

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

ANNIE LOIS GRANT; QUENTIN T.  
HOWELL; ELROY TOLBERT; THERON  
BROWN; TRIANA ARNOLD JAMES;  
EUNICE SYKES; ELBERT SOLOMON;  
and DEXTER WIMBISH,

Plaintiffs,

v.

BRAD RAFFENSPERGER, in his official  
capacity as the Georgia Secretary of State;  
SARA TINDALL GHAZAL, in her  
official capacity as a member of the State  
Election Board; JANICE JOHNSTON, in  
her official capacity as a member of the  
State Election Board; EDWARD  
LINDSEY, in his official capacity as a  
member of the State Election Board; and  
MATTHEW MASHBURN, in his official  
capacity as a member of the State Election  
Board,

Defendants.\*

CIVIL ACTION FILE  
NO. 1:22-CV-00122-SCJ

**JOINT STIPULATED FACTS FOR PRELIMINARY INJUNCTION  
PROCEEDINGS**

---

\* Pursuant to Federal Rule of Civil Procedure 25(d), the parties have automatically substituted Janice Johnston, in her official capacity, for Anh Le, in her official capacity, based on recent changes to the composition of the State Election Board.

Pursuant to the Court's coordinated order of January 28, 2022, *see* ECF No. 44, Plaintiffs and Defendants respectfully submit the following joint stipulated facts.<sup>1</sup>

As an initial matter, Plaintiffs and Defendants stipulate that the expert report of Dr. Loren Collingwood, *see* ECF No. 20-4, will be admitted as evidence without requiring Dr. Collingwood's testimony at the preliminary injunction hearing.

## **I. Parties**

### **A. Plaintiffs**

#### **1. Annie Lois Grant**

1. Plaintiff Annie Lois Grant is Black.
2. Plaintiff Annie Lois Grant resides in Union Point, Georgia.
3. Under the enacted legislative plans, Plaintiff Annie Lois Grant resides in Senate District 24 and House District 124.

#### **2. Quentin T. Howell**

4. Plaintiff Quentin T. Howell is Black.
5. Plaintiff Quentin T. Howell resides in Milledgeville, Georgia.

---

<sup>1</sup> When stipulating to facts as true, the parties do not waive the right to object to evidence as irrelevant or otherwise inadmissible. Any stipulation made for purposes of the upcoming preliminary injunction proceedings shall not bind the parties for other purposes of this litigation.

6. Under the enacted legislative plans, Plaintiff Quentin T. Howell resides in Senate District 25 and House District 133.

**3. Elroy Tolbert**

7. Plaintiff Elroy Tolbert is Black.

8. Plaintiff Elroy Tolbert resides in Macon, Georgia.

9. Under the enacted legislative plans, Plaintiff Elroy Tolbert resides in Senate District 18 and House District 144.

**4. Theron Brown**

10. Plaintiff Theron Brown is Black.

11. Plaintiff Theron Brown resides in Warner Robbins, Georgia.

12. Under the enacted legislative plans, Plaintiff Theron Brown resides in Senate District 26 and House District 145.

**5. Triana Arnold James**

13. Plaintiff Triana Arnold James is Black.

14. Plaintiff Triana Arnold James resides in Villa Rica, Georgia.

15. Under the enacted legislative plans, Plaintiff Triana Arnold James resides in Senate District 30 and House District 64.

**6. Eunice Sykes**

16. Plaintiff Eunice Sykes is Black.

17. Plaintiff Eunice Sykes resides in Locust Grove, Georgia.

18. Under the enacted legislative plans, Plaintiff Eunice Sykes resides in Senate District 25 and House District 117.

**7. Elbert Solomon**

19. Plaintiff Elbert Solomon is Black.

20. Plaintiff Elbert Solomon resides in Griffin, Georgia.

21. Under the enacted legislative plans, Plaintiff Elbert Solomon resides in Senate District 16 and House District 117.

**8. Dexter Wimbish**

22. Plaintiff Dexter Wimbish is Black.

23. Plaintiff Dexter Wimbish resides in Griffin, Georgia.

24. Under the enacted legislative plans, Plaintiff Dexter Wimbish resides in Senate District 16 and House District 74.

**B. Defendants**

**1. Brad Raffensperger**

25. Defendant Brad Raffensperger is the Georgia Secretary of State and is named in his official capacity.

**2. Sara Tindall Ghazal**

26. Defendant Sara Tindall Ghazal is a member of the State Election Board and is named in her official capacity.

**3. Janice Johnston**

27. Defendant Janice Johnston is a member of the State Election Board and is named in her official capacity.

**4. Edward Lindsey**

28. Defendant Edward Lindsey is a member of the State Election Board and is named in his official capacity.

**5. Matthew Mashburn**

29. Defendant Matthew Mashburn is a member of the State Election Board and is named in his official capacity.

**II. Georgia's Legislative Maps**

**A. Previous Plans**

30. The 2014 Georgia State Senate plan contained 13 majority-Black districts using the any part Black voting-age population ("BVAP") metric when the 2020 Census data was applied.

31. The 2015 Georgia House of Representatives plan contained 47 majority-Black districts using the any part BVAP metric when the 2020 Census data was applied.

**B. 2020 Census**

32. The U.S. Census Bureau releases data to the states after each census for use in redistricting. This data includes population and demographic information for each census block.

33. The Census Bureau provided initial redistricting data to Georgia on August 12, 2021.

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

35. As a result of this population growth, the state retained 14 seats in the U.S. House of Representatives.

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

37. Between 2010 and 2020, 47.26 percent of the state's population gain was attributable to Black population growth.

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

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

40. As a matter of total population, any part Black Georgians comprise the largest minority population in the state (33.03 percent).

41. Georgia has a total voting-age population of 8,220,274, of whom 2,607,986 (31.73 percent) are any part Black and 30.27 percent are single race Black.

42. The total estimated citizen voting-age population in Georgia in 2019 was 33.8 percent any part Black and 32.9 percent single race Black.

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

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

**C. Enactment of Senate Bill 1EX (“SB 1EX”) and House Bill 1EX (“HB 1EX”)**

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

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

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

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

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

50. The House Legislative and Congressional Reapportionment Committee adopted the guidelines filed as Doc. No. 26-17 in *Alpha Phi Alpha Fraternity Inc. v. Raffensperger*, No. 1:21-CV-05337-SCJ (N.D. Ga.) (“*Alpha Phi Alpha*”), prior to drawing redistricting plans.



51. The Senate Reapportionment and Redistricting Committee adopted the guidelines filed as *Alpha Phi Alpha* Doc. No. 26-18 prior to drawing redistricting plans.

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

53. On November 9, 2021, the Georgia State Senate passed SB 1EX, which revised that chamber's district boundaries. The House passed SB 1EX on November 15.

54. On November 10, 2021, the Georgia House of Representatives passed HB 1EX, which revised that chamber's district boundaries. The State Senate passed HB 1EX on November 12.

55. Governor Brian Kemp signed SB 1EX and HB 1EX into law on December 30, 2021.

### **III. 2021 State Senate and House Plans**

56. The enacted State Senate plan contains 14 majority-Black districts using the any part BVAP metric.

57. The enacted House plan contains 49 majority-Black districts using the any part BVAP metric.

58. The enacted State Senate plan splits 29 counties.

59. The enacted House plan splits 69 counties.

#### **IV. *Gingles* Preconditions**

60. Plaintiffs' mapping expert, Blakeman B. Esselstyn, drew an illustrative State Senate plan that includes 17 majority-Black districts using the any part BVAP metric.

61. Mr. Esselstyn also drew an illustrative House plan that includes 54 majority-Black districts using the any part BVAP metric.

62. Mr. Esselstyn's additional majority-Black State Senate district in the Black Belt region (illustrative Senate District 23) that includes all of Burke, Glascock, Hancock, Jefferson, Screven, Taliaferro, Warren, and Washington Counties and parts of Baldwin, Greene, McDuffie, Richmond, and Wilkes Counties.

63. Mr. Esselstyn's illustrative Senate District 23 has an any part BVAP over 50 percent.

64. Mr. Esselstyn's additional majority-Black State Senate district in the southeastern Atlanta metropolitan area (illustrative Senate District 25) is composed of portions of Fayette and Henry Counties.

65. Mr. Esselstyn's illustrative Senate District 25 has an any part BVAP over 50 percent.

66. Mr. Esselstyn's additional majority-Black State Senate district in the southwestern Atlanta metropolitan area (illustrative Senate District 28) is composed of portions of Clayton, Coweta, Fayette, and Fulton Counties.

67. Mr. Esselstyn's illustrative Senate District 28 has an any part BVAP over 50 percent.

68. Mr. Esselstyn's additional majority-Black House district in the western Atlanta metropolitan area (illustrative House District 64) is composed of portions of Douglas, Fulton, and Paulding Counties.

69. Mr. Esselstyn's illustrative House District 64 has an any part BVAP over 50 percent.

70. Mr. Esselstyn's additional majority-Black House districts in the southern Atlanta metropolitan area (illustrative House Districts 74 and 117) are composed of portions of Clayton, Fayette, and Henry Counties.

71. Mr. Esselstyn's illustrative House Districts 74 and 117 have any part BVAPs over 50 percent.

72. Mr. Esselstyn's additional majority-Black House districts in the central Black Belt region (illustrative House Districts 145 and 149) are composed of portions of Baldwin, Bibb, and Houston Counties, as well as all of Twiggs and Wilkinson Counties.

73. Mr. Esselstyn's illustrative House Districts 145 and 149 have any part BVAPs over 50 percent.

74. Mr. Esselstyn's illustrative House plan includes two districts (illustrative House Districts 142 and 143) that are wholly contained in Bibb County and only two (illustrative House Districts 145 and 149) that are only partially in Bibb County.

75. Mr. Esselstyn's illustrative State Senate plan splits 34 counties.

76. Mr. Esselstyn's illustrative House plan splits 70 counties.

77. Plaintiffs' racially polarized voting expert, Dr. Maxwell Palmer, examined election results in five focus areas comprised of the State Senate and House districts from which Mr. Esselstyn's additional majority-Black districts were drawn.

## **V. Totality of Circumstances**

78. In 2015, after the Supreme Court invalidated Section 5's preclearance formula in *Shelby County v. Holder*, 570 U.S. 529 (2013), the Georgia General Assembly engaged in mid-cycle redistricting.

79. According to Census estimates, the unemployment rate among Black Georgians (8.7 percent) is nearly double that of white Georgians (4.4 percent).

80. According to Census estimates, White households are twice as likely as Black households to report an annual income above \$100,000.

81. According to Census estimates, Black Georgians are more than twice as likely—and Black children in particular more than three times as likely—to live below the poverty line.

82. According to Census estimates, Black Georgians are nearly three times more likely than white Georgians to receive SNAP benefits.

83. According to Census estimates, Black adults are more likely than white adults to lack a high school diploma—13.3 percent as compared to 9.4 percent.

84. According to Census estimates, 35 percent of white Georgians over the age of 25 have obtained a bachelor's degree or higher, compared to only 24 percent of Black Georgians over the age of 25.

85. The Georgia Legislative Black Caucus has only 14 members in the Georgia State Senate—25 percent of that chamber—and 41 members in the Georgia House of Representatives—less than 23 percent of that chamber.

86. Georgia has had 77 governors, none of whom has been Black.

87. Senator Raphael Warnock is the first Black Georgian to serve Georgia in the U.S. Senate.

Dated: February 4, 2022

By: **Adam M. Sparks**

Joyce Gist Lewis

Georgia Bar No. 296261

Adam M. Sparks

Georgia Bar No. 341578

**KREVOLIN & HORST, LLC**

One Atlantic Center

1201 West Peachtree Street, NW,  
Suite 3250

Atlanta, Georgia 30309

Telephone: (404) 888-9700

Facsimile: (404) 888-9577

Email: JLewis@khlawfirm.com

Email: Sparks@khlawfirm.com

Kevin J. Hamilton\*

**PERKINS COIE LLP**

1201 Third Avenue, Suite 4900

Seattle, Washington 98101

Phone: (206) 359-8000

Facsimile: (206) 359-9000

Email: KHamilton@perkinscoie.com

Respectfully submitted,

Abha Khanna\*

Jonathan P. Hawley\*

**ELIAS LAW GROUP LLP**

1700 Seventh Avenue, Suite 2100

Seattle, Washington 98101

Phone: (206) 656-0177

Facsimile: (206) 656-0180

Email: AKhanna@elias.law

Email: JHawley@elias.law

Daniel C. Osher\*

Christina A. Ford\*

Graham W. White\*

Michael B. Jones

Georgia Bar No. 721264

**ELIAS LAW GROUP LLP**

10 G Street NE, Suite 600

Washington, D.C. 20002

Phone: (202) 968-4490

Facsimile: (202) 968-4498

Email: DOsher@elias.law

Email: CFord@elias.law

Email: GWhite@elias.law

Email: MJones@elias.law

*Counsel for Plaintiffs*

\*Admitted *pro hac vice*

Christopher M. Carr  
Attorney General  
Georgia Bar No. 112505  
Bryan K. Webb  
Deputy Attorney General  
Georgia Bar No. 743580  
Russell D. Willard  
Senior Assistant Attorney General  
Georgia Bar No. 760280  
Charlene McGowan  
Assistant Attorney General  
Georgia Bar No. 697316  
**State Law Department**  
40 Capitol Square, S.W.  
Atlanta, Georgia 30334

/s/ Bryan P. Tyson  
Bryan P. Tyson  
Special Assistant Attorney General  
Georgia Bar No. 515411  
btyson@taylorenghish.com  
Frank B. Strickland  
Georgia Bar No. 678600  
fstrickland@taylorenghish.com  
Bryan F. Jacoutot  
Georgia Bar No. 668272  
bjacoutot@taylorenghish.com  
Loree Anne Paradise  
Georgia Bar No. 382202  
lparadise@taylorenghish.com  
**Taylor English Duma LLP**  
1600 Parkwood Circle  
Suite 200  
Atlanta, Georgia 30339  
(678) 336-7249  
*Counsel for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that I have on this date caused to be electronically filed a copy of the foregoing JOINT STIPULATED FACTS FOR PRELIMINARY INJUNCTION PROCEEDINGS with the Clerk of Court using the CM/ECF system, which will automatically send e-mail notification of such filing to counsel of record.

Dated: February 4, 2022

**Adam M. Sparks**  
*Counsel for Plaintiffs*