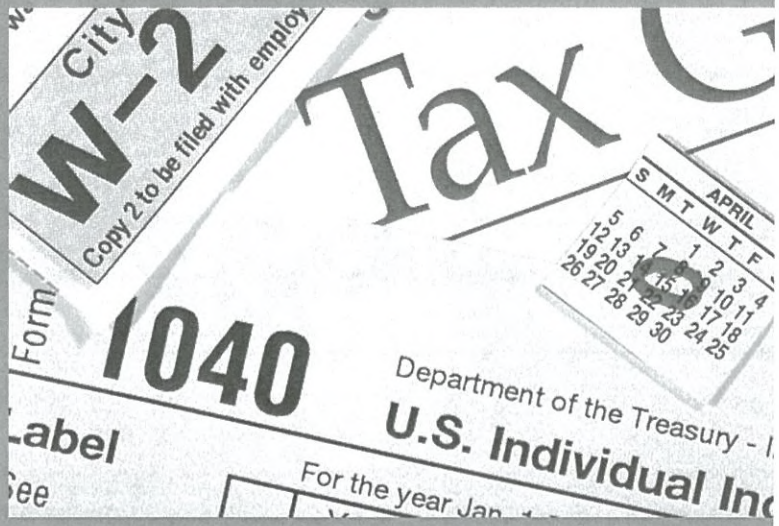
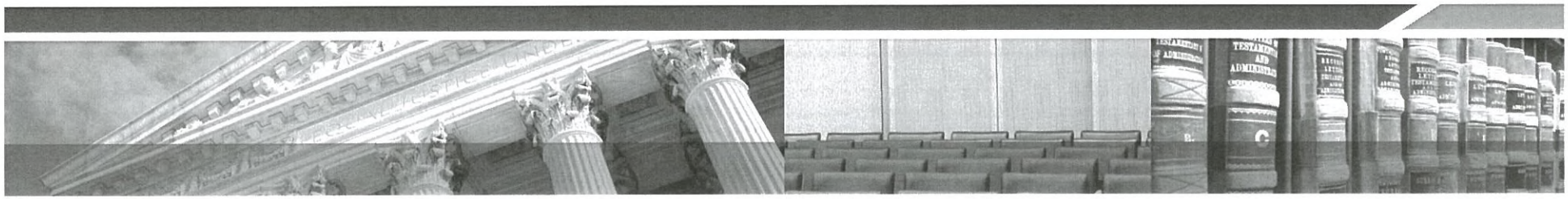


Strategic Coordinating Committees in Support of the Fraternity's "Fighting on the Ice" Vision

- A Voteless People Is A Hopeless People (VPHP)
- Commission on Racial Justice
- Committee on Public Policy
- World Policy Council

The following presentation will focus on the strategic direction of the VPHP Committee and the call to action of Alpha Phi Alpha Fraternity, Inc., and community involvement.



Fight on the Ice

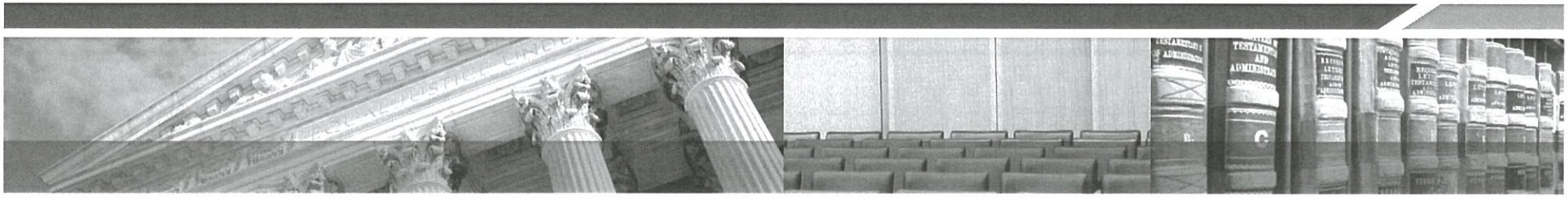
"WE MUST FIGHT 'TIL HELL FREEZES OVER AND THEN FIGHT ON THE ICE."
– JEWEL VERTNER WOODSON TANDY, DECEMBER 1937

"Alpha Phi Alpha will always continue to advocate and serve when called upon. Our communities need us! Our children need us! Also we need to rely on each other! It's our duty to demonstrate our relevance if we expect to retain the same level of interest from our supporters, our partners, our communities, and ourselves. We must combat the external forces that continue to question and challenge our existence. Whatever confronts us, we must remain a visible, viable, and socially responsible leader to our stakeholders as we exercise the collective and stabilized strength of our membership."

– General President of Alpha Phi Alpha Fraternity, Inc. Mark S. Tillman

VPHP: Five (5) Areas of Program Execution:

1. Public Issues Forums
2. Candidate Forums and/or Debate Watch
3. Voter and Civic Education
4. Voter Registration Drives
5. Get Out the Vote Programs



VPHP: Five (5) Areas of Program Execution:

1. PUBLIC ISSUES FORUMS:

Provide an opportunity for community members to participate in a problem-identification and problem-solving session. Citizens discuss issues that are impacting their communities and develop a plan to resolve the problem, i.e., health care, crime, low-performing schools, etc.

Consider using this link or establish your own method to conduct Public Issues Forums: Source the Community Tool Box

http://ctb.ku.edu/en/tablecontents/sub_section_main_1021.aspx

VPHP: Five (5) Areas of Program Execution:

2. CANDIDATE FORUMS AND/OR DEBATE WATCH:

Engage your chapter(s) and the community in the political process by hosting public candidate forums and or Debate Watch, and have discussion groups after the debate.

"Candidates either have or will learn to respect groups that are trying to ensure voters get involved in greater numbers and with greater insight."

Consider using this link or establish your own method to conduct Candidate Forums Source: Neighborhood Guide to Organizing a Candidate Forum

http://www.lwvnashville.org/files/nguide_cand_forum.pdf

VPHP: Five (5) Areas of Program Execution:

3. VOTER EDUCATION:

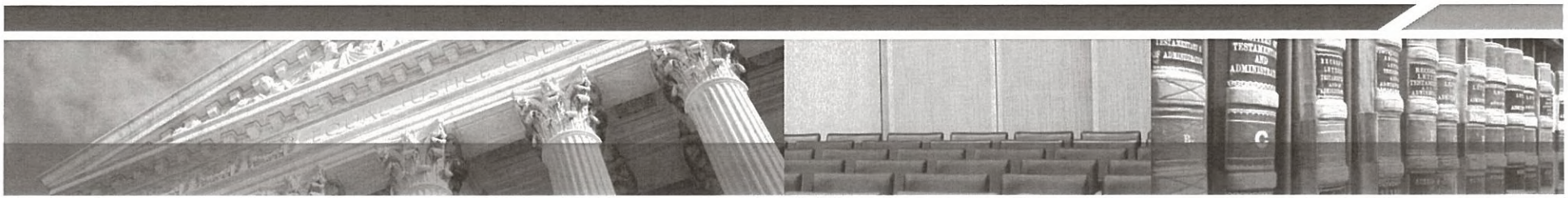
Voter education involves providing information on who is eligible to vote; where and how to register; how electors can check the voter lists to ensure they have been duly included; what type of elections are being held; where, when, and how to vote; who the candidates are; and how to file complaints.

Chapter(s) may want to partner with the following organizations to develop Voter Education programs in their communities.

NAACP: http://www.naacp.org/

League of Women Voters: http://www.lwv.org/

Additional Resources:
http://www.un.org/womenwatch/osagi/wps/publication/Chapter5.htm



VPHP: Five (5) Areas of Program Execution:

VOTER REGISTRATION DRIVES

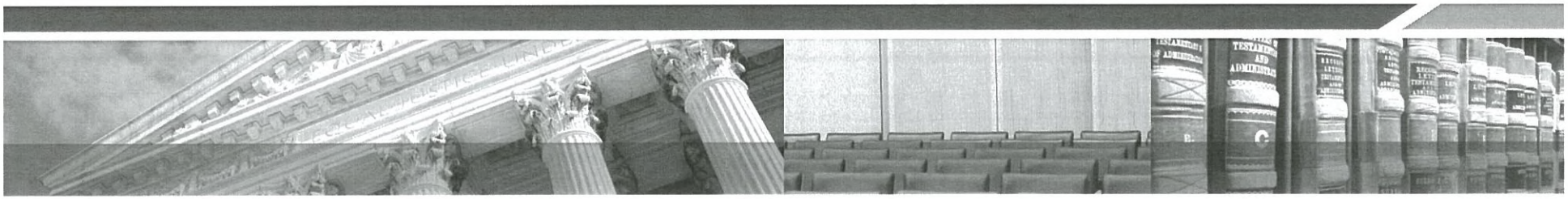
(Dependent on election cycle but should be done year-round)

November 2013 Election Cycle:
Mayoral Elections in U.S.; for details by state use this link:
http://www.usmayors.org/elections/displayelections2013listing.asp
Gubernatorial Elections New Jersey and Virginia

November 2014 Election Cycle:
Class II - 33 U.S. Senate Seats / All 435 U.S. House of Representatives Seats / 36 Gubernatorial / Mayoral Elections

November 2015 Election Cycle:
Gubernatorial Elections, Kentucky, Louisiana, Mississippi

November 2016 Election Cycle:
Presidential, Class III 34 U.S. Senate Seats / All 435 U.S. House of Representatives Seats / 11 Gubernatorial



VPHP: Five (5) Areas of Program Execution:

4. VOTER REGISTRATION DRIVES

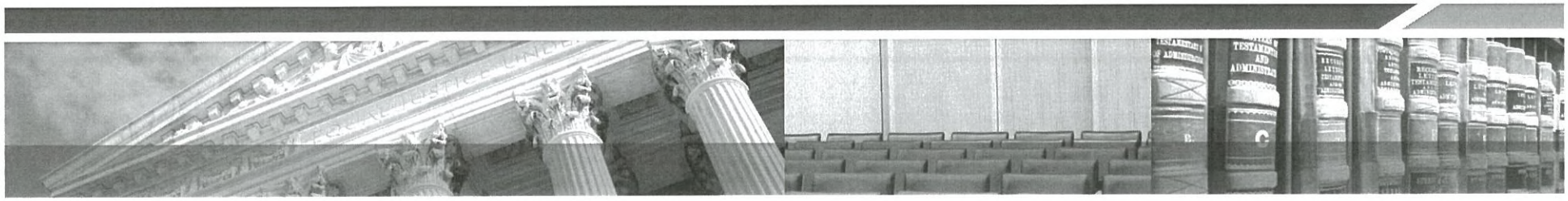
See additional file for Voter Registration Information, with details by Alpha Phi Alpha Fraternity, Inc. regions and dates. Located at National Program Documents Voteless / Hopeless: Master Record Voter Registration All Regions Listing by State.

VPHP: Five (5) Areas of Program Execution:

4. VOTER REGISTRATION DRIVES

- Voting Disenfranchisement 2012: Restrictive and Arbitrary Voter Registration Practices: Voter ID Laws and limited access to voting hours.

- As voter registration requirements vary by state, please ensure you are aware of your individual state's voter registration requirements.



Voting Disenfranchisement 1880–1965: Violence, Fraud, Poll Tax, Literacy Test

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Poll Tax for Year of 1963

SHERIFF'S OFFICE, LINCOLN COUNTY, MISS.

№ 5350

Page _____ Line _____

Brookhaven, Mississippi, 1-31, 1964

RECEIVED OF Harkless Dy $2.00

RESIDENCE C.B.H. AGE SEX M

BEAT _____ PRECINCT Ward 3

As Provided for in House Bill No. 9, Extraordinary Session 1935. Joe

Sheriff & Tax Collector, Lincoln County, Miss.

By _____ D. S.

LAWRENCE-GREENWOOD 71318

?? Joe Brewer

VPHP: Five (5) Areas of Program Execution:

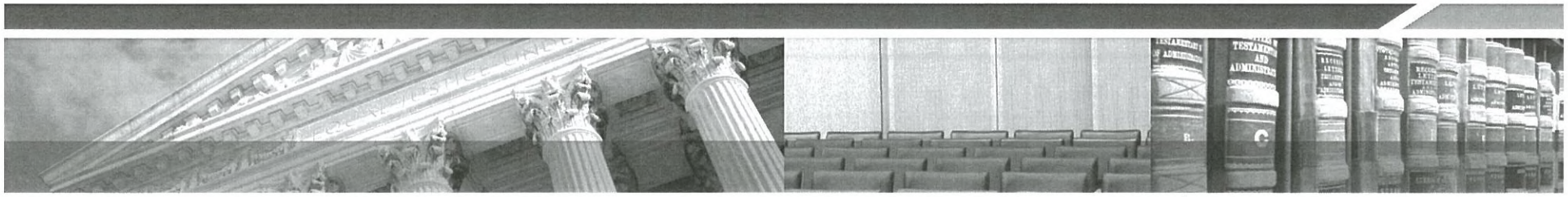
5. GET OUT THE VOTE PROGRAMS:

Get Out the Vote Programs:

Depending on your community or state if mailing in ballot or early voting is allowed, or voter registration on the day of election, we must get voters to the polls. Ensure your chapter(s) have a strategy to ensure voters VOTE.

Consider using this link or establish your own method to conduct Get Out the Vote Programs: Government research, Yale University

http://gotv.research.yale.edu/?q=node/58



VPHP: Five (5) Areas of Program Execution:

1. Public Issues Forums
2. Candidate Forums and/or Debate Watch
3. Voter and Civic Education
4. Voter Registration Drives
5. Get Out the Vote Programs

VPHP National Committee Members & Regional Focal Points

National e-mail address: vphp@apa1906.net
Chairman: Bro. Steven Jones

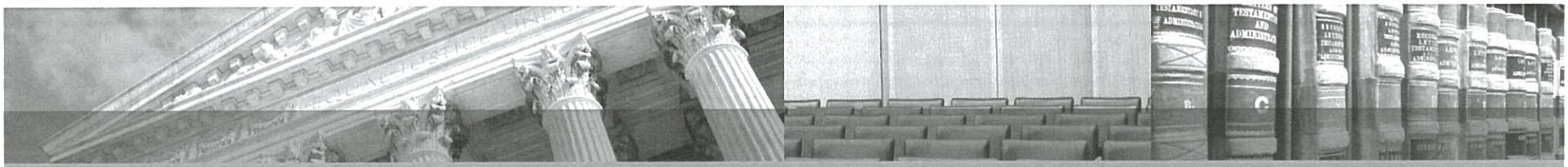
Eastern Region:
(Alumni) Bro. Dr. John Harkless – john.harkless@gmail.com
& Bro. Michael McCoy – bromichaelmccoy06@gmail.com
Seeking 2 college brothers to add to committee

Midwestern Region:
(Alumni) Bro. Cedric Giles – cedricgiles@yahoo.com
& Bro. Dr. Richard Gardner – rgardn14aphi@msn.com
Seeking 2 college brothers to add to committee

Southern Region:
(Alumni) Bro. Maurice Thompson II – maurice.thompsonii@gmail.com
Seeking 1 alumni and 2 college brothers to add to committee

Southwestern Region:
Seeking 2 alumni and 2 college brothers to add to committee

Western Region:
Seeking 1 alumni and 2 college brothers to add to committee



Things to keep in mind.

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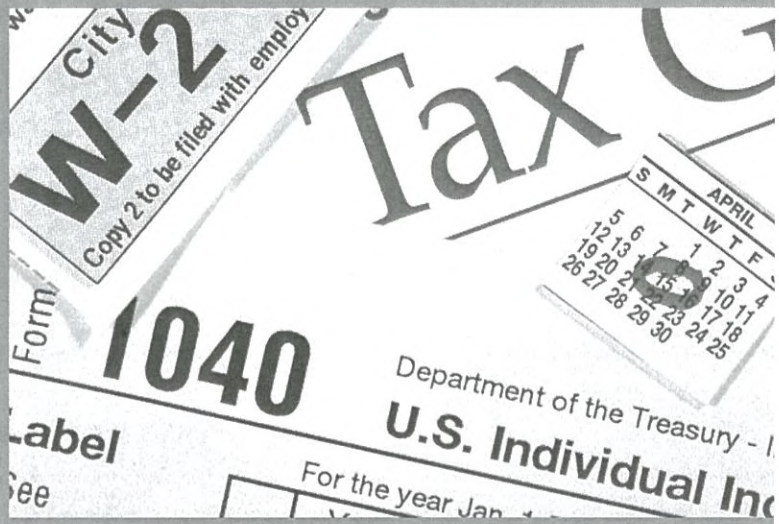
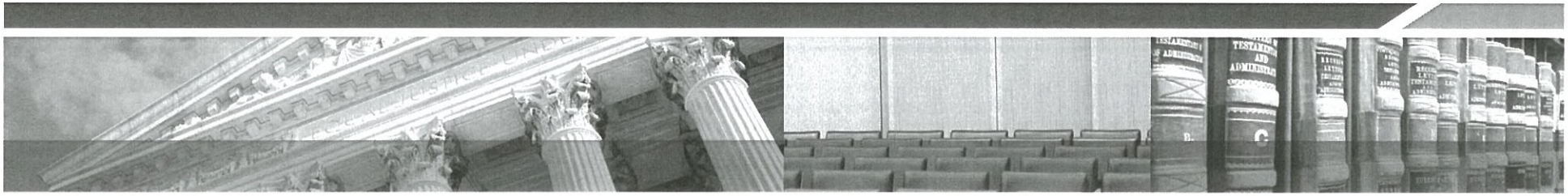


Reporting Your Events

First of All We Vote Data Collection Tool:

https://www.surveymonkey.com/s/FirstofAllWEVOTE



Reporting Your Events

FIRST OF ALL WE VOTE DATA COLLECTION TOOL:

https://www.surveymonkey.com/s/FirstofAllWEVOTE

First of All...WE VOT...

First of All...WE VOTE

Exit this survey

Alpha Phi Alpha's hard work continues by fulfilling our promise of registering voters. Alpha has taken the lead on many causes, and this national program, A Voteless People is a Hopeless People, is just one of many examples of Alpha men doing what the Jewels envisioned for this great organization. Please go to your state's website and download voter registration materials to begin to secure voters' information for registration. After your chapter is finished with its voter registration event, please fill out the survey information below.

With Alpha leading the way, we can help empower people to make the necessary decisions that affect their communities and their everyday lives. To learn more about the A Voteless People is a Hopeless People national program and how you and your chapter can become involved please visit www.APA1906.net.

***1. Chapter name:**

2. Chapter key: [Preferred, but not required]

***3. Region:**

4. Event:

Next

Powered by SurveyMonkey
Check out our sample surveys and create your own now!

125%

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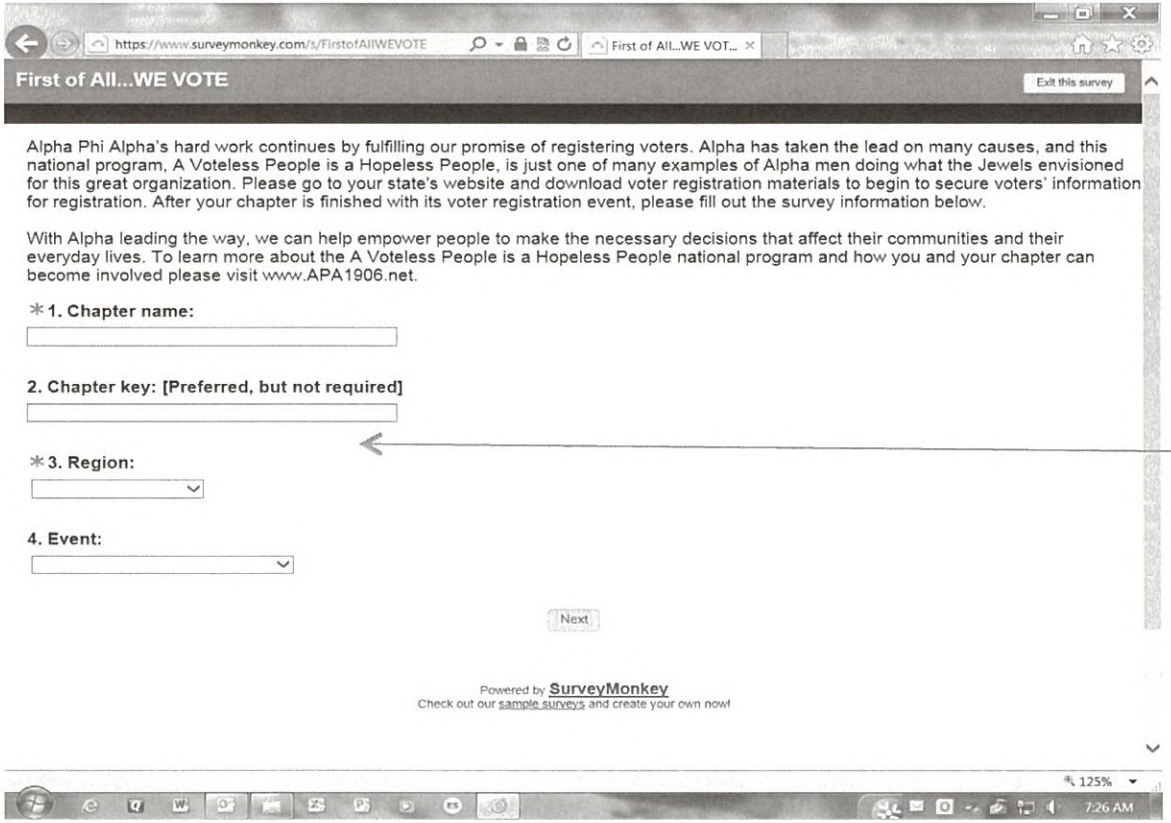
Reporting Your Events

FIRST OF ALL WE VOTE DATA COLLECTION TOOL:



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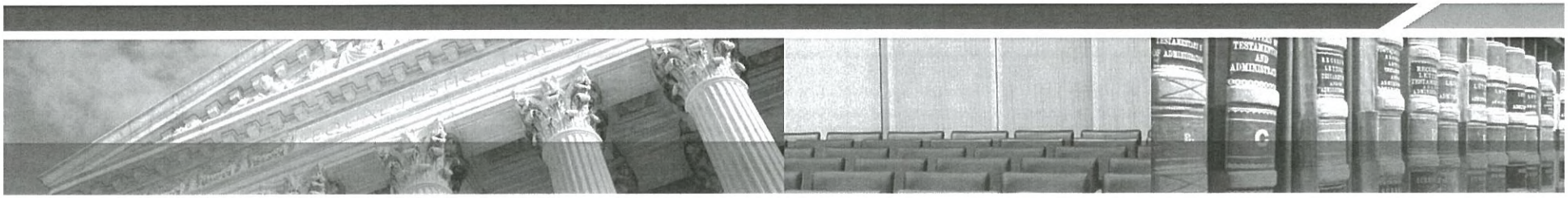
When a down arrow is shown this will allow you to chose from specific information. Just click on the information you want and it will populate the box with your response.



Reporting Your Events

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Eastern Region
Midwestern Region
Southern Region
Southwestern Region
Western Region

Next

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***1. Chapter name:**

2. Chapter key: [Preferred, but not required]

***3. Region:**

4. Event:

- Public Issues Forum
- Candidate Forum or Debate Watch
- Voter Education
- Voter Registration Drive
- Alpha Day at State Capitols
- Get Out the Vote

Next

Powered by SurveyMonkey
Check out our sample surveys and create your own now!

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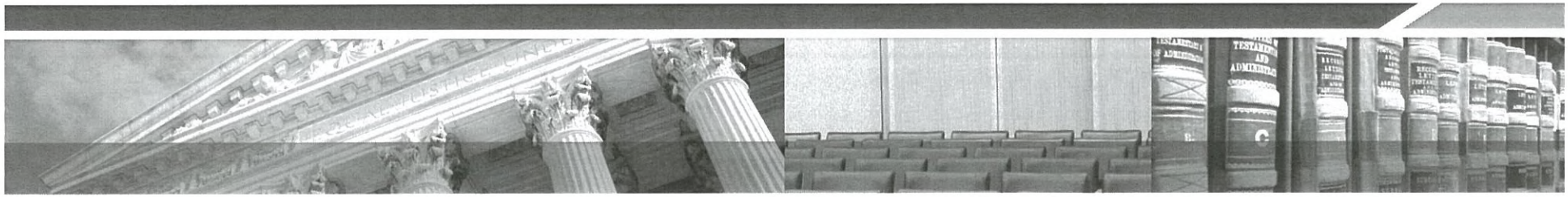
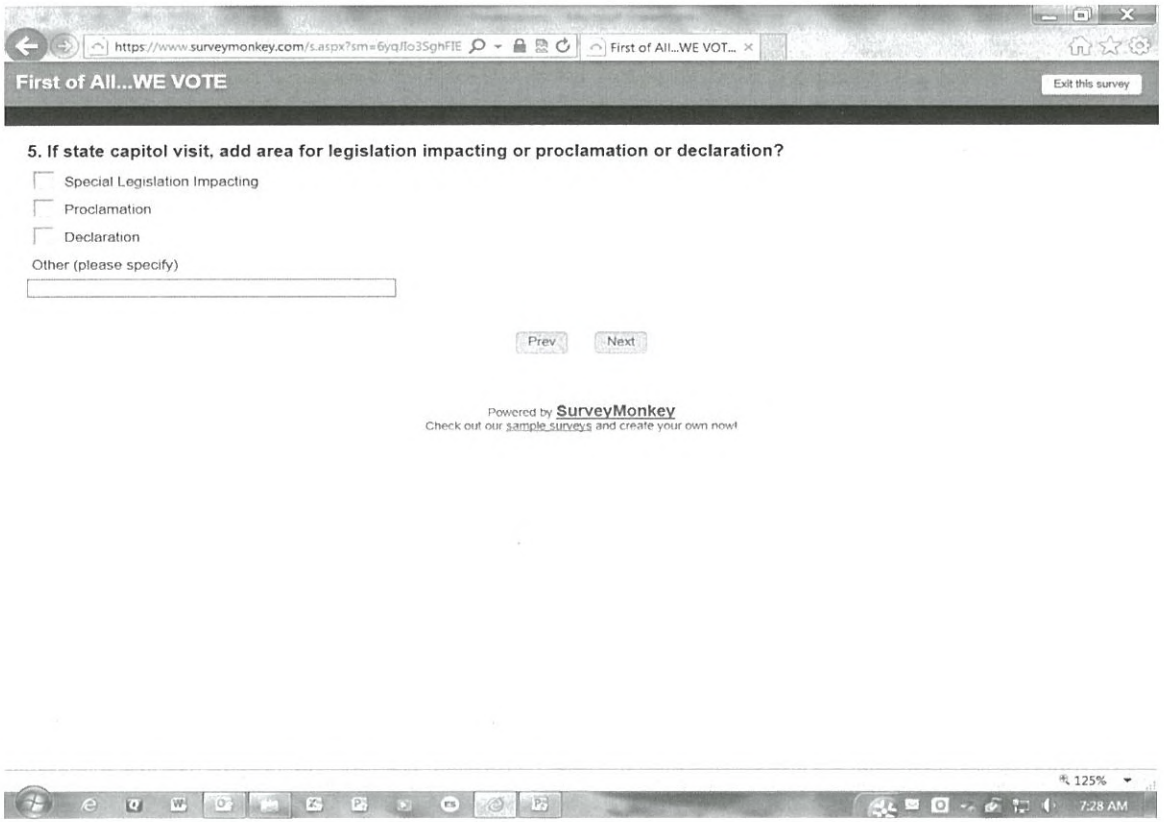


Reporting Your Events

FIRST OF ALL WE VOTE DATA COLLECTION TOOL:



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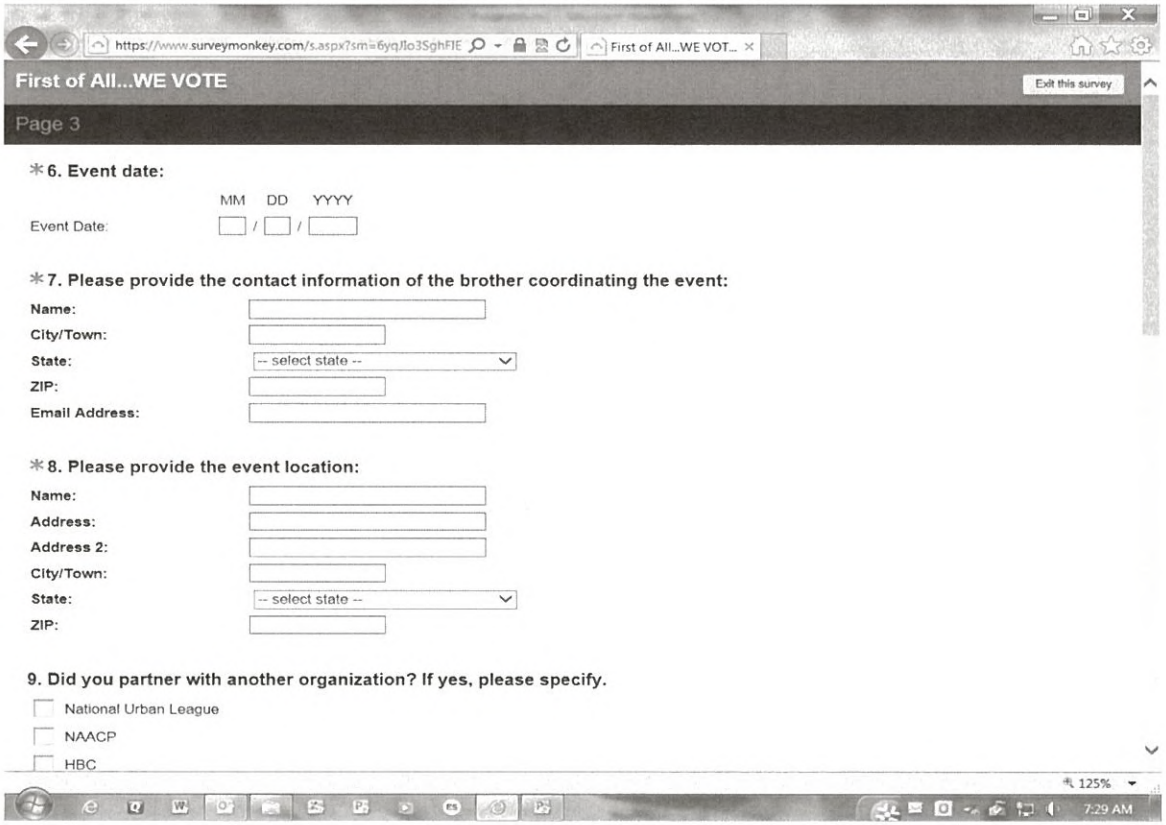

https://www.surveymonkey.com/s.aspx?sm=6yqJlo3SghFIE

First of All...WE VOT...

First of All...WE VOTE

Exit this survey

Page 3

*6. Event date:

MM DD YYYY

Event Date: ___ / ___ / ____

*7. Please provide the contact information of the brother coordinating the event:

Name:

City/Town:

State: -- select state --

ZIP:

Email Address:

*8. Please provide the event location:

Name:

Address:

Address 2:

City/Town:

State: -- select state --

ZIP:

9. Did you partner with another organization? If yes, please specify.

- National Urban League
- NAACP
- HBC

125%

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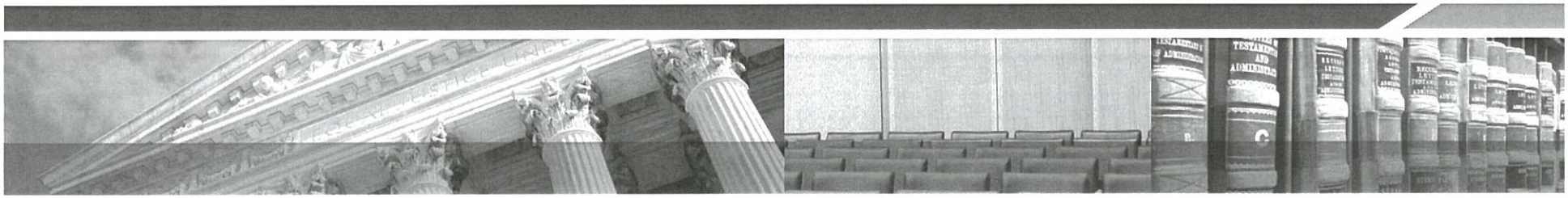

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https://www.surveymonkey.com/s.aspx?sm=6yqJlo3SghFIE First of All...WE VOT...

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- National Urban League
- NAACP
- HBC
- Alpha Kappa Alpha Sorority
- Delta Sigma Theta Sorority
- Omega Psi Phi Fraternity
- Kappa Alpha Psi Fraternity
- Phi Beta Sigma Fraternity
- Zeta Phi Beta Sorority
- Iota Phi Theta Fraternity

Other (please specify)

10. Number in attendance or number of voter registrants:

11. Expenses related to this event:

- Supplies (Pens - Tent Cards)
- Postage
- Venue Rental
- Bill Board
- Food

Other (Please provide a full description and amount)

125%

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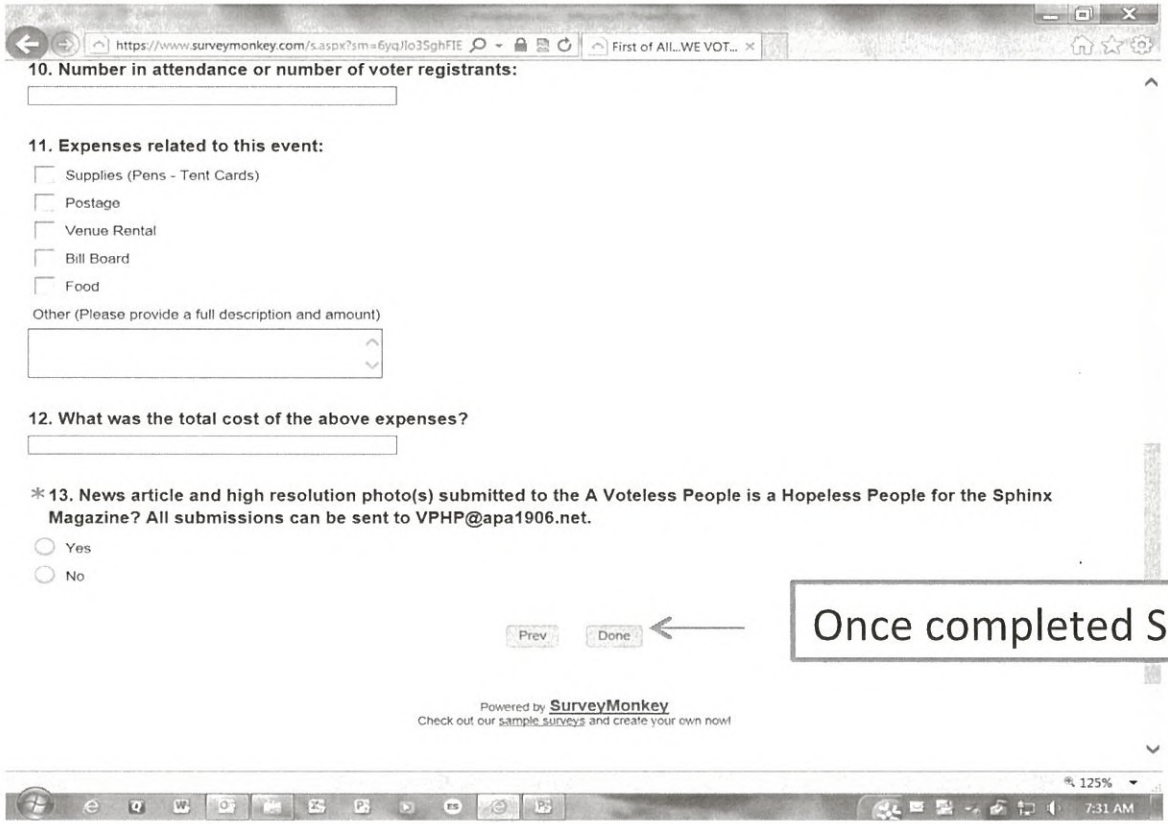
Reporting Your Events

FIRST OF ALL WE VOTE DATA COLLECTION TOOL:



https://www.surveymonkey.com/s.aspx?sm=6yqJlo3SghFIE First of All...WE VOT...

10. Number in attendance or number of voter registrants:

11. Expenses related to this event:

- Supplies (Pens - Tent Cards)
- Postage
- Venue Rental
- Bill Board
- Food

Other (Please provide a full description and amount)

12. What was the total cost of the above expenses?

***13. News article and high resolution photo(s) submitted to the A Voteless People is a Hopeless People for the Sphinx Magazine? All submissions can be sent to VPHP@apa1906.net.**

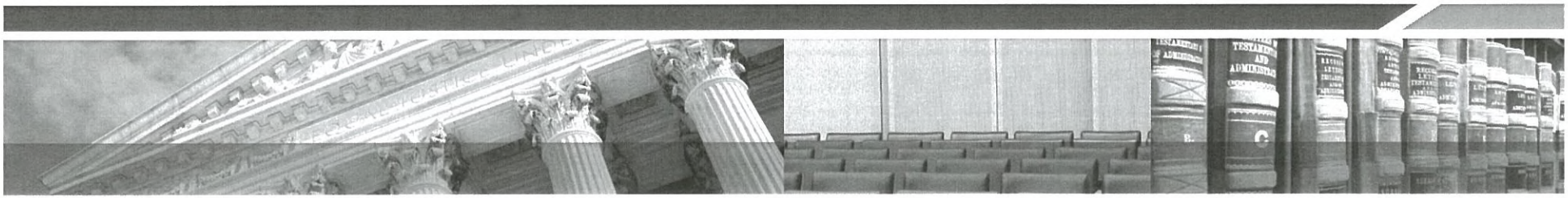
- Yes
- No

Prev Done

Once completed Select Done.

Powered by SurveyMonkey
Check out our sample surveys and create your own now!

125% 7:31 AM



Voter Registration Requirements

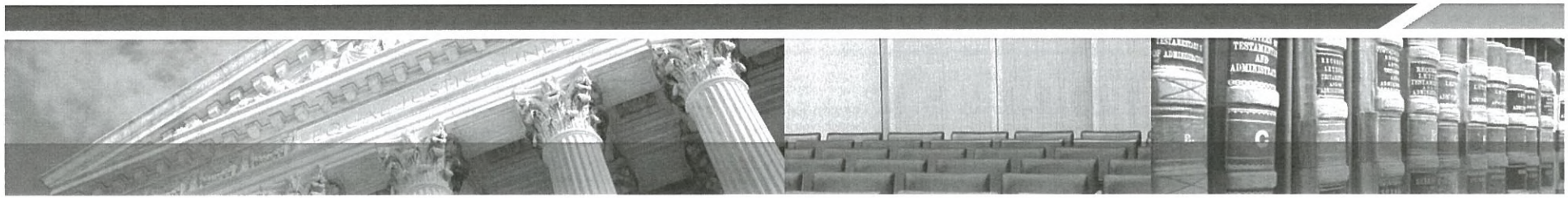
BY STATES

The following section pertains to how to navigate the AVPHP Home Page and use the National Urban League (NUL): View Your Rights By State link. The NUL link will allow you to select by state voting information.

Due to changing legislation in each state relative to voter registration laws, always check with your secretary of state or state voter registration department for current voting registration requirements.

From the Fraternity Home Page

CLICK ON: PROGRAMS & PARTNERSHIPS



Click on A Voteless People Is A Hopeless People

http://www.alpha-phi-alpha.com/Page.php?id=52 :: Alpha Phi Alpha ::

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ALPHA PHI ALPHA FRATERNITY, INC.

DEVELOPS LEADERS, PROMOTES BROTHERHOOD AND ACADEMIC EXCELLENCE, WHILE PROVIDING SERVICE AND ADVOCACY FOR OUR COMMUNITIES

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« Home / Programs & Partnerships « Go Bac

Text Size : + − EMAIL PRIN

Programs & Partnerships

National Programs
The Fraternity's National Programs and special projects are community outreach mentoring initiatives that have been adopted by the organization's governing body and mandated for implementation by all of its chapters. The organization's National Programs include (*click for description*):

1. Go-To-High School, Go-To-College
2. Project Alpha
3. A Voteless People Is A Hopeless People
4. Brother's Keeper

Special Projects
Alpha Phi Alpha's Special Projects are programs and activities that are sustained through collaborative efforts, memoranda of understanding, and/or outside financial assistance, which Chapters are encouraged to implement. Current Special Projects include:

1. Big Brothers / Big Sisters mentoring partnership
2. Boy Scouts of America
3. College Life to Corporate Life Initiative (C2C)
4. Leadership Development Institutes

Text Size : + − EMAIL PRIN

The Home Page for AVPHP

http://www.alpha-phi-alpha.com/Page.php?id=167 :: Alpha Phi Alpha ::

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» Home / National Programs / A Voteless People Is A Hopeless People

Text Size : + −

EMAIL

Voter Education/Registration Program
"A Voteless People Is A Hopeless People"

"A Voteless People is a Hopeless People" was initiated as a National Program of Alpha during the 1930's when many African-Americans had the right to vote but were prevented from voting because of poll taxes, threats of reprisal, and lack of education about the voting process. Voter education and registration has remained a dominant focus of this outreach activity for over 65 years. In the 1990's, the focus has shifted to include political awareness and empowerment, delivered most frequently through town meetings and candidate forums.

A Voteless People is a Hopeless People Program Documents:
Download Implementation Guide
Download Curriculum Guide
Reporting Tool / Program Execution [Survey Monkey APP]

Deliverables:
First of All...We Vote Logo: Black and Gold [PMS 132] Raster Image
First of All...We Vote Logo: Black and White Raster Image
First of All...We Vote Doorhangers: Coming Soon

Voter Information:
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National State Voter Registration Deadlines [Verify with your secretary of state, county recorder or parish office your voting registration status and/or questions.]
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Federal Election Commission (Quick Answers)
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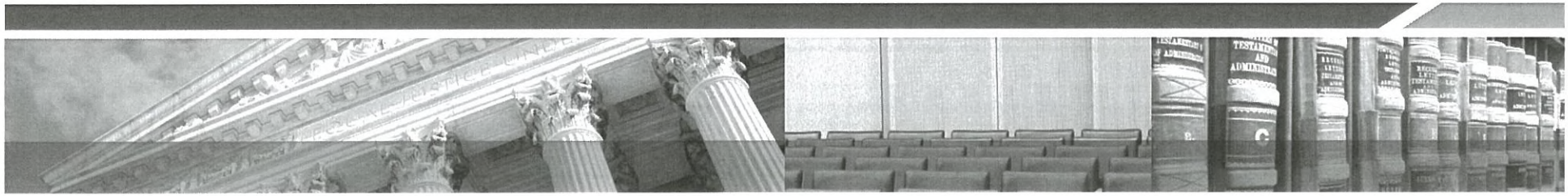
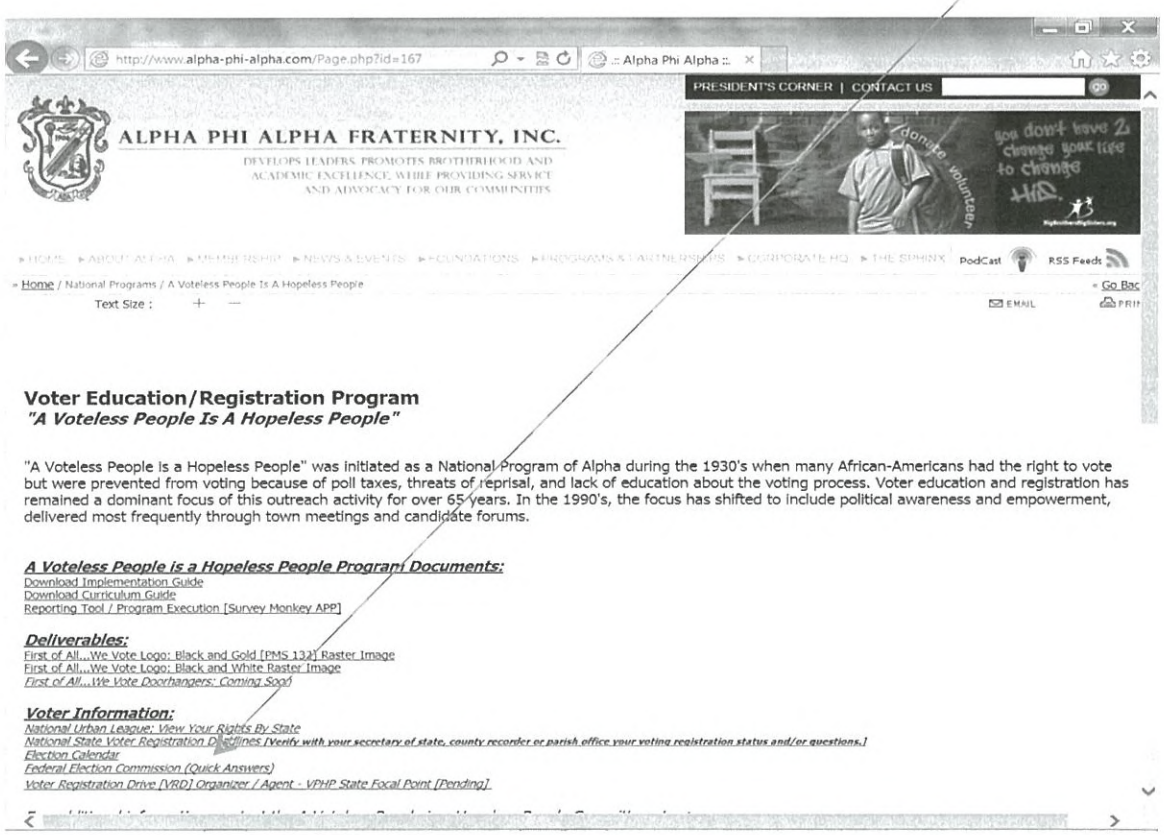


Select the link National Urban League



http://www.alpha-phi-alpha.com/Page.php?id=167 :: Alpha Phi Alpha ::

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» Home / National Programs / A Voteless People Is A Hopeless People

Text Size : + −

EMAIL

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Voter Registration Drive [VRD] Organizer / Agent - VPHP State Focal Point [Pending]

NUL: View Your Rights By State

http://iamempowered.com/article/2012/09/06/view-your-rigt

Occupy the Vote: St...

Nationwide® Insurance

Sign In
Register

I am EMPOWERED
I AM THE NATIONAL URBAN LEAGUE

JOIN THE COMMUNITY! JOIN THE CONVERSATION!

National Urban League
Empowering Communities. Changing Lives.

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Home » View Your Rights By State

National Urban League

OCCUPY THE VOTE

EDUCATE, EMPLOY & EMPOWER

FOLLOW US
OCCUPYTHEVOTE

7
Share

View Your Rights By State

The National Urban League Wire
Published: Thu, Sep 6, 2012 at 2:10 pm | Updated: Tue, Jun 25, 2013 at 5:05 pm | Comments: 0

MAIN PAGE >> | SCOTUS RULING ON VOTER RIGHTS | VIEW YOUR RIGHTS BY STATE | PROTECT YOUR VOTE OPPOSE VOTER SUPPRESSION | GET INVOLVED BECOME A FREEDOM FIGHTER

3

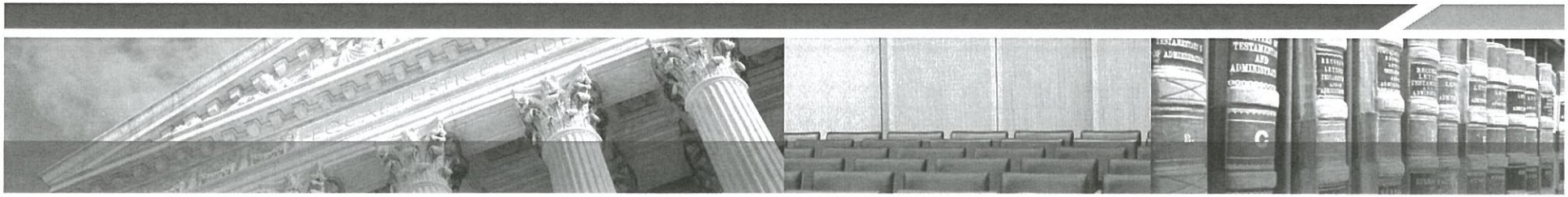
DONATE
WAYS TO GIVE

RELATED LINKS
Voter Registration Deadlines
Protect Your Vote
View Your Rights By State
How Do I Register to Vote?

SUCCESS STORIES

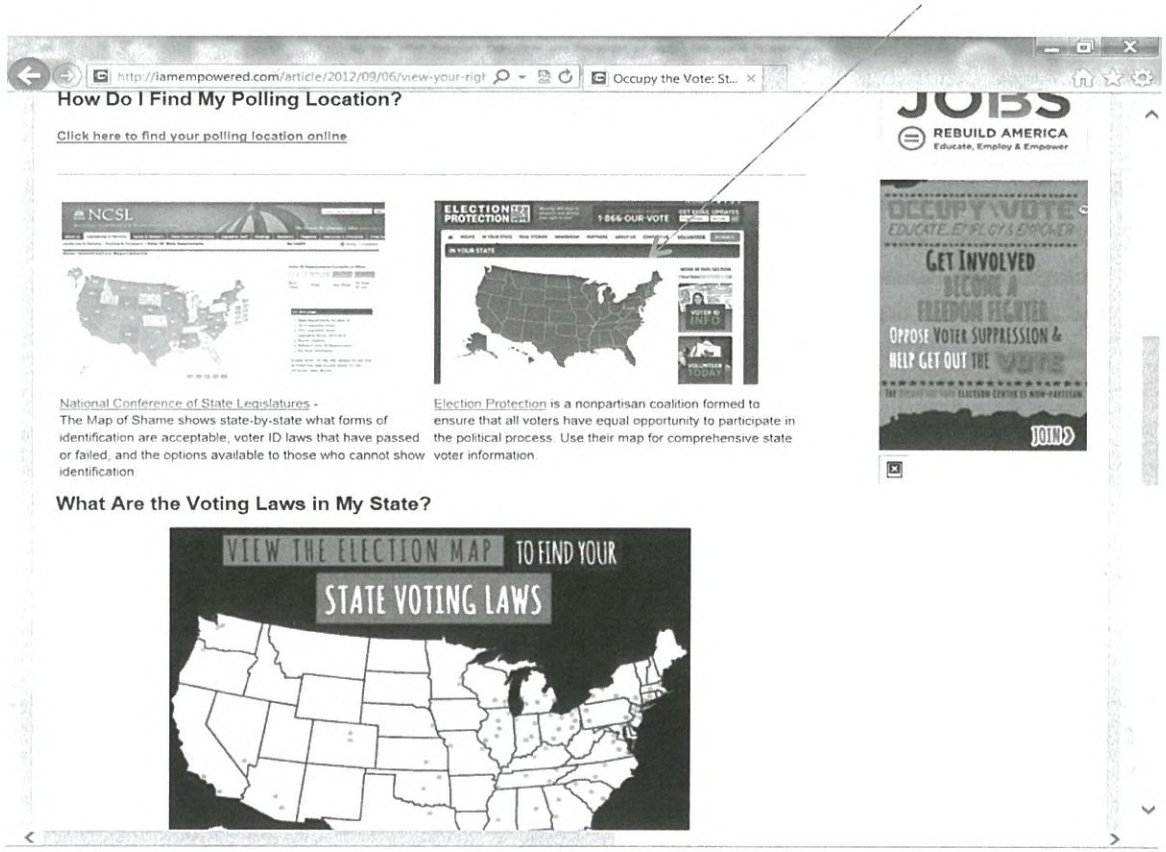
Voter Suppression Can Take Many Forms!

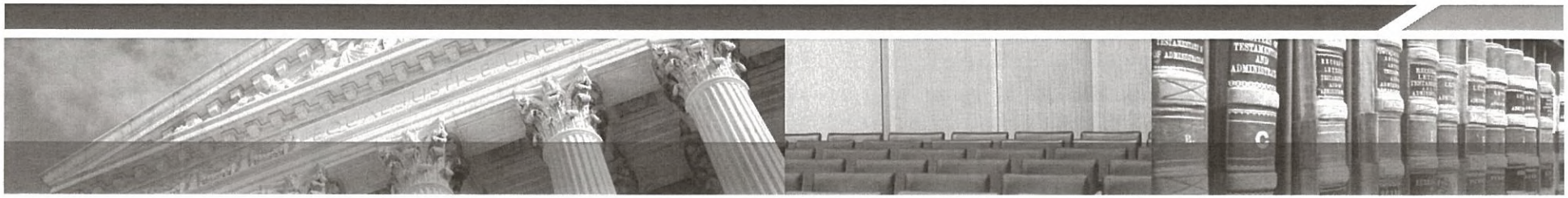
What Are the Voting Requirements in My State?



NUL: View Your Rights By State

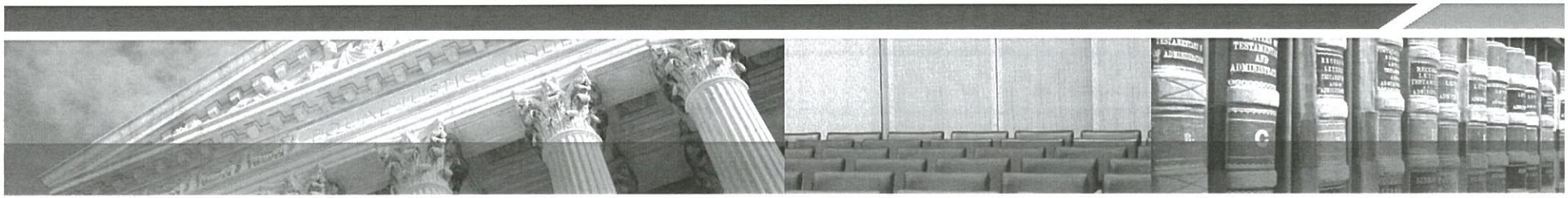
SCROLL DOWN THE PAGE TO THE BLUE MAP OF THE US & CLICK ON THE MAP





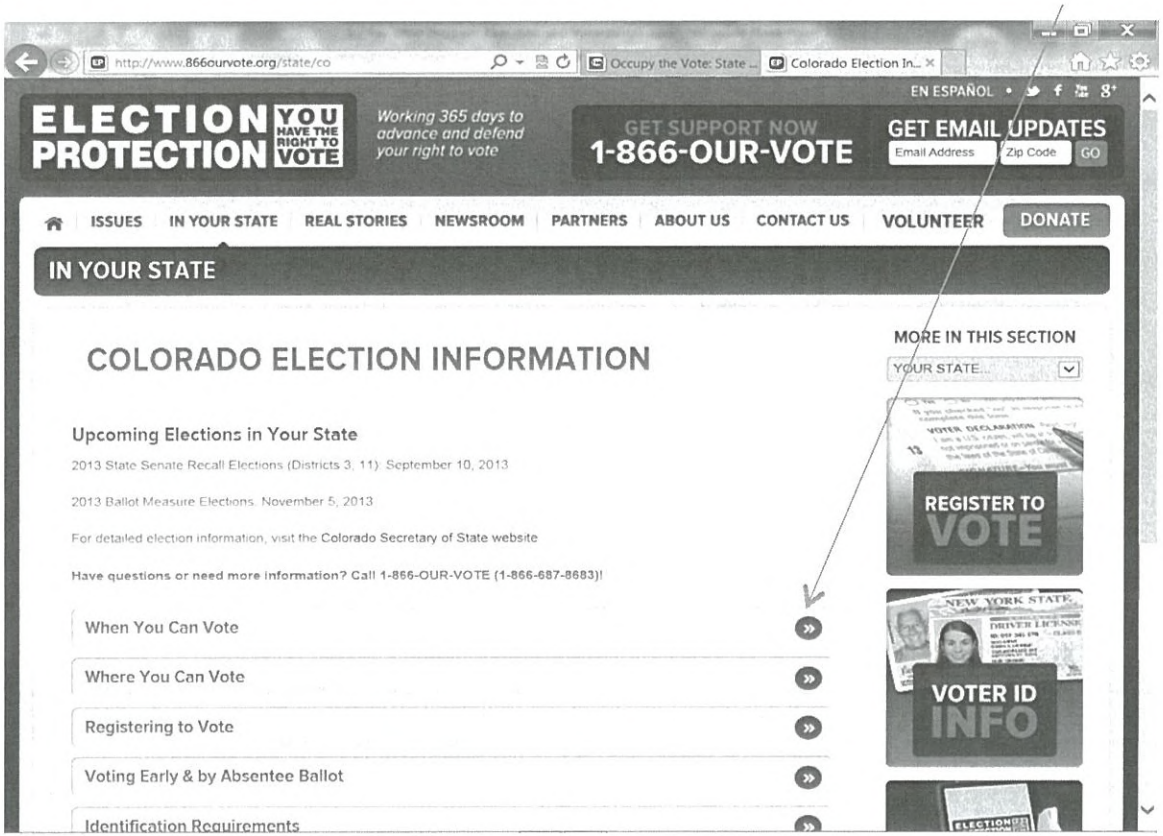
NUL: View Your Rights By State

MOVE YOUR CURSOR OVER THE MAP TO SELECT YOUR DESIRED STATE



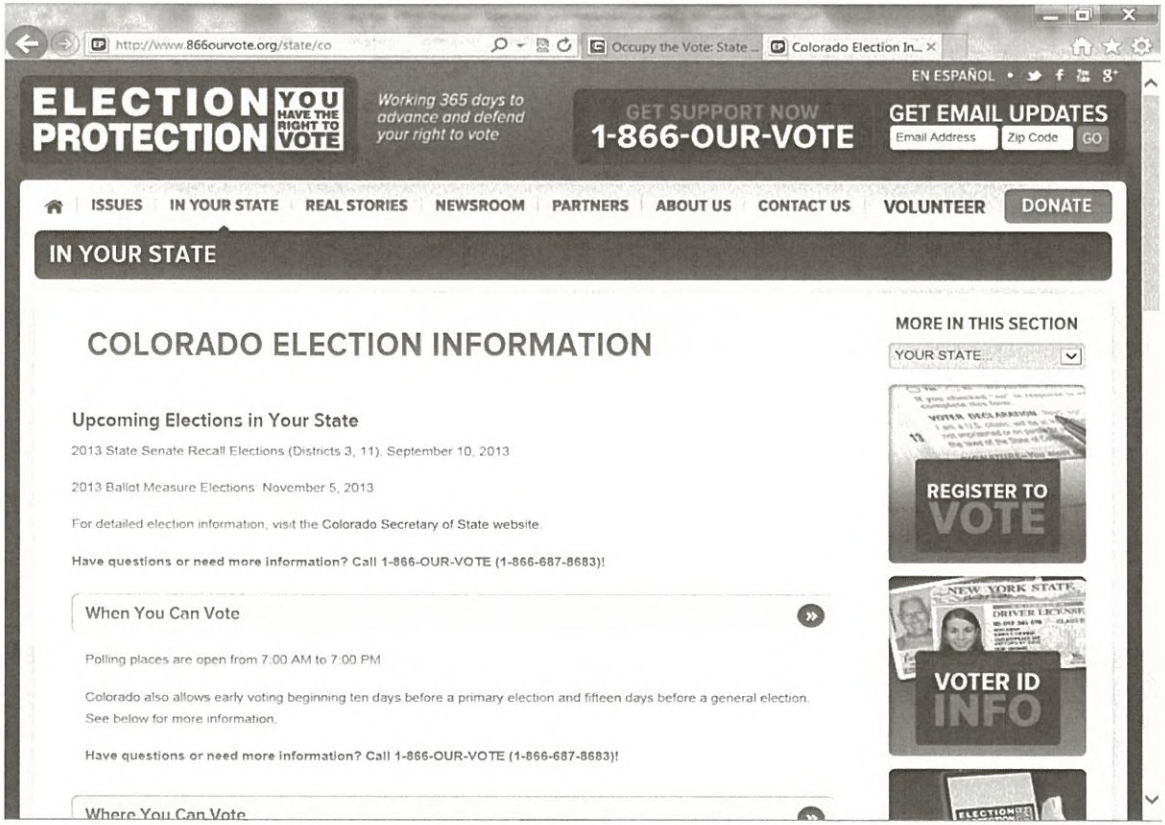
NUL: View Your Rights By State

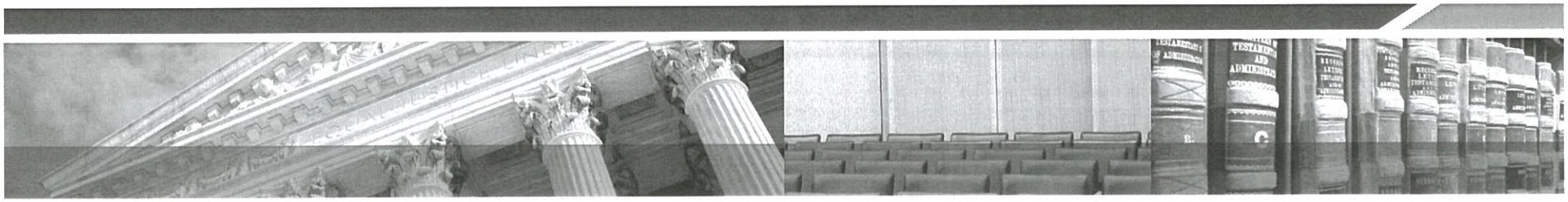
YOUR SELECTED STATE WILL KNOW LIST MULTIPLE DROP DOWN BOXES OF ELECTION INFORMATION – SELECT >> FOR MORE DETAILED INFORMATION



NUL: View Your Rights By State

MORE INFORMATION ABOUT WHEN YOU CAN VOTE





NUL: View Your Rights By State

MORE INFORMATION ABOUT REGISTERING TO VOTE

http://www.866ourvote.org/state/co | Occupy the Vote: State ... | Colorado Election In...

Registering to Vote

MOBILE APP DOWNLOAD

Registration Deadlines

Voters must register at least 29 days before Election Day.

- 2013 State Senate Recall Elections (Districts 3, 11): August 12, 2013
- 2013 Ballot Measure Elections: October 7, 2013

How to Register to Vote

- If you have a valid Colorado State driver's license or ID card, you may register to vote online
- Whether or not you have a valid Colorado State driver's license or ID card, you may register to vote by mail.

Eligibility Requirements to Register

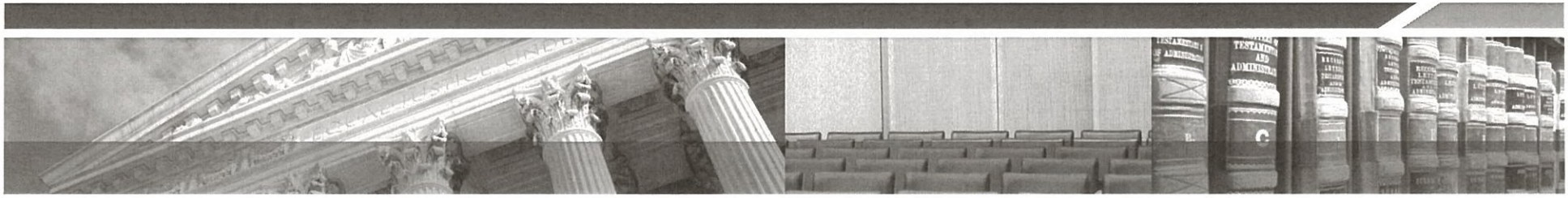
A Colorado resident is eligible to register to vote if he or she:

- Will be 18 years of age or older at the time of the next election.
- Is a United States citizen
- Is a Colorado resident and have lived in his or her current precinct for at least 30 days before the election
- Is not serving a sentence (including parole) for a felony conviction.

Registration of First Time Voters

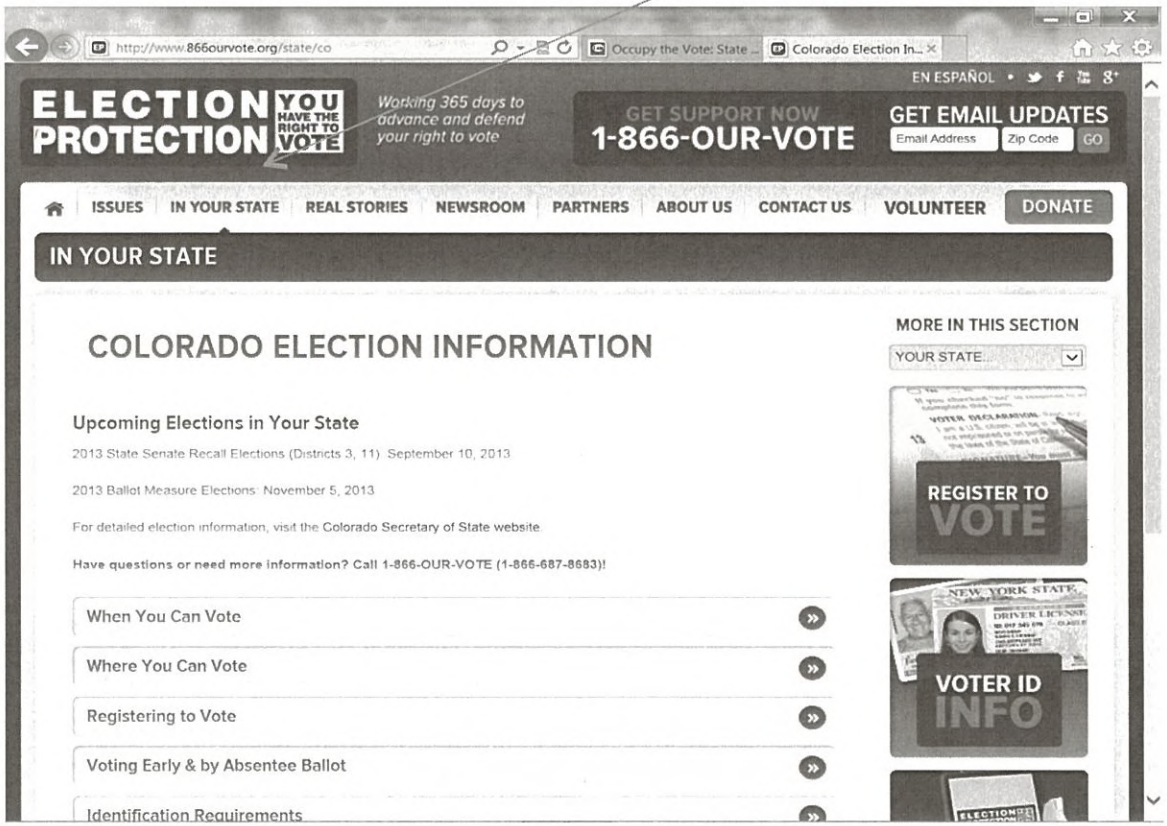
By Mail You must attach a copy of one of the following to your voter registration application **OR** bring it when you vote for the first time:

- Your current valid photo ID;
- A current utility bill;
- A bank statement;
- A paycheck; or
- Another government document that shows your name and address.



NUL: View Your Rights By State

TO RETURN TO US MAP CLICK ON "IN YOUR STATE"



NUL: View Your Rights By State

YOU MAY VIEW OTHER STATES OR EXIT

The Home Page for AVPHP

ADDITIONAL LINKS AND INFORMATION

http://www.alpha-phi-alpha.com/Page.php?id=167 | :: Alpha Phi Alpha ::

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Home / National Programs / A Voteless People Is A Hopeless People

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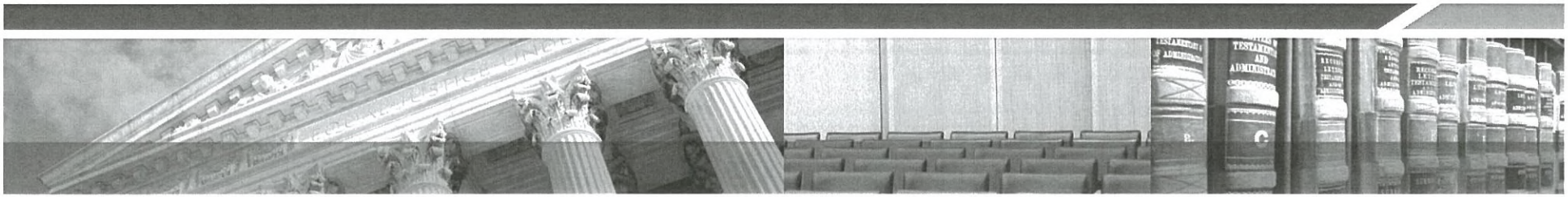
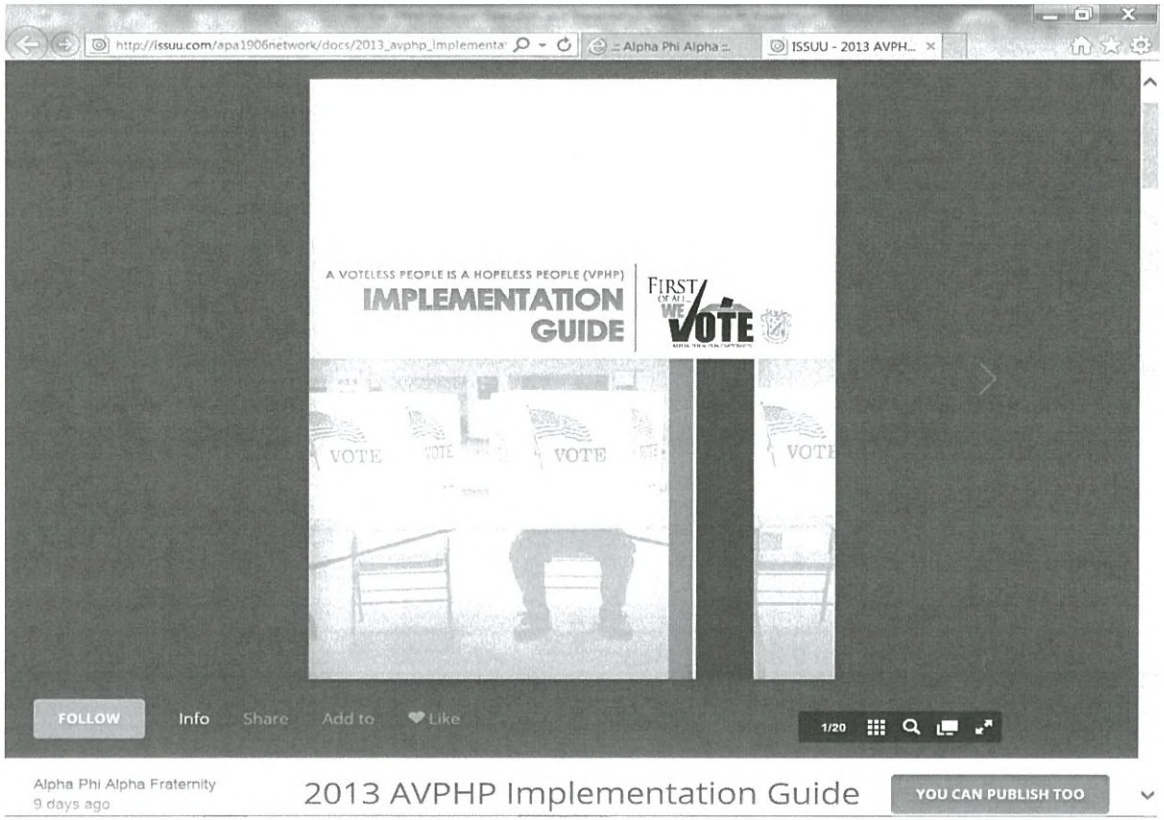


The Home Page for AVPHP

IMPLEMENTATION GUIDE (REVISED 2013)



Notes:

ALPHA PHI ALPHA FRATERNITY
A VOTELESS PEOPLE IS A HOPELESS PEOPLE (VPHP)
NATIONAL COMMITTEE
PROGRAM EXECUTION & PRESENTATION GUIDE

FIRST OF ALL... WE VOTE
ALPHA PHI ALPHA FRATERNITY

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.

tabbies LOFTON
DEFENDANT'S EXHIBIT
5
1-10-23 sif

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,

By: /s/*Rahul Garabadu*
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Counsel for the Alphi Phi Alpha Plaintiffs

*Admitted *pro hac vice*

Department of the Treasury
Internal Revenue Service

▶ Do not enter social security numbers on this form as it may be made public.

▶ Go to www.irs.gov/Form990 for instructions and the latest information.

Open to Public Inspection

A For the 2019 calendar year, or tax year beginning 01-01-2019 , and ending 12-31-2019

B Check if applicable:
- ☐ Address change
- ☐ Name change
- ☐ Initial return
- ☐ Final return/terminated
- ☑ Amended return
- ☐ Application pending

C Name of organization
ALPHA PHI ALPHA FRATERNITY INC

Doing business as

Number and street (or P.O. box if mail is not delivered to street address) 2313 SAINT PAUL STREET | Room/suite

City or town, state or province, country, and ZIP or foreign postal code
BALTIMORE, MD 21218

D Employer identification number 36-2105176

E Telephone number (410) 554-0040

G Gross receipts $ 9,503,757

F Name and address of principal officer:
DONALD E JACKSON
2313 SAINT PAUL STREET
BALTIMORE, MD 21218

H(a) Is this a group return for subordinates? ☐ Yes ☑ No

H(b) Are all subordinates included? ☐ Yes ☐ No
If "No," attach a list. (see instructions)

H(c) Group exemption number ▶

I Tax-exempt status: ☐ 501(c)(3) ☑ 501(c) (7) ◀ (insert no.) ☐ 4947(a)(1) or ☐ 527

J **Website:** ▶ WWW.APA1906.NET

K Form of organization: ☑ Corporation ☐ Trust ☐ Association ☐ Other ▶

L Year of formation: 1906

M State of legal domicile: MD

Part I Summary

Activities & Governance

1 Briefly describe the organization's mission or most significant activities:
THE ORGANIZATION DEVELOPS LEADERS, PROMOTES BROTHERHOOD AND ACADEMIC EXCELLENCE, WHILE PROVIDING SERVICE AND ADVOCACY FOR OUR COMMUNITIES

2 Check this box ▶ ☐ if the organization discontinued its operations or disposed of more than 25% of its net assets.

3	Number of voting members of the governing body (Part VI, line 1a)	3	14
4	Number of independent voting members of the governing body (Part VI, line 1b)	4	14
5	Total number of individuals employed in calendar year 2019 (Part V, line 2a)	5	25
6	Total number of volunteers (estimate if necessary)	6	
7a	Total unrelated business revenue from Part VIII, column (C), line 12	7a	607,095
b	Net unrelated business taxable income from Form 990-T, line 39	7b	

			Prior Year	Current Year
Revenue	8	Contributions and grants (Part VIII, line 1h)	129,939	32,843
	9	Program service revenue (Part VIII, line 2g)	5,540,499	8,304,478
	10	Investment income (Part VIII, column (A), lines 3, 4, and 7d)	627,066	607,095
	11	Other revenue (Part VIII, column (A), lines 5, 6d, 8c, 9c, 10c, and 11e)	153,112	182,598
	12	Total revenue—add lines 8 through 11 (must equal Part VIII, column (A), line 12)	6,450,616	9,127,014
Expenses	13	Grants and similar amounts paid (Part IX, column (A), lines 1–3)		55,000
	14	Benefits paid to or for members (Part IX, column (A), line 4)		0
	15	Salaries, other compensation, employee benefits (Part IX, column (A), lines 5–10)	1,658,516	1,407,046
	16a	Professional fundraising fees (Part IX, column (A), line 11e)		0
	b	Total fundraising expenses (Part IX, column (D), line 25) ▶0		
	17	Other expenses (Part IX, column (A), lines 11a–11d, 11f–24e)	3,391,372	5,690,345
	18	Total expenses. Add lines 13–17 (must equal Part IX, column (A), line 25)	5,049,888	7,152,391
	19	Revenue less expenses. Subtract line 18 from line 12	1,400,728	1,974,623
			Beginning of Current Year	**End of Year**
Net Assets or Fund Balances	20	Total assets (Part X, line 16)	19,878,864	23,017,214
	21	Total liabilities (Part X, line 26)	3,225,566	2,730,916
	22	Net assets or fund balances. Subtract line 21 from line 20	16,653,298	20,286,298

Part II Signature Block

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than officer) is based on all information of which preparer has any knowledge.

Sign Here

▶ Signature of officer — Date 2020-11-09

▶ DONALD E JACKSON COMPTROLLER
Type or print name and title

Paid Preparer Use Only

Print/Type preparer's name	Preparer's signature	Date	Check ☐ if self-employed	PTIN
		2020-12-09		P00606886

Firm's name ▶ BERT SMITH & CO — Firm's EIN ▶ 52-1094722

DEFENDANT'S EXHIBIT 6 1-10-23 sjf

Part III **Statement of Program Service Accomplishments**

Check if Schedule O contains a response or note to any line in this Part III . . . . . ☑

1 Briefly describe the organization's mission:

THE FRATERNITY GOAL IS TO PROVIDE ASSISTANCE TO THE COMMUNITY IN EFFORTS TO ACHIEVE BETTER SOCIAL AND ECONOMIC STATUS THROUGH THE PRINCIPLES OF THE SCHOLARSHIP, FELLOWSHIP, GOOD CHARACTER, AND THE UPLIFTING OF HUMANITY.

2 Did the organization undertake any significant program services during the year which were not listed on the prior Form 990 or 990-EZ? . . . . . ☐ Yes ☑ No

If "Yes," describe these new services on Schedule O.

3 Did the organization cease conducting, or make significant changes in how it conducts, any program services? . . . . . ☐ Yes ☑ No

If "Yes," describe these changes on Schedule O.

4 Describe the organization's program service accomplishments for each of its three largest program services, as measured by expenses. Section 501(c)(3) and 501(c)(4) organizations are required to report the amount of grants and allocations to others, the total expenses, and revenue, if any, for each program service reported.

4a (Code:) (Expenses $ including grants of $) (Revenue $)

MEMBERSHIP SERVICES: INCLUDING ASSISTANCE TO THE COMMUNITY IN EFFORTS TO ACHIEVE BETTER SOCIAL AND ECONOMIC STATUS THROUGH THE PRINCIPLES OF SCHOLARSHIP, FELLOWSHIP, GOOD CHARACTER, AND THE UPLIFTING OF HUMANITY.

4b (Code:) (Expenses $ including grants of $) (Revenue $)

NATIONAL AND SPECIAL PROGRAMS INCLUDING BROTHER'S KEEPER, FORMALLY CALLED THE A. CHARLES HASTON BROTHER'S KEEPER PROGRAM. THIS SERVICE PROGRAM DEVELOPED WITH THE MISSION OF ADVOCATING AND IMPROVING THE QUALITY OF LIFE FOR ALPHA PHI ALPHA FRATERNITY, INC. BROTHERS, THEIR SPOUSES, AND WIDOWS WHO ARE RETIRED, ARE ELDERS, HAVE DISABILITIES, AND ARE AILING. "A VOTELESS PEOPLE IS A HOPELESS PEOPLE"-(AKA VPHP) WAS INITIATED AS A NATIONAL PROGRAM OF ALPHA DURING THE 1930'S WHEN MANY AFRICAN-AMERICANS HAD THE RIGHT TO VOTE BUT WERE PREVENTED FROM VOTING BECAUSE OF POLL TAXES, THREATS OF REPRISAL, AND LACK OF EDUCATION ABOUT THE VOTING PROCESS. VOTER EDUCATION AND REGISTRATION HAVE REMAINED A DOMINANT FOCUS OF THIS OUTREACH ACTIVITY FOR OVER 65 YEARS. IN THE 1990'S, THE FOCUS HAS SHIFTED TO INCLUDE POLITICAL AWARENESS AND EMPOWERMENT, DELIVERED MOST FREQUENTLY THROUGH TOWN MEETINGS AND CANDIDATE FORUMS.

4c (Code:) (Expenses $ including grants of $) (Revenue $)

(Code:) (Expenses $ 4,500,880 including grants of $ 55,000) (Revenue $)

OTHER PROGRAM SERVICES-PROJECT ALPHA-THIS COLLABORATIVE PROJECT IS DESIGNED TO PROVIDE EDUCATION, MOTIVATION AND SKILL-BUILDING ON ISSUES OF RESPONSIBILITY, RELATIONSHIPS, TEEN PREGNANCY, AND SEXUALLY TRANSMITTED DISEASES FOR YOUNG MAILES AGES 12-15 YEARS. DESIGNED TO PROVIDE YOUNG MEN WITH CURRENT AND ACCURATE INFORMATION ABOUT TEEN PREGNANCY PREVENTION. PROJECT ALPHA CONSISTS OF A SERIES OF WORKSHOPS AND INFORMATIONAL SESSIONS CONDUCTED BY ALPHA PHI ALPHA FRATERNITY BROTHERS.

4d Other program services (Describe in Schedule O.)
(Expenses $ 4,500,880 including grants of $ 55,000) (Revenue $)

4e **Total program service expenses** ▶ 4,500,880

Part IV Checklist of Required Schedules

			Yes	No
1	Is the organization described in section 501(c)(3) or 4947(a)(1) (other than a private foundation)? *If "Yes," complete Schedule A*	1		No
2	Is the organization required to complete *Schedule B, Schedule of Contributors* (see instructions)?	2		No
3	Did the organization engage in direct or indirect political campaign activities on behalf of or in opposition to candidates for public office? *If "Yes," complete Schedule C, Part I*	3		No
4	**Section 501(c)(3) organizations.** Did the organization engage in lobbying activities, or have a section 501(h) election in effect during the tax year? *If "Yes," complete Schedule C, Part II*	4		
5	Is the organization a section 501(c)(4), 501(c)(5), or 501(c)(6) organization that receives membership dues, assessments, or similar amounts as defined in Revenue Procedure 98-19? *If "Yes," complete Schedule C, Part III*	5		No
6	Did the organization maintain any donor advised funds or any similar funds or accounts for which donors have the right to provide advice on the distribution or investment of amounts in such funds or accounts? *If "Yes," complete Schedule D,*Part I	6		No
7	Did the organization receive or hold a conservation easement, including easements to preserve open space, the environment, historic land areas, or historic structures? *If "Yes," complete Schedule D, Part II*	7		No
8	Did the organization maintain collections of works of art, historical treasures, or other similar assets? *If "Yes," complete Schedule D,* Part III	8		No
9	Did the organization report an amount in Part X, line 21 for escrow or custodial account liability; serve as a custodian for amounts not listed in Part X; or provide credit counseling, debt management, credit repair, or debt negotiation services? *If "Yes," complete Schedule D, Part IV*	9		No
10	Did the organization, directly or through a related organization, hold assets in temporarily restricted endowments, permanent endowments, or quasi endowments? *If "Yes," complete Schedule D, Part V*	10		No
11	If the organization's answer to any of the following questions is "Yes," then complete Schedule D, Parts VI, VII, VIII, IX, or X as applicable.			
a	Did the organization report an amount for land, buildings, and equipment in Part X, line 10? *If "Yes," complete Schedule D,* Part VI.	11a	Yes	
b	Did the organization report an amount for investments—other securities in Part X, line 12 that is 5% or more of its total assets reported in Part X, line 16? *If "Yes," complete Schedule D, Part VII*	11b		No
c	Did the organization report an amount for investments—program related in Part X, line 13 that is 5% or more of its total assets reported in Part X, line 16? *If "Yes," complete Schedule D, Part VIII*	11c		No
d	Did the organization report an amount for other assets in Part X, line 15 that is 5% or more of its total assets reported in Part X, line 16? *If "Yes," complete Schedule D, Part IX*	11d		No
e	Did the organization report an amount for other liabilities in Part X, line 25? *If "Yes," complete Schedule D, Part X*	11e	Yes	
f	Did the organization's separate or consolidated financial statements for the tax year include a footnote that addresses the organization's liability for uncertain tax positions under FIN 48 (ASC 740)? *If "Yes," complete Schedule D, Part X*	11f	Yes	
12a	Did the organization obtain separate, independent audited financial statements for the tax year? *If "Yes," complete Schedule D, Parts XI and XII*	12a		No
b	Was the organization included in consolidated, independent audited financial statements for the tax year? *If "Yes," and if the organization answered "No" to line 12a, then completing Schedule D, Parts XI and XII is optional*	12b	Yes	
13	Is the organization a school described in section 170(b)(1)(A)(ii)? *If "Yes," complete Schedule E*	13		No
14a	Did the organization maintain an office, employees, or agents outside of the United States?	14a		No
b	Did the organization have aggregate revenues or expenses of more than $10,000 from grantmaking, fundraising, business, investment, and program service activities outside the United States, or aggregate foreign investments valued at $100,000 or more? *If "Yes," complete Schedule F, Parts I and IV*	14b		No
15	Did the organization report on Part IX, column (A), line 3, more than $5,000 of grants or other assistance to or for any foreign organization? *If "Yes," complete Schedule F, Parts II and IV*	15		No
16	Did the organization report on Part IX, column (A), line 3, more than $5,000 of aggregate grants or other assistance to or for foreign individuals? *If "Yes," complete Schedule F, Parts III and IV*	16		No
17	Did the organization report a total of more than $15,000 of expenses for professional fundraising services on Part IX, column (A), lines 6 and 11e? *If "Yes," complete Schedule G, Part I*(see instructions)	17		No
18	Did the organization report more than $15,000 total of fundraising event gross income and contributions on Part VIII, lines 1c and 8a? *If "Yes," complete Schedule G, Part II*	18		No
19	Did the organization report more than $15,000 of gross income from gaming activities on Part VIII, line 9a? *If "Yes," complete Schedule G, Part III*	19		No
20a	Did the organization operate one or more hospital facilities? *If "Yes," complete Schedule H*	20a		No
b	If "Yes" to line 20a, did the organization attach a copy of its audited financial statements to this return?	20b		
21	Did the organization report more than $5,000 of grants or other assistance to any domestic organization or domestic government on Part IX, column (A), line 1? *If "Yes," complete Schedule I, Parts I and II*	21	Yes	

Part IV Checklist of Required Schedules *(continued)*

			Yes	No
22	Did the organization report more than $5,000 of grants or other assistance to or for domestic individuals on Part IX, column (A), line 2? *If "Yes," complete Schedule I, Parts I and III*	22		No
23	Did the organization answer "Yes" to Part VII, Section A, line 3, 4, or 5 about compensation of the organization's current and former officers, directors, trustees, key employees, and highest compensated employees? *If "Yes," complete Schedule J*	23		No
24a	Did the organization have a tax-exempt bond issue with an outstanding principal amount of more than $100,000 as of the last day of the year, that was issued after December 31, 2002? *If "Yes," answer lines 24b through 24d and complete Schedule K. If "No," go to line 25a*	24a		No
b	Did the organization invest any proceeds of tax-exempt bonds beyond a temporary period exception?	24b		
c	Did the organization maintain an escrow account other than a refunding escrow at any time during the year to defease any tax-exempt bonds?	24c		
d	Did the organization act as an "on behalf of" issuer for bonds outstanding at any time during the year?	24d		
25a	**Section 501(c)(3), 501(c)(4), and 501(c)(29) organizations.** Did the organization engage in an excess benefit transaction with a disqualified person during the year? *If "Yes," complete Schedule L,* Part I	25a		
b	Is the organization aware that it engaged in an excess benefit transaction with a disqualified person in a prior year, and that the transaction has not been reported on any of the organization's prior Forms 990 or 990-EZ? *If "Yes," complete Schedule L,* Part I	25b		
26	Did the organization report any amount on Part X, line 5 or 22 for receivables from or payables to any current or former officer, director, trustee, key employee, creator or founder, substantial contributor, or 35% controlled entity or family member of any of these persons? *If "Yes," complete Schedule L, Part II*	26		No
27	Did the organization provide a grant or other assistance to any current or former officer, director, trustee, key employee, creator or founder, substantial contributor, or employee thereof, a grant selection committee member, or to a 35% controlled entity (including an employee thereof) or family member of any of these persons? *If "Yes," complete Schedule L,*Part III	27		No
28	Was the organization a party to a business transaction with one of the following parties (see Schedule L, Part IV instructions for applicable filing thresholds, conditions, and exceptions):			
a	A current or former officer, director, trustee, key employee, creator or founder, or substantial contributor? *If "Yes," complete Schedule L, Part IV*	28a		No
b	A family member of any individual described in line 28a? *If "Yes," complete Schedule L, Part IV*	28b		No
c	A 35% controlled entity of one or more individuals and/or organizations described in lines 28a or 28b? *If "Yes," complete Schedule L, Part IV*	28c		No
29	Did the organization receive more than $25,000 in non-cash contributions? *If "Yes," complete Schedule M*	29		No
30	Did the organization receive contributions of art, historical treasures, or other similar assets, or qualified conservation contributions? *If "Yes," complete Schedule M*	30		No
31	Did the organization liquidate, terminate, or dissolve and cease operations? *If "Yes," complete Schedule N, Part I*	31		No
32	Did the organization sell, exchange, dispose of, or transfer more than 25% of its net assets? *If "Yes," complete Schedule N, Part II*	32		No
33	Did the organization own 100% of an entity disregarded as separate from the organization under Regulations sections 301.7701-2 and 301.7701-3? *If "Yes," complete Schedule R, Part I*	33		No
34	Was the organization related to any tax-exempt or taxable entity? *If "Yes," complete Schedule R, Part II, III, or IV, and Part V, line 1*	34	Yes	
35a	Did the organization have a controlled entity within the meaning of section 512(b)(13)?	35a		No
b	If 'Yes' to line 35a, did the organization receive any payment from or engage in any transaction with a controlled entity within the meaning of section 512(b)(13)? *If "Yes," complete Schedule R, Part V, line 2*	35b		
36	**Section 501(c)(3) organizations.** Did the organization make any transfers to an exempt non-charitable related organization? *If "Yes," complete Schedule R, Part V, line 2*	36		
37	Did the organization conduct more than 5% of its activities through an entity that is not a related organization and that is treated as a partnership for federal income tax purposes? *If "Yes," complete Schedule R, Part VI*	37		No
38	Did the organization complete Schedule O and provide explanations in Schedule O for Part VI, lines 11b and 19? **Note.** All Form 990 filers are required to complete Schedule O.	38	Yes	

Part V Statements Regarding Other IRS Filings and Tax Compliance

Check if Schedule O contains a response or note to any line in this Part V ☐

				Yes	No
1a	Enter the number reported in Box 3 of Form 1096. Enter -0- if not applicable	1a	31		
b	Enter the number of Forms W-2G included in line 1a. Enter -0- if not applicable	1b	0		
c	Did the organization comply with backup withholding rules for reportable payments to vendors and reportable gaming (gambling) winnings to prize winners?	1c			No

Part V Statements Regarding Other IRS Filings and Tax Compliance *(continued)*

2a	Enter the number of employees reported on Form W-3, Transmittal of Wage and Tax Statements, filed for the calendar year ending with or within the year covered by this return	2a 25			
b	If at least one is reported on line 2a, did the organization file all required federal employment tax returns? **Note.** If the sum of lines 1a and 2a is greater than 250, you may be required to e-file (see instructions)		2b	Yes	
3a	Did the organization have unrelated business gross income of $1,000 or more during the year?		3a	Yes	
b	If "Yes," has it filed a Form 990-T for this year? *If "No" to line 3b, provide an explanation in Schedule O*		3b	Yes	
4a	At any time during the calendar year, did the organization have an interest in, or a signature or other authority over, a financial account in a foreign country (such as a bank account, securities account, or other financial account)?		4a		No
b	If "Yes," enter the name of the foreign country: ▶ See instructions for filing requirements for FinCEN Form 114, Report of Foreign Bank and Financial Accounts (FBAR).				
5a	Was the organization a party to a prohibited tax shelter transaction at any time during the tax year?		5a		No
b	Did any taxable party notify the organization that it was or is a party to a prohibited tax shelter transaction?		5b		No
c	If "Yes," to line 5a or 5b, did the organization file Form 8886-T?		5c		
6a	Does the organization have annual gross receipts that are normally greater than $100,000, and did the organization solicit any contributions that were not tax deductible as charitable contributions?		6a		No
b	If "Yes," did the organization include with every solicitation an express statement that such contributions or gifts were not tax deductible?		6b		
7	**Organizations that may receive deductible contributions under section 170(c).**				
a	Did the organization receive a payment in excess of $75 made partly as a contribution and partly for goods and services provided to the payor?		7a		
b	If "Yes," did the organization notify the donor of the value of the goods or services provided?		7b		
c	Did the organization sell, exchange, or otherwise dispose of tangible personal property for which it was required to file Form 8282?		7c		
d	If "Yes," indicate the number of Forms 8282 filed during the year	7d			
e	Did the organization receive any funds, directly or indirectly, to pay premiums on a personal benefit contract?		7e		
f	Did the organization, during the year, pay premiums, directly or indirectly, on a personal benefit contract?		7f		
g	If the organization received a contribution of qualified intellectual property, did the organization file Form 8899 as required?		7g		
h	If the organization received a contribution of cars, boats, airplanes, or other vehicles, did the organization file a Form 1098-C?		7h		
8	**Sponsoring organizations maintaining donor advised funds.** Did a donor advised fund maintained by the sponsoring organization have excess business holdings at any time during the year?		8		
9	**Sponsoring organizations maintaining donor advised funds.**				
a	Did the sponsoring organization make any taxable distributions under section 4966?		9a		
b	Did the sponsoring organization make a distribution to a donor, donor advisor, or related person?		9b		
10	**Section 501(c)(7) organizations.** Enter:				
a	Initiation fees and capital contributions included on Part VIII, line 12	10a 1,430,454			
b	Gross receipts, included on Form 990, Part VIII, line 12, for public use of club facilities	10b			
11	**Section 501(c)(12) organizations.** Enter:				
a	Gross income from members or shareholders	11a			
b	Gross income from other sources (Do not net amounts due or paid to other sources against amounts due or received from them.)	11b			
12a	**Section 4947(a)(1) non-exempt charitable trusts.** Is the organization filing Form 990 in lieu of Form 1041?		12a		
b	If "Yes," enter the amount of tax-exempt interest received or accrued during the year.	12b			
13	**Section 501(c)(29) qualified nonprofit health insurance issuers.**				
a	Is the organization licensed to issue qualified health plans in more than one state? **Note.** See the instructions for additional information the organization must report on Schedule O.		13a		
b	Enter the amount of reserves the organization is required to maintain by the states in which the organization is licensed to issue qualified health plans	13b			
c	Enter the amount of reserves on hand	13c			
14a	Did the organization receive any payments for indoor tanning services during the tax year?		14a		No
b	If "Yes," has it filed a Form 720 to report these payments? *If "No," provide an explanation in Schedule O*		14b		
15	Is the organization subject to the section 4960 tax on payment(s) of more than $1,000,000 in remuneration or excess parachute payment(s) during the year? If "Yes," see instructions and file Form 4720, Schedule N.		15		No
16	Is the organization an educational institution subject to the section 4968 excise tax on net investment income? If "Yes," complete Form 4720, Schedule O.		16		No

Part VI **Governance, Management, and Disclosure** *For each "Yes" response to lines 2 through 7b below, and for a "No" response to lines 8a, 8b, or 10b below, describe the circumstances, processes, or changes in Schedule O. See instructions.*

Check if Schedule O contains a response or note to any line in this Part VI . . . . . ☑

Section A. Governing Body and Management

			Yes	No
1a	Enter the number of voting members of the governing body at the end of the tax year	1a 14		
	If there are material differences in voting rights among members of the governing body, or if the governing body delegated broad authority to an executive committee or similar committee, explain in Schedule O.			
b	Enter the number of voting members included in line 1a, above, who are independent	1b 14		
2	Did any officer, director, trustee, or key employee have a family relationship or a business relationship with any other officer, director, trustee, or key employee?	2		No
3	Did the organization delegate control over management duties customarily performed by or under the direct supervision of officers, directors or trustees, or key employees to a management company or other person?	3		No
4	Did the organization make any significant changes to its governing documents since the prior Form 990 was filed?	4		No
5	Did the organization become aware during the year of a significant diversion of the organization's assets?	5		No
6	Did the organization have members or stockholders?	6	Yes	
7a	Did the organization have members, stockholders, or other persons who had the power to elect or appoint one or more members of the governing body?	7a	Yes	
b	Are any governance decisions of the organization reserved to (or subject to approval by) members, stockholders, or persons other than the governing body?	7b		No
8	Did the organization contemporaneously document the meetings held or written actions undertaken during the year by the following:			
a	The governing body?	8a	Yes	
b	Each committee with authority to act on behalf of the governing body?	8b	Yes	
9	Is there any officer, director, trustee, or key employee listed in Part VII, Section A, who cannot be reached at the organization's mailing address? *If "Yes," provide the names and addresses in Schedule O*	9		No

Section B. Policies (*This Section B requests information about policies not required by the Internal Revenue Code.*)

			Yes	No
10a	Did the organization have local chapters, branches, or affiliates?	10a	Yes	
b	If "Yes," did the organization have written policies and procedures governing the activities of such chapters, affiliates, and branches to ensure their operations are consistent with the organization's exempt purposes?	10b	Yes	
11a	Has the organization provided a complete copy of this Form 990 to all members of its governing body before filing the form?	11a	Yes	
b	Describe in Schedule O the process, if any, used by the organization to review this Form 990.			
12a	Did the organization have a written conflict of interest policy? *If "No," go to line 13*	12a	Yes	
b	Were officers, directors, or trustees, and key employees required to disclose annually interests that could give rise to conflicts?	12b		No
c	Did the organization regularly and consistently monitor and enforce compliance with the policy? *If "Yes," describe in Schedule O how this was done*	12c	Yes	
13	Did the organization have a written whistleblower policy?	13	Yes	
14	Did the organization have a written document retention and destruction policy?	14	Yes	
15	Did the process for determining compensation of the following persons include a review and approval by independent persons, comparability data, and contemporaneous substantiation of the deliberation and decision?			
a	The organization's CEO, Executive Director, or top management official	15a	Yes	
b	Other officers or key employees of the organization	15b		No
	If "Yes" to line 15a or 15b, describe the process in Schedule O (see instructions).			
16a	Did the organization invest in, contribute assets to, or participate in a joint venture or similar arrangement with a taxable entity during the year?	16a		No
b	If "Yes," did the organization follow a written policy or procedure requiring the organization to evaluate its participation in joint venture arrangements under applicable federal tax law, and take steps to safeguard the organization's exempt status with respect to such arrangements?	16b		

Section C. Disclosure

17 List the states with which a copy of this Form 990 is required to be filed ▶ MD

18 Section 6104 requires an organization to make its Form 1023 (or 1024-A if applicable), 990, and 990-T (501(c)(3)s only) available for public inspection. Indicate how you made these available. Check all that apply.

☑ Own website ☐ Another's website ☑ Upon request ☐ Other (explain in Schedule O)

19 Describe in Schedule O whether (and if so, how) the organization made its governing documents, conflict of interest policy, and financial statements available to the public during the tax year.

20 State the name, address, and telephone number of the person who possesses the organization's books and records:
▶ALPHA PHI ALPHA FRATERNITY 2313 SAINT PAUL STREET BALTIMORE, MD 21218 (410) 554-0040

Check if Schedule O contains a response or note to any line in this Part VII . . . . . ☐

Section A. Officers, Directors, Trustees, Key Employees, and Highest Compensated Employees

1a Complete this table for all persons required to be listed. Report compensation for the calendar year ending with or within the organization's tax year.

- List all of the organization's **current** officers, directors, trustees (whether individuals or organizations), regardless of amount of compensation. Enter -0- in columns (D), (E), and (F) if no compensation was paid.
- List all of the organization's **current** key employees, if any. See instructions for definition of "key employee."
- List the organization's five **current** highest compensated employees (other than an officer, director, trustee or key employee) who received reportable compensation (Box 5 of Form W-2 and/or Box 7 of Form 1099-MISC) of more than $100,000 from the organization and any related organizations.
- List all of the organization's **former** officers, key employees, or highest compensated employees who received more than $100,000 of reportable compensation from the organization and any related organizations.
- List all of the organization's **former directors or trustees** that received, in the capacity as a former director or trustee of the organization, more than $10,000 of reportable compensation from the organization and any related organizations.

See instructions for the order in which to list the persons above.

☐ Check this box if neither the organization nor any related organization compensated any current officer, director, or trustee.

(A) Name and title	(B) Average hours per week (list any hours for related organizations below dotted line)	(C) Position (do not check more than one box, unless person is both an officer and a director/trustee): Individual trustee or director	Institutional Trustee	Officer	Key employee	Highest compensated employee	Former	(D) Reportable compensation from the organization (W-2/1099-MISC)	(E) Reportable compensation from related organizations (W-2/1099-MISC)	(F) Estimated amount of other compensation from the organization and related organizations
(1) CARLA GASKINS CFO	40.00					X		116,360	0	0
(2) DENSEL FLEMING GENERAL TREA	5.00	X		X				6,000	0	0
(3) DONALD E JACKSON COMPTROLLER	5.00	X		X				6,000	0	0
(4) LUCIEN METELLUS EASTER REGIO	5.00	X						6,000	0	0
(5) TARRYNCE G ROBINSON SW REGION VP	5.00	X						6,000	0	0
(6) KELSEY L RUSHING SOUTHERN REG	5.00	X						6,000	0	0
(7) DONDRELL SWANSON WESTERN REGI	5.00	X						6,000	0	0
(8) RONALD DSTOVALL JR MID WEST RGN	5.00	X						1,500	0	0
(9) EMMANUEL B DAWSON SOUTHERN RGN	5.00	X						1,017	0	0
(10) GRANT A FRINK WESTERN RGN	5.00	X						1,017	0	0
(11) JONATHAN A MONROE MID WEST RGN	5.00	X						1,017	0	0
(12) TRAVIS NELSON EASTERN REGI	5.00	X						1,017	0	0
(13) RUSSELL RWILLIAMS SOUTHWEST RG	5.00	X						1,017	0	0
(14) ROBERT L HARRIS NATIONAL HIS	5.00	X						0	0	0
(15) EVERETT B WARD PHD GENERAL PRES	10.00	X		X				0	0	0
(16) DARYL D PARKS GENERAL COUN	20.00	X						0	0	0
(17) MARK TILLMAN	5.00									

Part VII **Section A. Officers, Directors, Trustees, Key Employees, and Highest Compensated Employees** *(continued)*

(A) Name and title	(B) Average hours per week (list any hours for related organizations below dotted line)	(C) Position (do not check more than one box, unless person is both an officer and a director/trustee): Individual trustee or director	Institutional Trustee	Officer	Key employee	Highest compensated employee	Former	(D) Reportable compensation from the organization (W-2/1099-MISC)	(E) Reportable compensation from related organizations (W-2/1099-MISC)	(F) Estimated amount of other compensation from the organization and related organizations
1b Sub-Total . . . . . ▶										
c Total from continuation sheets to Part VII, Section A . . . . ▶										
d Total (add lines 1b and 1c) . . . . . ▶								158,945		

2 Total number of individuals (including but not limited to those listed above) who received more than $100,000 of reportable compensation from the organization ▶ 1

		Yes	No
3 Did the organization list any **former** officer, director or trustee, key employee, or highest compensated employee on line 1a? *If "Yes," complete Schedule J for such individual*	3		No
4 For any individual listed on line 1a, is the sum of reportable compensation and other compensation from the organization and related organizations greater than $150,000? *If "Yes," complete Schedule J for such individual*	4		No
5 Did any person listed on line 1a receive or accrue compensation from any unrelated organization or individual for services rendered to the organization? *If "Yes," complete Schedule J for such person*	5		No

Section B. Independent Contractors

1 Complete this table for your five highest compensated independent contractors that received more than $100,000 of compensation from the organization. Report compensation for the calendar year ending with or within the organization's tax year.

(A) Name and business address	(B) Description of services	(C) Compensation
REAL GREEK APPAREL 2912 N MACATHUR 103 IRVING, TX 75062	PARAPHENILIA	276,920
CORNERSTONE INFORMATION ASSURANCE 2200 WALES AVENUE NW MASSILLON, OH 44646	BACKGROUND CHCK	168,687
BRIGHTKEY 60 WEST STREET 300 ANNAPOLIS, MD 20701	WAREHOUSE	113,137
MR GREGORY PHILLPS 501 WASHINGTON AVE NEW ORLEANS, LA 70130	CONSULTANT	112,000

2 Total number of independent contractors (including but not limited to those listed above) who received more than $100,000 of compensation from the organization ▶ 4

Contributions, Gifts, Grants and Other Similar Amounts

c Fundraising events	1c	
d Related organizations	1d	
e Government grants (contributions)	1e	
f All other contributions, gifts, grants, and similar amounts not included above	1f	32,843
g Noncash contributions included in lines 1a - 1f:$	1g	
h **Total.** Add lines 1a-1f ▶		32,843

Program Service Revenue

	Business Code				
2a TAXES AND ASSESSMENT		5,190,262	5,190,262		
b NATIONAL CONVENTION		1,675,543	1,675,543		
c MEMBERSHIPS DUES		1,212,869	1,212,869		
d VENDOR LICENSING FEES		118,112	118,112		
e AFFINITY RELATIONSHIPS		72,134	72,134		
f All other program service revenue.		35,558	35,558		
g **Total.** Add lines 2a–2f. ▶	8,304,478				

Other Revenue

3 Investment income (including dividends, interest, and other similar amounts) ▶		339,445		339,445	
4 Income from investment of tax-exempt bond proceeds ▶					
5 Royalties ▶					

		(i) Real	(ii) Personal
6a Gross rents	6a		
b Less: rental expenses	6b		
c Rental income or (loss)	6c		

d Net rental income or (loss) ▶

		(i) Securities	(ii) Other				
7a Gross amount from sales of assets other than inventory	7a	267,650					
b Less: cost or other basis and sales expenses	7b						
c Gain or (loss)	7c	267,650					
d Net gain or (loss) ▶				267,650		267,650	

8a Gross income from fundraising events (not including $ _____ of contributions reported on line 1c). See Part IV, line 18	8a				
b Less: direct expenses	8b				
c Net income or (loss) from fundraising events ▶					
9a Gross income from gaming activities. See Part IV, line 19	9a				
b Less: direct expenses	9b				
c Net income or (loss) from gaming activities ▶					
10a Gross sales of inventory, less returns and allowances	10a	559,341			
b Less: cost of goods sold	10b	376,743			
c Net income or (loss) from sales of inventory ▶			182,598	182,598	

Miscellaneous Revenue	Business Code				
11a					
b					

Part IX Statement of Functional Expenses

Section 501(c)(3) and 501(c)(4) organizations must complete all columns. All other organizations must complete column (A).

Check if Schedule O contains a response or note to any line in this Part IX . . . . . ☐

Do not include amounts reported on lines 6b, 7b, 8b, 9b, and 10b of Part VIII.	(A) Total expenses	(B) Program service expenses	(C) Management and general expenses	(D) Fundraising expenses
1 Grants and other assistance to domestic organizations and domestic governments. See Part IV, line 21	55,000	55,000		
2 Grants and other assistance to domestic individuals. See Part IV, line 22				
3 Grants and other assistance to foreign organizations, foreign governments, and foreign individuals. See Part IV, lines 15 and 16.				
4 Benefits paid to or for members				
5 Compensation of current officers, directors, trustees, and key employees				
6 Compensation not included above, to disqualified persons (as defined under section 4958(f)(1)) and persons described in section 4958(c)(3)(B)				
7 Other salaries and wages	1,236,124	484,419	751,705	
8 Pension plan accruals and contributions (include section 401(k) and 403(b) employer contributions)	22,788	22,788		
9 Other employee benefits	101,595	101,595		
10 Payroll taxes	46,539	46,539		
11 Fees for services (non-employees):				
a Management				
b Legal	128,003	36,031	91,972	
c Accounting				
d Lobbying				
e Professional fundraising services. See Part IV, line 17				
f Investment management fees				
g Other (If line 11g amount exceeds 10% of line 25, column (A) amount, list line 11g expenses on Schedule O)	333,908	243,952	89,956	
12 Advertising and promotion				
13 Office expenses	328,686	212,918	115,768	
14 Information technology				
15 Royalties				
16 Occupancy				
17 Travel	130,732	96,938	33,794	
18 Payments of travel or entertainment expenses for any federal, state, or local public officials	290,714	290,714		
19 Conferences, conventions, and meetings				
20 Interest				
21 Payments to affiliates				
22 Depreciation, depletion, and amortization	210,419		210,419	
23 Insurance	880,964		880,964	
24 Other expenses. Itemize expenses not covered above (List miscellaneous expenses in line 24e. If line 24e amount exceeds 10% of line 25, column (A) amount, list line 24e expenses on Schedule O.)				
a CONVENTION EXPENSES	1,900,969	1,900,969		
b INTAKE RELATED FEES	536,460	536,460		
c CONTRACTED SERVICES	252,251	113,137	139,114	
d ALUMNI &COLL. BRO. SUPPT	169,984	169,984		
e All other expenses	527,255	189,436	337,819	
25 **Total functional expenses.** Add lines 1 through 24e	7,152,391	4,500,880	2,651,511	0
26 **Joint costs.** Complete this line only if the organization reported in column (B) joint costs from a combined educational campaign and fundraising solicitation. Check here ▶ ☐ if following SOP 98-2 (ASC 958-720).				

Part X Balance Sheet

Check if Schedule O contains a response or note to any line in this Part IX . . . . . ☐

				(A) Beginning of year		(B) End of year
Assets	1	Cash–non-interest-bearing		4,604,507	1	5,206,591
	2	Savings and temporary cash investments			2	
	3	Pledges and grants receivable, net			3	
	4	Accounts receivable, net		31,854	4	45,446
	5	Loans and other payables to any current or former officer, director, trustee, key employee, creator or founder, substantial contributor, or 35% controlled entity or family member of any of these persons			5	
	6	Loans and other receivables from other disqualified persons (as defined under section 4958(f)(1)), and persons described in section 4958(c)(3)(B)			6	
	7	Notes and loans receivable, net			7	
	8	Inventories for sale or use		373,958	8	349,757
	9	Prepaid expenses and deferred charges		241,234	9	47,847
	10a	Land, buildings, and equipment: cost or other basis. Complete Part VI of Schedule D	10a 3,600,972			
	b	Less: accumulated depreciation	10b 1,610,648	1,684,238	10c	1,990,324
	11	Investments—publicly traded securities		9,966,371	11	14,848,525
	12	Investments—other securities. See Part IV, line 11		2,462,835	12	
	13	Investments—program-related. See Part IV, line 11			13	
	14	Intangible assets			14	
	15	Other assets. See Part IV, line 11		513,867	15	528,724
	16	**Total assets.** Add lines 1 through 15 (must equal line 34)		19,878,864	16	23,017,214
Liabilities	17	Accounts payable and accrued expenses		317,231	17	338,270
	18	Grants payable			18	
	19	Deferred revenue		2,186,153	19	1,857,533
	20	Tax-exempt bond liabilities			20	
	21	Escrow or custodial account liability. Complete Part IV of Schedule D			21	
	22	Loans and other payables to any current or former officer, director, trustee, key employee, creator or founder, substantial contributor, or 35% controlled entity or family member of any of these persons			22	
	23	Secured mortgages and notes payable to unrelated third parties			23	
	24	Unsecured notes and loans payable to unrelated third parties			24	
	25	Other liabilities (including federal income tax, payables to related third parties, and other liabilities not included on lines 17 - 24). Complete Part X of Schedule D		722,182	25	535,113
	26	**Total liabilities.** Add lines 17 through 25		3,225,566	26	2,730,916
Net Assets or Fund Balances		**Organizations that follow FASB ASC 958, check here ▶ ☑ and complete lines 27, 28, 32, and 33.**				
	27	Net assets without donor restrictions		16,630,376	27	20,286,298
	28	Net assets with donor restrictions		22,922	28	
		Organizations that do not follow FASB ASC 958, check here ▶ ☐ and complete lines 29 through 33.				
	29	Capital stock or trust principal, or current funds			29	
	30	Paid-in or capital surplus, or land, building or equipment fund			30	
	31	Retained earnings, endowment, accumulated income, or other funds			31	
	32	Total net assets or fund balances		16,653,298	32	20,286,298
	33	Total liabilities and net assets/fund balances		19,878,864	33	23,017,214

Part XI Reconcilliation of Net Assets

Check if Schedule O contains a response or note to any line in this Part XI . . . . . ☐

1	Total revenue (must equal Part VIII, column (A), line 12)	1	9,127,014
2	Total expenses (must equal Part IX, column (A), line 25)	2	7,152,391
3	Revenue less expenses. Subtract line 2 from line 1	3	1,974,623
4	Net assets or fund balances at beginning of year (must equal Part X, line 33, column (A))	4	16,653,298
5	Net unrealized gains (losses) on investments	5	1,551,651
6	Donated services and use of facilities	6	
7	Investment expenses	7	106,726
8	Prior period adjustments	8	
9	Other changes in net assets or fund balances (explain in Schedule O)	9	
10	Net assets or fund balances at end of year. Combine lines 3 through 9 (must equal Part X, line 33, column (B))	10	20,286,298

Part XII Financial Statements and Reporting

Check if Schedule O contains a response or note to any line in this Part XII . . . . . ☐

			Yes	No
1	Accounting method used to prepare the Form 990: ☐ Cash ☑ Accrual ☐ Other _____ If the organization changed its method of accounting from a prior year or checked "Other," explain in Schedule O.			
2a	Were the organization's financial statements compiled or reviewed by an independent accountant? If 'Yes,' check a box below to indicate whether the financial statements for the year were compiled or reviewed on a separate basis, consolidated basis, or both: ☐ Separate basis ☐ Consolidated basis ☐ Both consolidated and separate basis	2a		No
b	Were the organization's financial statements audited by an independent accountant? If 'Yes,' check a box below to indicate whether the financial statements for the year were audited on a separate basis, consolidated basis, or both: ☐ Separate basis ☑ Consolidated basis ☐ Both consolidated and separate basis	2b	Yes	
c	If "Yes," to line 2a or 2b, does the organization have a committee that assumes responsibility for oversight of the audit, review, or compilation of its financial statements and selection of an independent accountant? If the organization changed either its oversight process or selection process during the tax year, explain in Schedule O.	2c		
3a	As a result of a federal award, was the organization required to undergo an audit or audits as set forth in the Single Audit Act and OMB Circular A-133?	3a		No
b	If "Yes," did the organization undergo the required audit or audits? If the organization did not undergo the required audit or audits, explain why in Schedule O and describe any steps taken to undergo such audits.	3b		

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SCHEDULE D (Form 990)

Department of the Treasury
Internal Revenue Service

Supplemental Financial Statements

▶ Complete if the organization answered "Yes," on Form 990, Part IV, line 6, 7, 8, 9, 10, 11a, 11b, 11c, 11d, 11e, 11f, 12a, or 12b.
▶ Attach to Form 990.
▶ Go to *www.irs.gov/Form990* for instructions and the latest information.

OMB No. 1545-0047

2019

Open to Public Inspection

Name of the organization
ALPHA PHI ALPHA FRATERNITY INC

Employer identification number
36-2105176

Part I Organizations Maintaining Donor Advised Funds or Other Similar Funds or Accounts.
Complete if the organization answered "Yes" on Form 990, Part IV, line 6.

		(a) Donor advised funds	(b) Funds and other accounts
1	Total number at end of year		
2	Aggregate value of contributions to (during year)		
3	Aggregate value of grants from (during year)		
4	Aggregate value at end of year		

5 Did the organization inform all donors and donor advisors in writing that the assets held in donor advised funds are the organization's property, subject to the organization's exclusive legal control? ☐ Yes ☐ No

6 Did the organization inform all grantees, donors, and donor advisors in writing that grant funds can be used only for charitable purposes and not for the benefit of the donor or donor advisor, or for any other purpose conferring impermissible private benefit? ☐ Yes ☐ No

Part II Conservation Easements.
Complete if the organization answered "Yes" on Form 990, Part IV, line 7.

1 Purpose(s) of conservation easements held by the organization (check all that apply).

☐ Preservation of land for public use (e.g., recreation or education)
☐ Preservation of an historically important land area
☐ Protection of natural habitat
☐ Preservation of a certified historic structure
☐ Preservation of open space

2 Complete lines 2a through 2d if the organization held a qualified conservation contribution in the form of a conservation easement on the last day of the tax year.

			Held at the End of the Year
a	Total number of conservation easements	2a	
b	Total acreage restricted by conservation easements	2b	
c	Number of conservation easements on a certified historic structure included in (a)	2c	
d	Number of conservation easements included in (c) acquired after 7/25/06, and not on a historic structure listed in the National Register	2d	

3 Number of conservation easements modified, transferred, released, extinguished, or terminated by the organization during the tax year ▶ _____

4 Number of states where property subject to conservation easement is located ▶ _____

5 Does the organization have a written policy regarding the periodic monitoring, inspection, handling of violations, and enforcement of the conservation easements it holds? ☐ Yes ☐ No

6 Staff and volunteer hours devoted to monitoring, inspecting, handling of violations, and enforcing conservation easements during the year ▶ _____

7 Amount of expenses incurred in monitoring, inspecting, handling of violations, and enforcing conservation easements during the year ▶ $ _____

8 Does each conservation easement reported on line 2(d) above satisfy the requirements of section 170(h)(4)(B)(i) and section 170(h)(4)(B)(ii)? ☐ Yes ☐ No

9 In Part XIII, describe how the organization reports conservation easements in its revenue and expense statement, and balance sheet, and include, if applicable, the text of the footnote to the organization's financial statements that describes the organization's accounting for conservation easements.

Part III Organizations Maintaining Collections of Art, Historical Treasures, or Other Similar Assets.
Complete if the organization answered "Yes" on Form 990, Part IV, line 8.

1a If the organization elected, as permitted under SFAS 116 (ASC 958), not to report in its revenue statement and balance sheet works of art, historical treasures, or other similar assets held for public exhibition, education, or research in furtherance of public service, provide, in Part XIII, the text of the footnote to its financial statements that describes these items.

b If the organization elected, as permitted under SFAS 116 (ASC 958), to report in its revenue statement and balance sheet works of art, historical treasures, or other similar assets held for public exhibition, education, or research in furtherance of public service, provide the following amounts relating to these items:

(i) Revenue included on Form 990, Part VIII, line 1 ▶ $ _____

(ii) Assets included in Form 990, Part X ▶ $ _____

2 If the organization received or held works of art, historical treasures, or other similar assets for financial gain, provide the following amounts required to be reported under SFAS 116 (ASC 958) relating to these items:

a Revenue included on Form 990, Part VIII, line 1 ▶ $ _____

b Assets included in Form 990, Part X ▶ $ _____

Part III **Organizations Maintaining Collections of Art, Historical Treasures, or Other Similar Assets** *(continued)*

3 Using the organization's acquisition, accession, and other records, check any of the following that are a significant use of its collection items (check all that apply):

a ☐ Public exhibition

b ☐ Scholarly research

c ☐ Preservation for future generations

d ☐ Loan or exchange programs

e ☐ Other .....

4 Provide a description of the organization's collections and explain how they further the organization's exempt purpose in Part XIII.

5 During the year, did the organization solicit or receive donations of art, historical treasures or other similar assets to be sold to raise funds rather than to be maintained as part of the organization's collection? . . . ☐ Yes ☐ No

Part IV **Escrow and Custodial Arrangements.**
Complete if the organization answered "Yes" on Form 990, Part IV, line 9, or reported an amount on Form 990, Part X, line 21.

1a Is the organization an agent, trustee, custodian or other intermediary for contributions or other assets not included on Form 990, Part X? . . . ☐ Yes ☐ No

b If "Yes," explain the arrangement in Part XIII and complete the following table:

	Amount
c Beginning balance	1c
d Additions during the year	1d
e Distributions during the year	1e
f Ending balance	1f

2a Did the organization include an amount on Form 990, Part X, line 21, for escrow or custodial account liability? . . . ☐ Yes ☐ No

b If "Yes," explain the arrangement in Part XIII. Check here if the explanation has been provided in Part XIII . . . . ☐

Part V **Endowment Funds.**
Complete if the organization answered "Yes" on Form 990, Part IV, line 10.

	(a) Current year	(b) Prior year	(c) Two years back	(d) Three years back	(e) Four years back
1a Beginning of year balance					
b Contributions					
c Net investment earnings, gains, and losses					
d Grants or scholarships					
e Other expenditures for facilities and programs					
f Administrative expenses					
g End of year balance					

2 Provide the estimated percentage of the current year end balance (line 1g, column (a)) held as:

a Board designated or quasi-endowment ▶ .....

b Permanent endowment ▶ .....

c Temporarily restricted endowment ▶ .....

The percentages on lines 2a, 2b, and 2c should equal 100%.

3a Are there endowment funds not in the possession of the organization that are held and administered for the organization by:

(i) unrelated organizations . . . . . .

(ii) related organizations . . . . . .

b If "Yes" on 3a(ii), are the related organizations listed as required on Schedule R? . . . . . .

	Yes	No
3a(i)		
3a(ii)		
3b		

4 Describe in Part XIII the intended uses of the organization's endowment funds.

Part VI **Land, Buildings, and Equipment.**
Complete if the organization answered "Yes" on Form 990, Part IV, line 11a. See Form 990, Part X, line 10.

Description of property	(a) Cost or other basis (investment)	(b) Cost or other basis (other)	(c) Accumulated depreciation	(d) Book value
1a Land		177,000		177,000
b Buildings		1,806,739	724,588	1,082,151
c Leasehold improvements				
d Equipment		849,480	768,235	81,245
e Other		767,753	117,825	649,928
Total. Add lines 1a through 1e. *(Column (d) must equal Form 990, Part X, column (B), line 10(c).)* . . ▶				1,990,324

(B)		
(C)		
(D)		
(E)		
(F)		
(G)		
(H)		
(I)		
Total. *(Column (b) must equal Form 990, Part X, col. (B) line 12.)* ▶		

Part VIII **Investments□Program Related.**
Complete if the organization answered 'Yes' on Form 990, Part IV, line 11c. See Form 990, Part X, line 13.

(a) Description of investment	**(b)** Book value	**(c)** Method of valuation: Cost or end-of-year market value
(2)		
(3)		
(4)		
(5)		
(6)		
(7)		
(8)		
(9)		
(10)		
Total. *(Column (b) must equal Form 990, Part X, col.(B) line 13.)* ▶		

Part IX **Other Assets.**
Complete if the organization answered 'Yes' on Form 990, Part IV, line 11d. See Form 990, Part X, line 15.

(a) Description	**(b)** Book value
(2)	
(3)	
(4)	
(5)	
(6)	
(7)	
(8)	
(9)	
(10)	
Total. *(Column (b) must equal Form 990, Part X, col.(B) line 15.)* . . . . . ▶	

Part X **Other Liabilities.**
Complete if the organization answered 'Yes' on Form 990, Part IV, line 11e or 11f.See Form 990, Part X, line 25.

1. **(a)** Description of liability	**(b)** Book value
(1) Federal income taxes	
(2)	
(3)	
(4)	
(5)	
(6)	
(7)	

Part XI **Reconciliation of Revenue per Audited Financial Statements With Revenue per Return.**
Complete if the organization answered 'Yes' on Form 990, Part IV, line 12a.

1	Total revenue, gains, and other support per audited financial statements			1	
2	Amounts included on line 1 but not on Form 990, Part VIII, line 12:				
a	Net unrealized gains (losses) on investments	2a			
b	Donated services and use of facilities	2b			
c	Recoveries of prior year grants	2c			
d	Other (Describe in Part XIII.)	2d			
e	Add lines **2a** through **2d**			2e	
3	Subtract line **2e** from line **1**			3	
4	Amounts included on Form 990, Part VIII, line 12, but not on line **1**:				
a	Investment expenses not included on Form 990, Part VIII, line 7b	4a			
b	Other (Describe in Part XIII.)	4b			
c	Add lines **4a** and **4b**			4c	
5	Total revenue. Add lines **3** and **4c.** (This must equal Form 990, Part I, line 12.)			5	

Part XII **Reconciliation of Expenses per Audited Financial Statements With Expenses per Return.**
Complete if the organization answered 'Yes' on Form 990, Part IV, line 12a.

1	Total expenses and losses per audited financial statements			1	
2	Amounts included on line 1 but not on Form 990, Part IX, line 25:				
a	Donated services and use of facilities	2a			
b	Prior year adjustments	2b			
c	Other losses	2c			
d	Other (Describe in Part XIII.)	2d			
e	Add lines **2a** through **2d**			2e	
3	Subtract line **2e** from line **1**			3	
4	Amounts included on Form 990, Part IX, line 25, but not on line **1:**				
a	Investment expenses not included on Form 990, Part VIII, line 7b	4a			
b	Other (Describe in Part XIII.)	4b			
c	Add lines **4a** and **4b**			4c	
5	Total expenses. Add lines **3** and **4c.** (This must equal Form 990, Part I, line 18.)			5	

Part XIII **Supplemental Information**

Provide the descriptions required for Part II, lines 3, 5, and 9; Part III, lines 1a and 4; Part IV, lines 1b and 2b; Part V, line 4; Part X, line 2; Part XI, lines 2d and 4b; and Part XII, lines 2d and 4b. Also complete this part to provide any additional information.

Return Reference	Explanation
SCHEDULE D, PAGE 3, PART X	FINANCIAL ACCOUNTING STANDARDS BOARD (FASB), ACCOUNTING STANDARDS CODIFICATION 740, INCOME TAXES (ASC 740) REQUIRES THAT A TAX POSITION BE RECOGNIZED OR DERECOGNIZED BASED ON A "MORE-LIKELY-THAN-NOT" THRESHOLD. THIS APPLIES TO POSITIONS TAKEN OR EXPECTED TO BE TAKEN IN A TAX RETURN. AS OF DECEMBER 31, 2019, MANAGEMENT HAS ASSESSED ITS VARIOUS TAX POSITIONS AND IT BELIEVES THERE ARE NO LIABILITIES FOR UNCERTAIN TAX POSITIONS.

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Note: To capture the full content of this document, please select landscape mode (11" x 8.5") when printing.

Schedule I (Form 990)

Department of the Treasury
Internal Revenue Service

Grants and Other Assistance to Organizations, Governments and Individuals in the United States

Complete if the organization answered "Yes," on Form 990, Part IV, line 21 or 22.
▶ Attach to Form 990.
▶ Go to *www.irs.gov/Form990* for the latest information.

OMB No. 1545-0047

2019

Open to Public Inspection

Name of the organization
ALPHA PHI ALPHA FRATERNITY INC

Employer identification number
36-2105176

Part I General Information on Grants and Assistance

1 Does the organization maintain records to substantiate the amount of the grants or assistance, the grantees' eligibility for the grants or assistance, and the selection criteria used to award the grants or assistance? . . . . . ☐ Yes ☑ No

2 Describe in Part IV the organization's procedures for monitoring the use of grant funds in the United States.

Part II Grants and Other Assistance to Domestic Organizations and Domestic Governments.

Complete if the organization answered "Yes" on Form 990, Part IV, line 21, for any recipient that received more than $5,000. Part II can be duplicated if additional space is needed.

(a) Name and address of organization or government	**(b)** EIN	**(c)** IRC section (if applicable)	**(d)** Amount of cash grant	**(e)** Amount of non-cash assistance	**(f)** Method of valuation (book, FMV, appraisal, other)	**(g)** Description of noncash assistance	**(h)** Purpose of grant or assistance
(1) BENNETT COLLEGE			30,000				
(2) WILLIAM H GRAY FOUNDATION			25,000				

2 Enter total number of section 501(c)(3) and government organizations listed in the line 1 table . . . . . ▶

3 Enter total number of other organizations listed in the line 1 table . . . . . ▶

Part III **Grants and Other Assistance to Domestic Individuals.** Complete if the organization answered "Yes" on Form 990, Part IV, line 22.
Part III can be duplicated if additional space is needed.

(a) Type of grant or assistance	**(b)** Number of recipients	**(c)** Amount of cash grant	**(d)** Amount of noncash assistance	**(e)** Method of valuation (book, FMV, appraisal, other)	**(f)** Description of noncash assistance
(1)					
(2)					
(3)					
(4)					
(5)					
(6)					
(7)					

Part IV **Supplemental Information.** Provide the information required in Part I, line 2; Part III, column (b); and any other additional information.

Return Reference	**Explanation**

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SCHEDULE O (Form 990 or 990-EZ)

Department of the Treasury
Internal Revenue Service

Supplemental Information to Form 990 or 990-EZ

Complete to provide information for responses to specific questions on Form 990 or 990-EZ or to provide any additional information.
▶ Attach to Form 990 or 990-EZ.
▶ Go to *www.irs.gov/Form990* for the latest information.

OMB No. 1545-0047

2019

Open to Public Inspection

Name of the organization
ALPHA PHI ALPHA FRATERNITY INC

Employer identification number
36-2105176

Return Reference	Explanation
FORM 990, PAGE 1, ITEM B	THE 990 TAX RETURN IS BEING AMENDED TO CORRECT THE BOARD LISTING.
FORM 990, PAGE 2, PART III, LINE 4B	NATIONAL AND SPECIAL PROGRAMS INCLUDING BROTHER'S KEEPER, FORMALLY CALLED THE A. CHARLES HASTON BROTHER'S KEEPER PROGRAM. THIS SERVICE PROGRAM DEVELOPED WITH THE MISSION OF ADVOCATING AND IMPROVING THE QUALITY OF LIFE FOR ALPHA PHI ALPHA FRATERNITY, INC. BROTHERS, THEIR SPOUSES, AND WIDOWS WHO ARE RETIRED, ARE ELDERS, HAVE DISABILITIES, AND ARE AILING. "A VOTELESS PEOPLE IS A HOPELESS PEOPLE"-(AKA VPHP) WAS INITIATED AS A NATIONAL PROGRAM OF ALPHA DURING THE 1930'S WHEN MANY AFRICAN-AMERICANS HAD THE RIGHT TO VOTE BUT WERE PREVENTED FROM VOTING BECAUSE OF POLL TAXES, THREATS OF REPRISAL, AND LACK OF EDUCATION ABOUT THE VOTING PROCESS. VOTER EDUCATION AND REGISTRATION HAVE REMAINED A DOMINANT FOCUS OF THIS OUTREACH ACTIVITY FOR OVER 65 YEARS. IN THE 1990'S, THE FOCUS HAS SHIFTED TO INCLUDE POLITICAL AWARENESS AND EMPOWERMENT, DELIVERED MOST FREQUENTLY THROUGH TOWN MEETINGS AND CANDIDATE FORUMS.
FORM 990, PAGE 2, PART III, LINE 4D	OTHER PROGRAM SERVICES-PROJECT ALPHA-THIS COLLABORATIVE PROJECT IS DESIGNED TO PROVIDE EDUCATION, MOTIVATION AND SKILL-BUILDING ON ISSUES OF RESPONSIBILITY, RELATIONSHIPS, TEEN PREGNANCY, AND SEXUALLY TRANSMITTED DISEASES FOR YOUNG MAILES AGES 12-15 YEARS. DESIGNED TO PROVIDE YOUNG MEN WITH CURRENT AND ACCURATE INFORMATION ABOUT TEEN PREGNANCY PREVENTION, PROJECT ALPHA CONSISTS OF A SERIES OF WORKSHOPS AND INFORMATIONAL SESSIONS CONDUCTED BY ALPHA PHI ALPHA FRATERNITY BROTHERS.
FORM 990, PAGE 6, PART VI, LINE 6	THE FRATERNITY IS FUNDED BY MEMBERS WHO PAY ANNUAL DUES TO BE MEMBERS.
FORM 990, PAGE 6, PART VI, LINE 7A	GENERAL PRESIDENT, GENERAL TREASURER, AND COMPTROLLER ARE ALL BOARD POSITIONS VOTED BY THE MEMBERS.
FORM 990, PAGE 6, PART VI, LINE 11B	A COPY OF THE RETURN IS CIRCULATED TO THE COMPTROLLER AND GENERAL TREASURER AS REPRESENTATIVES OF THE FULL BOARD FOR REVIEW AND APPROVAL PRIOR TO FILING.
FORM 990, PAGE 6, PART VI, LINE 12C	ALL EMPLOYEES, OFFICERS, AND BOARD MEMMBERS ARE COVERED UNDER THE POLICY. EACH YEAR, THE FRATERNITY CIRCULATES AN ANNUAL CONFLICT DISCLOSURE QUESTIONNAIRE THAT ASK BOARD AND STAFF MEMBERS TO DISCLOSE EXISTING CONFLICTS AND REMINDS THEM TO DISCLOSE EXISTING CONFLICTS AND ANY THAT MAY EVOLVE IN THE FUTURE.
FORM 990, PAGE 6, PART VI, LINE 15A	COMPENSATION IS REVIEWED BY APPROPRIATE COMMITTEE MEMBERS ANNUALLY AND APPROVED BY THE BOARD. THE COMPARABILITY DATA INCLUDES INFORMATION GATHERED FROM GUIDESTAR.ORG, JOBSTAR.ORG, AND SALARYEXPERT.COM. ONLY THE EXECUTIVE DIRECTOR UNDERGOES THIS PROCESS..
FORM 990, PAGE 6, PART VI, LINE 19	THE FRATERNITY'S PRACTICE IS TO MAKE ITS GOVERNING DOCUMENTS,CONFLICT OF INTEREST POLICY, AND AUDITED FINANCIAL STATEMENTS TO THE PUBLIC AVAILABLE UPON REQUEST.

Part V **Transactions With Related Organizations.** Complete if the organization answered "Yes" on Form 990, Part IV, line 34, 35b, or 36.

Note. Complete line 1 if any entity is listed in Parts II, III, or IV of this schedule.

		Yes	No
1 During the tax year, did the orgranization engage in any of the following transactions with one or more related organizations listed in Parts II-IV?			
a Receipt of **(i)** interest, **(ii)**annuities, **(iii)** royalties, or **(iv)** rent from a controlled entity	1a		No
b Gift, grant, or capital contribution to related organization(s)	1b		No
c Gift, grant, or capital contribution from related organization(s)	1c		No
d Loans or loan guarantees to or for related organization(s)	1d		No
e Loans or loan guarantees by related organization(s)	1e		No
f Dividends from related organization(s)	1f		No
g Sale of assets to related organization(s)	1g		No
h Purchase of assets from related organization(s)	1h		No
i Exchange of assets with related organization(s)	1i		No
j Lease of facilities, equipment, or other assets to related organization(s)	1j		No
k Lease of facilities, equipment, or other assets from related organization(s)	1k		No
l Performance of services or membership or fundraising solicitations for related organization(s)	1l		No
m Performance of services or membership or fundraising solicitations by related organization(s)	1m		No
n Sharing of facilities, equipment, mailing lists, or other assets with related organization(s)	1n	Yes	
o Sharing of paid employees with related organization(s)	1o	Yes	
p Reimbursement paid to related organization(s) for expenses	1p		No
q Reimbursement paid by related organization(s) for expenses	1q		No
r Other transfer of cash or property to related organization(s)	1r	Yes	
s Other transfer of cash or property from related organization(s)	1s		No

2 If the answer to any of the above is "Yes," see the instructions for information on who must complete this line, including covered relationships and transaction thresholds.

(a) Name of related organization	**(b)** Transaction type (a-s)	**(c)** Amount involved	**(d)** Method of determining amount involved
(1)ALPHA PHI ALPHA EDUCATION FOUNDATION INC	N		
(2)ALPHA PHI ALPHA EDUCATION FOUNDATION INC	O		
(3)ALPHA PHI ALPHA BUILDING FOUNDATION	N		
(4)ALPHA PHI ALPHA BUILDING FOUNDATION	O		
(5)JEWELS HERITAGE PROJECT	N		
(6)JEWEL HERITAGE PROJECT	O		
(7)ALPHA PHI ALPHA EDUCATION FOUNDATION INC	R	12,511	
(8)ALPHA PHI ALPHA BUSINESS AND EDF	N		

Part VI **Unrelated Organizations Taxable as a Partnership.** Complete if the organization answered "Yes" on Form 990, Part IV, line 37.

Provide the following information for each entity taxed as a partnership through which the organization conducted more than five percent of its activities (measured by total assets or gross revenue) that was not a related organization. See instructions regarding exclusion for certain investment partnerships.

(a) Name, address, and EIN of entity	(b) Primary activity	(c) Legal domicile (state or foreign country)	(d) Predominant income (related, unrelated, excluded from tax under sections 512-514)	(e) Are all partners section 501(c)(3) organizations?		(f) Share of total income	(g) Share of end-of-year assets	(h) Disproprtionate allocations?		(i) Code V-UBI amount in box 20 of Schedule K-1 (Form 1065)	(j) General or managing partner?		(k) Percentage ownership
				Yes	No			Yes	No		Yes	No	

Part VII **Supplemental Information**

Provide additional information for responses to questions on Schedule R. (see instructions).

Return Reference	Explanation

Control No. **08070114**

STATE OF GEORGIA

Secretary of State

Corporations Division
315 West Tower
#2 Martin Luther King, Jr. Dr.
Atlanta, Georgia 30334-1530

CERTIFICATE OF INCORPORATION

I, **Karen C Handel**, the Secretary of State and the Corporations Commissioner of the State of Georgia, hereby certify under the seal of my office that

ALPHA PHI INCORPORATED ALPHA PHI ALPHA

a Domestic Non-Profit Corporation

has been duly incorporated under the laws of the State of Georgia on **09/09/2008** by the filing of articles of incorporation in the Office of the Secretary of State and by the paying of fees as provided by Title 14 of the Official Code of Georgia Annotated.

WITNESS my hand and official seal in the City of Atlanta
and the State of Georgia on September 9, 2008

Karen C Handel
Secretary of State

DEFENDANT'S EXHIBIT
7
1-10-23 sjf

Karen C Handel
Secretary of State

Articles Of Incorporation
For Georgia Non-Profit

The name of the corporation is:
Alpha Phi Incorporated Alpha Phi Alpha

The corporation is organized pursuant to the Georgia Nonprofit Corporation Code.

The principal mailing address of the non-profit:
4972 Panola Mill Dr
Lithonia, GA 30038

The Registered Agent is:
Larry Darnell Hardy
4972 Panola Mill Dr
Lithonia, GA 30038
County: Dekalb

The name and address of each incorporator(s) is:
Larry Darnell Hardy
4972 Panola Mill Dr
Lithonia, GA 30038

The corporation will have members.

The optional provisions are:
No optional provisions.

IN WITNESS WHEREOF, the undersigned has executed these Articles of Incorporation on the date set forth below.

Signature(s):	**Date:**
Incorporator, Larry Darnell Hardy	09/09/2008

GEORGIA CORPORATIONS DIVISION

GEORGIA SECRETARY OF STATE
BRAD RAFFENSPERGER

HOME (/)

BUSINESS SEARCH

BUSINESS INFORMATION

Business Name:	**ALPHA PHI INCORPORATED ALPHA PHI ALPHA**	Control Number:	**08070114**
Business Type:	**Domestic Nonprofit Corporation**	Business Status:	**Admin. Dissolved**
Business Purpose:	**NONE**		
Principal Office Address:	**4972 Panola Mill Dr, Lithonia, GA, 30038, USA**	Date of Formation / Registration Date:	**9/9/2008**
State of Formation:	**Georgia**	Last Annual Registration Year:	**2015**
Dissolved Date:	**12/07/2016**		

REGISTERED AGENT INFORMATION

Registered Agent Name: **Hardy, Larry Darnell**

Physical Address: **4972 Panola Mill Dr, Lithonia, GA, 30038, USA**

County: **Dekalb**

OFFICER INFORMATION

Name	Title	Business Address
Anthony Rundles	Secretary	4972 Panola Mill Dr, Lithonia, Lithonia, GA, 30038, USA
Deonte Simmons	CEO	4972 Panola Mill, Lithonia, GA, 30038, USA
Larry Hardy	CFO	4972 Panola Mill Dr, Lithonia, GA, 30038, USA

Back

Filing History Name History

Return to Business Search

DEFENDANT'S EXHIBIT
8
1-10-23 SJF

Office of the Georgia Secretary of State Attn: 2 MLK, Jr. Dr. Suite 313, Floyd West Tower Atlanta, GA 30334-1530, Phone: (404) 656-2817 Toll-free: (844) 753-7825, WEBSITE: https://sos.ga.gov/

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Report a Problem?

ALPHA PHI ALPHA FRATERNITY, INCORPORATED: F07323652

Department ID Number:

F07323652

Business Name:

ALPHA PHI ALPHA FRATERNITY, INCORPORATED

Principal Office:

2313 ST. PAUL STREET

BALTIMORE MD 21218

Resident Agent:

WILLIAM D. LYLE

2313 ST. PAUL STREET

BALTIMORE MD 21218

Status:

REVIVED

Good Standing:

THIS BUSINESS IS IN GOOD STANDING

Business Type:

FOREIGN CORPORATION

Business Code:

04 ORDINARY BUSINESS - NON-STOCK

Date of Formation/ Registration:

04/17/2003

State of Formation:

IL

Stock Status:

NONSTOCK

Close Status:

N/A

tabbies LOFTON DEFENDANT'S EXHIBIT 9 1-10-23 SJF

cyberdriveillinois.com is now ilsos.gov

Office of the Secretary of State Jesse White

ilsos.gov

Corporation/LLC Search/Certificate of Good Standing

Corporation File Detail Report

File Number	10022517
Entity Name	ALPHA PHI ALPHA FRATERNITY
Status REVOKED	
	Revoked on Friday, 10 December 2010

Entity Information

Entity Type
CORPORATION

Type of Corp
NOT-FOR-PROFIT

Qualification Date (Foreign)
Monday, 12 July 1954

State
DISTRICT OF COLUMBIA

Duration Date
PERPETUAL

DEFENDANT'S EXHIBIT
10
1-10-23 SJF

Agent Information

Name
GEORGE N REAVES

Address
1417 KINROSS STREET
FLOSSMOOR , IL 60422

Change Date
Tuesday, 18 June 2002

Annual Report

Filing Date
00/00/0000

For Year
2010

Return to Search

Reinstate your Revoked Corporation

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Thu Jan 05 2023

DC.gov (/Home.aspx/index)

Mayor Muriel Bowser

311 Online (https://311.dc.gov) Agency Directory (https://dc.gov/directory) Online Services (https://dc.gov/online-services) Accessibility (https://dc.gov/page/dcgov-accessibility-policy)

Home (/Home.aspx)

Edit Account (/Account.aspx/AccountManagement)

Sign Out (/Account.aspx/LogOff?signoutFromCropLogin=true)

ALPHA PHI ALPHA FRATERNITY - Initial File Number: 012645

Main Reports Trade Names Beneficial Owners

Entity Info

Business Name
ALPHA PHI ALPHA FRATERNITY

Suffix

Registration / Effective Date
4/09/1911

Commencement Date
4/09/1911

Entity Status
Revoked

DEFENDANT'S EXHIBIT
LOFTON
11
1-10-23 sjf

Foreign Name
NA

Date of Organization
4/09/1911

State
District of Columbia

Country
USA

Business Address

Business Address data not found.

Agent

Registered Agent data not found.

Return to Home

District News

- Mayor's Public Schedule (https://mayor.dc.gov/newsroom)
- Citywide News (https://newsroom.dc.gov)
- Citywide Calendar (https://calendar.dc.gov/events)
- Subscribe to Receive Emails (https://service.govdelivery.com/accounts/DCWASH/subscriber/new)
- Subscribe to Text Alerts (https://hsema.dc.gov/page/alertdc)

- Subscribe to Newsletters (https://public.govdelivery.com/accounts/DCWASH/subscriber/new)

District Initiatives

- Green DC (https://green.dc.gov)
- Grade DC (https://grade.dc.gov)
- Age-Friendly DC (https://agefriendly.dc.gov)
- Sustainable DC (https://sustainable.dc.gov)
- Connect DC (https://connect.dc.gov)
- Great Streets (https://greatstreets.dc.gov)
- Ready DC (https://ready.dc.gov)

About DC

- Open DC (https://open.dc.gov)
- Budget (https://cfo.dc.gov/budget)
- Emancipation (https://emancipation.dc.gov)
- Consumer Protection (https://oag.dc.gov/consumer-protection)
- Contracts (https://dc.gov/contracts)
- Property Quest (https://propertyquest.dc.gov)
- Track DC (https://track.dc.gov)

Contact Us

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- Call 311 (https://311.dc.gov)
- Contact the Mayor (https://dcforms.dc.gov/webform/executive-office-mayor-ask-mayor)
- Contact Agency Directors (https://dlcp.dc.gov/page/contact-agency-directors)
- FOIA Requests (https://foia.dc.gov)
- Report Website Problems (https://dcforms.dc.gov/webform/problems-dc-government-website)
- Send Feedback (https://feedback.dc.gov)

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EXHIBIT J

DEFENDANT'S EXHIBIT
12
1-10-23 sjt

ALPHA PHI ALPHA FRATERNITY INC., *et al.*,

Plaintiffs,

vs.

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

Defendant.

DECLARATION OF SHERMAN LOFTON, JR., ON BEHALF OF ALPHA PHI ALPHA FRATERNITY INC.

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

1. I am the Georgia District Director of Alpha Phi Alpha Fraternity Inc. ("Alpha Phi Alpha"), the Nation's oldest Black fraternity. Alpha Phi Alpha is a Plaintiff in this action.

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2. Alpha Phi Alpha is the first intercollegiate Greek-letter fraternity established for Black Men. The organization was founded in 1906 at Cornell University in Ithaca, New York.

3. I have been involved with Alpha Phi Alpha since 1995, and served in various leadership roles prior to serving as Georgia District Director beginning in 2019. I have served on the Georgia District Board of Directors since 1996. Through my prior leadership positions in Alpha Phi Alpha, I supervised our programming and chapters in the metro Atlanta region, including Cobb, Henry, Spalding, and Coweta counties.

4. As Georgia District Director, I support the initiatives and programming of the Regional Vice President with Alpha Phi Alpha's Georgia chapters. In addition to overseeing initiatives, programs, projects, and intakes, I am the lead representative for the Georgia District Association and serve as a spokesperson for the fraternity in the State.

5. Alpha Phi Alpha has over 3,000 members across Georgia. Many of these members are Black Georgians who are registered voters. Members of our organization live in every region of the State, including in Metro Atlanta, Augusta and the surrounding counties, Southwestern Georgia (including the counties around Columbus and Albany), and other counties across the state.

6. Specifically, members of our organization live in and around new Georgia Senate Districts 16 and 17 and the newly-drawn House Districts drawn in those same areas, including House Districts 74, 114, 117, and 134, including, without limitation, in Fayette County, Spalding County, Henry County, Newton County, and other counties in the area. For example, one of our members, Brother Harry Mays, resides in House District 117.

7. Our members also live in and/or around the area that comprises new Georgia Senate District 23 (as well as the new House Districts drawn in and/or around the same area, such as House Districts 128 and 133), including, without limitation, in Richmond County (which includes Augusta) as well as various nearby counties, such as Burke County, Jefferson County, and Baldwin County.

8. Alpha Phi Alpha also has members living in and/or around the area that comprises new Georgia House Districts 171 and 173 (as well as other new House Districts drawn in and/or around the same area), including, without limitation, in Dougherty County (which includes Albany) as well as various nearby counties, including, among a number of others, Mitchell County and Thomas County.

9. Members of Alpha Phi Alpha in the Georgia District include Black registered voters who I understand reside in the new State Senate and State House districts discussed above, but who would reside in the illustrative

additional majority-Black State Senate and State House districts presented by Plaintiffs in this case that could have and should have been drawn in the above-discussed areas.

10. Alpha Phi Alpha has historically made raising the civic participation of its members and Black Americans an organizational priority. Beginning in the 1930s, Alpha Phi Alpha created a National Program called "A Voteless People is a Hopeless People," which seeks to enhance Black civic participation and voting. Through the "A Voteless People is a Hopeless People" National Program, Alpha Phi Alpha focuses on voter education, registration, civic awareness, and empowerment.

11. The Georgia District is one of the most active segments of the fraternity in community engagement. The District prioritizes social justice, voter enfranchisement, criminal justice, education, and anti-poverty initiatives in its activities. With additional representation in the State legislature, Black voters in Georgia could exert more political pressure on our state government to address systemic inequality and continuing discrimination in these areas, particularly when it comes to voting rights, criminal justice, the school-to-prison pipeline, and educational resources.

12. Alpha Phi Alpha actively registers voters through its "First of All, We Vote" initiative, holds events to raise political awareness and empower Black

communities, and fights efforts to diminish Black political power. The Georgia District of Alpha Phi Alpha has advocated at the state capitol for legislation that expands voting rights for all Georgians and regularly works in local communities to register voters and educate them on their rights.

13. The new maps directly affect those efforts by undermining the ability of Black Georgians, including members of Alpha Phi Alpha, to elect representatives of their choice.

14. On August 11, 2021, I provided public comments on behalf of Georgia members of Alpha Phi Alpha at a redistricting town hall convened by members of the Georgia legislature in Augusta, Georgia. At the town hall, I asked the Chairs of the Redistricting Committees in the House and Senate to make sure that people of color had a voice in the redistricting process. I also asked that the legislature draw maps in a way that is fair and transparent, because the redistricting process would affect the lives of so many Georgians.

15. Georgia's minority population, especially among Black Georgians, has grown over the past decade and drives Georgia's economic growth and national prominence. I have observed this growth and change firsthand as a resident of Henry County, which has both grown in population and become increasingly diverse over the past decade. In my observation, this growth is being driven in part by Black citizens from the larger Atlanta metro, as well as

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from around the country, moving to Henry County, deepening the ties of the County's growing Black community to that of the broader region.

16. The proposed Georgia State and House maps do not reflect the growth of the State's minority population, especially in the metro Atlanta area.

17. If the new maps take effect, Alpha Phi Alpha will be forced to divert resources from its voter education and registration programming to the affected districts in order to protect the representation and interests of its members in the community.

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

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Dated this 31st day of December, 2021,

By: /s/

Sherman Lofton, Jr.