

Grant, Annie Lois, et al.v. Raffensperger, Brad, Et Al.

Page 1

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

4  
5   CIVIL ACTION NUMBER:   1:22-CV-00122-SCJ

6   ANNIE LOIS GRANT; et al.,

7           Plaintiff(s),

8           vs.

9   BRAD RAFFENSPERGER, in his  
10   official capacity as the Georgia  
11   Secretary of State, et al.,

12           Defendant(s).

13  
14  
15           DEPOSITION TESTIMONY OF:

16                   GARRETT REYNOLDS

17                   January 25, 2023

18                   3 p.m. Eastern Time

19           VIA REMOTE VIDEO-CONFERENCE  
20  
21  
22

23   COURT REPORTER:

24   Angela Smith McGalliard,

25   RPR, CRR, CCR

Grant, Annie Lois, et al.v. Raffensperger, Brad, Et Al.

Page 2

\* \* \* \* \*

## I N D E X

## EXAMINATION

PG LN

by Mr. Weigel 5 23

## DEFENDANT'S EXHIBITS

PG LN

Exhibit 1 Defendants' Amended 8 12

Notice to Take the

Deposition of Garrett

Reynolds

Exhibit 2 Second Amended 39 3

Complaint

\* \* \* \* \*

Grant, Annie Lois, et al.v. Raffensperger, Brad, Et Al.

Page 3

## A P P E A R A N C E S

(All counsel attended remotely.)

FOR THE PLAINTIFF(S):

MIKE JONES, ESQUIRE

ELIAS LAW GROUP

250 Massachusetts Avenue NW

Suite 400

Washington, D.C. 20002

FOR THE DEFENDANT(S):

DAN H. WEIGEL, ESQUIRE

TAYLOR ENGLISH DUMA, LLP

1600 Parkwood Circle SE

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(Reporter disclosure made pursuant to  
Article 8.b of the Rules and Regulations of  
the Board of Court Reporting of the  
Judicial Council of Georgia)

1 I, Angela Smith McGalliard,  
2 Registered Professional Reporter, Certified  
3 Realtime Reporter and Certified Court  
4 Reporter, duly licensed in the State of  
5 Georgia, acting as Commissioner, certify  
6 that on this date, as provided by the  
7 Federal Rules of Civil Procedure, there  
8 came before me via remote video-conference,  
9 beginning at 3:09 p.m., Garrett Reynolds,  
10 witness in the above cause, for oral  
11 examination, whereupon the following  
12 proceedings were had:

13 GARRETT REYNOLDS,  
14 being first duly sworn, was examined and  
15 testified as follows:

16 MR. WEIGEL: This is the  
17 deposition of Plaintiff Garrett Reynolds  
18 taken by Defendant Secretary of State Brad  
19 Raffensperger and members of the State  
20 Election Board for the purpose of discovery  
21 and all purposes allowed under the Federal  
22 Rules of Civil Procedure. Since the court  
23 reporter has already sworn the witness in,  
24 I'll introduce myself. My name is Dan  
25 Weigel, I'm appearing for defendants in

1 this matter, and I'm with the law firm  
2 Taylor English Duma.

3 I will let counsel for Mr.  
4 Reynolds make his appearance for the  
5 Record.

6 MR. JONES: Mike Jones, counsel  
7 for the Pendergrass and Grant Plaintiffs.  
8 I'm representing Mr. Reynolds in today's  
9 deposition.

10 MR. WEIGEL: And, Counsel, is it  
11 agreeable with you that all objections will  
12 be reserved until hearing in this matter,  
13 and the first use of the deposition, with  
14 the exception of the form of the question  
15 and the responsiveness of the answer?

16 MR. JONES: It is.

17 MR. WEIGEL: Counsel, am I  
18 correct in presuming that you wish to  
19 reserve signature until you have had the  
20 chance to review the transcript?

21 MR. JONES: That's correct.

22 EXAMINATION

23 BY MR. WEIGEL:

24 Q. Mr. Reynolds, I'm going to ask  
25 you a series of questions. If I ask you a

1 question that you don't understand or that  
2 I've phrased poorly, can we agree that you  
3 will let me know, and I'll do my best to  
4 rephrase it and put it in a form that you  
5 can understand?

6 A. Agreed.

7 Q. Okay. Thank you. Since this is  
8 a virtual deposition, and there will likely  
9 already be some audio issues that we  
10 encounter. For the court reporter, it's  
11 going to be important that we do a couple  
12 of things: First, do your best to speak  
13 clearly and loudly so that she can hear  
14 you; second, especially for yes or no  
15 answers, where your instinct may be to nod  
16 or give a nonverbal response, be sure to  
17 say yes or no audibly; and finally, we have  
18 to both do our best to not speak over each  
19 other or cut each other off. So even if  
20 you know the answer before I finish the  
21 question, make sure you wait until I  
22 complete my question before you provide  
23 your answer. And I'll likewise do my best  
24 to wait until you complete your answer  
25 before I start asking my next question.

1           Similarly, if I ask a question,  
2     and your attorney has an objection to my  
3     question, try your best to let your  
4     attorney make his objection for the Record  
5     before you start jumping in to answer.

6           Is that agreeable?

7           A.     Agreed.

8           Q.     Also, if you need to take a break  
9     at any time, just let me know. The only  
10    thing I'm going to ask is that if I've  
11    already asked a question, please go ahead  
12    and provide an answer to that question  
13    before we head off for a break.

14           Finally, with this being a  
15    virtual deposition, it is important that we  
16    confirm that you don't have any electronic  
17    devices out and open for you to see during  
18    the deposition; this is going to include  
19    your cell phone, so please make sure you  
20    have that off or silenced, as well as any  
21    email on your computer or any apps open on  
22    your cell phone.

23           Again, with this being a virtual  
24    deposition, you'll certainly need to have  
25    the Zoom open and you'll need to look at

1 the screen for any exhibits that I have.  
2 But if you could go ahead and confirm for  
3 me that anything of the nature I described,  
4 cell phone, computer, email, text  
5 messaging, or any social media open, if you  
6 can confirm that you will not have that  
7 open during the course of our deposition,  
8 that would be great.

9 A. Confirmed.

10 (Defendant's Exhibit  
11 1 was marked for  
12 identification.)

13 Q. Great. So let's get going. And  
14 I'm going to start the deposition by  
15 introducing what is going to be marked as  
16 Defendant's Exhibit 1. I'll be sharing my  
17 screen.

18 Can you see my screen, Mr.  
19 Reynolds?

20 A. Yes.

21 Q. If you could, follow along real  
22 quickly for me, do you see the title of it  
23 where it says Defendants' Amended Notice to  
24 Take the Deposition of Garrett Reynolds?

25 A. Yes.



1 Q. Now, if you could just follow  
2 along as I quickly scroll through this on  
3 my screen. This is simply a copy of the  
4 Amended Notice of Deposition that was  
5 issued to you in connection with the  
6 deposition that we are at today.

7 Mr. Reynolds, are you familiar  
8 with this document as the version you  
9 received in connection with this  
10 deposition?

11 A. I have scanned it briefly, and it  
12 looks similar.

13 Q. Perfect. Thank you. And I will  
14 stop sharing my screen.

15 Mr. Reynolds, have you given any  
16 testimony prior to this, whether at  
17 deposition or in a trial?

18 A. No.

19 Q. Have you taken any medications  
20 that would keep you from fully and  
21 truthfully participating in today's  
22 deposition?

23 A. No.

24 Q. Do you have any medical  
25 conditions that would keep you from fully

1 and truthfully participating in today's  
2 deposition?

3 A. No.

4 Q. Mr. Reynolds, have you filed any  
5 election-related lawsuits in the past?

6 A. No.

7 Q. Have any direct family members of  
8 yours filed any election-related cases in  
9 the past?

10 A. No.

11 Q. Have you ever been charged with a  
12 crime?

13 A. Other than traffic violations,  
14 no.

15 Q. Have you ever been arrested?

16 A. No.

17 Q. And I assume other than, of  
18 course, what you just mentioned, traffic  
19 violations, that you've also never been  
20 convicted of any other crimes; would that  
21 be accurate?

22 A. Yes.

23 Q. Have you discussed this case with  
24 anyone other than your lawyer?

25 A. Yes.

1 Q. And who is that?

2 A. My wife.

3 Q. Have you discussed this  
4 deposition with anyone other than your  
5 lawyer?

6 A. Yes.

7 Q. And who is that?

8 A. My wife.

9 Q. Did you review anything to  
10 prepare for this deposition?

11 A. Yes.

12 Q. And what did you look at?

13 A. The document you showed earlier.  
14 I also checked my My Voter Page on the  
15 Secretary of State website so I would be  
16 familiar with my current representatives.

17 Q. And did those documents or what  
18 you reviewed help refresh your recollection  
19 as to the events that you will testify to  
20 today?

21 A. Yes.

22 Q. And do you have any documents or  
23 notes with you today?

24 A. I have one sheet of paper with  
25 the names of my state representatives.

1 Q. Okay. Shifting gears, again, Mr.  
2 Reynolds, can you please state your full  
3 name for the Record?

4 A. Garrett Reynolds.

5 Q. What is your current address, Mr.  
6 Reynolds?

7 A. [REDACTED] Tyrone,  
8 Georgia [REDACTED]

9 Q. What county is that in?

10 A. Fayette.

11 Q. And how long have you lived at  
12 that address?

13 A. Little more than ten years.

14 Q. And have you lived anywhere else  
15 in the past two years?

16 A. No.

17 Q. And where did you live before  
18 moving to your current address?

19 A. [REDACTED] -- I cannot  
20 recall if it was a road or a drive,  
21 Atlanta, Georgia [REDACTED]

22 Q. And how long did you live at that  
23 address for, to the best of your  
24 recollection?

25 A. Five, six years.

1 Q. How long have you lived in  
2 Fayette County?

3 A. A little more than ten years.

4 Q. So the same amount of time that  
5 you've lived at your current address?

6 A. Correct.

7 Q. And at the prior address, what  
8 county -- Strike that.

9 Prior to living at the current  
10 address, at the prior address that you  
11 described in Atlanta, what county was that  
12 in?

13 A. Fulton County.

14 Q. Have you resided in any other  
15 counties in Georgia?

16 A. Yes.

17 Q. And what counties are those?

18 A. That would be Cobb and Gwinnett.

19 Q. Have you ever resided in any  
20 other state?

21 A. Yes.

22 Q. What states have you resided in?

23 A. New York state, Rhode Island,  
24 California, Florida, and Georgia.

25 Q. Since this deposition is

1 occurring virtually, can you provide the  
2 address you're testifying from?

3 A. [REDACTED] Tyrone,  
4 Georgia [REDACTED]

5 Q. And that was the home address  
6 that you provided earlier; correct?

7 A. Yes.

8 Q. And is your lawyer presently with  
9 you now?

10 A. Not physically.

11 Q. And is anyone else present with  
12 you in the room?

13 A. Not in the room. There are other  
14 people in the house.

15 Q. Do you own, either partially or  
16 full ownership, any other properties  
17 presently?

18 A. Yes.

19 Q. And where are those?

20 A. Two are in Fulton County and one  
21 is in Gwinnett County.

22 Q. And to the best of your  
23 recollection, what are the addresses for  
24 the two properties in Fulton County?

25 A. [REDACTED] [REDACTED] [REDACTED] [REDACTED] Atlanta,

1 Georgia [REDACTED] [REDACTED] [REDACTED], I cannot  
2 remember the house number. I can look it  
3 up if you want.

4 Q. No. No. That's fine. Do you  
5 recall maybe the ZIP code for it?

6 A. It's also [REDACTED]

7 Q. Okay. And then to the best of  
8 your recollection, what's the address for  
9 the property you own in Gwinnett County?

10 A. [REDACTED] [REDACTED] [REDACTED] [REDACTED],  
11 Norcross, Georgia [REDACTED]

12 Q. What is the nature of your  
13 ownership in those properties? Are they to  
14 rent or what is the nature of your  
15 ownership?

16 A. Those are all rental properties.

17 Q. But just to confirm, the  
18 residence you identified in Fayette County  
19 is the sole residence at which you reside;  
20 correct?

21 A. Correct.

22 Q. Now, we'll shift gears again and  
23 talk a little bit about your education.  
24 What was the highest level of education you  
25 completed?

1 A. I have a bachelor's degree.

2 Q. And when did you receive that  
3 bachelor's degree?

4 A. 1986.

5 Q. Where did you receive that  
6 bachelor's degree from?

7 A. The State University of New York  
8 at Buffalo.

9 Q. Did you attend any other college  
10 or university prior to receiving that  
11 degree there?

12 A. Yes.

13 Q. And where else did you attend?

14 A. I attended Monroe Community  
15 College and Rensselaer Polytechnic  
16 Institute.

17 Q. And did you receive any degrees  
18 from either of those two institutions?

19 A. I received an associate's degree  
20 from Monroe Community College, nothing from  
21 RPI. I did attend military schools in the  
22 Navy.

23 Q. And what were those military  
24 schools you attended, to the best of your  
25 recollection?



1           A.       Officer's Candidate School and  
2       Supply Corps School.

3           Q.       When did you complete Officer's  
4       Candidate School?

5           A.       I was commissioned in 1987.

6           Q.       And the second one, I have  
7       supply, what was the rest of that name?

8           A.       Supply Corps School.

9           Q.       And when did you complete that?

10          A.       That was also in 1987.

11          Q.       And did you complete high school?

12          A.       Yes.

13          Q.       And where did you complete high  
14       school?

15          A.       James E. Sperry High School in  
16       Henrietta, New York.

17          Q.       And what year did you graduate  
18       high school?

19          A.       1980.

20          Q.       Do you presently have any  
21       licenses?

22          A.       I have a driver's license and a  
23       real estate license.

24          Q.       When did you get your real estate  
25       license?

1 A. That would have been 2013.

2 Q. So close to ten years ago?

3 A. Correct.

4 Q. And are you presently in good  
5 standing with that license?

6 A. Yes.

7 Q. And any other license, other than  
8 the ones we identified?

9 A. Just the driver's license.

10 Q. And how about certifications, do  
11 you have any certifications?

12 A. No.

13 Q. Have you received any other  
14 vocational training, other than what we've  
15 identified?

16 A. No.

17 Q. And do you presently receive  
18 continuing education in any area?

19 A. To maintain my real estate  
20 license, I have to have forty hours of  
21 continuing education every four years.

22 Q. But aside from that, no other  
23 continuing education in any other area?

24 A. None.

25 Q. And aside from what we've

1 discussed, have you received any training  
2 in any other area?

3 A. No.

4 Q. Now I'll shift along to talk  
5 about organizations that you're currently  
6 involved in. Are you currently a member of  
7 any social organizations?

8 A. No.

9 Q. How about, are you currently a  
10 member of any political organizations?

11 A. Yes.

12 Q. And what are those?

13 A. Fayette County Democratic  
14 Committee.

15 Q. And how long have you been a  
16 member of the Fayette County Democratic  
17 Committee?

18 A. I joined when Donald Trump became  
19 president, so that would be six years.

20 Q. So around 2016, 2017, then?

21 A. I believe he was elected -- I  
22 believe he took office in 2017.

23 Q. Yeah.

24 A. And so that would be five, five  
25 and a half years, six years.

1 Q. And how would you describe your  
2 role presently in that organization?

3 A. My title is Post Seat Holder, or  
4 Fayette County Councilperson. We have  
5 twenty-four councilmen, I am one of those.

6 Q. And what are your  
7 responsibilities with that role?

8 MR. JONES: I'm just going to  
9 object on First Amendment privilege  
10 grounds, to the extent that the  
11 responsibilities that Mr. Reynolds has with  
12 this role are nonpublic. So, Mr. Reynolds,  
13 I'm just going to direct you not to divulge  
14 anything that's nonpublic; but if you feel  
15 that you can answer the question without  
16 doing that, please feel free to do so.

17 A. So publicly, our role is to  
18 manage the activities of the Fayette County  
19 party. We are a legislative group, and so  
20 if there's a decision to be made, we make  
21 those decisions collectively.

22 Q. And, of course, consistent with  
23 your counsel's prior objection, so only  
24 discussing publicly available activities,  
25 could you describe what those activities

1 are in a little bit greater detail?

2 A. Our organization's goal is to  
3 locate and elect democrats to public  
4 office.

5 Q. And since joining that committee,  
6 has that always been your role or have you  
7 held different roles within that  
8 organization?

9 A. I have had different roles in  
10 that organization.

11 Q. And what are those different  
12 roles?

13 A. I was the former vice chair of --  
14 we call it FCDC, Fayette County Democratic  
15 Committee. I have also been a chair of the  
16 field operations department.

17 Q. And, again, consistent with your  
18 counsel's objection, and taking into  
19 account the prior activities that you  
20 identified in your present role, are there  
21 any other -- Strike that.

22 Were there any other  
23 responsibilities that you had in those  
24 prior roles, that were publicly available,  
25 that we haven't already discussed?

1 A. No.

2 Q. And kind of consistent with those  
3 questions, are there any organizations that  
4 you have been involved in or were a member  
5 of previously that you are no longer a part  
6 of?

7 A. No.

8 Q. How about when you were in  
9 college, were there any organizations that  
10 you were involved with in college?

11 A. I was a member of the chess club.

12 Q. But aside from that, no other  
13 organizations?

14 A. No.

15 Q. Now we will shift back up to the  
16 present and discuss your current employment  
17 and employment history.

18 Do you currently work, Mr.  
19 Reynolds?

20 A. Yes.

21 Q. And what do you currently do?

22 A. I am a real estate agent and  
23 property manager.

24 Q. And what are your duties as a  
25 real estate agent and property manager?

1           A.       I assist clients with buying and  
2       selling real estate; and I manage,  
3       generally, single-family dwellings for  
4       their owners.

5           Q.       And I want to make sure I ask  
6       this question in a way that you -- What is  
7       the geographic scope of your clientele? Is  
8       it in the Atlanta area, is it across  
9       Georgia? How would you describe the  
10      geographic scope of your job?

11          A.       The Atlanta area. Generally  
12      property south of Interstate 20.

13          Q.       What did you do before your  
14      current job?

15          A.       Distribution center management.

16          Q.       Where was that?

17          A.       Variety of locations in the  
18      Atlanta area.

19          Q.       And who was your employer with  
20      them?

21          A.       So there was more than one  
22      employer.

23          Q.       Okay. Who was your most recent  
24      employer in that area?

25          A.       New Breed Logistics, our customer

1 was Sikorsky, the helicopter people.

2 Q. And then how about prior to that?

3 A. I was employed by a third-party  
4 logistics company, whose name escapes me  
5 right now, and the customer was General  
6 Electric Energy.

7 Q. Prior to that, to the best of  
8 your recollection?

9 A. Prior to that, I worked for Hon  
10 Company, H-O-N, they made office furniture.

11 Q. And did you have the same role  
12 and responsibility as you did with the  
13 distribution center management or was that  
14 distinct?

15 A. There were several differences.  
16 These were all in distribution centers, the  
17 roles varied.

18 Q. I believe you covered this, but  
19 you said that these were all in the Atlanta  
20 area; is that correct?

21 A. That's correct.

22 Q. Then how about before the Hon  
23 Company? Who were you employed by before  
24 the Hon Company?

25 A. That company was called IMS, the



1 customer was Home Depot.

2 Q. And still in the Atlanta area,  
3 I'm presuming?

4 A. Correct.

5 Q. And then I believe earlier you  
6 identified a lot of other states that you  
7 have lived in. Was that all in connection  
8 with your military work?

9 A. Yes.

10 Q. And then when did you retire or  
11 were discharged from the military?

12 A. I left the Navy in 1992.

13 Q. And then from that point, did you  
14 start working in distribution center  
15 management or was there anything in between  
16 those two?

17 A. There was a brief stint in sales  
18 with Frito-Lay, that then led into  
19 distribution management, where I stayed  
20 until I started real estate.

21 Q. All right. So now we're going to  
22 shift a little bit closer to the subject  
23 matter of the case and your voting history.  
24 Mr. Reynolds, are you registered to vote in  
25 Georgia?

1 A. I am, yes.

2 Q. And do you recall where you  
3 registered to vote, the location where you  
4 registered to vote?

5 A. I do not, actually.

6 Q. And when did you register to vote  
7 in Georgia?

8 A. So I arrived in Georgia in '92.  
9 I registered, where, I cannot remember, and  
10 have been registered ever since.

11 Q. Okay. And have you ever been  
12 registered to vote in any other state?

13 A. Yes.

14 Q. And where was that?

15 A. Florida, California, and New  
16 York.

17 Q. And are you registered to vote at  
18 your current address, presently?

19 A. Yes.

20 Q. And because this lawsuit is all  
21 about voting districts, do you know what  
22 voting districts you presently reside in?  
23 I presume this is similar to the piece of  
24 paper that you told us about at the  
25 beginning. But with that piece of paper as

1 a help, what voting districts do you  
2 presently reside in that are the subject  
3 matter of this case?

4 A. So State Senate District 16 and  
5 House District 68.

6 Q. And starting with State Senate  
7 District 16, or your State Senate District,  
8 was that the district that you resided in  
9 before the recent redistricting took effect  
10 or did you reside in a different district?

11 A. I believe I resided in a  
12 different senate district. I cannot recall  
13 the number, however.

14 Q. How about for your House  
15 District, do you know if the House District  
16 that you resided in before the recent  
17 redistrict took effect was different or the  
18 same?

19 A. I believe the number has changed,  
20 but I can't remember the number either.

21 Q. Have you voted in each election  
22 since you've been registered to vote in  
23 Georgia?

24 A. Yes.

25 Q. I'm going to go into detail a

1 little bit on the specific types of  
2 elections. Have you voted in each  
3 presidential preference primary since  
4 you've been registered to vote in Georgia?

5 A. Yes.

6 Q. You voted in each primary since  
7 you've been registered to vote in Georgia?

8 A. Forgive me, I do not understand  
9 the difference between a presidential  
10 preference primary and a presidential  
11 primary.

12 Q. Oh, sorry. It was just a --  
13 Sorry, if that was a confusing word. Just  
14 the general primary election, statewide  
15 primary elections.

16 A. Yes.

17 Q. And have you voted in each  
18 general election since you've been  
19 registered to vote in Georgia?

20 A. Yes.

21 Q. And then have you voted in each  
22 special election since you've been  
23 registered to vote in Georgia?

24 A. I believe so, but it's not  
25 impossible that I missed one.

1 Q. When you voted in the most recent  
2 November 2022 general election, what  
3 precinct did you vote in?

4 A. I, whenever possible, use early  
5 voting, so I don't have to vote in my  
6 specific precinct on election day.

7 Q. And do you recall where you early  
8 voted for the November 2022 general  
9 election?

10 A. Yes. The Town of Tyrone, across  
11 the street from town hall; it's some sort  
12 of rec center headquarters, I believe.

13 Q. And then, first, do you recall if  
14 you voted in the most recent special  
15 election vote following the general 2022  
16 election?

17 A. Yes.

18 Q. Do you recall what precinct you  
19 voted in for that runoff election?

20 A. Once again, I voted through early  
21 voting in Tyrone.

22 Q. So the same location?

23 A. Correct.

24 Q. Then going back a little bit, I  
25 believe you said you voted in three other

1 states in addition to Georgia, those were  
2 Florida, California, and New York; is that  
3 correct?

4 A. Yes.

5 Q. And do you recall what city you  
6 voted in in Florida?

7 A. Key West.

8 Q. And that was the only one? Were  
9 there any others in Florida?

10 A. That was the only one.

11 Q. And then same question for  
12 California.

13 A. Alameda.

14 Q. That's the one that's close to  
15 Oakland and San Francisco; correct?

16 A. Correct.

17 Q. And then how about for New York?

18 A. Rochester -- Well, Henrietta,  
19 definitely and Henrietta only. I turned  
20 eighteen in Henrietta.

21 Q. Now, we will shift along to  
22 political affiliations. Mr. Reynolds, do  
23 you consider yourself to be a member of the  
24 Democratic Party?

25 A. Yes.

1 Q. How long have you considered  
2 yourself to be a member of the Democratic  
3 Party?

4 A. Since the day Donald Trump became  
5 president.

6 Q. I'm fairly certain of this  
7 answer, based on our prior discussion of  
8 organizations you were involved in, but I  
9 just want to confirm, that you've held  
10 leadership positions in the Democratic  
11 Party; is that correct?

12 A. Yes.

13 Q. Those were all the previous  
14 positions we discussed earlier; right?

15 A. Yes.

16 Q. And with that -- The committee we  
17 discussed earlier, was that the only  
18 committee that you have served on with the  
19 Democratic Party?

20 A. Yes.

21 Q. Aside from the discussions  
22 earlier, and consistent with your counsel's  
23 prior objection about only to discuss  
24 publicly facing activities, have you  
25 participated in any other activities with

1 the Democratic Party, other than those that  
2 we've discussed previously?

3 A. No.

4 Q. Have you ever considered yourself  
5 to be a member of the Republican Party?

6 A. No.

7 Q. Based on that, is it fair to say  
8 that you generally support Democratic  
9 candidates for election in Georgia?

10 A. Yes.

11 Q. Have you ever voted for a  
12 Republican candidate?

13 A. Yes.

14 Q. And who was that?

15 A. John McCain for president.

16 Q. And I believe that would have  
17 been the 2008 presidential election;  
18 correct?

19 A. He ran twice. The first time.

20 Q. So that would have been -- So not  
21 the time he ran against Barrack Obama, but  
22 the time before that; correct?

23 A. Correct.

24 Q. Have you ever been a member or  
25 held a position in any other political



1 party?

2 A. No.

3 Q. Have you worked on any political  
4 campaigns?

5 A. Yes.

6 Q. And what political campaigns were  
7 those?

8 A. Raphael Warnock for senator;  
9 Stacey Abrams for governor; Bill Lightle,  
10 for state senate; Kevin Madden for  
11 Peachtree City Council.

12 Q. Let me go through those just a  
13 little bit one by one. At least for some  
14 of them I know there have been multiple  
15 times they've run. So for Raphael Warnock,  
16 was that both times that he had senatorial  
17 races?

18 A. Yes.

19 Q. And then for Stacey Abrams, would  
20 that have been both times that she ran for  
21 governor?

22 A. Yes.

23 Q. And then how many times did you  
24 work on the political campaigns for Bill  
25 Lightle?

1 A. Once.

2 Q. And what year was that, to the  
3 best of your recollection?

4 A. So that would be 2018.

5 Q. And then how many times did you  
6 work on political campaigns for Kevin  
7 Madden?

8 A. Twice. He ran in 2022 and 2018.

9 Q. And setting aside the political  
10 activities we've already discussed that  
11 you're involved in, have you had any other  
12 involvement with voter advocacy groups?

13 A. No.

14 Q. And before we move ahead, we're  
15 going to start talking a little bit more in  
16 detail about the lawsuit.

17 How are you doing, Mr. Reynolds,  
18 do you need a break or anything, or are you  
19 ready to forge ahead?

20 A. Forge ahead.

21 Q. Let's do it. As I mentioned,  
22 we're going to start discussing the lawsuit  
23 in a little bit greater detail. Why did  
24 you become involved with this lawsuit?

25 A. My recollection is I responded to

1 an email.

2 Q. Do you recall who that email was  
3 from?

4 A. I do not.

5 Q. And what did you do after  
6 receiving that email?

7 A. I responded to the email, they  
8 were looking for people interested in this  
9 issue, people who would be interested in  
10 being a plaintiff in a lawsuit, so I  
11 indicated that I was interested.

12 Q. And just to be sure here, I want  
13 to be fair, we're going to kind of go right  
14 up to the point where you hired your  
15 current attorney, so I don't -- I want to  
16 be sure that, you know, you know that I'm  
17 not trying to get into the subject matter  
18 and nature of any conversations that you've  
19 had with your counsel, that would be  
20 protected by the attorney-client privilege.

21 So after you received the email,  
22 you responded to it that you were  
23 interested, what happened after that?

24 A. At some point I was contacted by  
25 an attorney, or at least a representative

1 of whoever sent the email and was given  
2 more information about what was proposed  
3 and what was planned and what my role in  
4 this activity would be.

5 Q. And prior to this lawsuit and  
6 prior to the current redistricting that is  
7 the subject matter of the lawsuit, were you  
8 satisfied with how the districts were drawn  
9 in Georgia?

10 A. No.

11 Q. And why were you not satisfied?

12 A. There seemed to be a -- an effort  
13 to draw districts to benefit the party in  
14 power. I believe a phrase I've used in the  
15 past was the -- normally voters elect their  
16 candidates, but in this situation, the  
17 candidates were trying to select their  
18 voters.

19 Q. Just to make sure I clarify my  
20 question correctly, you believe that that  
21 was the case before the current  
22 redistricting, that reality, for lack of a  
23 better term, still existed prior to the  
24 current redistricting; would that be  
25 accurate?

1 A. Yes.

2 Q. And what is your overall goal  
3 with the lawsuit?

4 A. My hope is to institute some sort  
5 of a process that when political lines are  
6 drawn, they're drawn with fairness as a  
7 goal as opposed to the advancement of one  
8 party over the other.

9 Q. When you say drawn with fairness  
10 as a goal, what do you mean by that?

11 A. Ideally -- And this may be  
12 somewhat naive, but ideally, you should  
13 draw lines to keep people in geographic  
14 areas that are together.

15 So I live in Tyrone; ideally, our  
16 representatives should represent Tyrone, as  
17 opposed to -- it seems like we get chopped  
18 up for other priorities.

19 Q. And did you do any research  
20 concerning the issues in this case prior to  
21 becoming a Plaintiff in the matter?

22 A. I could not define it as  
23 research. I read a lot, and it's very easy  
24 to do with the internet, and have always  
25 had some interest in -- you know, the

1 phrase I believe is gerrymandering. I  
2 can't call it research, but I do like to be  
3 somewhat informed.

4 Q. So would it be fair to say it was  
5 kind of consistent with your general  
6 interest and understanding of these matters  
7 going along, if that makes sense?

8 A. Yes.

9 Q. And do you know what type of  
10 contract, if any, you've signed with your  
11 attorneys in this case?

12 A. I do not believe I've signed a  
13 contract.

14 Q. And do you know how your lawyers  
15 are being paid in this case?

16 A. I do not.

17 Q. But you are not personally paying  
18 your lawyers in this case; is that correct?

19 A. That is correct.

20 Q. Just one last question on the  
21 subject matter that I have to ask: Have  
22 you been paid or received anything of value  
23 in exchange for your participation as a  
24 Plaintiff in this litigation?

25 A. No.

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

4 Q. And now I'm going to bring up  
5 what will be marked as Defendant's Exhibit  
6 2. And this is going to be what I believe  
7 is the Second Amended Complaint that has  
8 been filed by -- Let me scroll back up.  
9 And do you see this screen on the diagram  
10 where it says Second Amended Complaint, Mr.  
11 Reynolds?

12 A. Yes.

13 Q. And are you familiar with either  
14 this document or a version of this document  
15 as it relates to the litigation?

16 A. Yes.

17 Q. Have you read this document?

18 A. Not in detail.

19 Q. Okay. Are you familiar generally  
20 with the allegations in the Complaint?

21 A. I am.

22 Q. And I'm going to scroll down to  
23 paragraph nineteen of the Complaint, which  
24 I believe is on page nine -- page ten.

25 Do you see paragraph nineteen

1 that starts out: Plaintiff Garrett  
2 Reynolds?

3 A. I do.

4 Q. I'm just going to ask you to  
5 quickly read to yourself that paragraph and  
6 let me know when you've finished reading  
7 it.

8 A. Okay.

9 Q. Does it end at the word Georgia  
10 General Assembly?

11 A. Yes, it does.

12 Q. And, Mr. Reynolds, do you  
13 recognize the allegations contained in this  
14 paragraph?

15 A. I do.

16 Q. And was that information that you  
17 read true and accurate as it relates to  
18 you?

19 A. Yes.

20 Q. And we touched on this a little  
21 bit earlier, and it was in the paragraph  
22 that you just read, but you reside in State  
23 Senate District 16; is that correct?

24 A. Yes.

25 Q. And you mentioned that you voted



1 in the 2022 general election; correct?

2 A. Yes.

3 Q. And did the candidate that you  
4 voted for in State Senate District 16  
5 succeed in that election?

6 A. No.

7 Q. All right. It's going to be the  
8 same question for the House District: Did  
9 the candidate that you voted for in House  
10 District -- Strike that.

11 Again, we touched on this a  
12 little earlier, but you reside in State  
13 House District 68; is that correct?

14 A. Yes.

15 Q. And, again, you voted in that  
16 race in the most recent 2022 general  
17 election; correct?

18 A. Yes.

19 Q. And did the candidate that you  
20 voted for in Georgia House District 68  
21 succeed in that election?

22 A. Yes.

23 Q. Did you reach out to any  
24 legislator during the 2021 special session  
25 concerning the redistricting issues that

1 were raised in your Complaint?

2 A. No.

3 Q. How about before that special  
4 session, did you reach out to any  
5 legislator before the 2021 special session  
6 concerning the redistricting issues raised  
7 in your Complaint?

8 A. No.

9 Q. Same question but after that  
10 special session: Did you reach out to any  
11 legislator after the 2021 special session  
12 concerning the redistricting issues raised  
13 in your Complaint?

14 A. No.

15 Q. Did you testify in the Georgia  
16 Assembly on the redistricting issues raised  
17 in your Complaint, or any other district  
18 redistricting issues in 2021?

19 A. No.

20 Q. And did you attend any hearings  
21 in the Georgia Legislature pertaining to  
22 redistricting?

23 A. No.

24 Q. And did you attend any other  
25 meetings concerning redistricting in 2021?

1 A. No.

2 Q. Now we are going to talk about a  
3 few phrases that appear in your Complaint  
4 or refer to legal issues that are in your  
5 Complaint. When I do this, I'm not asking  
6 for any legal conclusions, just the facts  
7 and understanding that you have, Mr.  
8 Reynolds. We're going to start off with  
9 the phrase community of interest. Do you  
10 have an understanding what the term  
11 community of interest means?

12 A. Yes.

13 Q. And what is that understanding?

14 A. Community of interest would be a  
15 group or collection of people who share  
16 similar goals or interests.

17 Q. And with that definition in mind,  
18 what do you consider your community of  
19 interest?

20 A. I believe mine is -- I'm an  
21 African-American, I believe we have a  
22 unique set of needs and challenges, and  
23 collectively we have interests that I'm  
24 hoping to advance whenever possible.

25 Q. And how would you describe your

1 community, in general?

2 A. Are we referring to community of  
3 interest, African-Americans?

4 Q. Just in general, the community  
5 that you live in, how would you describe  
6 that?

7 MR. JONES: I'm going to object  
8 on the basis that the question is vague.  
9 Mr. Reynolds, you may answer it.

10 THE WITNESS: Forgive me, Mike,  
11 did you say I may or may not answer?

12 MR. JONES: You may.

13 A. So my community is very -- The  
14 community I live in is a pleasant  
15 community, the local schools are good, and  
16 simply want to make sure we can spread this  
17 wonderfulness to everyone possible.

18 Q. Going back a little bit to the  
19 definition that you provided for community  
20 of interest and your community of interest,  
21 would you say that your community of  
22 interest, as you've described it, would you  
23 say that that transcends geographic  
24 boundaries, though?

25 A. Yes.

1 Q. And do you or have you  
2 participated in any neighborhood or  
3 community associations, other than those  
4 that we've discussed earlier?

5 A. It depends on how you define  
6 participated. We have a homeowners  
7 association.

8 Q. Okay. And what's your  
9 involvement with your homeowners  
10 association?

11 A. I try to attend their social  
12 activities, pool opening parties.

13 Q. And how often would you say you  
14 participate in those activities, once a  
15 month, once a year?

16 A. Two or three times annually.

17 Q. Now, are you a member of any  
18 faith-based organization?

19 A. I am not.

20 Q. And are you involved in any  
21 school associations or activities?

22 A. No.

23 Q. And where would you say,  
24 geographically, that you socialize,  
25 typically?

1 A. Generally, in Fayette County.

2 Q. Now, we're going to get into more  
3 specific questions kind of relating to the  
4 legal allegations and claims in your  
5 Complaint. And these can just be yes or no  
6 answers, and depending on the answers you  
7 provide, we might expand on it a little  
8 bit.

9 Mr. Reynolds, have you ever been  
10 prohibited from registering to vote based  
11 on your race?

12 A. No.

13 Q. Have you ever been prohibited  
14 from participating in the political process  
15 based on your race?

16 A. No.

17 Q. Do you have any personal  
18 knowledge of discrimination by the  
19 government of Georgia against members of a  
20 minority group related to participation in  
21 the democratic process?

22 A. No.

23 Q. Do you know what the phrase  
24 racially polarized voting is?

25 A. Yes.

1 Q. What is your understanding of  
2 that phrase?

3 A. Racially polarized voting would  
4 be an effort by a candidate, group, or  
5 organization to manipulate voters by  
6 race-based comments.

7 Q. In your opinion, do  
8 African-American voters in Georgia  
9 generally vote for Democratic candidates?

10 MR. JONES: Objection. Calls for  
11 speculation. Mr. Reynolds, you may answer.

12 A. Yes.

13 Q. And do you personally know any  
14 African-American voters who have told you  
15 that they voted for Republican candidates?

16 A. Yes.

17 Q. Do you know if Georgia uses a  
18 majority vote requirement in its elections?

19 A. Define that.

20 Q. Earlier we discussed the runoff  
21 election following the 2022 general  
22 election. You know that runoff occurred  
23 between Senator Raphael Warnock and  
24 Herschel Walker; correct?

25 A. Yes.

1 Q. Do you know why that runoff  
2 election occurred?

3 A. In Georgia, one must have 50  
4 percent plus one vote to win the election.

5 Q. And you know that that type of  
6 special runoff election led to the most  
7 recent reelection of Senator Raphael  
8 Warnock; correct?

9 A. Yes.

10 Q. And it also led to the previous  
11 time that he was elected to the United  
12 States Senate; correct?

13 A. Correct.

14 Q. And those were candidates you  
15 supported; right?

16 A. Raphael Warnock was, yes.

17 Q. Sorry. Thank you for clarifying  
18 that.

19 Are you familiar with the term  
20 candidate slating process as it is used in  
21 elections?

22 A. Yes.

23 Q. What is your understanding of  
24 what that phrase means?

25 A. It's my understanding a slate of



1 candidates would be a group of people who  
2 are running kind of as a party within a  
3 party.

4 Q. And is there a candidate slating  
5 process in Georgia?

6 A. No.

7 Q. Mr. Reynolds, has a lack of  
8 education kept from you participating in  
9 Georgia politics?

10 A. No.

11 Q. Has a lack of employment  
12 opportunities kept from you participating  
13 in Georgia politics?

14 A. No.

15 Q. Has a lack of access to adequate  
16 health services kept you from participating  
17 in Georgia politics?

18 A. No.

19 Q. Are you aware of the term racial  
20 appeals, when it is used in the context of  
21 elections?

22 A. Yes.

23 Q. And what is your understanding of  
24 that term?

25 A. A racial appeal would be, once

1 again, an effort by an individual, a  
2 candidate, or a group, to sway the votes of  
3 people based on their race.

4 Q. We mentioned this a little bit  
5 earlier, but to kind of expand on it a  
6 little bit, have you personally seen  
7 campaigns in Georgia that have been  
8 characterized by racial appeals?

9 A. Yes.

10 Q. And what were those appeals?

11 A. One example was when  
12 then-candidate Brian Kemp convened an  
13 immigrant bus, I believe, where he was  
14 going to travel around the state rounding  
15 up illegal aliens.

16 Q. Are there any other racial  
17 appeals -- Strike that.

18 Are there any other specific  
19 examples of racial appeals that you can  
20 recall, to the best of your recollection?

21 A. Am I limited to the state of  
22 Georgia?

23 Q. Yes.

24 A. Not offhand, no.

25 Q. And we are getting close to the

1 end. And this next question is going to  
2 touch a little bit on what we discussed  
3 earlier, but I just want to kind of narrow  
4 it down a little bit.

5 Mr. Reynolds, are there any needs  
6 of the minority community in Georgia that,  
7 in your opinion, differ from those of white  
8 residents?

9 A. Yes.

10 Q. And what are those?

11 A. Healthcare, would be one;  
12 peaceful interactions with law enforcement;  
13 public education.

14 Q. Are there any other needs?

15 A. I'm sure there are, but those are  
16 the three that comes to mind.

17 Q. And then as far as the particular  
18 needs of the minority community in Georgia,  
19 from your perspective, are those the same  
20 or are there any other distinct particular  
21 needs of the minority community in Georgia?

22 A. Forgive me. Is that the same  
23 question?

24 Q. It's similar to that question.  
25 The question before was about needs being

1 different from those of the white  
2 community. I'm asking more generally, in  
3 your view, what are the particular needs of  
4 the minority community in Georgia, not  
5 comparing to those of white residents?

6 A. Oh, okay. Via some method,  
7 minority communities in Georgia need a way  
8 to increase family wealth; minority  
9 communities also need to find ways to  
10 stabilize the nuclear family.

11 Q. And what do you base that point  
12 of view on? Is it your personal  
13 experience, things you've read? What do  
14 you base that on?

15 A. That's a collection of things.  
16 Personally, I'm sixty years old, and I've  
17 lived in different parts of the country;  
18 also based on things I've read, things I've  
19 seen, things I've actually seen in my own  
20 family.

21 Q. And you mentioned earlier when we  
22 were talking about the case, you were  
23 talking, I believe the phrase you used was  
24 when the redistricting happens, it chops up  
25 Tyrone. Is that accurate, that it chops

1 up, would you say, geographically the city  
2 or the people and their needs?

3 A. Both. For instance, our current  
4 state senator for Senate District 16 is  
5 Marty Harbin, he was not our senator two  
6 years ago, I actually worked on the  
7 campaign of his opponent; and was  
8 disappointed that I couldn't vote for his  
9 opponent. At some point during the 2020  
10 redistricting, I find myself now in Senator  
11 Harbin's district.

12 MR. WEIGEL: I believe that  
13 completes my questioning. Mr. Jones, do  
14 you have any follow-ups for your client or  
15 do you need time to look over anything  
16 today?

17 MR. JONES: I don't have any  
18 questions today.

19 MR. WEIGEL: That completes my  
20 questioning. Mr. Reynolds, thank you so  
21 much for taking the time to talk with me  
22 today. I really appreciate it. I believe  
23 we can now go off the Record and that  
24 completes the deposition of Garrett  
25 Reynolds.

Page 54

1 (The deposition was concluded at 4:10 p.m.,  
2 January 25, 2023.)

3

4 (Signature not waived.)

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## 1 REPORTER DISCLOSURES

2 The following representations and  
3 Disclosures are made in compliance with  
4 Georgia Law, more specifically:

5 Article 10(B) of the Rules and  
6 Regulations of the Board of Court Reporting  
7 (Disclosure forms).

8 OCGA section 9-11-28(c)  
9 (disqualification of reporter for financial  
10 interest).

11 OCGA sections 15-14-37 (a) and (b)  
12 (Prohibitions against contracts except on  
13 case-by-case basis).

14 I am a certified court reporter in  
15 the State of Georgia.

16 I am a subcontractor for Veritext  
17 Legal Solutions. I have been assigned to  
18 make a complete and accurate record of  
19 these proceedings.

20 I have no relationship of interest  
21 in the matter on which I am about to report  
22 which would disqualify me from making a  
23 verbatim record or maintaining my  
24 obligation of impartiality in compliance  
25 with the Code of Professional Ethics.

1 I have no direct contract with any  
2 party in this action and my compensation is  
3 determined solely by the terms of my  
4 subcontract agreement.

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6 Veritext Legal Solutions was  
7 Contacted to provide reporting services by  
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10 that is prohibited by OCGA 15-14-37 (a) and  
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14 Transcripts: The transcript of  
15 this proceeding as produced will be a true,  
16 correct, and complete record of the  
17 colloquies, questions and answers as  
18 submitted by the certified court reporter.

19 Exhibits: No changes will be made  
20 to the exhibits as submitted by the  
21 reporter, attorneys or witnesses.

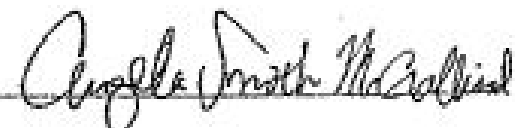
22 Password-Protected Access:  
23 Transcripts and exhibits relating to this  
24 proceeding will be uploaded to a  
25 password-protected repository, to which all



1 ordering parties will have access.

2 REPORTER'S CERTIFICATE

3 I hereby certify that the above  
4 and foregoing deposition was taken down  
5 stenographically, and that the colloquies,  
6 the questions and answers thereto were  
7 transcribed by means of computer-aided  
8 transcription; that the transcript is a  
9 true and correct record of the evidence  
10 given upon said proceeding. I have no  
11 relationship of interest in this matter  
12 which would disqualify me from maintaining  
13 my obligation of impartiality in compliance  
14 with the Code of Professional Ethics.

15 I have no direct contract with any  
16 party in this action and my compensation is  
17 based solely on the terms of my  
18 subcontractor agreement. Nothing in the  
19 arrangements made for this proceeding  
20 impacts my absolute commitment to serve all  
21 parties as  the  
22 court.

23 /s/Angela Smith McGalliard

ANGELA SMITH MCGALLIARD, RPR, CRR, CCR

24 Georgia Cert. No.: 4599-7151-4544-9472

Expiration 4/1/2023

25 Notary Expiration 8/13/2023

Grant, Annie Lois, et al.v. Raffensperger, Brad, Et Al.

Page 58

1 To: Garrett Reynolds

2 Re: Signature of Garrett Reynolds

3 Date Errata due back at our offices: 30 days

4

5 Greetings:

6 The deponent has reserved the right to read and sign.

7 Please have the deponent review the deposition

8 transcript, noting any changes or corrections on the

9 attached Errata.

10 Once the Errata is signed by the deponent and notarized,

11 please mail it to the address below. When the signed

12 Errata is returned to us, we will seal and forward to the

13 hiring attorney for filing with the court.

14 We will also send copies of the Errata to all ordering

15 parties.

16 If the signed Errata is not returned by the date

17 above, the original transcript may be filed with the

18 court without the signature of the deponent.

19

20 Please send completed Errata to:

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Page 59

## ERRATA

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

\_\_\_There are no changes

\_\_\_The following changes are noted:

Pursuant to the governing rules of Civil Procedure, 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.

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Page 60

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18 \_\_\_\_\_

19 Reason for Change \_\_\_\_\_

20 \_\_\_\_\_

21 \_\_\_\_\_

DEPONENT'S SIGNATURE

22 Sworn to and subscribed before me this \_\_\_\_\_ day of

23 \_\_\_\_\_, \_\_\_\_\_.

24 \_\_\_\_\_

25 NOTARY PUBLIC

My commission expires:\_\_\_\_\_

[00122 - aliens]

Page 1

<b>0</b>	47:21	<b>7</b>	<b>addition</b> 30:1
<b>00122</b> 1:5	<b>2023</b> 1:17 54:2	<b>745</b> 12:19	<b>additional</b>
<b>1</b>	<b>23</b> 2:5	<b>770-343-9696</b>	59:10
<b>1</b> 2:8 8:11,16	<b>25</b> 1:17 54:2	58:25	<b>address</b> 12:5,12
<b>10</b> 55:5	<b>250</b> 3:8	<b>8</b>	12:18,23 13:5
<b>12</b> 2:8	<b>3</b>	<b>8</b> 2:8	13:7,10,10
<b>134</b> 12:7 14:3	<b>3</b> 1:18 2:12	<b>8.b</b> 3:21	14:2,5 15:8
<b>15-14-37</b> 55:11	<b>30</b> 58:3	<b>8/13/2023</b>	26:18 58:11
56:10	<b>300</b> 58:22	57:25	<b>addresses</b>
<b>16</b> 27:4,7 40:23	<b>30071</b> 15:11	<b>9</b>	14:23
41:4 53:4	<b>30076</b> 58:23	<b>9-11-28</b> 55:8	<b>adequate</b> 49:15
<b>1600</b> 3:15	<b>30290</b> 12:8	<b>92</b> 26:8	<b>advance</b> 43:24
<b>18307</b> 57:22	14:4	<b>a</b>	<b>advancement</b>
<b>1920</b> 14:25	<b>30331</b> 12:21	<b>above</b> 4:10	37:7
<b>1980</b> 17:19	15:1,6	57:3 58:17	<b>advocacy</b> 34:12
<b>1986</b> 16:4	<b>30339</b> 3:17	<b>abrams</b> 33:9,19	<b>affiliations</b>
<b>1987</b> 17:5,10	<b>39</b> 2:12	<b>absolute</b> 57:20	30:22
<b>1992</b> 25:12	<b>3:09</b> 4:9	<b>access</b> 49:15	<b>african</b> 43:21
<b>1:22</b> 1:5	<b>4</b>	56:22 57:1	44:3 47:8,14
<b>2</b>	<b>4/1/2023</b> 57:24	<b>account</b> 21:19	<b>agent</b> 22:22,25
<b>2</b> 2:12 39:2,6	<b>400</b> 3:9	<b>accurate</b> 10:21	<b>ago</b> 18:2 53:6
<b>20</b> 23:12 58:22	<b>4599-7151-4...</b>	36:25 40:17	<b>agree</b> 6:2
<b>200</b> 3:16	57:24	52:25 55:18	<b>agreeable</b> 5:11
<b>20002</b> 3:10	<b>4:10</b> 54:1	<b>acting</b> 4:5	7:6
<b>2008</b> 32:17	<b>5</b>	<b>action</b> 1:5 56:2	<b>agreed</b> 6:6 7:7
<b>2013</b> 18:1	<b>5</b> 2:5	57:16	<b>agreement</b> 56:4
<b>2016</b> 19:20	<b>50</b> 48:3	<b>activities</b> 20:18	56:9 57:18
<b>2017</b> 19:20,22	<b>5656</b> 15:10	20:24,25 21:19	<b>ahead</b> 7:11 8:2
<b>2018</b> 34:4,8	<b>6</b>	31:24,25 34:10	34:14,19,20
<b>2020</b> 53:9	<b>68</b> 27:5 41:13	45:12,14,21	<b>aided</b> 57:7
<b>2021</b> 41:24	41:20	<b>activity</b> 36:4	<b>al</b> 1:6,11
42:5,11,18,25		<b>actually</b> 26:5	<b>alameda</b> 30:13
<b>2022</b> 29:2,8,15		52:19 53:6	<b>alfred</b> 14:25
34:8 41:1,16			<b>aliens</b> 50:15

**[allegations - break]**

Page 2

<b>allegations</b> 39:20 40:13 46:4 <b>allowed</b> 4:21 <b>amended</b> 2:8 2:12 8:23 9:4 39:7,10 <b>amendment</b> 20:9 <b>american</b> 43:21 47:8,14 <b>americans</b> 44:3 <b>amount</b> 13:4 <b>angela</b> 1:24 4:1 57:23,23 <b>annie</b> 1:6 <b>annually</b> 45:16 <b>answer</b> 5:15 6:20,23,24 7:5 7:12 20:15 31:7 44:9,11 47:11 <b>answers</b> 6:15 46:6,6 56:17 57:6 <b>appeal</b> 49:25 <b>appeals</b> 49:20 50:8,10,17,19 <b>appear</b> 43:3 <b>appearance</b> 5:4 <b>appearing</b> 4:25 <b>applied</b> 56:12 <b>appreciate</b> 53:22	<b>apps</b> 7:21 <b>area</b> 18:18,23 19:2 23:8,11 23:18,24 24:20 25:2 <b>areas</b> 37:14 <b>arrangements</b> 57:19 <b>arrested</b> 10:15 <b>arrived</b> 26:8 <b>article</b> 3:21 55:5 <b>aside</b> 18:22,25 22:12 31:21 34:9 <b>asked</b> 7:11 <b>asking</b> 6:25 43:5 52:2 <b>assembly</b> 40:10 42:16 <b>assigned</b> 55:17 <b>assist</b> 23:1 59:9 <b>associate's</b> 16:19 <b>association</b> 45:7,10 <b>associations</b> 45:3,21 <b>assume</b> 10:17 <b>atlanta</b> 1:3 3:17 12:21 13:11 14:25 23:8,11,18 24:19 25:2	<b>attach</b> 59:10 <b>attached</b> 58:9 <b>attend</b> 16:9,13 16:21 42:20,24 45:11 <b>attended</b> 3:3 16:14,24 <b>attorney</b> 7:2,4 35:15,20,25 56:8 58:13 <b>attorneys</b> 38:11 56:21 <b>audibly</b> 6:17 <b>audio</b> 6:9 <b>automatically</b> 56:12 <b>available</b> 20:24 21:24 <b>avenue</b> 3:8 <b>aware</b> 49:19 <b>b</b> <b>b</b> 55:5,11 56:11 <b>bachelor's</b> 16:1 16:3,6 <b>back</b> 22:15 29:24 39:8 44:18 58:3 <b>barrack</b> 32:21 <b>base</b> 52:11,14 <b>based</b> 31:7 32:7 45:18 46:10,15 47:6 50:3 52:18 57:17 <b>basis</b> 44:8 55:13	<b>becoming</b> 37:21 <b>beginning</b> 4:9 26:25 <b>believe</b> 19:21 19:22 24:18 25:5 27:11,19 28:24 29:12,25 32:16 36:14,20 38:1,12 39:6 39:24 43:20,21 50:13 52:23 53:12,22 <b>benefit</b> 36:13 <b>best</b> 6:3,12,18 6:23 7:3 12:23 14:22 15:7 16:24 24:7 34:3 50:20 <b>better</b> 36:23 <b>bill</b> 33:9,24 <b>bit</b> 15:23 21:1 25:22 28:1 29:24 33:13 34:15,23 40:21 44:18 46:8 50:4,6 51:2,4 <b>board</b> 3:22 4:20 55:6 <b>boundaries</b> 44:24 <b>brad</b> 1:9 4:18 <b>break</b> 7:8,13 34:18
--	---	--	--

[breed - complete]

Page 3

<b>breed</b> 23:25 <b>brian</b> 50:12 <b>brief</b> 25:17 <b>briefly</b> 9:11 <b>bring</b> 39:4 <b>buffalo</b> 16:8 <b>bus</b> 50:13 <b>buying</b> 23:1	56:11 <b>cases</b> 10:8 <b>cause</b> 4:10 <b>ccr</b> 1:25 57:23 <b>cell</b> 7:19,22 8:4 <b>center</b> 23:15 24:13 25:14 29:12 <b>centers</b> 24:16 <b>cert</b> 57:24 <b>certain</b> 31:6 <b>certainly</b> 7:24 <b>certificate</b> 57:2 <b>certifications</b> 18:10,11 <b>certified</b> 4:2,3 55:14 56:18 <b>certify</b> 4:5 57:3 59:2 <b>chair</b> 21:13,15 <b>challenges</b> 43:22 <b>chance</b> 5:20 <b>change</b> 59:12 59:14,15,17,18 59:20,21,23,24 60:1,2,4,5,7,8 60:10,11,13,14 60:16,17,19 <b>changed</b> 27:19 <b>changes</b> 56:19 58:8 59:5,6,8 <b>characterized</b> 50:8	<b>charged</b> 10:11 <b>checked</b> 11:14 <b>chess</b> 22:11 <b>chopped</b> 37:17 <b>chops</b> 52:24,25 <b>circle</b> 3:15 <b>city</b> 30:5 33:11 53:1 <b>civil</b> 1:5 4:7,22 59:7 <b>claims</b> 46:4 <b>clarify</b> 36:19 <b>clarifying</b> 48:17 <b>clearly</b> 6:13 <b>client</b> 35:20 53:14 <b>clientele</b> 23:7 <b>clients</b> 23:1 <b>close</b> 18:2 30:14 50:25 <b>closer</b> 25:22 <b>club</b> 22:11 <b>cobb</b> 13:18 <b>code</b> 15:5 55:25 57:14 <b>collection</b> 43:15 52:15 <b>collectively</b> 20:21 43:23 <b>college</b> 16:9,15 16:20 22:9,10 <b>colloquies</b> 56:17 57:5	<b>comes</b> 51:16 <b>comments</b> 47:6 <b>commission</b> 60:25 <b>commissioned</b> 17:5 <b>commissioner</b> 4:5 <b>commitment</b> 57:20 <b>committee</b> 19:14,17 21:5 21:15 31:16,18 <b>communities</b> 52:7,9 <b>community</b> 16:14,20 43:9 43:11,14,18 44:1,2,4,13,14 44:15,19,20,21 45:3 51:6,18 51:21 52:2,4 <b>company</b> 24:4 24:10,23,24,25 <b>comparing</b> 52:5 <b>compensation</b> 56:2 57:16 <b>complaint</b> 2:13 39:7,10,20,23 42:1,7,13,17 43:3,5 46:5 <b>complete</b> 6:22 6:24 17:3,9,11 17:13 55:18
<b>c</b>			
<b>c</b> 3:1 55:8 <b>california</b> 13:24 26:15 30:2,12 <b>call</b> 21:14 38:2 <b>called</b> 24:25 <b>calls</b> 47:10 <b>campaign</b> 53:7 <b>campaigns</b> 33:4,6,24 34:6 50:7 <b>candidate</b> 17:1 17:4 32:12 41:3,9,19 47:4 48:20 49:4 50:2,12 <b>candidates</b> 32:9 36:16,17 47:9,15 48:14 49:1 <b>capacity</b> 1:10 <b>case</b> 10:23 25:23 27:3 36:21 37:20 38:11,15,18 52:22 55:13,13			

[complete - degree]

Page 4

56:16 <b>completed</b> 15:25 58:20 <b>completes</b> 53:13,19,24 <b>compliance</b> 55:3,24 57:13 <b>computer</b> 7:21 8:4 57:7 <b>concerning</b> 37:20 41:25 42:6,12,25 <b>concluded</b> 54:1 <b>conclusions</b> 43:6 <b>conditions</b> 9:25 <b>conference</b> 1:19 4:8 <b>confirm</b> 7:16 8:2,6 15:17 31:9 <b>confirmed</b> 8:9 <b>confusing</b> 28:13 <b>connection</b> 9:5 9:9 25:7 <b>consider</b> 30:23 43:18 <b>considered</b> 31:1 32:4 <b>consistent</b> 20:22 21:17 22:2 31:22 38:5	<b>contacted</b> 35:24 56:7 <b>contained</b> 40:13 <b>context</b> 49:20 <b>continuing</b> 18:18,21,23 <b>contract</b> 38:10 38:13 56:1 57:15 <b>contracts</b> 55:12 <b>convened</b> 50:12 <b>conversations</b> 35:18 <b>convicted</b> 10:20 <b>copies</b> 58:14 <b>copy</b> 9:3 <b>corps</b> 17:2,8 <b>correct</b> 5:18,21 13:6 14:6 15:20,21 18:3 24:20,21 25:4 29:23 30:3,15 30:16 31:11 32:18,22,23 38:18,19 40:23 41:1,13,17 47:24 48:8,12 48:13 56:16 57:9 <b>corrections</b> 58:8 59:10 <b>correctly</b> 36:20	<b>council</b> 3:23 33:11 <b>councilmen</b> 20:5 <b>councilperson</b> 20:4 <b>counsel</b> 3:3 5:3 5:6,10,17 35:19 <b>counsel's</b> 20:23 21:18 31:22 <b>counties</b> 13:15 13:17 <b>country</b> 52:17 <b>county</b> 12:9 13:2,8,11,13 14:20,21,24 15:9,18 19:13 19:16 20:4,18 21:14 46:1 <b>couple</b> 6:11 <b>course</b> 8:7 10:18 20:22 <b>court</b> 1:1,23 3:22 4:3,22 6:10 15:10 55:6,14 56:18 57:22 58:13,18 58:22 <b>covered</b> 24:18 <b>crime</b> 10:12 <b>crimes</b> 10:20 <b>crr</b> 1:25 57:23 <b>current</b> 11:16 12:5,18 13:5,9	22:16 23:14 26:18 35:15 36:6,21,24 53:3 <b>currently</b> 19:5 19:6,9 22:18 22:21 <b>customer</b> 23:25 24:5 25:1 <b>cut</b> 6:19 <b>cv</b> 1:5 <b>d</b> <b>d</b> 2:2 <b>d.c.</b> 3:10 <b>dan</b> 3:13 4:24 <b>date</b> 4:6 58:3 58:16 <b>day</b> 29:6 31:4 60:22 <b>days</b> 58:3 <b>decision</b> 20:20 <b>decisions</b> 20:21 <b>defendant</b> 1:12 3:12 4:18 <b>defendant's</b> 2:6 8:10,16 39:1,5 <b>defendants</b> 2:8 4:25 8:23 <b>define</b> 37:22 45:5 47:19 <b>definitely</b> 30:19 <b>definition</b> 43:17 44:19 <b>degree</b> 16:1,3,6 16:11,19
---	---	---	---



[degrees - eighteen]

Page 5

<b>degrees</b> 16:17 <b>democratic</b> 19:13,16 21:14 30:24 31:2,10 31:19 32:1,8 46:21 47:9 <b>democrats</b> 21:3 <b>department</b> 21:16 <b>depending</b> 46:6 <b>depends</b> 45:5 <b>deponent</b> 58:6 58:7,10,18 <b>deponent's</b> 60:21 <b>deposition</b> 1:15 2:10 4:17 5:9 5:13 6:8 7:15 7:18,24 8:7,14 8:24 9:4,6,10 9:17,22 10:2 11:4,10 13:25 53:24 54:1 57:4 58:7 59:9 <b>depot</b> 25:1 <b>describe</b> 20:1 20:25 23:9 43:25 44:5 <b>described</b> 8:3 13:11 44:22 <b>desire</b> 59:8 <b>detail</b> 21:1 27:25 34:16,23 39:18	<b>determined</b> 56:3 <b>devices</b> 7:17 <b>diagram</b> 39:9 <b>differ</b> 51:7 <b>difference</b> 28:9 <b>differences</b> 24:15 <b>different</b> 21:7,9 21:11 27:10,12 27:17 52:1,17 <b>direct</b> 10:7 20:13 56:1 57:15 <b>disappointed</b> 53:8 <b>discharged</b> 25:11 <b>disclosure</b> 3:20 55:7 <b>disclosures</b> 55:1,3 56:5 <b>discount</b> 56:13 <b>discounts</b> 56:11 <b>discovery</b> 4:20 <b>discrimination</b> 46:18 <b>discuss</b> 22:16 31:23 <b>discussed</b> 10:23 11:3 19:1 21:25 31:14,17 32:2 34:10 45:4 47:20 51:2	<b>discussing</b> 20:24 34:22 <b>discussion</b> 31:7 <b>discussions</b> 31:21 <b>disqualificati...</b> 55:9 <b>disqualify</b> 55:22 57:12 <b>distinct</b> 24:14 51:20 <b>distribution</b> 23:15 24:13,16 25:14,19 <b>district</b> 1:1,2 27:4,5,7,7,8,10 27:12,15,15 40:23 41:4,8 41:10,13,20 42:17 53:4,11 <b>districts</b> 26:21 26:22 27:1 36:8,13 <b>division</b> 1:3 <b>divulge</b> 20:13 <b>document</b> 9:8 11:13 39:14,14 39:17 <b>documents</b> 11:17,22 <b>doing</b> 20:16 34:17 <b>donald</b> 19:18 31:4	<b>draw</b> 36:13 37:13 <b>drawn</b> 36:8 37:6,6,9 <b>drive</b> 12:7,20 14:3,25 15:1 <b>driver's</b> 17:22 18:9 <b>due</b> 58:3 <b>duly</b> 4:4,14 <b>duma</b> 3:14 5:2 <b>duties</b> 22:24 <b>dwellings</b> 23:3
			<b>e</b>
			<b>e</b> 2:2 3:1,1 15:10 17:15 <b>earlier</b> 11:13 14:6 25:5 31:14,17,22 40:21 41:12 45:4 47:20 50:5 51:3 52:21 <b>early</b> 29:4,7,20 <b>eastern</b> 1:18 <b>easy</b> 37:23 <b>education</b> 15:23,24 18:18 18:21,23 49:8 51:13 <b>effect</b> 27:9,17 <b>effort</b> 36:12 47:4 50:1 <b>eighteen</b> 30:20

[either - fully]

Page 6

<b>either</b> 14:15 16:18 27:20 39:13 <b>elect</b> 21:3 36:15 <b>elected</b> 19:21 48:11 <b>election</b> 4:20 10:5,8 27:21 28:14,18,22 29:2,6,9,15,16 29:19 32:9,17 41:1,5,17,21 47:21,22 48:2 48:4,6 <b>elections</b> 28:2 28:15 47:18 48:21 49:21 <b>electric</b> 24:6 <b>electronic</b> 7:16 <b>elias</b> 3:7 <b>email</b> 7:21 8:4 35:1,2,6,7,21 36:1 <b>employed</b> 24:3 24:23 <b>employer</b> 23:19 23:22,24 <b>employment</b> 22:16,17 49:11 <b>encounter</b> 6:10 <b>energy</b> 24:6 <b>enforcement</b> 51:12 <b>english</b> 3:14 5:2	<b>entered</b> 59:8 <b>errata</b> 58:3,9 58:10,12,14,16 58:20 59:1 <b>escapes</b> 24:4 <b>especially</b> 6:14 <b>esquire</b> 3:6,13 <b>estate</b> 17:23,24 18:19 22:22,25 23:2 25:20 <b>et</b> 1:6,11 <b>ethics</b> 55:25 57:14 <b>events</b> 11:19 <b>evidence</b> 57:9 <b>examination</b> 2:3 4:11 5:22 <b>examined</b> 4:14 <b>example</b> 50:11 <b>examples</b> 50:19 <b>except</b> 55:12 <b>exception</b> 5:14 <b>exchange</b> 38:23 <b>exhibit</b> 2:8,12 8:10,16 39:1,5 <b>exhibits</b> 2:6 8:1 56:19,20,23 <b>existed</b> 36:23 <b>expand</b> 46:7 50:5 <b>experience</b> 52:13 <b>expiration</b> 57:24,25	<b>expires</b> 60:25 <b>extent</b> 20:10 <b>f</b> <b>facility</b> 58:21 <b>facing</b> 31:24 <b>facts</b> 43:6 <b>fair</b> 32:7 35:13 38:4 <b>fairlane</b> 15:1 <b>fairly</b> 31:6 <b>fairness</b> 37:6,9 <b>faith</b> 45:18 <b>familiar</b> 9:7 11:16 39:13,19 48:19 <b>family</b> 10:7 23:3 52:8,10 52:20 <b>far</b> 51:17 <b>fayette</b> 12:10 13:2 15:18 19:13,16 20:4 20:18 21:14 46:1 <b>fcde</b> 21:14 <b>federal</b> 4:7,21 <b>feel</b> 20:14,16 <b>field</b> 21:16 <b>filed</b> 10:4,8 39:8 58:17 <b>filing</b> 58:13 <b>finally</b> 6:17 7:14 <b>financial</b> 55:9	<b>find</b> 52:9 53:10 <b>fine</b> 15:4 <b>finish</b> 6:20 <b>finished</b> 40:6 <b>firm</b> 5:1 56:5 <b>first</b> 4:14 5:13 6:12 20:9 29:13 32:19 <b>five</b> 12:25 19:24,24 <b>florida</b> 13:24 26:15 30:2,6,9 <b>follow</b> 8:21 9:1 53:14 <b>following</b> 4:11 29:15 47:21 55:2 59:6 <b>follows</b> 4:15 <b>foregoing</b> 57:4 <b>forge</b> 34:19,20 <b>forgive</b> 28:8 44:10 51:22 <b>form</b> 5:14 6:4 59:8,10 <b>former</b> 21:13 <b>forms</b> 55:7 <b>forty</b> 18:20 <b>forward</b> 58:12 <b>four</b> 18:21 20:5 <b>francisco</b> 30:15 <b>free</b> 20:16 <b>frito</b> 25:18 <b>full</b> 12:2 14:16 <b>fully</b> 9:20,25
--	---	---	--

[fulton - identified]

Page 7

<b>fulton</b> 13:13 14:20,24 <b>furnish</b> 59:10 <b>furniture</b> 24:10	41:20 42:15,21 46:19 47:8,17 48:3 49:5,9,13 49:17 50:7,22 51:6,18,21 52:4,7 55:4,15 57:24	<b>governor</b> 33:9 33:21 <b>graduate</b> 17:17 <b>grant</b> 1:6 5:7 <b>great</b> 8:8,13 <b>greater</b> 21:1 34:23 <b>greetings</b> 58:5 <b>grounds</b> 20:10 <b>group</b> 3:7 20:19 43:15 46:20 47:4 49:1 50:2 <b>groups</b> 34:12 <b>gwinnett</b> 13:18 14:21 15:9	<b>hearings</b> 42:20 <b>held</b> 21:7 31:9 32:25 <b>helicopter</b> 24:1 <b>help</b> 11:18 27:1 <b>henrietta</b> 17:16 30:18,19,20 <b>heron</b> 15:10 <b>herschel</b> 47:24 <b>high</b> 17:11,13 17:15,18 <b>highest</b> 15:24 <b>hired</b> 35:14 <b>hiring</b> 58:13 <b>history</b> 22:17 25:23 <b>holder</b> 20:3 <b>home</b> 14:5 25:1 <b>homeowners</b> 45:6,9 <b>hon</b> 24:9,22,24 <b>hope</b> 37:4 <b>hoping</b> 43:24 <b>hours</b> 18:20 <b>house</b> 14:14 15:2 27:5,14 27:15 41:8,9 41:13,20
<b>g</b>	<b>gerrymanderi...</b> 38:1 <b>getting</b> 50:25 <b>give</b> 6:16 <b>given</b> 9:15 36:1 57:10 59:9 <b>go</b> 7:11 8:2 27:25 33:12 35:13 53:23 <b>goal</b> 21:2 37:2 37:7,10 <b>goals</b> 43:16 <b>going</b> 5:24 6:11 7:10,18 8:13 8:14,15 20:8 20:13 25:21 27:25 29:24 34:15,22 35:13 38:7 39:4,6,22 40:4 41:7 43:2 43:8 44:7,18 46:2 50:14 51:1 <b>good</b> 18:4 44:15 <b>governing</b> 59:7 <b>government</b> 46:19	<b>h</b> <b>h</b> 3:13 15:10 24:10 <b>half</b> 19:25 <b>hall</b> 29:11 <b>happened</b> 35:23 <b>happens</b> 52:24 <b>harbin</b> 53:5 <b>harbin's</b> 53:11 <b>head</b> 7:13 <b>headquarters</b> 29:12 <b>health</b> 49:16 <b>healthcare</b> 51:11 <b>hear</b> 6:13 <b>hearing</b> 5:12	<b>i</b> <b>ideally</b> 37:11 37:12,15 <b>identification</b> 8:12 39:3 <b>identified</b> 15:18 18:8,15

[identified - litigation]

Page 8

21:20 25:6 <b>illegal</b> 50:15 <b>immigrant</b> 50:13 <b>impacts</b> 57:20 <b>impartial</b> 57:21 <b>impartiality</b> 55:24 57:13 <b>important</b> 6:11 7:15 <b>impossible</b> 28:25 <b>ims</b> 24:25 <b>include</b> 7:18 <b>increase</b> 52:8 <b>indicated</b> 35:11 <b>individual</b> 50:1 <b>information</b> 36:2 40:16 <b>informed</b> 38:3 <b>instance</b> 53:3 <b>instinct</b> 6:15 <b>institute</b> 16:16 37:4 <b>institutions</b> 16:18 <b>interactions</b> 51:12 <b>interest</b> 37:25 38:6 43:9,11 43:14,19 44:3 44:20,20,22 55:10,20 57:11 <b>interested</b> 35:8 35:9,11,23	<b>interests</b> 43:16 43:23 <b>internet</b> 37:24 <b>interstate</b> 23:12 <b>introduce</b> 4:24 <b>introducing</b> 8:15 <b>involved</b> 19:6 22:4,10 31:8 34:11,24 45:20 <b>involvement</b> 34:12 45:9 <b>island</b> 13:23 <b>issue</b> 35:9 <b>issued</b> 9:5 <b>issues</b> 6:9 37:20 41:25 42:6,12 42:16,18 43:4	<b>k</b>	<b>lawyers</b> 38:14 38:18 <b>lay</b> 25:18 <b>leadership</b> 31:10 <b>led</b> 25:18 48:6 48:10 <b>left</b> 25:12 <b>legal</b> 43:4,6 46:4 55:17 56:6 <b>legislative</b> 20:19 <b>legislator</b> 41:24 42:5,11 <b>legislature</b> 42:21 <b>level</b> 15:24 <b>license</b> 17:22 17:23,25 18:5 18:7,9,20 <b>licensed</b> 4:4 <b>licenses</b> 17:21 <b>lightle</b> 33:9,25 <b>likely</b> 6:8 <b>likewise</b> 6:23 <b>limited</b> 50:21 <b>line</b> 59:12,15 59:18,21,24 60:2,5,8,11,14 60:17 <b>lines</b> 37:5,13 <b>litigation</b> 38:24 39:15
		<b>keep</b> 9:20,25 37:13 <b>kemp</b> 50:12 <b>kept</b> 49:8,12,16 <b>keswick</b> 12:7 14:3 <b>kevin</b> 33:10 34:6 <b>key</b> 30:7 <b>kind</b> 22:2 35:13 38:5 46:3 49:2 50:5 51:3 <b>king</b> 14:25 <b>know</b> 6:3,20 7:9 26:21 27:15 33:14 35:16,16 37:25 38:9,14 40:6 46:23 47:13,17 47:22 48:1,5 <b>knowledge</b> 46:18	
		<b>j</b>	
	<b>james</b> 17:15 <b>january</b> 1:17 54:2 <b>job</b> 23:10,14 <b>john</b> 32:15 <b>joined</b> 19:18 <b>joining</b> 21:5 <b>jones</b> 3:6 5:6,6 5:16,21 20:8 44:7,12 47:10 53:13,17 <b>judicial</b> 3:23 <b>jumping</b> 7:5	<b>l</b>	
		<b>lack</b> 36:22 49:7 49:11,15 <b>law</b> 3:7 5:1 51:12 55:4 <b>lawsuit</b> 26:20 34:16,22,24 35:10 36:5,7 37:3 <b>lawsuits</b> 10:5 <b>lawyer</b> 10:24 11:5 14:8	

[litsup - need]

Page 9

<b>litsup</b> 58:24 <b>little</b> 12:13 13:3 15:23 21:1 25:22 28:1 29:24 33:13 34:15,23 40:20 41:12 44:18 46:7 50:4,6 51:2,4 <b>live</b> 12:17,22 37:15 44:5,14 <b>lived</b> 12:11,14 13:1,5 25:7 52:17 <b>living</b> 13:9 <b>llp</b> 3:14 <b>ln</b> 2:4,7 <b>local</b> 44:15 <b>locate</b> 21:3 <b>location</b> 26:3 29:22 <b>locations</b> 23:17 <b>logistics</b> 23:25 24:4 <b>lois</b> 1:6 <b>long</b> 12:11,22 13:1 19:15 31:1 <b>longer</b> 22:5 <b>look</b> 7:25 11:12 15:2 53:15 <b>looking</b> 35:8 <b>looks</b> 9:12 <b>lot</b> 25:6 37:23	<b>loudly</b> 6:13	<b>marty</b> 53:5 <b>massachusetts</b> 3:8 <b>matter</b> 5:1,12 25:23 27:3 35:17 36:7 37:21 38:21 55:21 56:9 57:11 <b>matters</b> 38:6 <b>mccain</b> 32:15 <b>mcgalliard</b> 1:24 4:1 57:23 57:23 <b>mean</b> 37:10 <b>means</b> 43:11 48:24 57:7 <b>media</b> 8:5 <b>medical</b> 9:24 <b>medications</b> 9:19 <b>meetings</b> 42:25 <b>member</b> 19:6 19:10,16 22:4 22:11 30:23 31:2 32:5,24 45:17 <b>members</b> 4:19 10:7 46:19 <b>mentioned</b> 10:18 34:21 40:25 50:4 52:21 <b>messaging</b> 8:5	<b>method</b> 52:6 <b>mike</b> 3:6 5:6 44:10 <b>military</b> 16:21 16:23 25:8,11 <b>mill</b> 12:19 <b>mind</b> 43:17 51:16 <b>mine</b> 43:20 <b>minority</b> 46:20 51:6,18,21 52:4,7,8 <b>missed</b> 28:25 <b>monroe</b> 16:14 16:20 <b>month</b> 45:15 <b>move</b> 34:14 <b>moving</b> 12:18 <b>multiple</b> 33:14
	<b>m</b> <b>madden</b> 33:10 34:7 <b>made</b> 3:20 20:20 24:10 55:3 56:19 57:19 <b>mail</b> 58:11 <b>maintain</b> 18:19 <b>maintaining</b> 55:23 57:12 <b>majority</b> 47:18 <b>make</b> 5:4 6:21 7:4,19 20:20 23:5 36:19 44:16 55:18 59:8 <b>makes</b> 38:7 <b>making</b> 55:22 59:9,9 <b>manage</b> 20:18 23:2 <b>management</b> 23:15 24:13 25:15,19 <b>manager</b> 22:23 22:25 <b>manipulate</b> 47:5 <b>manor</b> 12:7 14:3 <b>mansell</b> 58:22 <b>marked</b> 8:11 8:15 39:2,5	<b>n</b> <b>n</b> 2:2 3:1 15:10 24:10 <b>naive</b> 37:12 <b>name</b> 4:24 12:3 17:7 24:4 <b>names</b> 11:25 <b>narrow</b> 51:3 <b>nature</b> 8:3 15:12,14 35:18 <b>navy</b> 16:22 25:12 <b>necessary</b> 59:10 <b>need</b> 7:8,24,25 34:18 52:7,9	

[need - parties]

Page 10

53:15 <b>needs</b> 43:22 51:5,14,18,21 51:25 52:3 53:2 <b>neighborhood</b> 45:2 <b>never</b> 10:19 <b>new</b> 13:23 16:7 17:16 23:25 26:15 30:2,17 <b>nine</b> 39:24 <b>nineteen</b> 39:23 39:25 <b>nod</b> 6:15 <b>nonpublic</b> 20:12,14 <b>nonverbal</b> 6:16 <b>norcross</b> 15:11 <b>normally</b> 36:15 <b>northern</b> 1:2 <b>notarized</b> 58:10 <b>notary</b> 57:25 60:24 <b>noted</b> 59:6 <b>notes</b> 11:23 <b>notice</b> 2:9 8:23 9:4 <b>noticing</b> 56:8 <b>noting</b> 58:8 <b>november</b> 29:2 29:8 <b>nuclear</b> 52:10	<b>number</b> 1:5 15:2 27:13,19 27:20 <b>nw</b> 3:8 <b>o</b> <b>o</b> 15:10 24:10 <b>oakland</b> 30:15 <b>obama</b> 32:21 <b>object</b> 20:9 44:7 <b>objection</b> 7:2,4 20:23 21:18 31:23 47:10 <b>objections</b> 5:11 <b>obligation</b> 55:24 57:13 <b>occurred</b> 47:22 48:2 <b>occurring</b> 14:1 <b>ocga</b> 55:8,11 56:10 <b>offhand</b> 50:24 <b>office</b> 19:22 21:4 24:10 <b>officer</b> 57:21 <b>officer's</b> 17:1,3 <b>offices</b> 58:3 <b>official</b> 1:10 <b>oh</b> 28:12 52:6 <b>okay</b> 6:7 12:1 15:7 23:23 26:11 39:19 40:8 45:8 52:6 <b>old</b> 52:16	<b>once</b> 29:20 34:1 45:14,15 49:25 58:10 <b>ones</b> 18:8 <b>open</b> 7:17,21 7:25 8:5,7 <b>opening</b> 45:12 <b>operations</b> 21:16 <b>opinion</b> 47:7 51:7 <b>opponent</b> 53:7 53:9 <b>opportunities</b> 49:12 <b>opposed</b> 37:7 37:17 <b>oral</b> 4:10 <b>ordering</b> 57:1 58:14 <b>organization</b> 20:2 21:8,10 45:18 47:5 <b>organization's</b> 21:2 <b>organizations</b> 19:5,7,10 22:3 22:9,13 31:8 <b>original</b> 58:17 <b>overall</b> 37:2 <b>own</b> 14:15 15:9 52:19 <b>owners</b> 23:4 <b>ownership</b> 14:16 15:13,15	<b>p</b> <b>p</b> 3:1,1 <b>p.m.</b> 1:18 4:9 54:1 <b>page</b> 11:14 39:24,24 59:12 59:15,18,21,24 60:2,5,8,11,14 60:17 <b>pages</b> 59:10 <b>paid</b> 38:15,22 <b>paper</b> 11:24 26:24,25 <b>paragraph</b> 39:23,25 40:5 40:14,21 <b>parkwood</b> 3:15 <b>part</b> 22:5 <b>partially</b> 14:15 <b>participate</b> 45:14 <b>participated</b> 31:25 45:2,6 <b>participating</b> 9:21 10:1 46:14 49:8,12 49:16 <b>participation</b> 38:23 46:20 <b>particular</b> 51:17,20 52:3 <b>parties</b> 45:12 56:12 57:1,21 58:15
---	--	---	---



<b>parts</b> 52:17 <b>party</b> 20:19 24:3 30:24 31:3,11,19 32:1,5 33:1 36:13 37:8 49:2,3 56:2,13 57:16 <b>password</b> 56:22,25 <b>past</b> 10:5,9 12:15 36:15 <b>paying</b> 38:17 <b>peaceful</b> 51:12 <b>peachtree</b> 33:11 <b>pendergrass</b> 5:7 <b>people</b> 14:14 24:1 35:8,9 37:13 43:15 49:1 50:3 53:2 <b>percent</b> 48:4 <b>perfect</b> 9:13 <b>personal</b> 46:17 52:12 <b>personally</b> 38:17 47:13 50:6 52:16 <b>perspective</b> 51:19 <b>pertaining</b> 42:21 <b>pg</b> 2:4,7	<b>phone</b> 7:19,22 8:4 <b>phrase</b> 36:14 38:1 43:9 46:23 47:2 48:24 52:23 <b>phrased</b> 6:2 <b>phrases</b> 43:3 <b>physically</b> 14:10 <b>piece</b> 26:23,25 <b>place</b> 56:9 <b>plaintiff</b> 1:7 3:5 4:17 35:10 37:21 38:24 40:1 <b>plaintiffs</b> 5:7 <b>planned</b> 36:3 <b>pleasant</b> 44:14 <b>please</b> 7:11,19 12:2 20:16 58:7,11,20 59:10,10 <b>plus</b> 48:4 <b>point</b> 25:13 35:14,24 52:11 53:9 <b>polarized</b> 46:24 47:3 <b>political</b> 19:10 30:22 32:25 33:3,6,24 34:6 34:9 37:5 46:14	<b>politics</b> 49:9,13 49:17 <b>polytechnic</b> 16:15 <b>pool</b> 45:12 <b>poorly</b> 6:2 <b>position</b> 32:25 <b>positions</b> 31:10 31:14 <b>possible</b> 29:4 43:24 44:17 <b>post</b> 20:3 <b>power</b> 36:14 <b>precinct</b> 29:3,6 29:18 <b>preference</b> 28:3 28:10 <b>prepare</b> 11:10 <b>present</b> 14:11 21:20 22:16 <b>presently</b> 14:8 14:17 17:20 18:4,17 20:2 26:18,22 27:2 <b>president</b> 19:19 31:5 32:15 <b>presidential</b> 28:3,9,10 32:17 <b>presume</b> 26:23 <b>presuming</b> 5:18 25:3 <b>previous</b> 31:13 48:10	<b>previously</b> 22:5 32:2 <b>primary</b> 28:3,6 28:10,11,14,15 <b>prior</b> 9:16 13:7 13:9,10 16:10 20:23 21:19,24 24:2,7,9 31:7 31:23 36:5,6 36:23 37:20 <b>priorities</b> 37:18 <b>privilege</b> 20:9 35:20 <b>procedure</b> 4:7 4:22 59:7 <b>proceeding</b> 56:15,24 57:10 57:19 <b>proceedings</b> 4:12 55:19 <b>process</b> 37:5 46:14,21 48:20 49:5 <b>produced</b> 56:15 <b>production</b> 58:21 <b>professional</b> 4:2 55:25 57:14 <b>prohibited</b> 46:10,13 56:10 <b>prohibitions</b> 55:12
---	---	--	---

## [properties - remember]

Page 12

<b>properties</b> 14:16,24 15:13 15:16 <b>property</b> 15:9 22:23,25 23:12 <b>proposed</b> 36:2 <b>protected</b> 35:20 56:22,25 <b>provide</b> 6:22 7:12 14:1 46:7 56:7 <b>provided</b> 4:6 14:6 44:19 <b>public</b> 21:3 51:13 60:24 <b>publicly</b> 20:17 20:24 21:24 31:24 <b>purpose</b> 4:20 <b>purposes</b> 4:21 <b>pursuant</b> 3:20 59:7 <b>put</b> 6:4	<b>questions</b> 5:25 22:3 46:3 53:18 56:17 57:6 <b>quickly</b> 8:22 9:2 40:5	25:20 <b>reality</b> 36:22 <b>really</b> 53:22 <b>realtime</b> 4:3 <b>reason</b> 59:14 59:17,20,23 60:1,4,7,10,13 60:16,19 <b>reasons</b> 59:9 <b>rec</b> 29:12 <b>recall</b> 12:20 15:5 26:2 27:12 29:7,13 29:18 30:5 35:2 50:20 <b>receive</b> 16:2,5 16:17 18:17 <b>received</b> 9:9 16:19 18:13 19:1 35:21 38:22 <b>receives</b> 56:13 <b>receiving</b> 16:10 35:6 <b>recent</b> 23:23 27:9,16 29:1 29:14 41:16 48:7 <b>recognize</b> 40:13 <b>recollection</b> 11:18 12:24 14:23 15:8 16:25 24:8 34:3,25 50:20	<b>record</b> 5:5 7:4 12:3 53:23 55:18,23 56:16 57:9 <b>redistrict</b> 27:17 <b>redistricting</b> 27:9 36:6,22 36:24 41:25 42:6,12,16,18 42:22,25 52:24 53:10 <b>reelection</b> 48:7 <b>refer</b> 43:4 <b>referring</b> 44:2 <b>refresh</b> 11:18 <b>register</b> 26:6 <b>registered</b> 4:2 25:24 26:3,4,9 26:10,12,17 27:22 28:4,7 28:19,23 <b>registering</b> 46:10 <b>regulations</b> 3:21 55:6 <b>related</b> 10:5,8 46:20 <b>relates</b> 39:15 40:17 <b>relating</b> 46:3 56:23 <b>relationship</b> 55:20 57:11 <b>remember</b> 15:2 26:9 27:20
<b>q</b>	<b>r</b>		
<b>question</b> 5:14 6:1,21,22,25 7:1,3,11,12 20:15 23:6 30:11 36:20 38:20 41:8 42:9 44:8 51:1 51:23,24,25 <b>questioning</b> 53:13,20	<b>r</b> 3:1 15:10 <b>race</b> 41:16 46:11,15 47:6 50:3 <b>races</b> 33:17 <b>racial</b> 49:19,25 50:8,16,19 <b>racially</b> 46:24 47:3 <b>raffensperger</b> 1:9 4:19 <b>raised</b> 42:1,6 42:12,16 <b>ran</b> 32:19,21 33:20 34:8 <b>raphael</b> 33:8,15 47:23 48:7,16 <b>reach</b> 41:23 42:4,10 <b>read</b> 37:23 39:17 40:5,17 40:22 52:13,18 58:6 59:2 <b>reading</b> 40:6 <b>ready</b> 34:19 <b>real</b> 8:21 17:23 17:24 18:19 22:22,25 23:2		



[remote - select]

Page 13

<b>remote</b> 1:19 4:8 <b>remotely</b> 3:3 <b>rensselaer</b> 16:15 <b>rent</b> 15:14 <b>rental</b> 15:16 <b>rephase</b> 6:4 <b>report</b> 55:21 <b>reporter</b> 1:23 3:20 4:2,3,4,23 6:10 55:1,9,14 56:18,21 <b>reporter's</b> 57:2 <b>reporting</b> 3:22 55:6 56:7 <b>repository</b> 56:25 <b>represent</b> 37:16 <b>representations</b> 55:2 <b>representative</b> 35:25 <b>representatives</b> 11:16,25 37:16 <b>representing</b> 5:8 <b>republican</b> 32:5,12 47:15 <b>requirement</b> 47:18 <b>research</b> 37:19 37:23 38:2 <b>reserve</b> 5:19	<b>reserved</b> 5:12 58:6 <b>reside</b> 15:19 26:22 27:2,10 40:22 41:12 <b>resided</b> 13:14 13:19,22 27:8 27:11,16 <b>residence</b> 15:18 15:19 <b>residents</b> 51:8 52:5 <b>responded</b> 34:25 35:7,22 <b>response</b> 6:16 <b>responsibilities</b> 20:7,11 21:23 <b>responsibility</b> 24:12 <b>responsiveness</b> 5:15 <b>rest</b> 17:7 <b>retire</b> 25:10 <b>returned</b> 58:12 58:16 <b>review</b> 5:20 11:9 58:7 <b>reviewed</b> 11:18 <b>reynolds</b> 1:16 2:11 4:9,13,17 5:4,8,24 8:19 8:24 9:7,15 10:4 12:2,4,6 20:11,12 22:19 25:24 30:22	34:17 39:11 40:2,12 43:8 44:9 46:9 47:11 49:7 51:5 53:20,25 58:1,2 <b>rhode</b> 13:23 <b>right</b> 24:5 25:21 31:14 35:13 41:7 48:15 58:6 <b>road</b> 12:20 <b>rochester</b> 30:18 <b>role</b> 20:2,7,12 20:17 21:6,20 24:11 36:3 <b>roles</b> 21:7,9,12 21:24 24:17 <b>room</b> 14:12,13 <b>roswell</b> 58:23 <b>rounding</b> 50:14 <b>rpi</b> 16:21 <b>rpr</b> 1:25 57:23 <b>rules</b> 3:21 4:7 4:22 55:5 59:7 <b>run</b> 33:15 <b>running</b> 49:2 <b>runoff</b> 29:19 47:20,22 48:1 48:6	<b>san</b> 30:15 <b>satisfied</b> 36:8 36:11 <b>says</b> 8:23 39:10 <b>scanned</b> 9:11 <b>school</b> 17:1,2,4 17:8,11,14,15 17:18 45:21 <b>schools</b> 16:21 16:24 44:15 <b>scj</b> 1:5 <b>scope</b> 23:7,10 <b>screen</b> 8:1,17 8:18 9:3,14 39:9 <b>scroll</b> 9:2 39:8 39:22 <b>se</b> 3:15 <b>seal</b> 58:12 <b>seat</b> 20:3 <b>second</b> 2:12 6:14 17:6 39:7 39:10 <b>secretary</b> 1:11 4:18 11:15 <b>section</b> 55:8 <b>sections</b> 55:11 <b>see</b> 7:17 8:18 8:22 39:9,25 <b>seemed</b> 36:12 <b>seems</b> 37:17 <b>seen</b> 50:6 52:19 52:19 <b>select</b> 36:17
		<b>s</b>	
		<b>s</b> 1:7,12 3:1,5 3:12 57:23 <b>sales</b> 25:17	

[selling - sure]

Page 14

<b>selling</b> 23:2 <b>senate</b> 27:4,6,7 27:12 33:10 40:23 41:4 48:12 53:4 <b>senator</b> 33:8 47:23 48:7 53:4,5,10 <b>senatorial</b> 33:16 <b>send</b> 58:14,20 <b>sense</b> 38:7 <b>sent</b> 36:1 <b>series</b> 5:25 <b>serve</b> 57:20 <b>served</b> 31:18 <b>services</b> 49:16 56:7 <b>session</b> 41:24 42:4,5,10,11 <b>set</b> 43:22 <b>setting</b> 34:9 <b>several</b> 24:15 <b>share</b> 43:15 <b>sharing</b> 8:16 9:14 <b>sheet</b> 11:24 <b>shift</b> 15:22 19:4 22:15 25:22 30:21 <b>shifting</b> 12:1 <b>showed</b> 11:13 <b>sign</b> 58:6 <b>signature</b> 5:19 54:4 57:22	58:2,18 60:21 <b>signed</b> 38:10,12 58:10,11,16 <b>sikorsky</b> 24:1 <b>silenced</b> 7:20 <b>similar</b> 9:12 26:23 43:16 51:24 <b>similarly</b> 7:1 <b>simply</b> 9:3 44:16 <b>single</b> 23:3 <b>situation</b> 36:16 <b>six</b> 12:25 19:19 19:25 <b>sixty</b> 52:16 <b>slate</b> 48:25 <b>slating</b> 48:20 49:4 <b>smith</b> 1:24 4:1 57:23,23 <b>social</b> 8:5 19:7 45:11 <b>socialize</b> 45:24 <b>sole</b> 15:19 <b>solely</b> 56:3 57:17 <b>solutions</b> 55:17 56:6 <b>somewhat</b> 37:12 38:3 <b>sorry</b> 28:12,13 48:17 <b>sort</b> 29:11 37:4	<b>south</b> 23:12 <b>speak</b> 6:12,18 <b>special</b> 28:22 29:14 41:24 42:3,5,10,11 48:6 <b>specific</b> 28:1 29:6 46:3 50:18 56:11 <b>specifically</b> 55:4 <b>speculation</b> 47:11 <b>sperry</b> 17:15 <b>spread</b> 44:16 <b>stabilize</b> 52:10 <b>stacey</b> 33:9,19 <b>standing</b> 18:5 <b>start</b> 6:25 7:5 8:14 25:14 34:15,22 43:8 <b>started</b> 25:20 <b>starting</b> 27:6 <b>starts</b> 40:1 <b>state</b> 1:11 4:4 4:18,19 11:15 11:25 12:2 13:20,23 16:7 26:12 27:4,6,7 33:10 40:22 41:4,12 50:14 50:21 53:4 55:15 <b>statement</b> 59:9	<b>states</b> 1:1 13:22 25:6 30:1 48:12 <b>statewide</b> 28:14 <b>stayed</b> 25:19 <b>stenographic...</b> 57:5 <b>stint</b> 25:17 <b>stop</b> 9:14 <b>street</b> 29:11 <b>strike</b> 13:8 21:21 41:10 50:17 <b>subcontract</b> 56:4 <b>subcontractor</b> 55:16 57:18 <b>subject</b> 25:22 27:2 35:17 36:7 38:21 <b>submitted</b> 56:18,20 <b>subscribed</b> 60:22 <b>substance</b> 59:8 <b>succeed</b> 41:5,21 <b>suite</b> 3:9,16 58:22 <b>supply</b> 17:2,7,8 <b>support</b> 32:8 <b>supported</b> 48:15 <b>sure</b> 6:16,21 7:19 23:5 35:12,16 36:19
--	---	---	---

[sure - violations]

Page 15

44:16 51:15 <b>sway</b> 50:2 <b>sworn</b> 4:14,23 60:22	<b>third</b> 24:3 <b>three</b> 29:25 45:16 51:16 <b>time</b> 1:18 7:9 13:4 32:19,21 32:22 48:11 53:15,21 56:13 <b>times</b> 33:15,16 33:20,23 34:5 45:16 <b>title</b> 8:22 20:3 <b>today</b> 9:6 11:20 11:23 53:16,18 53:22 <b>today's</b> 5:8 9:21 10:1 <b>together</b> 37:14 <b>told</b> 26:24 47:14 <b>took</b> 19:22 27:9 27:17 <b>touch</b> 51:2 <b>touched</b> 40:20 41:11 <b>town</b> 29:10,11 <b>traffic</b> 10:13,18 <b>training</b> 18:14 19:1 <b>transcends</b> 44:23 <b>transcribed</b> 57:7 <b>transcript</b> 5:20 56:14 57:8 58:8,17 59:3	<b>transcription</b> 57:8 <b>transcripts</b> 56:14,23 <b>travel</b> 50:14 <b>trial</b> 9:17 <b>true</b> 40:17 56:15 57:9 <b>trump</b> 19:18 31:4 <b>truthfully</b> 9:21 10:1 <b>try</b> 7:3 45:11 <b>trying</b> 35:17 36:17 <b>turned</b> 30:19 <b>twenty</b> 20:5 <b>twice</b> 32:19 34:8 <b>two</b> 12:15 14:20,24 16:18 25:16 45:16 53:5 <b>type</b> 38:9 48:5 <b>types</b> 28:1 <b>typically</b> 45:25 <b>tyrone</b> 12:7 14:3 29:10,21 37:15,16 52:25	<b>understanding</b> 38:6 43:7,10 43:13 47:1 48:23,25 49:23 <b>unique</b> 43:22 <b>united</b> 1:1 48:11 <b>university</b> 16:7 16:10 <b>uploaded</b> 56:24 <b>ups</b> 53:14 <b>use</b> 5:13 29:4 59:10 <b>used</b> 36:14 48:20 49:20 52:23 <b>uses</b> 47:17
<b>t</b>			<b>v</b>
<b>take</b> 2:9 7:8 8:24 <b>taken</b> 4:18 9:19 57:4 <b>talk</b> 15:23 19:4 43:2 53:21 <b>talking</b> 34:15 52:22,23 <b>taylor</b> 3:14 5:2 <b>ten</b> 12:13 13:3 18:2 39:24 <b>term</b> 36:23 43:10 48:19 49:19,24 <b>terms</b> 56:3 57:17 <b>testified</b> 4:15 <b>testify</b> 11:19 42:15 <b>testifying</b> 14:2 <b>testimony</b> 1:15 9:16 59:3,8 <b>text</b> 8:4 <b>thank</b> 6:7 9:13 48:17 53:20 <b>thereto</b> 57:6 <b>thing</b> 7:10 <b>things</b> 6:12 52:13,15,18,18 52:19		<b>under</b> 4:21 <b>undersigned</b> 59:2 <b>understand</b> 6:1 6:5 28:8	<b>vague</b> 44:8 <b>value</b> 38:22 <b>varied</b> 24:17 <b>variety</b> 23:17 <b>verbatim</b> 55:23 <b>veritext</b> 55:16 56:6 58:21 <b>veritext.com</b> 58:24 <b>version</b> 9:8 39:14 <b>vice</b> 21:13 <b>video</b> 1:19 4:8 <b>view</b> 52:3,12 <b>violations</b> 10:13,19

[virtual - zoom]

Page 16

<b>virtual</b> 6:8 7:15 7:23 <b>virtually</b> 14:1 <b>vocational</b> 18:14 <b>vote</b> 25:24 26:3 26:4,6,12,17 27:22 28:4,7 28:19,23 29:3 29:5,15 46:10 47:9,18 48:4 53:8 <b>voted</b> 27:21 28:2,6,17,21 29:1,8,14,19,20 29:25 30:6 32:11 40:25 41:4,9,15,20 47:15 <b>voter</b> 11:14 34:12 <b>voters</b> 36:15,18 47:5,8,14 <b>votes</b> 50:2 <b>voting</b> 25:23 26:21,22 27:1 29:5,21 46:24 47:3 <b>vs</b> 1:8	44:16 51:3 <b>warnock</b> 33:8 33:15 47:23 48:8,16 <b>washington</b> 3:10 <b>way</b> 23:6 52:7 <b>ways</b> 52:9 <b>we've</b> 18:14,25 32:2 34:10 45:4 <b>wealth</b> 52:8 <b>website</b> 11:15 <b>weigel</b> 2:5 3:13 4:16,25 5:10 5:17,23 53:12 53:19 <b>west</b> 30:7 <b>white</b> 51:7 52:1 52:5 <b>wife</b> 11:2,8 <b>wilson</b> 12:19 <b>win</b> 48:4 <b>wish</b> 5:18 <b>witness</b> 4:10,23 44:10 <b>witnesses</b> 56:21 <b>wonderfulness</b> 44:17 <b>word</b> 28:13 40:9 <b>work</b> 22:18 25:8 33:24 34:6	<b>worked</b> 24:9 33:3 53:6 <b>working</b> 25:14 <b>x</b> <b>x</b> 2:2 <b>y</b> <b>yeah</b> 19:23 <b>year</b> 17:17 34:2 45:15 <b>years</b> 12:13,15 12:25 13:3 18:2,21 19:19 19:25,25 52:16 53:6 <b>york</b> 13:23 16:7 17:16 26:16 30:2,17 <b>z</b> <b>zip</b> 15:5 <b>zoom</b> 7:25
<b>w</b>		
<b>wait</b> 6:21,24 <b>waived</b> 54:4 <b>walker</b> 47:24 <b>want</b> 15:3 23:5 31:9 35:12,15		

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.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS  
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

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

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

Veritext Legal Solutions complies with all federal and State regulations with respect to the provision of court reporting services, and maintains its neutrality and independence regardless of relationship or the financial outcome of any litigation. Veritext requires adherence to the foregoing professional and ethical standards from all of its subcontractors in their independent contractor agreements.

Inquiries about Veritext Legal Solutions' confidentiality and security policies and practices should be directed to Veritext's Client Services Associates indicated on the cover of this document or at [www.veritext.com](http://www.veritext.com).

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

ANNIE LOIS GRANT, *et al.*,

Plaintiffs,

v.

BRAD RAFFENSPERGER, in his  
official capacity as the Georgia  
Secretary of State, *et al.*,

Defendants.

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

**DEFENDANTS' AMENDED NOTICE TO TAKE THE DEPOSITION  
OF GARRETT REYNOLDS**

PLEASE TAKE NOTICE that, pursuant to Rules 26 and 30 of the Federal Rules of Civil Procedure, counsel for Defendants Brad Raffensperger, in his official capacity as Secretary of State of Georgia; William S. Duffey Jr., in his official capacity as chair of the State Election Board; and Matthew Mashburn, Sara Tindall Ghazal, Edward Lindsey, and Janice Johnston will take the oral examination of Plaintiff Garrett Reynolds on Wednesday, January 25, 2023, beginning at 3:00 p.m. and continuing thereafter until completed via Zoom videoconferencing through Veritext Legal Solutions.

**EXHIBIT**

**1**

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.

This 20th day of January, 2023.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on January 20, 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 Defendants*

**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;  
DEXTER WIMBISH; GARRETT  
REYNOLDS; JACQUELINE FAYE  
ARBUTHNOT; JACQUELYN BUSH; and  
MARY NELL CONNER,

Plaintiffs,

v.

BRAD RAFFENSPERGER, in his official  
capacity as the Georgia Secretary of State;  
WILLIAM S. DUFFEY, JR., in his official  
capacity as chair of the State Election  
Board; MATTHEW MASHBURN, in his  
official capacity as a member of the State  
Election Board; SARA TINDALL  
GHAZAL, 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 JANICE W. JOHNSTON, in  
her official capacity as a member of the  
State Election Board,

Defendants.

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

**SECOND AMENDED COMPLAINT**

**EXHIBIT**

**2**

1. Plaintiffs bring this action to challenge the Georgia Senate Redistricting Act of 2021 (“SB 1EX”) and the Georgia House of Representatives Redistricting Act of 2021 (“HB 1EX”) on the ground that they violate Section 2 of the Voting Rights Act of 1965, 52 U.S.C. § 10301.

2. In undertaking the latest round of redistricting following the 2020 decennial census, the Georgia General Assembly diluted the growing electoral strength of the state’s Black voters and other communities of color. Faced with Georgia’s changing demographics, the General Assembly has ensured that the growth of the state’s Black population will not translate to increased political influence in the Georgia State Senate and Georgia House of Representatives.

3. The 2020 census data make clear that minority voters in Georgia are sufficiently numerous and geographically compact to form a majority of eligible voters—which is to say, a majority of the voting age population<sup>1</sup>—in multiple

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<sup>1</sup> The phrases “majority of eligible voters” and “majority of the voting age population” have been used by courts interchangeably when discussing the threshold requirements of a vote-dilution claim under Section 2 of the Voting Rights Act. Compare, e.g., *Bone Shirt v. Hazeltine*, 461 F.3d 1011, 1019 (8th Cir. 2006) (“[T]he first *Gingles* precondition . . . ‘requires only a simple *majority of eligible voters* in a single-member district.’” (emphasis added) (quoting *Dickinson v. Ind. State Election Bd.*, 933 F.2d 497, 503 (7th Cir. 1991))), with *Bartlett v. Strickland*, 556 U.S. 1, 18 (2009) (plurality op.) (“[T]he majority-minority rule relies on an objective, numerical test: Do minorities make up *more than 50 percent of the voting-age population* in the relevant geographic area?” (emphasis added)). The phrase

legislative districts throughout the state, including two additional majority-Black State Senate districts in the southern Atlanta metropolitan area, one additional majority-Black State Senate district in the central Georgia Black Belt region, two additional majority-Black House districts in the southern Atlanta metropolitan area, one additional majority-Black House district in the western Atlanta metropolitan area, and two additional majority-Black House districts anchored in Bibb County. These additional majority-Black legislative districts can be drawn without reducing the total number of districts in the region and statewide in which Black and other minority voters are able to elect their candidates of choice.

4. Rather than draw these State Senate and House districts as those in which Georgians of color would have the opportunity to elect their preferred candidates, the General Assembly instead chose to “pack” some Black voters into limited districts in these areas and “crack” other Black voters among rural-reaching, predominantly white districts.

5. Section 2 of the Voting Rights Act prohibits this result and requires the General Assembly to draw additional legislative districts in which Black voters have opportunities to elect their candidates of choice.

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“majority of eligible voters” when used in this Complaint shall also refer to the “majority of the voting age population.”

6. By failing to create such districts, the General Assembly's response to Georgia's changing demographics has had the effect of diluting minority voting strength throughout the state.

7. Accordingly, Plaintiffs seek an order (i) declaring that SB 1EX and HB 1EX violate Section 2 of the Voting Rights Act; (ii) enjoining Defendants from conducting future elections under SB 1EX and HB 1EX; (iii) requiring adoption of valid plans for new State Senate and House districts in Georgia that comport with Section 2 of the Voting Rights Act; and (iv) providing any and such additional relief as is appropriate.

### **JURISDICTION AND VENUE**

8. This Court has jurisdiction over this action pursuant to 42 U.S.C. §§ 1983 and 1988 and 28 U.S.C. §§ 1331, 1343(a)(3) and (4), and 1357.

9. This Court has jurisdiction to grant declaratory and injunctive relief pursuant to 28 U.S.C. §§ 2201 and 2202.

10. 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 this district.

### **PARTIES**

11. Plaintiff Annie Lois Grant is a Black citizen of the United States and the State of Georgia. Ms. Grant is a registered voter and intends to vote in future

legislative elections. She is a resident of Greene County and located in Senate District 24 and House District 124 under the enacted plans, where she is unable to elect candidates of her choice to the Georgia State Senate despite strong electoral support for those candidates from other Black voters in her community. Ms. Grant resides in a region where the Black community is sufficiently large and geographically compact to constitute a majority of eligible voters in a newly drawn State Senate district in which Black voters would have the opportunity to elect their preferred candidates. The enacted redistricting plan dilutes the voting power of Black voters like Ms. Grant and denies them an equal opportunity to elect candidates of their choice to the Georgia General Assembly.

12. Plaintiff Quentin T. Howell is a Black citizen of the United States and the State of Georgia. Mr. Howell is a registered voter and intends to vote in future legislative elections. He is a resident of Baldwin County and located in Senate District 25 and House District 133 under the enacted plans, where he is unable to elect candidates of his choice to the Georgia State Senate and Georgia House of Representatives despite strong electoral support for those candidates from other Black voters in his community. Mr. Howell resides in a region where the Black community is sufficiently large and geographically compact to constitute a majority of eligible voters in newly drawn State Senate and House districts in which Black

voters would have the opportunity to elect their preferred candidates. The enacted redistricting plan dilutes the voting power of Black voters like Mr. Howell and denies them an equal opportunity to elect candidates of their choice to the Georgia General Assembly.

13. Plaintiff Elroy Tolbert is a Black citizen of the United States and the State of Georgia. Mr. Tolbert is a registered voter and intends to vote in future legislative elections. He is a resident of Bibb County and located in Senate District 18 and House District 144 under the enacted plans, where he is unable to elect candidates of his choice to the Georgia House of Representatives despite strong electoral support for those candidates from other Black voters in his community. Mr. Tolbert resides in a region where the Black community is sufficiently large and geographically compact to constitute a majority of eligible voters in a newly drawn House district in which Black voters would have the opportunity to elect their preferred candidates. The enacted redistricting plan dilutes the voting power of Black voters like Mr. Tolbert and denies them an equal opportunity to elect candidates of their choice to the Georgia General Assembly.

14. Plaintiff Theron Brown is a Black citizen of the United States and the State of Georgia. Ms. Brown is a registered voter and intends to vote in future legislative elections. She is a resident of Houston County and located in Senate



District 26 and House District 145 under the enacted plans, where she is unable to elect candidates of her choice to the Georgia House of Representatives despite strong electoral support for those candidates from other Black voters in her community. Ms. Brown resides in a region where the Black community is sufficiently large and geographically compact to constitute a majority of eligible voters in a newly drawn House district in which Black voters would have the opportunity to elect their preferred candidates. The enacted redistricting plan dilutes the voting power of Black voters like Ms. Brown and denies them an equal opportunity to elect candidates of their choice to the Georgia General Assembly.

15. Plaintiff Triana Arnold James is a Black citizen of the United States and the State of Georgia. Ms. James is a registered voter and intends to vote in future legislative elections. She is a resident of Douglas County and located in Senate District 30 and House District 64 under the enacted plans, where she is unable to elect candidates of her choice to the Georgia House of Representatives despite strong electoral support for those candidates from other Black voters in her community. Ms. James resides in a region where the Black community is sufficiently large and geographically compact to constitute a majority of eligible voters in a newly drawn House district in which Black voters would have the opportunity to elect their preferred candidates. The enacted redistricting plan dilutes the voting power of

Black voters like Ms. James and denies them an equal opportunity to elect candidates of their choice to the Georgia General Assembly.

16. Plaintiff Eunice Sykes is a Black citizen of the United States and the State of Georgia. Ms. Sykes is a registered voter and intends to vote in future legislative elections. She is a resident of Henry County and located in Senate District 25 and House District 117 under the enacted plans, where she is unable to elect candidates of her choice to the Georgia State Senate and Georgia House of Representatives despite strong electoral support for those candidates from other Black voters in her community. Ms. Sykes resides in a region where the Black community is sufficiently large and geographically compact to constitute a majority of eligible voters in newly drawn State Senate and House districts in which Black voters would have the opportunity to elect their preferred candidates. The enacted redistricting plan dilutes the voting power of Black voters like Ms. Sykes and denies them an equal opportunity to elect candidates of their choice to the Georgia General Assembly.

17. Plaintiff Elbert Solomon is a Black citizen of the United States and the State of Georgia. Mr. Solomon is a registered voter and intends to vote in future legislative elections. He is a resident of Spalding County and located in Senate District 16 and House District 117 under the enacted plans, where he is unable to

elect candidates of his choice to the Georgia State Senate and Georgia House of Representatives despite strong electoral support for those candidates from other Black voters in his community. Mr. Solomon resides in a region where the Black community is sufficiently large and geographically compact to constitute a majority of eligible voters in newly drawn State Senate and House districts in which Black voters would have the opportunity to elect their preferred candidates. The enacted redistricting plan dilutes the voting power of Black voters like Mr. Solomon and denies them an equal opportunity to elect candidates of their choice to the Georgia General Assembly.

18. Plaintiff Dexter Wimbish is a Black citizen of the United States and the State of Georgia. Mr. Wimbish is a registered voter and intends to vote in future legislative elections. He is a resident of Spalding County and located in Senate District 16 and House District 74 under the enacted plans, where he is unable to elect candidates of his choice to the Georgia State Senate and Georgia House of Representatives despite strong electoral support for those candidates from other Black voters in his community. Mr. Wimbish resides in a region where the Black community is sufficiently large and geographically compact to constitute a majority of eligible voters in newly drawn State Senate and House districts in which Black voters would have the opportunity to elect their preferred candidates. The enacted

redistricting plan dilutes the voting power of Black voters like Mr. Wimbish and denies them an equal opportunity to elect candidates of their choice to the Georgia General Assembly.

19. Plaintiff Garrett Reynolds is a Black citizen of the United States and the State of Georgia. Mr. Reynolds is a registered voter and intends to vote in future legislative elections. He is a resident of Fayette County and located in Senate District 16 and House District 68 under the enacted plans, where he is unable to elect candidates of his choice to the Georgia State Senate despite strong electoral support for those candidates from other Black voters in his community. Mr. Reynolds resides in a region where the Black community is sufficiently large and geographically compact to constitute a majority of eligible voters in a newly drawn State Senate district in which Black voters would have the opportunity to elect their preferred candidates. The enacted redistricting plan dilutes the voting power of Black voters like Mr. Reynolds and denies them an equal opportunity to elect candidates of their choice to the Georgia General Assembly.

20. Plaintiff Jacqueline Faye Arbuthnot is a Black citizen of the United States and the State of Georgia. Ms. Arbuthnot is a registered voter and intends to vote in future legislative elections. She is a resident of Paulding County and located in Senate District 31 and House District 64 under the enacted plans, where she is

unable to elect candidates of her choice to the Georgia House of Representatives despite strong electoral support for those candidates from other Black voters in her community. Ms. Arbuthnot resides in a region where the Black community is sufficiently large and geographically compact to constitute a majority of eligible voters in a newly drawn House district in which Black voters would have the opportunity to elect their preferred candidates. The enacted redistricting plan dilutes the voting power of Black voters like Ms. Arbuthnot and denies them an equal opportunity to elect candidates of their choice to the Georgia General Assembly.

21. Plaintiff Jacquelyn Bush is a Black citizen of the United States and the State of Georgia. Ms. Bush is a registered voter and intends to vote in future legislative elections. She is a resident of Fayette County and located in Senate District 16 and House District 74 under the enacted plans, where she is unable to elect candidates of her choice to the Georgia House of Representatives despite strong electoral support for those candidates from other Black voters in her community. Ms. Bush resides in a region where the Black community is sufficiently large and geographically compact to constitute a majority of eligible voters in a newly drawn House district in which Black voters would have the opportunity to elect their preferred candidates. The enacted redistricting plan dilutes the voting power of

Black voters like Ms. Bush and denies them an equal opportunity to elect candidates of their choice to the Georgia General Assembly.

22. Plaintiff Mary Nell Conner is a Black citizen of the United States and the State of Georgia. Ms. Conner is a registered voter and intends to vote in future legislative elections. She is a resident of Henry County and located in Senate District 25 and House District 117 under the enacted plans, where she is unable to elect candidates of her choice to the Georgia State Senate and Georgia House of Representatives despite strong electoral support for those candidates from other Black voters in her community. Ms. Conner resides in a region where the Black community is sufficiently large and geographically compact to constitute a majority of eligible voters in newly drawn State Senate and House districts in which Black voters would have the opportunity to elect their preferred candidates. The enacted redistricting plan dilutes the voting power of Black voters like Ms. Conner and denies them an equal opportunity to elect candidates of their choice to the Georgia General Assembly.

23. Defendant Brad Raffensperger is the Georgia Secretary of State and is named in his official capacity. Secretary Raffensperger is Georgia's chief election official and is responsible for administering the state's elections and implementing election laws and regulations, including Georgia's legislative redistricting plans. *See*

O.C.G.A. § 21-2-50; Ga. Comp. R. & Regs. 590-1-1-.01–.02 (specifying, among other things, that Secretary of State’s office must provide “maps of Congressional, State Senatorial and House Districts” when requested). Secretary Raffensperger is also an ex officio nonvoting member of the State Election Board, which is responsible for “formulat[ing], adopt[ing], and promulgat[ing] such rules and regulations, consistent with law, as will be conducive to the fair, legal, and orderly conduct of primaries and elections.” O.C.G.A. §§ 21-2-30(d), -31(2).

24. Defendant Judge William S. Duffey, Jr. is the Chair of the State Election Board and is named in his official capacity. In this role, he must “formulate, adopt, and promulgate such rules and regulations, consistent with law, as will be conducive to the fair, legal, and orderly conduct of primaries and elections.” *Id.* § 21-2-31(2).

25. Defendant Sara Tindall Ghazal is a member of the State Election Board and is named in her official capacity. In this role, she must “formulate, adopt, and promulgate such rules and regulations, consistent with law, as will be conducive to the fair, legal, and orderly conduct of primaries and elections.” *Id.* § 21-2-31(2).

26. Defendant Janice Johnston is a member of the State Election Board and is named in her official capacity. In this role, she must “formulate, adopt, and

promulgate such rules and regulations, consistent with law, as will be conducive to the fair, legal, and orderly conduct of primaries and elections.” *Id.* § 21-2-31(2).

27. Defendant Edward Lindsey is a member of the State Election Board and is named in his official capacity. In this role, he must “formulate, adopt, and promulgate such rules and regulations, consistent with law, as will be conducive to the fair, legal, and orderly conduct of primaries and elections.” *Id.* § 21-2-31(2).

28. Defendant Matthew Mashburn is a member of the State Election Board and is named in his official capacity. In this role, he must “formulate, adopt, and promulgate such rules and regulations, consistent with law, as will be conducive to the fair, legal, and orderly conduct of primaries and elections.” *Id.* § 21-2-31(2).

### **LEGAL BACKGROUND**

29. Section 2 of the Voting Rights Act prohibits any “standard, practice, or procedure” that “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). Thus, in addition to prohibiting practices that deny the exercise of the right to vote, Section 2 prohibits vote dilution.

30. A violation of Section 2 is established if “it is shown that the political processes leading to nomination or election” in the jurisdiction “are not equally open to participation by members of a [minority group] in that its members have less



opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice.” *Id.* § 10301(b).

31. Such a violation might be achieved by “cracking” or “packing” minority voters. To illustrate, the dilution of Black voting strength “may be caused by the dispersal of blacks into districts in which they constitute an ineffective minority of voters”—cracking—“or from the concentration of blacks into districts where they constitute an excessive majority”—packing. *Thornburg v. Gingles*, 478 U.S. 30, 46 n.11 (1986).

32. In *Thornburg v. Gingles*, the U.S. Supreme Court identified three necessary preconditions for a claim of vote dilution under Section 2: (i) the minority group must be “sufficiently large and geographically compact to constitute a majority in a single-member district”; (ii) the minority group must be “politically cohesive”; and (iii) the majority must vote “sufficiently as a bloc to enable it . . . usually to defeat the minority’s preferred candidate.” *Id.* at 50–51.

33. Once all three preconditions are established, Section 2 directs courts to consider whether, “based on the totality of circumstances,” members of a racial minority “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).

34. The Senate Report on the 1982 amendments to the Voting Rights Act identified several non-exclusive factors that courts should consider when determining if, under the totality of circumstances in a jurisdiction, the operation of the challenged electoral device results in a violation of Section 2. *See Wright v. Sumter Cnty. Bd. of Elections & Registration*, 979 F.3d 1282, 1288–89 (11th Cir. 2020). These “Senate Factors” include:

- a. the history of official voting-related discrimination in the state or political subdivision;
- b. the extent to which voting in the elections of the state or political subdivision is racially polarized;
- c. the extent to which the state or political subdivision has used voting practices or procedures that tend to enhance the opportunity for discrimination against the minority group, such as unusually large election districts, majority-vote requirements, or prohibitions against bullet-voting;
- d. the exclusion of members of the minority group from candidate-slating processes;
- e. the extent to which minority group members bear the effects of discrimination in areas such as education, employment, and health, which hinder their ability to participate effectively in the political process;

- f. the use of overt or subtle racial appeals in political campaigns;  
and
- g. the extent to which members of the minority group have been elected to public office in the jurisdiction.

35. The Senate Report itself and the cases interpreting it have made clear that “there is no requirement that any particular number of factors be proved, or that a majority of them point one way or the other.” *United States v. Marengo Cnty. Comm’n*, 731 F.2d 1546, 1566 n.33 (11th Cir. 1984) (quoting S. Rep. No. 97-417, at 29 (1982)); *see also id.* at 1566 (“The statute explicitly calls for a ‘totality-of-the-circumstances’ approach and the Senate Report indicates that no particular factor is an indispensable element of a dilution claim.”).

## **FACTUAL BACKGROUND**

### **The 2020 Census**

36. Between 2010 and 2020, Georgia’s population increased by more than 1 million people.

37. The population growth during this period is entirely attributable to the increase in Georgia’s minority population. The 2020 census results indicate that Georgia’s Black population grew by over 15 percent and now comprises 33 percent of Georgia’s total population. Meanwhile, Georgia’s white population *decreased* by

4 percent over the past decade. In total, Georgia's minority population now comprises just under 50 percent of the state's total population.

### **The 2021 Legislative Redistricting Plan**

38. In enacting Georgia's new State Senate and House maps, the Republican-controlled General Assembly diluted the political power of the state's minority voters.

39. 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.

40. 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.

41. On December 30, 2021, Governor Kemp signed SB 1EX and HB 1EX into law.

42. Democratic and minority legislators were largely excluded from the redistricting process and repeatedly decried the lack of transparency. Moreover, lawmakers and activists from across the political spectrum questioned the speed with which the General Assembly undertook its redistricting efforts, observing that the haste resulted in unnecessary divisions of communities and municipalities.

43. The Republican majority’s refusal to draw districts that reflected the past decade’s growth in the state’s minority communities was noted by lawmakers. Commenting on the new State Senate map, Senator Michelle Au observed, “It’s our responsibility to ensure the people in this room are a good reflection of the people in this state. This map before us does not represent the Georgia of today. It does not see Georgia for who we have become.” Senator Elena Parent remarked, “This map is designed to shore up the shrinking political power of the majority. As proposed, it fails to fairly reflect Georgians[’] diversity.”

44. Minority lawmakers in the House also objected to their chamber’s new map, noting that it packed minority voters and diluted their voting strength.

45. Rather than create additional State Senate and House districts in which Georgia’s growing minority populations would have the opportunity to elect candidates of their choice, the General Assembly did just the opposite: it packed and cracked Georgia’s minority voters to dilute their influence.

46. SB 1EX packs some Black voters into the southern Atlanta metropolitan area and cracks others into rural-reaching, predominantly white State Senate districts. Specifically, Black voters in the southwestern Atlanta metropolitan area are packed into Senate Districts 34 and 35 and cracked into Senate Districts 16, 28, and 30. In the southeastern Atlanta metropolitan area, Black voters are packed

into Senate Districts 10 and 44 and cracked into Senate Districts 17 and 25. Two additional majority-Black State Senate districts could be drawn in the southern Atlanta metropolitan area without reducing the total number of minority-opportunity districts in the enacted map.

47. SB 1EX also cracks Black voters in the Black Belt among Senate Districts 23, 24, and 25. An additional majority-Black State Senate district could be drawn in this area without reducing the total number of minority-opportunity districts in the enacted map.

48. HB 1EX packs some Black voters into the southern and western Atlanta metropolitan area and cracks others into rural-reaching, predominantly white districts. Specifically, Black voters in the western Atlanta metropolitan area are packed into House District 61 and cracked into House District 64. In the southern Atlanta metropolitan area, Black voters are packed into House Districts 69, 75, and 78 and cracked into House Districts 74 and 117. Two additional majority-Black House districts could be drawn in the southern Atlanta metropolitan area, and one additional majority-Black House district in the western Atlanta metropolitan area, without reducing the total number of minority-opportunity districts in the enacted map.

49. HB 1EX further packs Black voters into two House districts anchored in Bibb County—House Districts 142 and 143—even though two additional majority-Black House districts could be drawn in this area by uncracking House Districts 133, 144, 145, 147, and 149, without reducing the total number of minority-opportunity districts in the enacted map.

50. This combination of cracking and packing dilutes the political power of Black voters in the Atlanta metropolitan area and central Georgia. The General Assembly could have instead created additional, compact State Senate and House districts in which Black voters, including Plaintiffs, comprise a majority of eligible voters and have the opportunity to elect their preferred candidates, as required by Section 2 of the Voting Rights Act. Significantly, this could have been done without reducing the number of other districts in which Black voters have the opportunity to elect candidates of their choice.

51. Unless enjoined, SB 1EX and HB 1EX will deny Black voters throughout the state the opportunity to elect candidates of their choice.

52. The relevant factors and considerations readily require the creation of majority-Black districts under Section 2.

### **Racial Polarization**

53. This Court has recognized that “voting in Georgia is highly racially polarized.” *Ga. State Conf. of NAACP v. Georgia*, 312 F. Supp. 3d 1357, 1360 (N.D. Ga. 2018) (three-judge panel).

54. “Districts with large black populations are likely to vote Democratic.” *Id.* Indeed, during competitive statewide elections over the past decade—from the 2012 presidential election through the 2021 U.S. Senate runoff elections—an average of 97 percent of Black Georgians supported the Democratic candidate.

55. White voters, by striking contrast, overwhelmingly vote Republican. An average of only 13 percent of white Georgians supported the Democratic candidate in competitive statewide elections over the past decade.

56. Georgia’s white majority usually votes as a bloc to defeat minority voters’ candidates of choice, including in the areas where Plaintiffs live and the Black population could be united to create a new majority-Black district.

### **History of Discrimination**

57. Georgia’s past discrimination against its Black citizens, including its numerous attempts to deny Black voters an equal opportunity to participate in the political process, is extensive and well documented. This prejudice is not confined to history books; the legacy of discrimination manifests itself today in state and local



elections marked by racial appeals and undertones. And the consequences of the state's historic discrimination persist to this day, as Black Georgians continue to experience socioeconomic hardship and marginalization.

58. This history dates back to the post-Civil War era, when Black Georgians first gained the right to vote and voted in their first election in April 1868. Soon after this historic election, a *quarter* of the state's Black legislators were either jailed, threatened, beaten, or killed. In 1871, the General Assembly passed a resolution that expelled 25 Black representatives and three senators but permitted the four mixed-race members who did not “look” Black to keep their seats. The General Assembly's resolution was based on the theory that Black Georgians' right of suffrage did not give them the right to hold office, and that they were thus “ineligible” to serve under Georgia's post-Civil War state constitution.

59. After being denied the right to hold office, Black Georgians who attempted to vote also encountered intense and frequently violent opposition. The Ku Klux Klan and other white mobs engaged in a campaign of political terrorism aimed at deterring Black political participation. Their reigns of terror in Georgia included, for instance, attacking a Black political rally in Mitchell County in 1868, killing and wounding many of the participants; warning the Black residents of Wrightsville that “blood would flow” if they exercised their right to vote in an

upcoming election; and attacking and beating a Black man in his own home to prevent him from voting in an upcoming congressional election.

60. In the General Assembly, fierce resistance to Black voting rights led to more discriminatory legislation. In 1871, Georgia became the first state to enact a poll tax. At the state’s 1877 constitutional convention, the General Assembly made the poll tax permanent and cumulative, requiring citizens to pay all back taxes before being permitted to vote. The poll tax reduced turnout among Black voters in Georgia by half and has been described as the single most effective disenfranchisement law ever enacted. The poll tax was not abolished until 1945—after it had been in effect for almost 75 years.

61. After the repeal of the poll tax in 1945, voter registration among Black Georgians significantly increased. However, as a result of the state’s purposeful voter suppression tactics, not a *single* Black lawmaker served in the General Assembly between 1908 and 1962.

62. Georgia’s history of voter discrimination is far from ancient history. As recently as 1962, 17 municipalities and 48 counties in Georgia required segregated polling places. When the U.S. Department of Justice filed suit to end this practice, a local Macon leader declared that the federal government was ruining “every vestige of the local government.”

63. Other means of disenfranchising Georgia’s Black citizens followed. The state adopted virtually every one of the “traditional” methods to obstruct the exercise of the franchise by Black voters, including literacy and understanding tests, strict residency requirements, onerous registration procedures, voter challenges and purges, the deliberate slowing down of voting by election officials so that Black voters would be left waiting in line when the polls closed, and the adoption of “white primaries.”

64. Attempts to minimize Black political influence in Georgia have also tainted redistricting efforts. During the 1981 congressional redistricting process, in opposing a bill that would maintain a majority-Black district, Joe Mack Wilson—a Democratic state representative and chair of the House Reapportionment Committee—openly used racial epithets to describe the district; following a meeting with officials of the U.S. Department of Justice, he complained that “the Justice Department is trying to make us draw [n\*\*\*\*\*] districts and I don’t want to draw [n\*\*\*\*\*] districts.” Speaker of the House Tom Murphy objected to creating a district where a Black representative would certainly be elected and refused to appoint any Black lawmakers to the conference committee, fearing that they would support a plan to allow Black voters to elect a candidate of their choice. Several senators also

expressed concern about being perceived as supporting a majority-Black congressional district.

65. Indeed, federal courts have invalidated Georgia’s redistricting plans for voting rights violations numerous times. In *Georgia v. United States*, the U.S. Supreme Court affirmed a three-judge panel’s decision that Georgia’s 1972 reapportionment plan violated Section 5 of the Voting Rights Act, at least in part because it diluted the Black vote in an Atlanta-based congressional district in order to ensure the election of a white candidate. *See* 411 U.S. 526, 541 (1973); *see also* *Busbee v. Smith*, 549 F. Supp. 494, 517 (D.D.C. 1982) (three-judge panel) (denying preclearance based on evidence that Georgia’s redistricting plan was product of purposeful discrimination in violation of Voting Rights Act), *aff’d*, 459 U.S. 1166 (1983); *Larios v. Cox*, 300 F. Supp. 2d 1320 (N.D. Ga. 2004) (per curiam) (three-judge panel) (invalidating legislative plans that reduced number of majority-minority districts).

66. Due to its lengthy history of discrimination against racial minorities, Georgia became a “covered jurisdiction” under Section 5 of the Voting Rights Act upon its enactment in 1965, prohibiting any changes to Georgia’s election practices or procedures (including the enactment of new redistricting plans) until either the

U.S. Department of Justice or a federal court determined that the change did not result in backsliding, or “retrogression,” of minority voting rights.

67. Accordingly, between 1965 and 2013—at which time the U.S. Supreme Court effectively barred enforcement of the Section 5 preclearance requirement in *Shelby County v. Holder*, 570 U.S. 529 (2013)—Georgia received more than 170 preclearance objection letters from the U.S. Department of Justice.

68. Georgia’s history of racial discrimination in voting, here only briefly recounted, has been thoroughly documented by historians and scholars. Indeed, “[t]he history of the state[’s] segregation practice and laws at all levels has been rehashed so many times that the Court can all but take judicial notice thereof.” *Brooks v. State Bd. of Elections*, 848 F. Supp. 1548, 1560 (S.D. Ga. 1994); *see also*, *e.g.*, *Fair Fight Action, Inc. v. Raffensperger*, No. 1:18-CV-5391-SCJ, slip op. at 41 (N.D. Ga. Nov. 15, 2021), ECF No. 636 (taking judicial notice of fact that “prior to the 1990s, Georgia had a long sad history of racist policies in a number of areas including voting”).

69. Ultimately, as this Court has noted, “Georgia has a history chocked full of racial discrimination at all levels. This 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.” *Ga. State Conf. of NAACP v. Fayette Cnty. Bd. of Comm’rs*, 950 F. Supp. 2d 1294, 1314 (N.D. Ga. 2013) (quoting *Brooks*, 848 F. Supp. at 1560), *aff’d in part, rev’d in part on other grounds*, 775 F.3d 1336 (11th Cir. 2015).

### **Use of Racial Appeals in Political Campaigns**

70. In addition to Georgia’s history of discrimination against minorities in voting, political campaigns in the state have often relied on both overt and subtle racial appeals—both historically *and* during recent elections.

71. In 2016, Tom Worthan, former Republican Chair of the Douglas County Board of Commissioners, was caught on video making racist comments aimed at discrediting his Black opponent, Romona Jackson-Jones, and a Black candidate for sheriff, Tim Pounds. During the recorded conversation with a Douglas County voter, Worthan asked, “Do you know of another government that’s more black that’s successful? They bankrupt you.” Worthan also stated, in reference to Pounds, “I’d be afraid he’d put his black brothers in positions that maybe they’re not qualified to be in.”

72. In the 2017 special election for Georgia’s Sixth Congressional District—a majority-white district that had over the previous three decades been represented by white Republicans Newt Gingrich, Johnny Isakson, and Tom Price—the husband of the eventual Republican victor, Karen Handel, shared an image over

social media that urged voters to “[f]ree the black slaves from the Democratic plantation.” The image also stated, “Criticizing black kids for obeying the law, studying in school, and being ambitious as ‘acting white’ is a trick the Democrats play on Black people to keep them poor, ignorant and dependent.” The image was then shared widely by local and national media outlets.

73. During that same election, Jere Wood—the Republican Mayor of Roswell, Georgia’s eighth-largest city—insinuated that voters in the Sixth Congressional District would not vote for Democratic candidate Jon Ossoff because he has an “ethnic-sounding” name. When describing voters in that district, Wood said, “If you just say ‘Ossoff,’ some folks are gonna think, ‘Is he Muslim? Is he Lebanese? Is he Indian?’ It’s an ethnic-sounding name, even though he may be a white guy, from Scotland or wherever.”<sup>2</sup>

74. On a separate occasion, State Senator Fran Millar alluded to the fact that the Sixth Congressional District was gerrymandered in such a way that it would not support candidate Ossoff—specifically, because he was formerly an aide to a

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<sup>2</sup> In actuality, now-U.S. Senator Ossoff’s paternal forebears were Ashkenazi Jewish immigrants who fled pogroms during the early 20th century. See Etan Nechin, *Jon Ossoff Tells Haaretz How His Jewish Upbringing Taught Him to Fight for Justice*, Haaretz (Dec. 20, 2020), <https://www.haaretz.com/us-news/.premium-jon-ossoff-tells-haaretz-how-his-jewish-upbringing-taught-him-to-fight-for-justice-1.9386302>.

Black member of Congress. State Senator Millar said, “I’ll be very blunt. These lines were not drawn to get Hank Johnson’s protégé to be my representative. And you didn’t hear that. They were not drawn for that purpose, OK? They were not drawn for that purpose.”

75. Earlier in 2017, Tommy Hunter, a member of the board of commissioners in Gwinnett County—the second-most populous county in the state—called the late Black Congressman John Lewis a “racist pig” and suggested that his reelection to the U.S. House of Representatives was “illegitimate” because he represented a majority-minority district.

76. Racist robocalls targeted the Democratic candidate for governor in 2018, referring to Stacey Abrams as “Negress Stacey Abrams” and “a poor man’s Aunt Jemima.” The Republican candidate, now-Governor Kemp, posted a statement on Twitter on the eve of the election alleging that the Black Panther Party supported Ms. Abrams’s candidacy.

77. Governor Kemp also ran a controversial television advertisement during the primary campaign asserting that he owned “a big truck, just in case [he] need[s] to round up criminal illegals and take ‘em home [him]self.”

78. The 2020 campaigns for Georgia’s two U.S. Senate seats were also rife with racial appeals. In one race, Republican incumbent Kelly Loeffler ran a paid



advertisement on Facebook that artificially darkened the skin of her Democratic opponent, now-Senator Raphael Warnock. In the other race, Republican incumbent David Perdue ran an advertisement against Democratic nominee Ossoff that employed a classic anti-Semitic trope by artificially enlarging now-Senator Ossoff's nose.

79. Senator Perdue later mispronounced and mocked the pronunciation of then-Senator Kamala Harris's first name during a campaign rally, even though the two had been colleagues in the Senate since 2017.

80. Racial appeals were apparent during local elections in Fulton County even within the last few months. City council candidates in Johns Creek and Sandy Springs pointed to Atlanta crime and protests that turned violent to try to sway voters, publicly urging residents to vote for them or risk seeing their cities become home to chaos and lawlessness. *The Atlanta Journal-Constitution* quoted Emory University political scientist Dr. Andra Gillespie, who explained that although the term "law and order" is racially neutral, the issue becomes infused with present-day cultural meaning and thoughts about crime and violence and thus carries racial undertones.

81. These are just a few—and, indeed, only among the more recent—examples of the types of racially charged political campaigns that have tainted elections in Georgia throughout the state’s history.

### **Ongoing Effects of Georgia’s History of Discrimination**

82. State-sponsored segregation under Georgia’s Jim Crow laws permeated all aspects of daily life and relegated Black citizens to second-class status. State lawmakers segregated everything from public schools to hospitals and graveyards. Black Georgians were also precluded from sitting on juries, which effectively denied Black litigants equal justice under the law. Moreover, Black Georgians were excluded from the most desirable manufacturing jobs, which limited their employment opportunities to primarily unskilled, low-paying labor. And in times of economic hardship, Black employees were the first to lose their jobs.

83. Decades of Jim Crow and other forms of state-sponsored discrimination—followed by continued segregation of public facilities well into the latter half of the 20th century, in defiance of federal law—resulted in persistent socioeconomic disparities between Black and white Georgians. These disparities hinder the ability of voters in each of these groups to participate effectively in the political process.

84. Black Georgians, for instance, have higher poverty rates than white Georgians. According to the U.S. Census Bureau's 2019 American Community Survey ("ACS") 1-Year Estimate, 18.8 percent of Black Georgians have lived below the poverty line in the past 12 months, compared to 9 percent of white Georgians.

85. Relatedly, Black Georgians have lower per capita incomes than white Georgians. The 2019 ACS 1-Year Estimate shows that white Georgians had an average per capita income of \$40,348 over the past 12 months, compared to \$23,748 for Black Georgians.

86. Black Georgians also have lower homeownership rates than white Georgians. The 2019 ACS 1-Year Estimate shows that 52.6 percent of Black Georgians live in renter-occupied housing, compared to 24.9 percent of white Georgians. And Black Georgians also spend a higher percentage of their income on rent than white Georgians. The 2019 ACS 1-Year Estimate shows that in Georgia, the percent of income spent on rent is a staggering 54.9 percent for Black Georgians, compared to 40.6 percent for white Georgians.

87. Black Georgians also have lower levels of educational attainment than their white counterparts and are less likely to earn degrees. According to the 2019 ACS 1-Year Estimate, only 25 percent of Black Georgians have obtained a bachelor's degree or higher, compared to 37 percent of white Georgians.

88. These disparities impose hurdles to voter participation, including working multiple jobs, working during polling place hours, lack of access to childcare, lack of access to transportation, and higher rates of illness and disability. All of these hurdles make it more difficult for poor and low-income voters to participate effectively in the political process.

## **CAUSES OF ACTION**

### **COUNT I:**

#### **SB 1EX Violates Section 2 of the Voting Rights Act**

89. Plaintiffs reallege and incorporate by reference all prior paragraphs of this Complaint as though fully set forth herein.

90. Section 2 of the Voting Rights Act prohibits the enforcement of any “standard, practice, or procedure” that “results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color, or” membership in a language minority group. 52 U.S.C. § 10301(a).

91. The Georgia State Senate district boundaries, as currently drawn, crack and pack minority populations with the effect of diluting their voting strength, in violation of Section 2 of the Voting Rights Act.

92. Black Georgians in the southern Atlanta metropolitan area and the central Georgia Black Belt region are sufficiently numerous and geographically compact to constitute a majority of eligible voters in three additional State Senate

districts, without reducing the number of minority-opportunity districts already included in the enacted map.

93. Under Section 2 of the Voting Rights Act, the General Assembly was required to create three additional State Senate districts in which Black voters in these areas would have the opportunity to elect their candidates of choice.

94. Black voters in Georgia, particularly in and around these areas, are politically cohesive. Elections in these areas reveal a clear pattern of racially polarized voting that allows blocs of white voters usually to defeat Black voters' preferred candidates.

95. The totality of the circumstances establishes that the current State Senate map has the effect of denying Black voters an equal opportunity to participate in the political process and elect candidates of their choice, in violation of Section 2 of the Voting Rights Act.

96. By engaging in the acts and omissions alleged herein, Defendants have acted and continue to act to deny Plaintiffs' rights guaranteed by Section 2 of the Voting Rights Act. Defendants will continue to violate those rights absent relief granted by this Court.

**COUNT II:**  
**HB 1EX Violates Section 2 of the Voting Rights Act**

97. Plaintiffs reallege and incorporate by reference all prior paragraphs of this Complaint as though fully set forth herein.

98. The Georgia House of Representative district boundaries, as currently drawn, crack and pack minority populations with the effect of diluting their voting strength, in violation of Section 2 of the Voting Rights Act.

99. Black Georgians in the southern and western Atlanta metropolitan area and central Georgia are sufficiently numerous and geographically compact to constitute a majority of eligible voters in five additional House districts, without reducing the number of minority-opportunity districts already included in the enacted map.

100. Under Section 2 of the Voting Rights Act, the General Assembly was required to create five additional House districts in which Black voters in these areas would have the opportunity to elect their candidates of choice.

101. Black voters in Georgia, particularly in and around these areas, are politically cohesive. Elections in these areas reveal a clear pattern of racially polarized voting that allows blocs of white voters usually to defeat Black voters' preferred candidates.

102. The totality of the circumstances establishes that the current House map has the effect of denying Black voters an equal opportunity to participate in the political process and elect candidates of their choice, in violation of Section 2 of the Voting Rights Act.

103. By engaging in the acts and omissions alleged herein, Defendants have acted and continue to act to deny Plaintiffs' rights guaranteed by Section 2 of the Voting Rights Act. Defendants will continue to violate those rights absent relief granted by this Court.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs request that this Court:

A. Declare that SB 1EX and HB 1EX violate Section 2 of the Voting Rights Act;

B. Enjoin Defendants, as well as their agents and successors in office, from enforcing or giving any effect to the boundaries of the Georgia State Senate districts as drawn in SB 1EX and the boundaries of the Georgia House of Representatives districts as drawn in HB 1EX, including an injunction barring Defendants from conducting any further legislative elections under the current maps;

C. Hold hearings, consider briefing and evidence, and otherwise take actions necessary to order the adoption of a valid legislative redistricting plan that includes three additional Georgia State Senate districts and five additional Georgia House of Representatives districts in which Black voters would have opportunities to elect their preferred candidates, as required by Section 2 of the Voting Rights Act, without reducing the number of minority-opportunity districts currently in SB 1EX and HB 1EX;

D. Grant such other or further relief the Court deems appropriate, including but not limited to an award of Plaintiffs' attorneys' fees and reasonable costs.



Dated: October 28, 2022

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**CERTIFICATE OF COMPLIANCE**

I hereby certify that the foregoing **SECOND AMENDED COMPLAINT** has been prepared in accordance with the font type and margin requirements of LR 5.1, NDGa, using font type of Times New Roman and a point size of 14.

Dated: October 28, 2022

**Adam M. Sparks**

*Counsel for Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that I have on this date caused to be electronically filed a copy of the foregoing **SECOND AMENDED COMPLAINT** 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: October 28, 2022

**Adam M. Sparks**

*Counsel for Plaintiffs*