

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

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

ANNIE LOIS GRANT, et al.,)
)
Plaintiffs,)
)
v.) CIVIL ACTION FILE NO.
) 1:22-CV-00122-SCJ
BRAD RAFFENSPERGER, in his)
official capacity as the)
Georgia Secretary of State,)
et al.,)
)
Defendants.)

* * *

Remote Videoconference Deposition of
QUENTIN T. HOWELL

December 14, 2022

1:03 p.m.

By Marcia Arberman, CCR B-1059

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Examination by Mr. Boyle

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E X H I B I T S

Howell

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1 APPEARANCES OF COUNSEL (all attendees via
videoconference):

2
3 On behalf of the Plaintiffs:

4 MAKEBA RUTAHINDURWA, ESQ.

Elias Law Group

5 1700 7th Avenue, Suite 2100

Seattle, WA 98101

6 mrutahindurwa@elias.law
7

8 On behalf of the Defendants:

DONALD P. BOYLE, JR., ESQ.

9 BRYAN FRANCIS JACOUTOT, ESQ.

Taylor, English, Duma, LLP

10 1600 Parkwood Circle, SE, Suite 200

Atlanta, GA 30339

11 dboyle@taylorenghish.com

bjacoutot@taylorenghish.com
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15
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1 QUENTIN T. HOWELL,
2 having been first duly sworn, was deposed and
3 testified as follows:

4 MR. JACOUTOT: This is Bryan Jacoutot
5 for the State Defendants, just putting on the
6 record that Mr. Boyle is an attorney with our
7 law firm, Taylor English. He hasn't yet made
8 an appearance in the case, but he'll be
9 conducting today's deposition with the
10 agreement of opposing counsel.

11 MS. RUTAHINDURWA: Yes. Counsel for
12 Plaintiffs agree.

13 MR. JACOUTOT: Great. Thank you.

14 So in that case I will hand it over to
15 Mr. Boyle.

16 MR. BOYLE: All right.

17 Will you swear the witness, please?

18 THE REPORTER: I did just swear him.

19 MR. BOYLE: I'm sorry.

20 This will be the deposition of
21 Mr. Quentin T. Howell, taken by Defendants,
22 Secretary of State Brad Raffensperger and
23 members of the State Election Board for the
24 purpose of discovery and all other purposes
25 allowed by the Georgia Civil Practice -- or

1 the Federal Rules of Civil Procedure.

2 Counsel, are all objections except as to
3 the form of the question and responsiveness
4 of the answer reserved? Can we have that
5 stipulation?

6 MS. RUTAHINDURWA: Yeah. Agreed.

7 MR. BOYLE: And will he be reading and
8 signing?

9 MS. RUTAHINDURWA: Yes.

10 EXAMINATION

11 BY MR. BOYLE:

12 Q Could you state your name for the record,
13 please?

14 A I'm sorry?

15 Q Mr. Howell -- yes, sir -- could you state
16 your name for the record?

17 A My name is Quentin T. Howell.

18 I have a question. I just can't hear
19 you-all. Can I log in on another computer? Or if
20 not, I'll fight with this one. It's just really
21 choppy. And it might be the --

22 Q Yeah. Frankly, it's a little hard to hear
23 you.

24 THE REPORTER: So we'll go off the
25 record?

1 MR. BOYLE: Okay.

2 (Off the record.)

3 BY MR. BOYLE:

4 Q Let's just try it one more time. State your
5 name for the record.

6 A Sure. My name is Quentin T. Howell.

7 Q Okay. Mr. Howell, I'm Don Boyle,
8 representing the Defendants in this case. I'll be
9 taking your deposition. We don't expect it to be too
10 long, probably just the early part of the afternoon.
11 I'll do my best not to drag things out.

12 If at any time you need a break, you just
13 let me know. And as long as a question is not
14 pending, it's perfectly fine. If, you know, something
15 happens -- we all need to get up and stretch our legs
16 once in a while. But we may be able to get through
17 before you need to. But I want you to be comfortable,
18 so you let me know, okay?

19 A That's real nice of you.

20 Q All right. Especially since we're on Zoom
21 and we're not physically with each other, it's
22 important for all of us to speak clearly so the court
23 reporter, Ms. Arberman, can get everything down, so --
24 but will you try to do that, please, try to speak
25 clearly?

1 A I'm going to do my best.

2 Q Okay. And I'll do the same.

3 Also, it's important -- often, you know, in
4 a conversation two people might interrupt each other.
5 But it's important -- for purposes of the court
6 reporter's work to get everything down clearly -- that
7 we not interrupt each other. So do we have an
8 agreement? I'll try not to interrupt you, and you'll
9 try not to interrupt me just to help things for the
10 court reporter. Is that all right?

11 A After 13 years of marriage, I learned to do
12 that automatically now.

13 Q Okay. And then I guess one last thing.
14 Because we're on the Zoom format, I'd like to request
15 that you not have any cell phones or computers opened
16 that would distract you or that would have you
17 communicating with anybody. If you could just give me
18 your full attention for this period of the deposition.
19 Is that all right?

20 A Not a problem. As soon as the computer shut
21 down, I closed it.

22 Q Okay. Sounds good.

23 I've just gone to Screen Share. Do you see
24 on the screen this Notice of Taking Deposition?

25 A (No response.)

1 Q Mr. Howell, do you see that on the screen,
2 the notice?

3 A I see a document of some sort.

4 Q Okay. You should see in front of you a
5 document with the case style, and then it says
6 Defendants' Notice to Take the Deposition of
7 Quentin T. Howell. Do you see that?

8 A Yes, sir.

9 Q Okay. And we'll mark this as Howell
10 Deposition Exhibit 1.

11 (Marked for identification, Howell
12 Exhibit 1.)

13 BY MR. BOYLE:

14 Q Have you seen this exhibit before?

15 A No.

16 Q But you are a party to the Grant case,
17 correct?

18 A Yes.

19 Q A plaintiff in the Grant case, all right.

20 A You called it the what case? The Grants?

21 Q Yes.

22 A (Nods head affirmatively.)

23 Q Okay, all right. And you're represented by
24 counsel today; is that correct?

25 A Yeah. The young lady that's on the screen.

1 I can't pronounce her name, but that's her.

2 Q Have you ever had a deposition taken before
3 today?

4 A Years ago. It's been several years ago.

5 Q And what was that proceeding about? What
6 was that case about?

7 A I didn't know I was going to have it done.
8 Me and my wife had went on a canoeing trip. And we
9 had got, to make a long story short, sucked through a
10 dam and a turbine. And we ended up surviving the dam
11 and the turbine.

12 So months later we had some type of
13 something she was doing with them. And when I drove
14 her down there for her deposition, they told me --
15 they said, oh, you've got one too. And I walked in
16 and had one too.

17 Q Had your wife filed a lawsuit?

18 A I don't know what exactly it was. I mean,
19 we did a deposition, and nothing else ever happened.
20 So I know she had an attorney. But the attorney
21 didn't show up, and the attorney's assistant showed
22 up.

23 And, you know, since I really wasn't doing
24 nothing with it, I wasn't paying that much attention
25 to it. I just walked in the door. They just said,

1 well, you've got to do a deposition. I said, I'm
2 game. So I did it.

3 Q Okay. Have you ever been a party to a
4 lawsuit before this one, in other words, where you
5 were suing somebody or somebody was suing you?

6 A No.

7 Q Okay. Yeah, that was one other thing I
8 should have gone over at the beginning. The court
9 reporter is taking down everything I say and
10 everything you say. So even though I understand if
11 you shake or nod your head, she has to be able to
12 write down a yes or no. So could you please make sure
13 you do that, okay?

14 A No problem.

15 Q You've had no prior case of any kind before
16 this one?

17 A No. I try to stay out of the courtroom.

18 Q Are you on any medications today that would
19 in any way affect your ability to give clear and
20 correct answers to my questions?

21 A No.

22 Q Has any family member of yours been involved
23 in any lawsuits relating to elections?

24 A No.

25 Q Have you ever been arrested?

1 A Yes.

2 Q Did that result in a conviction?

3 A No.

4 Q How long ago was that?

5 A That was when I was in college. So we're
6 going back more years than I want to count. So at
7 least over 20 years.

8 Now, I say I was arrested. I was detained.
9 So I don't know if I was actually arrested, but I was
10 detained. I'll put it like that.

11 Q What was that about? What happened?

12 A I had got -- I was driving back from my
13 parents' house on a Thanksgiving break. And as I was
14 driving back, I think I had a busted taillight or
15 something along that line. The officer pulled me over
16 in a rural part of Georgia. And we didn't have
17 absolutely no problems. Nice officer. We talked. We
18 joked.

19 But my parents were following behind me
20 because they were bringing me some food and stuff. So
21 they stopped behind me as the officer had stopped me.
22 And we had -- like I said, me and the officer had a
23 cordial conversation. There wasn't a problem. But as
24 the officer was walking back, he started yelling and
25 screaming at my parents.

1 And my mom is from a certain age where, when
2 you saw a white man, especially an older white man,
3 you looked at the ground and you looked away. You
4 spoke to them in a certain way.

5 And I had a huge problem with that. And I
6 told her she don't have to speak to him like that or
7 "yes, sir" him like that. In fact, no one had broken
8 the law. Well, he kind of liked being talked to like
9 that. And he said, if I say something else, he was
10 going to take me to jail.

11 And I looked -- being a naval person, you
12 know, you kind of follow orders, but this was just
13 horribly unjust. And so I said, y'all just be good.
14 We'll be free in a minute. So he turned around and
15 slammed me on the hood and took me to jail.

16 I have no idea what the charge was. I
17 couldn't even tell you what it was, if there was. I
18 just knew my military commander told me to get a
19 lawyer and go up there.

20 And when the court time came, the judge just
21 dismissed it with my lawyer. They didn't even have
22 any conversation with me.

23 And all I wanted was an apology because, you
24 know, that was just wrong. No one had broken the law.
25 And he just wanted my mom to keep speaking to him as

1 she was still in the cotton field. And I didn't think
2 that was right. And I still don't think it was right.
3 It was horrible.

4 Q Did you do anything to get ready for this
5 deposition today specifically?

6 A Got me a Diet Coke. I was trying not to be
7 late. I was running, trying to get here. So that's
8 all I got, was this Diet Coke.

9 Q So you didn't review any paperwork before
10 the deposition specifically?

11 A They sent me something, but I never looked
12 at it. I didn't think I had to. I mean, I didn't
13 have to, did I?

14 Q Well, I mean, there's no requirement on my
15 side that you did, but I just would want to know if
16 you did, though.

17 A I didn't look at it.

18 Q Did you have a discussion with anybody, such
19 as your wife or friends, about having to give the
20 deposition today other than a lawyer? I don't want to
21 know what conversations you had with the lawyer -- but
22 if you had any conversations with a friend or family
23 member about the deposition.

24 A I talked to my wife.

25 Q What did you talk about?

1 A I told her I wanted to be here.

2 Q Anything about the specifics of what you
3 might say or be asked?

4 A No. I had no idea what you were going to
5 ask me. But I wanted her here, though, this being my
6 second time. The first time, we did it together. I
7 kind of wanted her here on this one too.

8 Q You say this is the second time?

9 A Yeah. You asked me did I have another
10 deposition before. Remember? I told you that
11 earlier.

12 Q Yes, yes. Okay.

13 A Yeah. She was with me. We were together
14 then. So I wanted her to stay with me this time.

15 Q Do you have a file of your own or any notes
16 that you've been keeping with regard to this
17 particular lawsuit, the Grant lawsuit?

18 A No.

19 Q Could you please give us your current
20 address, your home address?

21 A PO Box 95, Hardwick, Georgia.

22 Q I'm sorry. What's the name of the city?

23 A Hardwick, Georgia.

24 Q Hardwick.

25 I believe -- let me show you what we're

1 going to mark as Exhibit 2.

2 (Marked for identification, Howell

3 Exhibit 2.)

4 BY MR. HOWELL:

5 Q There we go. Do you see the document on the
6 screen now that -- it's got the case style again,
7 Grant, and then it says Declaration of Quentin T.
8 Howell.

9 A Yes, sir.

10 Q Okay. I'm going to scroll to the second
11 page. And it's got a signature there and a date of
12 January 12th, 2022. Is that your signature?

13 A Yes, sir.

14 Q Do you recall signing this document?

15 A From January? Heck, no. But I'm sure I
16 did.

17 Q Okay. It says in paragraph 4, "I am
18 specifically registered to vote at [REDACTED]
19 [REDACTED] Milledgeville, Georgia [REDACTED] Is that true today?

20 A Of course.

21 Q Is that your home address?

22 A Yes.

23 Q But when I asked you earlier, you gave me
24 the PO -- why did you give me the PO Box for your
25 address?

1 A That's the only one I ever use.

2 Q But you don't get mail at [REDACTED]?

3 A No. I got my PO Box.

4 Q Understood.

5 A I've been using that PO Box all my life.

6 That's the only PO Box I use. You asked me what my
7 address was. You didn't ask me where I live.

8 Q You're not a lawyer, are you?

9 A No, sir. Do I look like one?

10 Q Only because that was kind of a lawyer's
11 answer.

12 A Oh. I thought you meant because of my suit.
13 I threw this on. I thought I kind of looked like a
14 lawyer. That's why I thought you said that.

15 Q I understand what you're saying totally.

16 A I thought it was because of my suit, though.
17 Yeah, that's what I was going for.

18 Q Okay. As it says in Exhibit -- and, again,
19 this is Exhibit 2, your declaration here we were just
20 talking about. That's in Milledgeville, correct?

21 A Yes, sir.

22 Q And how long have you lived at that address
23 in Milledgeville?

24 A The [REDACTED] right?

25 Q Yes, sir.

1 A Probably about when Obama got elected. So
2 we're looking at '07, '08. I don't know how long it
3 is off the top of my head, though.

4 Q Do you have any other homes or residences of
5 any kind in Baldwin County? That is Baldwin County,
6 correct?

7 A Yes, sir.

8 Q Do you have any --

9 A Yes, sir.

10 Q Okay. And where are they located?

11 A In Baldwin County.

12 Q No, but I mean, what's the address of those?

13 A Now, I don't live there. I just own them.
14 That's what you mean, right?

15 Q Yes, sir.

16 A [REDACTED] and [REDACTED].

17 Q So you own those properties, but you don't
18 live there? You use them for rentals?

19 A (Nods head affirmatively.)

20 Q Yes?

21 A Oh, yeah. I'm sorry. Yes, yes.

22 Q From what you've told me, you were living at
23 [REDACTED] in January of this year, correct?

24 A Yes, sir.

25 Q And you were also living there in October of

1 this year?

2 A Yes, sir.

3 Q How long have you lived in the state of
4 Georgia?

5 A All my life.

6 Q And when were you born?

7 A 1976. And don't be mean and make me do the
8 math now. Until I get 65, I don't really want to know
9 how old I am.

10 Q Right. Have you ever lived in any other
11 county in Georgia besides Baldwin?

12 A Yes, sir.

13 Q What other counties, and when did you live
14 there?

15 A Chatham County.

16 Q When were you there?

17 A When I was in college.

18 Q Do you know what years? Could you tell me
19 the beginning and the ending years?

20 A Started in 1995 and 2001 -- 2001, 2002,
21 right in there, I just kind of went back and forth
22 then. I just maintained my apartment down there after
23 college.

24 Q Did you live in any other county in Georgia
25 besides Baldwin and Chatham?

1 A No, sir.

2 Q I notice on the screen it says Chairman
3 Quentin T. Howell. Why does it say Chairman?

4 A Because I do all the free stuff, and most of
5 it, I'm the chairman. So that's what my Zoom on this
6 computer has, Chairman. So when I'm doing a group
7 Zoom with, like, the NAACP or the SCLC or the
8 Democratic Party or any other group, you know, it's
9 already there.

10 Q Okay. I'll ask about this later, but in the
11 past you were on a county development authority;
12 right?

13 A Yes, sir.

14 Q So -- (screen froze.)

15 A No, sir.

16 THE REPORTER: Wait. You froze,
17 Mr. Boyle. And I heard the witness say "no,
18 sir," but I didn't hear a question.

19 BY MR. HOWELL:

20 Q Okay. My question was, Mr. Howell, in
21 your -- does your past service being on the local
22 development authority have anything to do with your
23 title of chairman on your Zoom screen? That was my
24 question.

25 A No, sir.

1 Q Where are you physically today, Mr. Howell?

2 A Home.

3 Q At your home. But your lawyer is not there
4 with you?

5 A I don't know where she's at. She's on the
6 screen.

7 Q Well, I understand. But I'm just confirming
8 she's not at your house as well.

9 A She's out West somewhere.

10 Q Is there anyone else in the room there with
11 you where you're testifying?

12 A No.

13 Q You gave me the address of those two
14 other -- those two other addresses in Baldwin County
15 that you own. Do you own those by yourself, or do you
16 own them with anyone else?

17 A With someone else.

18 Q With your wife?

19 A No. With my mama.

20 Q So let me go over this. I should have done
21 this before. So where you live right now, [REDACTED]

22 [REDACTED] who owns that house?

23 A I ain't finished paying for it yet. The
24 bank.

25 Q Okay. But who's got title to it?

1 A I guess the bank.

2 Q Subject to a security deed, who owns the
3 house?

4 A I don't know what a security deed is.

5 Q You said you have a loan at the bank,
6 correct?

7 A Yes, sir. You mean whose name the house is
8 in? Is that what you're asking?

9 Q That's what I'm asking, yes.

10 A Me and my wife.

11 Q And your wife's name?

12 A Say that one more time, brother.

13 Q What is your wife's name?

14 A Her name is Latonya.

15 Q And does Latonya also partially own the
16 100 Towns Street or the 157 Frazier house?

17 A Nope.

18 Q Let's talk about 100 Towns Street. Does
19 anybody else own that with you?

20 A My mom might be on that one with me. I know
21 my mom is on the other one. She might be on that one
22 with me too. I ain't exactly for sure, but she might
23 be.

24 Q And what's your mother's name?

25 A Rosa. Rosa A. Howell. I bought those

1 houses when I was in college, so I had to have my mom
2 on there with me.

3 Q Now I'm going to ask some questions,
4 Mr. Howell, about your education.

5 A Go ahead.

6 Q Where did you graduate from high school?

7 A Baldwin High.

8 Q What year was that?

9 A In glorious 1995.

10 Q And then you attended college in Savannah;
11 is that right?

12 A Yes, sir.

13 Q Savannah State?

14 A We call it The Savannah State but, yes, sir.

15 Q And do you know your year of graduation?

16 A 2000. You can't forget it when you're a
17 Millennial graduate.

18 Q What was your degree?

19 A Business.

20 Q Were you in Naval ROTC?

21 A That's how I got in Savannah.

22 Q Did you actually serve in the Navy outside
23 of being in the ROTC?

24 A Well, I joined the Navy -- a delayed-entry
25 program -- when I was in high school. I got picked up

1 by the ROTC after I was sworn in.

2 Q I'm not familiar with the delayed-entry
3 program, so could you explain that to me?

4 A Well, I joined when I was still in high
5 school. And I think your question was, what is the
6 delayed-entry program. And so that's like when you
7 join and you go through everything like everybody else
8 do, but you still finish your high school and you have
9 a delayed entry date.

10 And even though I joined I think during the
11 Thanksgiving holiday in the year of '94, my entry date
12 wouldn't have been till I graduated high school, after
13 '95. But -- so that's why they call it delayed entry.

14 But I got picked up for the Naval Officer
15 Training Corps prior to having to report.

16 MS. RUTAHINDURWA: Can we go off for
17 30 seconds? I'm going to try and find
18 headphones.

19 MR. BOYLE: Yeah, we can go off the
20 record.

21 (Off the record.)

22 BY MR. BOYLE:

23 Q Well, after you got your business degree,
24 Mr. Howell, from Savannah, did you then actually go
25 into active service for the Navy?

1 A Savannah State. But, no, sir. When I
2 graduated with my business degree, I had got out of
3 the Navy then. And I went into business.

4 Q Okay. Did you receive any further education
5 after your bachelor's degree?

6 A Yes, sir.

7 Q What was that?

8 A Well, I own a medical equipment company. So
9 we have to do ongoing education. Like I'm a certified
10 fitter. I'm an orthopedic fitter for shoes. I took
11 pedorthic training as well. So I don't know if that's
12 the type of education you're asking about. But I have
13 to do that continuously.

14 Q Understood.

15 So you have not actually gone back to any
16 sort of graduate school at a college to take
17 graduate-level courses?

18 A No. It took me too long the first time.

19 Q Do you have a license of any kind? I don't
20 mean a hunting or fishing license but, you know, a
21 license having to do with any sort of a business or a
22 profession.

23 A I have a business license.

24 Q For your medical company?

25 A You know, you have to have a business

1 license for the county.

2 Q Okay. That's Baldwin County?

3 A Yes, sir.

4 Q Have you taken any sort of vocational
5 training after college?

6 A No. Too much like school.

7 Q Do you belong to any clubs or fraternities
8 of any kind?

9 A Like from college?

10 Q Well, that's an example. But, you know,
11 there could be some other kinds of groups that don't
12 have anything to do with having gone to college.

13 A Like what?

14 Q You know, there are local civic
15 organizations. I think you mentioned the NAACP.

16 A Oh, groups like that, yes, yes. Several.

17 Q How long have you been in the NAACP?

18 A I don't know exactly. I have to
19 guesstimate. I just don't know exactly.

20 Q Did you get involved in college?

21 A No, sir.

22 Q Do you currently hold any sort of an office
23 with NAACP?

24 A Well, I'm in more than one county branch.

25 So, I mean, in one of the county branches, yes, sir.

1 Q Tell me about that.

2 A I'm communications director.

3 Q And which branch is that?

4 A Washington County.

5 Q But you're also involved in another branch
6 of the NAACP?

7 A Yes, sir.

8 Q I think you said you were involved in two
9 branches. And you just said you were in the
10 Washington branch, and that's where you're the
11 communications director. What's the other branch?

12 A Baldwin.

13 Q Were you involved in a fraternity in
14 college?

15 A Nope. Too busy for that.

16 Q Can you think of -- are there any other
17 clubs or organizations, associations of other kinds,
18 that you're a member of, the NAACP being an example?

19 A Yes.

20 Q What else?

21 A The SCLC.

22 Q How long have you been in that --

23 A That's Southern Christian Leadership
24 Conference.

25 Q Yes, sir.

1 A 100 Black Men of Milledgeville and Oconee.

2 You ready for the next one?

3 Q Yes, sir.

4 A You might need a long piece of paper now.

5 The Baldwin County Democratic Party.

6 Q Keep going.

7 A Georgia Association of Democratic Chairs.

8 Q What was the last word? Chairs?

9 A Yes.

10 Q Keep going.

11 A African-American Caucus of the Georgia

12 Democratic Party.

13 Q Next.

14 A Central Georgia Democratic Coalition.

15 Q What else?

16 A The SCLC is two different counties now. You
17 want both counties?

18 Q Yes, sir.

19 A Washington County and Baldwin County.

20 They're the only ones popping in my head
21 now. If I give it five minutes, I probably can think
22 of something else too, though.

23 Q Well, it's perfectly all right if something
24 pops in your head later. We can go back to it. You
25 can just let me know. That's perfectly fine.

1 A That's fine. I do a lot of community
2 organizations, so I'm part of a lot of different
3 organizations like that.

4 Q Now I'm going to ask you about your
5 employment history. When you got out of college, what
6 was your first job?

7 A I already was working.

8 Q Which was where?

9 A I was working in the medical equipment
10 business.

11 Q Was that your own business at first, or were
12 you working for somebody else?

13 A I was an independent rep. So I worked for
14 myself, but I worked up another company.

15 Q What was the company?

16 A Concern Health Care.

17 Q How long were you in that position?

18 A I'm going to estimate two years. They ended
19 up selling. But I'm going to estimate my last year of
20 college maybe. Maybe a little bit after that.

21 Q What was your next job?

22 A Selling medical equipment. But they had
23 sold to a company up there where y'all are at in
24 Atlanta. I think it was called DS Medical.

25 Q DS?

1 A I'm pretty sure that's what it was. I think
2 so.

3 Q Do you know what that stood for?

4 A Never knew. I was kind of curious myself.

5 Q How long were you with them?

6 A Probably about the same. I would
7 guesstimate a year or two years, I would think.

8 Q So now we're up to about 2004, 2005?

9 A Probably so.

10 Q What was your next job?

11 A Well, most of the people who worked for
12 Concern went to DS to kind of start their own
13 business. So one of the ladies who started their own
14 business, I worked for her. And that name of her
15 company was Locklear Medical.

16 Q How long were you there?

17 A At least two years, I would think. A year
18 or two years. Right in there. I'm estimating. Maybe
19 three, but right in there. Maybe three, though.

20 Q What was your next job after Locklear?

21 A Howell Medical Equipment and Supply. I was
22 waiting for you to get to that one.

23 Q Do you remember the year you started that?

24 A No, I don't. Not off the top of my head.

25 I'm not at the office. If I was at the office, I

1 could pull it up. But I don't know off the top of my
2 head.

3 Q What's the business address of that company?

4 A 630 Meriwether Road.

5 Q In Milledgeville?

6 A Yes, sir.

7 Q Are you the sole owner of the company?

8 A Well, when I was married, my father was.
9 But now I work for my wife.

10 Q So your wife is a co-owner?

11 A I feel like she's the owner. She kind of
12 does everything.

13 Q Do the two of you have employees to help you
14 out, or do you do everything yourselves?

15 A Ourselves. She kind of runs everything.
16 She just kind of says what to do.

17 Q How would you describe that business? What
18 does it do?

19 A Hard. Hard work. That's how I describe it.

20 Q Okay. But I mean, how is it different from
21 another company across the street? What does it do?

22 A You mean what do we do?

23 Q Yes, sir.

24 A Well, we supply medical equipment and
25 supplies: Wheelchairs, walkers, canes. You heard of

1 different types of diseases like diabetes? You heard
2 of diabetes?

3 Q Yes, I have.

4 A When you're diabetic, you have to have a
5 certain type of shoes. So remember I told you I was a
6 certified fitter? So we supply diabetic shoes for
7 people who suffer with diabetes and stuff such as
8 that. So we do all type of medical equipment and
9 supplies and specialize with diabetics.

10 You come to me when you ain't feeling that
11 good or ain't walking that good.

12 My screen went black.

13 Q Well, I'm trying to show another document
14 here. Let me see.

15 A It looked like you're pulling up a good
16 website there.

17 Q I was getting ready to talk to you today,
18 and I saw that you have a website from when you ran
19 for Congress -- or, excuse me, you ran for the state
20 legislature two years ago, right?

21 A Hey, from your lips to the Good Lord's ears.
22 I never ran for Congress, but it sounded nice. It
23 sounded real nice. It sounded real nice. My wife
24 wouldn't like it, but it sounded nice to me.

25 Q Okay. So do you recognize what I've got

1 here on the screen, where it says Meet Quentin T.? Do
2 you recognize that?

3 A Do I recognize it? Sure, yes. I'm the one
4 that put that picture up there.

5 MR. HOWELL: Madam Court Reporter, we'd
6 like to mark this as Howell Exhibit 3.

7 (Marked for identification, Exhibit 3.)

8 BY MR. HOWELL:

9 Q So did you actually write the text that's
10 here? I'm just scrolling through kind of quickly.
11 Did you write the text that's here?

12 A That's a bio, isn't it? I can't really see
13 it. It's real light. That's a bio, isn't it?

14 Q Yeah. It is a bio, yeah. I'm trying to
15 get --

16 A That bio, that was written years ago. So I
17 don't know if I wrote it or if my wife wrote it or if
18 me and my campaign team put it together. I know I
19 gave them that picture, though.

20 Q Okay. And you and your wife in the picture,
21 correct?

22 A Yeah. At the Capitol.

23 Q Let me just point out a couple things here
24 in Exhibit 3 and just get you to confirm that those
25 are correct. It says you're a native of Baldwin

1 County, correct?

2 A Yes, sir.

3 Q And you both run Howells Medical Equipment
4 and Supply, which is what you told me earlier,
5 correct?

6 A Yes, sir.

7 Q It says while you were in college, you
8 started a house rental business and became a
9 successful radio talk show host.

10 I think you told me about -- you said you
11 bought those two properties when you were in college,
12 and you bought them with your mother, right?

13 A Yes, sir.

14 Q Tell me about you --

15 A Well, one of them. I think the other one
16 was with my mom, but I know one of them was with my
17 mom. I'm not sure about the other one.

18 Q Understood. And that's fine.

19 Tell me about your work as a radio talk show
20 host, how you got into that --

21 A Sure. What do you want to know?

22 Q Tell me when you started, where you've done
23 it and if you're still doing it and what you're doing
24 now.

25 A I'm still doing it. The show is broadcast

1 out of Wilkinson County. It covers the entire Middle
2 Georgia area. Was your question how?

3 Q What station is it on?

4 A 103.7 FM. But the how is I was going back
5 and forth from here to Savannah, and I was -- I became
6 a fan of talk radio with one of my deacons out of a
7 church in Savannah. And I was listening to talk radio
8 up here.

9 And as I was listening to it one Sunday
10 night, I completely disagreed with the topic that the
11 gentleman had. And it was on high school and
12 African-American males getting a good education at
13 high school. And how they were talking about it, I
14 kind of really disagreed with it.

15 So I called in. And they really didn't
16 listen to my point. So as I was driving, I called in
17 again -- 20 minutes later, let's say. They still
18 didn't really listen to my point.

19 So before I got out of the airwaves where I
20 could listen, I called in a third time. And they
21 still didn't listen to my point. They went around it,
22 under it, and through it. So I said the only way I
23 can get them to listen to my point is get on the show.

24 So I was dating my now wife, and she helped
25 me really learn. And I asked them, could I come on.

1 And I came on, and we kind of gelled. And I'm still
2 there.

3 Q How often is your show on the air?

4 A Once a week.

5 Q How long is the show?

6 A Depending on what the topic is, bro.

7 Q Well, don't you have a slot that you're
8 supposed to fill? One hour? Three hours? Whatever.

9 A They don't pay me, so I don't follow no
10 rules. When they start paying me, I'll follow the
11 rules. Remember I told you, I do all the free stuff.
12 But I'm sure I'm supposed to. But until they pay me,
13 no. So we just kind of go till we get tired.

14 Q Scrolling down on Exhibit 3 -- you can still
15 see it -- on the second page there, second paragraph,
16 it says in 2016 you also started a gospel radio show,
17 Gospel Explosion. Are you still doing that?

18 A Unfortunately, no.

19 Q When did you stop doing that?

20 A 2022. No, no, no. 2020.

21 Q Any particular reason why you stopped?

22 A I ran for office.

23 Q You didn't have enough time to devote to it?

24 A Well, the station didn't think it was
25 appropriate to have that additional air time by

1 running for office.

2 Q Scrolling down more here, it says that in
3 2015 you were appointed to the Milledgeville/Baldwin
4 County Development Authority; is that correct?

5 A I don't remember the date, but if that's
6 what it says...

7 Q And then it says in 2018 you were
8 reappointed, right?

9 A I was reappointed. That could be the
10 correct date. I don't remember the dates, but I was
11 reappointed.

12 Q Are you still on that development authority?

13 A No, sir.

14 Q When did that stop? Or when did your
15 involvement stop?

16 A I want to say '21. No, no. I want to say
17 '19. I'm sorry. I want to say '19.

18 Q And what was the reason that you stopped
19 being on that authority?

20 A Well, I was appointed twice, one from the
21 County and one from the City. And the City and the
22 County government changed. So the slots didn't exist
23 no more for me when they kind of merged. But they
24 already merged. It was a consolidated board. But
25 they changed their slot process or whatever.

1 So instead of the County having four or five
2 people and the City having four or five people, the
3 County had eight or nine people, and the City got,
4 like, two people. And I was already rotating off, so
5 there just wasn't a seat there.

6 Q Mr. Howell, are you currently registered to
7 vote in Georgia?

8 A Yes. Asking a politician that is like
9 asking a fat kid, do you like cake.

10 Q It's right here on the outline. I have to
11 ask you.

12 A That would surprise me. I'll be honest with
13 you.

14 Q And you're registered in Baldwin County,
15 correct?

16 A Yes, sir.

17 Q Do you know how long you've been a
18 registered voter in Baldwin County?

19 A No, sir.

20 Q Do you think you registered to vote pretty
21 soon after you turned 18?

22 A I hope I did, but I ain't for sure.

23 Q Have you ever changed your registration to
24 another county, such as to Chatham when you were in
25 college there?

1 A I don't think so. I can't say 100 percent,
2 but I don't think I ever voted nowhere but -- I'm
3 pretty sure I never voted nowhere but Baldwin. I
4 don't think I had a registration nowhere else.

5 Q From looking at that campaign website that
6 Exhibit 3 was from, I saw you were running for the
7 Georgia House District -- I think it was 145 at that
8 time. Is that right?

9 A Yes, sir.

10 Q And is that the district you were living in
11 at that time?

12 A Yes, sir. It better had been.

13 Q As far as you recall, have you voted in
14 every election that has come up since you've been a
15 registered voter in Georgia?

16 A I would hope so. I can't remember missing
17 one recently in my recollection.

18 Q And that would include all the primaries and
19 all the runoffs?

20 A Especially ever since I've been active.
21 But, you know, since I was 18 and 19, 20, I just don't
22 remember back then. But since I've been an active
23 community person, you know, we plan our schedule
24 around those elections, my friend.

25 Q How would you define being an active

1 community person, and what year --

2 A Tiring.

3 Q What do you do to be an active community
4 person?

5 A I remember a guy told me -- he said, if you
6 ever get into this business, always get used to late
7 dinners. I had no idea he meant late dinners or no
8 dinners. So you definitely don't eat right.

9 But I believe in community empowerment. I
10 think in working through the community in a variety of
11 different aspects. Me and my wife work in several
12 different capacities.

13 If you read that website, you see we donate
14 milk to seniors and single moms. And we do a variety
15 of different food drives, clothing drives. Work with
16 multiple organizations for social justice, civil
17 rights.

18 Being a community leader is definitely
19 giving of yourself in whatever aspect that's needed,
20 Mr. Boyle. And that aspect can change from one aspect
21 to the other. But it's a tiring job. But it's a
22 needed job.

23 And it's trying to always follow in the
24 footsteps of people like Dr. King and other leaders
25 that we had here in the past, who always have worked

1 for equality in our community. I believe in that
2 solely. So we put a lot of time to that, as well as
3 trying to help our community with whatever need comes
4 around.

5 Q I was asking earlier about your voting
6 history, so -- and I appreciate you graduated from
7 college 20 years ago or more, but --

8 A I thought we decided not to talk about
9 numbers like that, but go ahead.

10 Q You gave me an answer, I believe, where you
11 said you were sure -- you thought you voted in every
12 election, and you were certain you voted in every
13 election since you became socially active. That may
14 not have been the right word -- exact words you used.
15 I was just asking when you thought you became socially
16 active so that we can --

17 A My church in Savannah almost required you to
18 become active in some way, shape, or form. So I think
19 you got different levels of being active versus when I
20 was in Savannah versus being back home.

21 So, I mean, I've been active back home ever
22 since the mid 2000s. So I wouldn't think I missed an
23 election then. And I hope I didn't miss none before.
24 But I don't know. I can't say about those years
25 earlier.

1 Q Since you mentioned these community services
2 or donations of your time you and your wife make in
3 your question -- or your answer just a minute ago,
4 let's go over that. You said you donated milk to
5 seniors. Is that through a particular organization?

6 A No.

7 Q How about the clothing drives? Is that
8 through a particular organization?

9 A No. You're looking at the organization,
10 brother.

11 Q Do you know which precinct you voted in for
12 the election just this last November, last month?

13 A The one I live in.

14 Q Okay. Do you happen to know the number?

15 A Well, I didn't vote at the precinct.

16 Q Well, but you're assigned to a precinct with
17 a number, right?

18 A I voted in the mail.

19 Q Do you know that you're assigned to a
20 precinct with a number? That's my question,
21 Mr. Howell.

22 A Yes. But I thought you had asked me what
23 the number was.

24 Q Yes. That was my question.

25 A Oh, I don't know.

1 Q Do you happen to have your voter
2 registration card on you?

3 A No.

4 Q I just ask that because that information may
5 be on a voter registration card.

6 A Oh. It's public information, though.

7 Q And I think you just said you voted Advance
8 Voting, right, in the last election?

9 A I said I voted in the mail.

10 Q By mail.

11 But do you know where your precinct is
12 located if you were going to vote in person?

13 A Yes, sir.

14 Q Where is that?

15 A In Baldwin County.

16 Q Okay. But do you know the actual location?
17 If you were going to vote on Election Day, where is
18 that?

19 A At the firehouse on 212.

20 Q Have you ever voted in any other state than
21 Georgia?

22 A Oh, no. Remember I told you I wasn't
23 registered nowhere but Baldwin?

24 Q That's right. Thank you. You're right.

25 So you're a member of the Democratic Party;

1 is that right?

2 A Yes, sir.

3 Q Do you know when you first became a member
4 of the Democratic Party?

5 A You know, in Georgia, you don't -- it's
6 not -- it's like being a Christian: If you say you're
7 one, you're one. It's not one of them things where
8 you actually join. We don't have those laws in
9 Georgia, you know, with this and that. It's just
10 whatever you say you is, you are.

11 Q Have you ever held any leadership positions
12 within the Democratic Party in Georgia?

13 A Yes, sir.

14 Q What are those?

15 A Chairman. It's on the screen.

16 Q Okay. Chairman of what?

17 A All kinds of Democratic committees.

18 Q How long have you had that position?

19 A I'm going to estimate ten years. Can I
20 estimate like that?

21 Q All you can do is give your best...

22 A Yeah. Right around there, I think.

23 Q So what's involved in being chairman of a
24 Baldwin County Democratic Committee? What do you do?

25 A Thankless work. The main thing of the

1 Democratic Committee is to try to get Democrats
2 elected. But in Baldwin we kind of do ours a little
3 different. We believe in social/community work mainly
4 because -- that's what I believe in. That's what I
5 push the community to believe that too.

6 So, I mean, you know, like in a year when we
7 don't have nothing going on, you know, the Democratic
8 Party did a lot of different community events or
9 partnering with community events and stuff. And we
10 try to continue doing that.

11 Q Do you have regular meetings?

12 A Yeah. Our bylaws say we have to have one
13 minimum per quarter.

14 Q Do you stick to that?

15 A If we don't, people start fussing. The only
16 time we ever had to get off of that was when COVID was
17 going on. But we stick to it pretty good because now
18 you got Zoom and all this other stuff.

19 Q Tell me about your campaign two years ago.
20 What caused you to run for office?

21 A The first thing you said kind of jumbled.
22 Say that one more time. Tell you what, brother?

23 Q I'd like you to tell me about your campaign
24 for the House, Georgia House two years ago.

25 A Oh, sure.

1 Q What caused you to run for office?

2 A Which one you want me to answer first?

3 Q Well, I'm just -- what caused you to run for
4 office?

5 A All right. Well, old folks always say, you
6 know -- well, you know, either you are kind of
7 political or not. It's just something inside of you
8 that is or isn't. And, you know, God gives you that.
9 And I have that. But, you know, old folks always say
10 you get kind of a fire in your belly for politics.
11 Either you have it or you don't too.

12 And I think that fire is there. And that
13 fire I think would be the desire to be a helpmate to
14 the community. And you find what ways you can be the
15 best helpmate to that community. And I figured the
16 best way for me at that time was to run for office.

17 Win or lose, all campaigns -- and I'm trying
18 to answer your question fully. But all campaigns in
19 my opinion should always be a blessing to the
20 community. It's like when we do our food and milk,
21 that's the same route I used when I knocked on doors,
22 running for office. You should be a blessing to that
23 area in some way, shape, or form.

24 And so my issues and goals for office was on
25 the website, be if it's health care, be if it's

1 minimum wage, or even just our hospital situation in
2 Georgia with the Medicaid expansion.

3 And at that time we had leadership, elected
4 leadership, that I thought was making decisions that
5 was hurtful against our community -- and not
6 prosperous. So someone had to step up to try to make
7 that difference. And me and my wife, we stepped up.

8 I want you to know, as a politician, it's
9 very hard for me to answer questions about me. That's
10 very difficult. That's not the easiest thing to do.

11 Q Have you ever considered yourself to be a
12 member of the Republican Party?

13 A I have -- when I first got back from --
14 until I actually became an elected member of the
15 Democratic Party, I just kind of looked at it as, you
16 know, whoever has the best ideas.

17 And in a sense, I kind of still do to a
18 certain aspect, whoever has the best ideas, you know,
19 because in Georgia, you know, we have open general
20 elections. You can vote for whoever is the best
21 person. And, I mean, this might surprise you, but I
22 have never missed a Tea Party meeting here in
23 Baldwin County at all when it was meeting here.

24 You know, I believe nobody got a headlock on
25 the truth. Most of the talk radio I listen to is

1 Republican stuff. So, I mean, nobody got a headlock
2 on the truth in that sense. I think part of our
3 problem is people get so stuck in their own ways, they
4 can't listen to other people.

5 Q I think you said at the beginning of your
6 answer that "until I became an elected official."

7 A An elected member.

8 Q Are you talking about the development
9 authority?

10 A I'm talking about the Democratic Party. I'm
11 the chairman.

12 Q Oh. So you had to be elected? You weren't
13 appointed -- a member is elected? Is that what you're
14 saying?

15 A Brother, say that one more time. You're
16 talking about the Democratic Party, or are you talking
17 about the development authority?

18 Q Yeah. I'm asking (screen froze) chairman.

19 THE REPORTER: Hold on a second. It
20 just froze. So I just heard Mr. Boyle say,
21 "I'm asking," and then I just heard
22 "chairman" because the screen froze. I don't
23 know if it's just my screen or everybody's.

24 THE WITNESS: I asked him which one was
25 he talking about, the development authority

1 or the Democratic Party, because he was
2 talking about both, it seemed like. And he
3 said --

4 THE REPORTER: I got that part. I
5 didn't hear his response to that,
6 Mr. Boyle's.

7 BY MR. HOWELL:

8 Q Okay. Let me just strike my previous
9 attempt at the question.

10 So your position as chairman of the Baldwin
11 Democratic Committee is an elected position, correct?

12 A Yes, sir.

13 Q And who elects you to that position?

14 A Democrats.

15 Q In Baldwin County?

16 A Yes, sir.

17 Q About how many people participate in that
18 election? Do you know?

19 A Pretty small. You have to be an elected
20 member of the committee. And only the members of that
21 committee elect their officers.

22 Q How many people are on the committee?

23 A Oh, I don't know. When I got elected, it
24 was a little bit smaller. But, I mean, the question
25 ain't how many people are on the committee; the

1 question is how many people come to the meetings. So
2 that's different.

3 That ain't but probably -- I don't know. If
4 I had to estimate, anywhere between -- at that time
5 the meeting probably had between 15 to 20 people. And
6 sometimes you have larger meetings; sometimes you have
7 smaller meetings.

8 Q In your previous answer, you mentioned going
9 to Tea Party meetings. Did you ever become a member
10 of the local Tea Party?

11 A I don't know if they had membership or not.

12 Q So your answer is no?

13 A I don't know if it was a thing where you
14 could join. I never saw nobody saying they was a
15 member or nothing. I mean, if they did, they didn't
16 tell me. I just went to all of them.

17 Q Do you remember the last time you went to a
18 Tea Party meeting?

19 A I remember most the times I went. It was
20 always -- you didn't forget them. They was kind of
21 rough.

22 Q They're not still going on anymore, are
23 they?

24 A Not in Baldwin County that I know of. I
25 think they kind of disbanded when Donald Trump was

1 president. There wasn't a reason to meet no more.

2 Q So would you say it's been about ten years?

3 A They stopped sometime when Donald Trump was
4 in office. I wouldn't say that long.

5 Q Is it fair to say you generally support
6 Democrat candidates in Georgia?

7 A I support the best person for the position
8 but -- period.

9 Q Do you recall a time that you've ever voted
10 for a Republican?

11 A I can't say I ain't never voted for a
12 Republican, but probably it's been years ago.

13 Q But you don't have a specific recollection
14 of it?

15 A Oh, no.

16 Q Have you ever been a member of any other
17 political party besides the Democratic Party?

18 A No. You ain't got but two.

19 Q Have you ever worked on any political
20 campaigns other than your own two years ago?

21 A Yes, sir.

22 Q Tell me about all other work on political
23 campaigns.

24 A Don, you want all of them?

25 Q Yes, please.

1 A Okay.

2 Q Maybe start from the earliest and come up to
3 the present.

4 A It might be easier for me to go backwards,
5 man.

6 Q That's fine too.

7 A If I do, it's got to be in order?

8 Q I'm just trying to help you so you don't
9 skip anything, but whatever works --

10 A It will be easier to say them in order.

11 So you got, of course, my campaign. You
12 have Hoggane Harrison-Walton's campaign. You got
13 Valerie Rogers' campaign. You got --

14 Q Tell me the office the people were running
15 for. That would help.

16 A Valerie Rogers was running for the Senate
17 District 25. Hoggane Harrison was running for House
18 District 133. Karen Garrett was running for City
19 District something. I don't remember the city
20 district number. Kristi Jenkins was running for the
21 Board of Education -- Gloria Whitaker was running for
22 that -- I don't remember what number now -- Washington
23 County -- and Gloria Whitaker was running for the
24 Board of Education in Baldwin County. Anderson Ford,
25 County Commissioner, Wilkinson County.

1 Aprill -- I can't remember Aprill's last
2 name but mayor of Gordon. Mary Parham Copelan, the
3 mayor of Milledgeville, first black female elected.
4 We won by six votes, I thought I'd indicate, if you
5 want to make a note. Fred Ward, County Commissioner
6 of Eatonton. That's actually Dr. Martin Luther King's
7 cousin. So his family is from Putnam County. Looks
8 just like Dr. King too.

9 I worked with Janice Laws. That's the
10 Insurance Commissioner for the State of Georgia.
11 Doreen Carter, I think that was Attorney General.

12 State education. That would have been -- I
13 can't remember them two candidates' names off the top
14 of my head. I got their face -- Arthur Thornton was
15 one for the state education, and the other one was
16 Valerie something. I can't remember.

17 I worked for Jason Carter. I worked here
18 when he ran for Governor. Of course, Stacey Abrams,
19 Reverend Warnock, Hillary Clinton, President Obama.
20 Kerry -- John Kerry when he ran. I don't know. Maybe
21 I was just kind of starting when Al Gore was running
22 against Bush then. I didn't do as much as I did with
23 these other ones.

24 I don't think there's no way I ain't going
25 to miss one. But I'll try to get them all. Let me

1 see. Oh, Kendrick Butts, County Commissioner.

2 Emily Davis, County Commissioner. Oscar Davis,

3 City Council.

4 Is that enough, or you still want me to keep
5 going?

6 Q For the campaigns you've mentioned, what
7 kind of work were you doing?

8 A My main thing is always making sure we're
9 getting people to the polls and voting and making sure
10 people are registered to vote. I call it ground and
11 pound, when you go in the community and you make sure
12 people are registered to vote and give them every
13 access that's possible.

14 And then, you know, depending on the level
15 of work you're doing with the campaigns, you give
16 advice, suggestions. But at the end of the day,
17 you're working in those communities.

18 Oh, Willie Brooks, Sheriff. You got that.

19 Q Okay, that's fine. And if others occur to
20 you later, you can pop in and tell me about those.

21 Have you been a part of any groups that you
22 would call a voter advocacy group?

23 A I don't know what that means.

24 Q Okay, fair enough.

25 I'm going to now ask you some questions

1 about this particular case that we've been calling the
2 Grant case after the first named Plaintiff. When did
3 you first hear about the Grant lawsuit?

4 A It's been about a year ago. I don't know
5 when, but it's been a minute.

6 Q Do you remember how you heard about it?

7 A I want to say somebody called me. I want to
8 say that, yeah. I think somebody called me.

9 Q But you don't remember who it was?

10 A Probably from that law firm that the -- I'm
11 going to mispronounce the name -- that Ms. Makeba
12 works with. I'm assuming that's what it was. I can't
13 pronounce her last name if I tried.

14 Q Do you remember being specifically asked to
15 be a plaintiff in the case, that is, somebody who's
16 suing?

17 A Say that one more time, brother.

18 Q Do you remember someone coming to you and
19 saying, Mr. Howell, we want you to be a plaintiff in
20 the case?

21 A It probably would have been on that phone
22 call. But I never met them in person. They didn't
23 come to me or nothing. They would call.

24 Q What made --

25 THE REPORTER: It froze again. Am I the

1 only one it's freezing with?

2 MR. HOWELL: I'm not having any trouble
3 so far.

4 THE REPORTER: I'm going to go out and
5 then come back in because I only heard you
6 say "What made." I'm going to leave the
7 meeting and come right back in and see if
8 that helps.

9 MS. RUTAHINDURWA: Let's just take a
10 five-minute break.

11 MR. HOWELL: Five-minute break.

12 (Whereupon, a recess was taken.)

13 BY MR. HOWELL:

14 Q Let me go back to one thing, Mr. Howell,
15 just to make sure I've got this right. As to your two
16 rental properties that you've got, did you ever
17 actually live at those properties?

18 A I'm sorry. No, I did not.

19 Q Okay. That's fine.

20 Do you actually do work on those houses
21 yourself as the owner, like, to keep them up?

22 A I'm a politician. I ain't no mechanic, no
23 carpenter. I did put a light in one time years ago.

24 I was very proud of myself for that. I did do that.

25 I don't remember how I did it, but I did it. And it's

1 still working. But that was years ago.

2 Q Did you have anything to do with the
3 decision in this case to sue the Secretary of State
4 specifically?

5 A Did I have anything to do with the decision
6 in this case to -- I don't know the Secretary of
7 State.

8 Q Do you know what his name is?

9 A It's kind of like that football guy's name.
10 It starts with an R. Roethlisberger or Rohinberger or
11 something like that. He's the guy that went against
12 Trump. You can't not know who he is. I don't know
13 him personally, though.

14 Q So from your answer I take it you're relying
15 on your lawyers to decide who the defendants in this
16 case should be?

17 A I'm relying on the lawyers to decide who the
18 defendants should be?

19 Q Yes, sir.

20 A I don't know who all the defendants are.

21 Q Mr. Raffensperger, the Secretary of State,
22 is a defendant.

23 A Oh, oh. Well, yeah. Okay.

24 Q As you sit here today, what are you trying
25 to do in the lawsuit as a plaintiff?

1 A I'm the witness.

2 Q In the lawsuit, separate from your
3 deposition, as a plaintiff in the case, what do you
4 hope this lawsuit accomplishes?

5 A I hope we win.

6 Q And what does winning mean to you?

7 A That our districts will be drawn a little
8 bit fairer than what they're drawn now. You know,
9 like all them groups I was telling you about, you
10 know, we just want, you know, equality, justice, you
11 know, nothing -- you know, you don't need to be more
12 on this side or more on this side, just even, you
13 know, fair. That's all. We want fairness.

14 Q And your lawsuit, the Grant lawsuit in which
15 you're a plaintiff specifically --

16 A You froze up. You kind of froze for a
17 minute.

18 Q Can you hear me now?

19 A Oh, yeah, I hear you, but you froze. So I
20 don't know what the first part of your question was.

21 Q In this lawsuit in which you're a plaintiff,
22 you are seeking to have the Court order changes in the
23 redistricting from 2021 with regard to Georgia Senate
24 and Georgia House, right?

25 A That would be nice.

1 Q That is what you're trying to do, right?

2 A Yeah. That would be nice.

3 Q Is the answer yes?

4 A Oh, sure. Yes. That would be great,
5 though. You know, fair districts are all you need.

6 Q Did you ever attend any sort of a meeting
7 about this case before lawyers were hired? In other
8 words, did you get together with other eventual
9 plaintiffs in the case like yourself, like Grant or
10 the other plaintiffs, to talk about putting a case
11 together?

12 A No.

13 Q Did you know how the lawyers got your name
14 to ask you to be a plaintiff?

15 A That's a good question. I don't know. I
16 guess because I'm always out there. I don't know. If
17 they told me, I don't remember because it's been kind
18 of a minute ago.

19 Q Did you do any research on the claims in the
20 case or the issues in the case before you agreed to
21 become a plaintiff in the case?

22 A No.

23 Q Do you know how the lawyers for the
24 plaintiffs in this case are getting paid?

25 A No.

1 Q Have you actually paid any money to a law
2 firm in the case representing you and the other
3 plaintiffs?

4 A Man, I'm a Democrat. We don't have no
5 money. No. We just volunteer.

6 Q Have any law firms sent you personally an
7 invoice or a bill for their services in this case?

8 A No. That would be a waste of their paper.

9 Q Have you been paid in any way or given
10 anything of value in exchange for being a plaintiff in
11 this case?

12 A No, sir.

13 The screen went black.

14 Q Well, I'm going to do a screen share again.
15 I'm going to bring up the complaint.

16 Okay. Do you see on your screen a 41-page
17 PDF? It says Second Amended Complaint.

18 A I see that in black.

19 Q We'll mark this as Howell Exhibit 4.

20 (Marked for identification, Exhibit 4.)

21 BY MR. HOWELL:

22 Q Have you ever seen a copy of the Second
23 Amended Complaint?

24 A I never looked at no paperwork. No.

25 Q You never even saw the original complaint?

1 A I don't remember looking at one. I mean,
2 most of this stuff happened about a year ago. So I
3 know I didn't read nothing like this about it. It's
4 more than one complaint?

5 Q Well, yeah. I'll tell you, the lawsuit was
6 filed in January. And the complaint was amended
7 twice, the most recent one being this. I'm scrolling
8 to the top. It's got a stamp that says October 28th.
9 Do you see that? 10/28/22.

10 A Okay.

11 Q But you don't recall seeing it. Do you even
12 recall somebody telling you it's been filed?

13 A I don't remember. I didn't read it, if
14 that's what you're asking me.

15 Q I'll scroll down. There's a paragraph that
16 specifically talks about you. I'll put that up on the
17 screen. Paragraph 12. And this goes over just a
18 couple lines to the next page, but I want you to read
19 this.

20 A Out loud?

21 Q No, no. Just to yourself, just to yourself.
22 Tell me when you've gotten to the end, and I'll scroll
23 down to the next page.

24 A Go ahead.

25 Q (Scrolling.)

1 A Okay.

2 Q All right. I just want to confirm with you,
3 going back up to where paragraph 12 starts, it says in
4 the second line you're a registered voter. We've
5 established that already, right? You are a registered
6 voter, correct?

7 A Am I a registered voter?

8 Q Yes, sir.

9 A Yes, sir.

10 Q And it says you intend to vote in future
11 legislative elections; is that correct?

12 A Yes, sir, the Good Lord willing.

13 Q You're a resident of Baldwin County, right?

14 A Yes, sir.

15 Q And you're in Senate District 25 and House
16 District 133 under the enacted plans, that is, those
17 enacted in 2021, right?

18 A Yes, sir.

19 Q It goes on to say you were unable to elect
20 candidates of your choice to the Georgia State Senate
21 and Georgia House despite strong electoral support for
22 those candidates from other black voters in your
23 community. Is that true?

24 A Yeah. I would agree with that, brother.

25 Q Why are you unable to elect candidates of

1 your choice in this new district?

2 A Well, the district lines has broken up, and
3 it dilutes the power of the African-American
4 community. Then our community voice can't be heard.

5 THE WITNESS: I see his lips moving, but
6 I don't hear nothing.

7 BY MR. HOWELL:

8 Q Are you talking -- I didn't have a question.

9 A Oh, I thought your lips was moving. I
10 thought you were saying something. I was just saying
11 I couldn't hear you.

12 Q I think you -- you told me earlier you voted
13 in the general election in November, right?
14 November 2020.

15 A You mean the midterm election.

16 Q Well, when I say general, I mean as opposed
17 to the primaries earlier in the year.

18 A I didn't miss one.

19 Q Do you remember who you voted for for the
20 Georgia State Senate in the November 2022 election?

21 A In November?

22 Q Yes, sir.

23 A For State Senate it was Valerie Rogers.

24 Q Did she win?

25 A No, sir, she did not.

1 Q Do you remember who you voted for in the
2 State House in the November 2022 election?

3 A A young lady named Hoganne Harrison-Walton.

4 Q Did she win?

5 A No, sir, she did not.

6 Q Did you reach out to any legislator in
7 Georgia during the 2021 special session about
8 redistricting and the particular issues with
9 redistricting that are raised in paragraph 12 here in
10 the complaint?

11 A No, sir, I didn't.

12 Q How about before the special session or
13 after the special session? Did you go to anybody in
14 the General Assembly of Georgia with complaints about
15 the redistricting?

16 A No, Brother Don. I didn't speak to nobody
17 about it.

18 Q Did you present any testimony -- did you
19 testify in the Georgia General Assembly about
20 redistricting this year or last year?

21 A I wasn't elected. No.

22 Q Well, even if you weren't elected, you might
23 have -- a person might have given testimony. So
24 that's my question.

25 A No. When I go there, I want to go there

1 elected. But, no, Brother Don, I ain't talked to
2 nobody or gave any testimony.

3 Q Did you attend any hearings in the General
4 Assembly about redistricting this year or last year?

5 A I don't plan on going there until I'm
6 elected. So I ain't going there for nothing.

7 Q Did you attend any meetings of any kind
8 relating to redistricting in 2021?

9 A No, sir. I can't think of one that I -- I
10 can't think of nothing in 2021.

11 Q Now I want to ask you some questions about
12 community of interest, if you know that term. Have
13 you ever heard that term, community of interest?

14 A No, Brother Don, I haven't.

15 Q Would you be able to tell me what your
16 community of interest might be?

17 MS. RUTAHINDURWA: Objection. He
18 already stated he doesn't know what it means.
19 And it calls for a legal conclusion.

20 BY MR. BOYLE:

21 Q How about if I ask you -- I think you used
22 the word community several times when we were talking
23 about activity you and your wife engage in.

24 A Yeah. I love the community.

25 Q Okay. How would you define your community?

1 A I would -- that's kind of broad. I look at
2 my community in more than one aspect. You got your
3 local community. That might be the area where you
4 live. You got your community as a city and county.
5 You got your community as a state, and you got your
6 community as a country. And, you know, it sounds
7 corny, but I believe us even as a world is a
8 community.

9 So it just depends on how we're kind of
10 using the term or what we mean it as in that sense.
11 That's it.

12 Q Where would you say -- I'm sorry. I don't
13 mean to interrupt you.

14 A No, no, go ahead. I was listening to you.

15 Q Where would you say you're from? If
16 somebody asked you, Mr. Howell, where are you from,
17 what would you say?

18 A Milledgeville.

19 Q And that's just based on the fact you've
20 lived in Milledgeville your whole life except going to
21 college, right?

22 A Yes, sir.

23 Q Have you been involved in any neighborhood
24 or community associations that you haven't identified
25 for me previously?

1 A What do you mean neighborhood or community?
2 Say that again. I don't understand what you mean.

3 Q Yeah. Like, for example, sometimes a
4 subdivision might have a homeowners association. Have
5 you been in a homeowners association or any sort of
6 neighborhood association?

7 A On the black side of town, we don't have
8 those.

9 Q How about a community association of some
10 kind?

11 A When you say community association, you've
12 got to tell me what you mean.

13 Q Well, it often has that in the name. You
14 know, it could have to do with a particular
15 geographical area.

16 A (Shakes head negatively.)

17 Q No? Okay.

18 A Not that I can think of.

19 Q I think you mentioned a couple times that
20 you're involved in a church.

21 A (Nods head affirmatively.)

22 Q What church do you go to now?

23 A I attend my home church, Second Beulah
24 Baptist Church.

25 Q Second Beulah? B-E-U-L-A-H?

1 A Yeah, but we don't quite pronounce it like
2 that. But that's pretty close.

3 Q You can tell I'm from out of town, I guess.

4 A Just a little bit.

5 Q How long have you been attending there?

6 A Since '93. '93, '92, one of them years.

7 Q Do you serve or have you served in any sort
8 of a position there, whether an elder or a deacon or
9 something like that?

10 A I'm not that old.

11 Q I'm sorry. What was your answer?

12 A I'm not that old.

13 Q Have you had any sort of a position there
14 other than just being a member who goes to the church?

15 A I worked with youth in the past. We were
16 working with Vacation Bible Study, you know, oh, and a
17 group called The Brotherhood.

18 Q What is that group?

19 A A group of men. That's why it called The
20 Brotherhood. Men in the church.

21 Q Where do you socialize typically?

22 A My schedule? You didn't hear all them
23 groups? I don't have no socializing time. Shoot. I
24 rarely get time to socialize, brother.

25 Q Outside of work and church, where would you

1 say you spend most of your time?

2 A Going to community service work.

3 Q Could you explain that a little better or in
4 a little more detail?

5 A All the stuff we were talking about before,
6 you know, just community service work, all those
7 organizations. There's always stuff to do, especially
8 if it's during a political season. I mean, you got to
9 think, the election -- the runoff election was last
10 Tuesday. So I was registering people to vote that
11 next day, on that Wednesday. So, you know, this
12 encompasses a large part of my life.

13 But like when you go to Walmart, that's my
14 socialization. Like when you're in Walmart and you
15 get to talk to everybody, that's about the best I get
16 right there. So Walmart. There you go. You know,
17 stuff like that.

18 Q Now I'm going to ask you a few questions
19 based on allegations that are in the complaint.

20 A Go ahead, brother.

21 Q Have you ever been prohibited from
22 registering to vote based on your race?

23 A Have I personally?

24 Q Yes, you personally.

25 A No, Brother Don. I can't say I have.

1 Q Have you ever been prohibited from
2 participating in the political process in any way
3 because of your race?

4 A You mean me personally? Not nobody I've
5 been working with, right?

6 Q Yes. I'm asking about you personally.

7 A Oh, no, sir, not me personally.

8 Q Do you have personal knowledge of
9 discrimination by the government of Georgia against
10 members of a minority group relating to their
11 participation in the political process?

12 A The last two words was what?

13 Q Political process.

14 A Can you ask me that whole question one more
15 time?

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

20 A Yeah. Senate House Bill 202 was
21 discrimination against minorities here in the state of
22 Georgia. And, I mean, even prior to that you had
23 other legislation that came down that was
24 restrictive -- I think that was more restrictive in
25 the African-American community than others that was

1 there. So yeah.

2 Q Do you have anything else specific in mind
3 besides Senate Bill 202?

4 A Before Senate Bill 202, when I first started
5 in politics, you had, what, two -- you always had a
6 month of early voting. And then a legislation came
7 and started cutting all the voting down, when
8 African-Americans utilized the early voting process.
9 So, I mean, that was one right there. The House
10 Bill 202 had several different packages inside of it
11 that's restrictive.

12 So, I mean, it's weird. You know, when you
13 look at these county registrars' offices -- I told you
14 all those candidates I've been working with -- that
15 covered several different counties. Every registrar's
16 office do it differently.

17 So if every registrar's office is following
18 the orders of the Secretary of State, why are all of
19 them doing stuff differently? Depending what county
20 you're in -- depending on what they do and how they do
21 it. Sometimes it seems like it changes at their whim.

22 Q Do you have a specific event in mind where
23 you can say this particular official in this
24 particular county took this action that prevented this
25 person from voting and that person was a minority

1 member?

2 A Sure. How many do you want?

3 Q Well, just start with one.

4 A Well, in Baldwin County we had a gentleman,
5 African-American, all set to get a voter ID. And the
6 County didn't want to do the voter ID. This was
7 during the primary midterm this year. They were like,
8 well, it's too busy. Like, we don't mind waiting. It
9 ain't no problem. We know it's busy.

10 But finally they did it. He come back up a
11 month or two later. And now there's a sign on the
12 door that says "We don't do voter ID on Election Day."
13 Well, if you're ever going to need one, Brother Don,
14 on any of the days, you're going to need it on
15 Election Day.

16 And that's restrictive. You're putting a
17 restrictive policy on top of a restrictive law
18 already. I don't work for you. You know, the voters
19 don't work for the registrar's office. Why do you
20 have to have a policy that's more restrictive than
21 what the law is? And why do you even have to follow a
22 policy that's not law?

23 So anyway -- and that's trying to get
24 modified and changed in the course of the next couple
25 months, so we don't do it on Election Day, we only do

1 it at certain times during the week. We're going to
2 do them on Election Day, but then it's going to be by
3 appointment only.

4 And I think at least three or four times I
5 tried to get a voter ID for different people during
6 the particular midterm election after the primary, and
7 I never was able to get it. Rules always change. So
8 that's one.

9 I'll give you another one over in
10 Putnam County. If you read the book or the rules, you
11 have to be 150 feet away. Well, if I'm on private
12 property, that don't apply to me.

13 So, I mean, you got people calling up,
14 saying, oh, well, you know, you got to have law
15 enforcement. And the registrar's office called the
16 law enforcement because you had just a Vote Today
17 sign, nothing for a candidate -- nothing for a
18 candidate, nothing for that; it just said Vote Today,
19 Black Votes Matter.

20 And so the deputy -- excuse me, the chief,
21 actually, tried to move us off the property, told us,
22 you can't stand there. And I pushed back. No, we can
23 stand here. And this is private property. I can be
24 here.

25 They brought the book out with the rules.

1 And I showed them -- I had a copy of the rules already
2 highlighted. This is what it says. So you can't tell
3 me I can't stand here.

4 And then finally I asked the chief -- I
5 said, so is there a problem? He looked and said, I'll
6 be honest with you, I don't even know because of the
7 way the rules are written. And that was the honest
8 answer from him. He said, I don't even know.

9 Those are two.

10 Q Do you know --

11 A In Washington County -- oh, I'm sorry. Go
12 ahead.

13 Q No, no. I want you to tell me what you were
14 going to say.

15 A Well, Washington County, you know, you
16 always hear -- I don't know, Brother Don, if you hear
17 this, but I hear here this, being on the street, you
18 know, being with voters. You go vote. And you're
19 voting for a Democrat, and a Democrat is not there. A
20 Republican is there. That was a really -- a lot of
21 that was being said in 2016.

22 But, you know, most of the time when people
23 say that, they're walking out of the voting booth and
24 there's no way to prove it. And it's just something
25 that's been said.

1 Well, in Washington County with
2 Kristi Jenkins' race, there were some people that came
3 in and said, hey -- there was a lady that came in and
4 said, hey, she's supposed to be on my voting screen,
5 and she wasn't on the voting screen. And they were
6 like, well, you know, you just go ahead. The lady was
7 adamant, no, no, I'm going to stay here.

8 After making this lady wait over an hour,
9 they were like, oh, yeah, she do supposed to be on
10 there. And they found out -- and so they corrected
11 it, and she votes and she's there. Well, what about
12 the other four or five people that had said that
13 before, you know, that said that she wasn't there?

14 Or if you go to several different counties
15 up and down this --

16 THE REPORTER: Oh, no. Again it broke
17 up. It said, "If you go to several different
18 counties up and down this." That's the last
19 thing I have.

20 THE WITNESS: That's fine. You didn't
21 miss much, you didn't miss much. No problem.

22 A If you go up and down this congressional
23 district, several different registrar's offices are
24 not wanting to give people voter registration forms or
25 are only going to give them two or three voter

1 registration forms or are telling them, if I give you
2 some, I'm only going to give you more in the future if
3 you bring them back to me, as if you can't mail them
4 off yourself, you know, or other things. So, I mean,
5 I'm sure I could go even on and on.

6 THE WITNESS: Did you get that,
7 Ms. Marcia?

8 THE REPORTER: Yes. Thank you.

9 THE WITNESS: No, it ain't no problem.
10 I mean, I've been married 13 years. I'm used
11 to getting the rubbish. Just tell me to stop
12 and I'll stop that. I have learned to obey.

13 THE REPORTER: Okay. Well, it will help
14 if you slow down a tad.

15 THE WITNESS: I've been getting told
16 that all my life, but I'll do my best.

17 THE REPORTER: Okay.

18 THE WITNESS: Go ahead, Brother Don.

19 BY MR. HOWELL:

20 Q All right. Thank you for that.

21 Mr. Howell, do you know what racially
22 polarized voting is?

23 A I don't think I heard all three of them
24 words put together before.

25 Q In your opinion do black voters in Georgia

1 generally vote for Democratic candidates?

2 A I think black voters, period, usually vote
3 for Democratic candidates. Usually, not all the time,
4 but for the most part.

5 Q Do you know whether Georgia uses a majority
6 vote requirement in its elections?

7 A A what?

8 Q Majority vote requirement.

9 A You talking about the 50-plus-one?

10 Q Yes, sir.

11 A Yeah. That thing that stemmed from
12 Jim Crow?

13 Q How did this come from Jim Crow?

14 A Well, it came about, didn't it, in the
15 sixties? I can't remember the state senator who
16 pushed it. I was just looking at it the other day.
17 And I think -- because Georgia is only one of two
18 states out of the 50-state Union that even has that.

19 And it was something out of the Jim Crow to
20 try to keep white candidates in power and give y'all
21 -- not y'all as being you, Mr. Boyle, but -- you know
22 what I'm saying -- white candidates another bite at
23 the apple to keep African-Americans from being
24 elected. It's something that stemmed from the
25 Jim Crow era.

1 You didn't know that? I can send you the
2 link now if you want some more information on it.

3 Q Thank you.

4 A You're welcome.

5 Q Okay. Do you agree the majority vote
6 requirement led to the runoff in January 2021? Right?
7 The Senate runoffs.

8 A Is that what -- I'm just not used to that
9 terminology. But if you mean the 50-plus-one
10 requirement, yes, sir.

11 Q And in those -- in that January runoff
12 election in 2021, that resulted in the election of
13 Senator Warnock and Senator Ossoff, right?

14 A Well, you had three people. You had
15 Senator Warnock, Senator Ossoff, and you had also
16 Daniel Blackman. So one lost and two won.

17 Q But in --

18 A You didn't know that? It was three people
19 on the ballot statewide, Brother Don.

20 Q In the runoff?

21 A Yes, sir. Am I not supposed to say that?
22 I'm sorry.

23 Q No. I mean, I appreciate that.

24 But did you support Senator Warnock in the
25 January 2021 runoff? Or then Raphael Warnock, did you

1 support him?

2 A You mean did I vote for him?

3 Q Yes.

4 A Yeah. I voted for the Reverend.

5 Q And you also supported Jon Ossoff in the
6 2021 runoff?

7 A I voted for Jon.

8 Q Are you familiar with the term of candidate
9 slate?

10 A Did you say slate, S-L-A-T-E? Candidate
11 slate? Yes, sir.

12 Q Is there a candidate slating process in
13 Georgia?

14 A From my understanding, that's kind of an
15 individual thing within groups and within counties and
16 within organizations.

17 Q As far as you know, to the extent that
18 exists, have minority groups been denied access to
19 candidate slating in Georgia?

20 A I don't know if I know what the term -- what
21 you mean. You mean something that the government
22 does?

23 Q Well, again, this is -- we're looking at --
24 this is language that's in the complaint. That's why
25 I'm asking about it. Maybe you don't know. And

1 that's perfectly fine if you don't know.

2 Let me go back just real briefly to the
3 complaint. Paragraph 34 talks about the Senate report
4 in 1982, amendments to the Voting Rights Act. And
5 then it has Senate Factors A through G, I believe it
6 is.

7 A Do you want me to read it?

8 Q No, no, not at all. I'm just drawing your
9 attention to this complaint. That's part of the case
10 where you're a plaintiff. And Subpart D of
11 paragraph 34 talks about the exclusion of members of a
12 minority group in the candidate slating process. Do
13 you know anything about that? Can you give any
14 explanation of what that means?

15 A You would have to tell me what you mean when
16 you say the candidate slating process.

17 Q Okay. Well, I think that's all I need to
18 hear.

19 A Because my terminology of candidate slating
20 I don't think is what you're meaning.

21 Q Do you believe that a lack of education has
22 kept you, Mr. Howell, from participating in Georgia
23 politics?

24 A Did you say do I think a lack of
25 education -- you're talking about me?

1 Q Yes, sir.

2 A You mean public education, or you mean
3 education on campus or education on issues?

4 Q Just education.

5 A No. But, you know, when you're talking
6 about politics, education falls in a couple different
7 areas. But I guess my answer would be no.

8 Q Has a lack of employment opportunities kept
9 you, Mr. Howell, from participating in Georgia
10 politics?

11 A What does employment have to do with voting?

12 Q So the answer is no?

13 A No.

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

17 A No.

18 Q Are you aware of the term racial appeals
19 when used in the context of elections?

20 A No. You have to explain that one to me.

21 Q Well, again, I'm just drawing from what your
22 lawyers wrote in the complaint that they filed on your
23 behalf. Paragraph F here, page 17 of the complaint,
24 which I'm showing on the screen, talks about the use
25 of overt or subtle racial appeals in political

1 campaigns.

2 MS. RUTAHINDURWA: I'll object to the
3 extent it calls for a legal conclusion.

4 But you can answer if you know.

5 BY MR. HOWELL:

6 Q Do you know what Subpart F in paragraph 34
7 is talking about?

8 A You're talking about a dog whistle?

9 Q What's a dog whistle in politics?

10 A Well, in politics, dog whistle is when
11 people utilize certain terms to speak to a group
12 without saying it.

13 Q Are you aware of that happening in Georgia?

14 A Yeah. People have dog whistled.

15 Q I'm sorry. Could you say that again?

16 A Yes, people have dog whistled,
17 unfortunately.

18 Q Can you give specific examples of what
19 you've seen in Georgia?

20 A Of course I can. When you have a majority
21 of majority-white or a majority-Republican group and
22 they say, well, you don't want them over there. The
23 "them" might be probably no African-Americans. Or you
24 don't want them elected. And everybody puts some
25 negative adjective or comment to it to tell a

1 white-body group, you know, you don't want to go with
2 this guy or this lady because they're black or because
3 they're Democrats. And they'll put some negative
4 adjective there, and it's most of the time based on
5 race.

6 Q Based on your testimony, Mr. Howell, I
7 understand you know some black people who have run for
8 office in the state of Georgia.

9 A Did you say do I know black folks that ran
10 for office?

11 Q Yes, sir.

12 A One or two.

13 Q Do you know how many black people in Georgia
14 have been elected for public office? In Georgia.

15 A From the entire state? We've got
16 159 counties, man. No way in the world I could know
17 that, Brother Don.

18 Q Did you know the former Chief Justice of the
19 Georgia Supreme Court, Harold Milton, is black? Are
20 you aware of that?

21 A No, sir.

22 Q Are you aware that justices of the Supreme
23 Court of Georgia are elected by the voters?

24 A Yes, sir.

25 Q You are aware that in 2021 Raphael Warnock

1 was elected to the U.S. Senate, correct?

2 A Yes, sir.

3 Q And he is an African-American, correct?

4 A Oh, yeah. We claim him all day long.

5 Q Are you aware that Herschel Walker was
6 nominated and ran as a Republican on the basis of a
7 statewide Republican primary?

8 A Yes, sir.

9 Q And he is an African-American, correct?

10 A I would consider him to be one. I have no
11 idea if he considers himself to be one, but I don't
12 know.

13 Q Are there needs of the minority community in
14 Georgia that in your opinion differ from those of the
15 needs of white residents?

16 A Well, I mean, I guess you can answer that
17 question yes and no because sometimes those needs
18 aren't based on a particular race; it might be based
19 more on, you know, income and where you live and other
20 aspects.

21 But, you know, then the yes part is
22 always -- is when you talk about some of these
23 gerrymandering districts that don't give
24 African-Americans a voice, especially in voting, or
25 some of those legislative decisions that came from

1 Atlanta that restrict the African-American community
2 in voting, then we have a need that the white
3 community don't have in the sense for equality to have
4 our voices heard.

5 I mean, it's horrific to have communities
6 drawing -- lines drawn or to take away your voting
7 power to -- I can't think of the word I'm trying to
8 remember. It's escaping me but -- to dilute, to
9 dilute, that's the word I wanted -- to dilute your
10 voting power or even legislative decisions that seem
11 to get targeted at the African-American community,
12 from the shortness of early voting or the fight we had
13 to do just a week-and-a-half ago to get Saturday
14 voting, where a lot of African (audio broke up) early,
15 more black Americans vote early.

16 Or I'll give you another one. Some of the
17 horrific legislation that came down that allows people
18 to vote absentee, you know, a lot of
19 African-Americans, a lot of poor folks vote absentee.
20 And when you change those -- or have those type of
21 restrictive laws, then, yeah, we have a need that
22 white people don't have. We have a need to have a
23 fair election process without these restrictive rules.

24 You know, just have an equal playing field
25 and allow us to have a fire of ideas. And then we

1 wouldn't have the needs that the white community
2 wouldn't have.

3 Q I appreciate that, Mr. Howell.

4 A Yes, sir.

5 Q My question -- I guess I wasn't clear.

6 A Oh, don't tell me I said all that and didn't
7 answer the question.

8 Q I may not have asked -- I probably didn't
9 ask the question right.

10 A I'm sorry.

11 Q Here's my question. This may be the last
12 question. Are there any needs of the minority
13 community in Georgia that in your opinion are
14 different from the needs of the white community in
15 Georgia?

16 A I thought that's what I answered.

17 Q Well, you talked about redistricting and
18 unfairness, as you see it, in the process. But my
19 question is, what are the specific needs of the
20 minority community --

21 A To have it fair. That's what you need
22 because your voice can't be heard. I mean, if you're
23 gerrymandered or you got legislation that's kind of
24 restricting, then your basic need -- you know,
25 Dr. King said, you know, you give me the right to

1 vote, we'll put people in and fill our needs. But you
2 have to have the right to vote to fill any needs
3 because the majority of all our needs comes from
4 decisions of people who's in office.

5 Maybe I'm looking at it too big, but that's
6 how I usually look at it because depending on who's in
7 office -- it depends on that. The price of your
8 haircut depends on who's in office because they set
9 the price of the fees and stuff.

10 THE WITNESS: All right, Bryan. You
11 can't be on your phone.

12 MR. HOWELL: Well, to be fair, I just
13 sent him a note, asking if there was anything
14 else he wanted me to ask. So I wanted to
15 give him that chance. If we were all sitting
16 around a conference table, I would have just
17 leaned over to him.

18 But, Mr. Howell, those are all the
19 questions I have. Unless your counsel has
20 some questions, you're done here.

21 MS. RUTAHINDURWA: I don't have any
22 questions.

23 MR. HOWELL: All right, Mr. Howell. I
24 thank you so much for your time.

25 THE WITNESS: It's my pleasure. I

1 appreciate it. It's my pleasure.

2 (Off the record.)

3 THE REPORTER: I'm going to mess up your
4 last name, so I'll just say your first name.
5 Ms. Makeba, did you want a copy?

6 MS. RUTAHINDURWA: Yes.

7 THE REPORTER: Okay.

8 And then, Mr. Boyle, just to confirm,
9 you'll be getting the original and a copy?

10 MR. HOWELL: Yeah. Whatever the
11 arrangements are, Bryan would know.

12 MR. JACOUTOT: Yes. That's fine.

13 (Deposition concluded at 3:11 p.m.)
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REPORTER DISCLOSURES

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1 - Password-Protected Access: Transcripts and exhibits
relating to this proceeding will be uploaded to a
2 password-protected repository, to which all ordering
parties will have access.

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C E R T I F I C A T E

I hereby certify that the foregoing transcript was reported, as stated in the caption; that the witness was duly sworn and elected to reserve signature in this matter; that the colloquies, questions and answers were reduced to typewriting under my direction; and that the foregoing pages represent a true, correct, and complete record of the evidence given.

The above certification is expressly withdrawn and denied upon the disassembly or photocopying of the foregoing transcript, unless said disassembly or photocopying is done under the auspices of Veritext Legal Solutions, and the signature and original seal is attached thereto.

Pursuant to Article 10B of the Rules and Regulations of the Board of Court Reporting of the Judicial Council of Georgia, I make the following disclosure: That I am a Georgia Certified Court Reporter, here as an independent contractor for Veritext Legal Solutions; that I was contacted by the offices of Veritext Legal Solutions to provide court reporting services for this deposition; that I will not be taking this deposition under any contract prohibited by Georgia law; and that I am not disqualified as a reporter for a relationship of interest under the provisions of O.C.G.A. 9-11-28(c).

This the 27th day of December, 2022.



MARCIA ARBERMAN, CCR-B-1059

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1
2
3 To: MAKEBA RUTAHINDURWA, ESQ.

4 Re: Signature of Deponent QUENTIN T. HOWELL

5 Date Errata due back at our offices: 30 Days
6

7 Greetings:

8 This deposition has been requested for read and sign
9 by the deponent. It is the deponent's responsibility
10 to review the transcript, noting any changes or
11 corrections on the attached PDF Errata. The deponent
12 may fill out the Errata electronically or print and
13 fill out manually.

14 Once the Errata is signed by the deponent and
15 notarized, please mail it to the offices of Veritext
16 (below).

17 When the signed Errata is returned to us, we will seal
18 and forward to the taking attorney to file with the
19 original transcript. We will also send copies of the
20 Errata to all ordering parties.

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22 above, the original transcript may be filed with the
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2 I, the undersigned, do hereby certify that I have
3 read the transcript of my testimony, and that

4 ____ There are no changes noted.

5 ____ The following changes are noted:

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

14 Page ____ Line ____ Change____

15 _____

16 Page ____ Line ____ Change____

17 _____

18 Page ____ Line ____ Change____

19 _____

20 Page ____ Line ____ Change____

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22 Page ____ Line ____ Change____

23 _____

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25 _____

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DEPONENT'S SIGNATURE

Sworn to and subscribed before me this ____ day of

_____, _____.

NOTARY PUBLIC

My Commission Expires:_____

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

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

(A) to review the transcript or recording; and

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

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

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.

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**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' NOTICE TO TAKE THE DEPOSITION
OF QUENTIN T. HOWELL**

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 Quentin T. Howell on Wednesday, December 14, 2022, beginning at 1:00 p.m. and continuing thereafter until completed via Zoom videoconferencing through Veritext Legal Solutions.

EXHIBIT

1

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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 7th day of December, 2022.

Respectfully submitted,

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

/s/Bryan P. Tyson

Bryan P. Tyson
Special Assistant Attorney General
Georgia Bar No. 515411
btyson@taylorenghish.com

Frank B. Strickland
Georgia Bar No. 678600
fstrickland@taylorenghish.com

Bryan F. Jacoutot
Georgia Bar No. 668272
bjacoutot@taylorenghish.com

Taylor English Duma LLP
1600 Parkwood Circle
Suite 200
Atlanta, Georgia 30339
(678) 336-7249

Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on December 7, 2022, 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;
and DEXTER WIMBISH;

Plaintiffs,

v.

BRAD RAFFENSPERGER, in his official
capacity as the Georgia Secretary of State;
REBECCA N. SULLIVAN, in her official
capacity as the Acting Chair of the State
Election Board; SARA TINDALL
GHAZAL, in her official capacity as a
member of the State Election Board;
MATTHEW MASHBURN, in his official
capacity as a member of the State Election
Board; and ANH LE, in her official
capacity as a member of the State Election
Board,

Defendants.

CIVIL ACTION FILE
NO. _____

**DECLARATION OF QUENTIN T. HOWELL
IN SUPPORT OF
PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

Pursuant to 20 U.S.C. § 1746, I, Quentin T. Howell, declare as follows:

EXHIBIT

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1. My name is Quentin T. Howell. I am over the age of 18, have personal knowledge of the facts stated in this declaration, and can competently testify to their truth.

2. I am a Black citizen of the United States and the State of Georgia.

3. I possess all the qualifications of a Georgia voter: I am a citizen, I am at least 18 years old, I am not serving a sentence for a felony conviction, I have not been found mentally incompetent by a judge, and I am a legal resident of Georgia.

4. I am specifically registered to vote at [REDACTED] Milledgeville, GA [REDACTED] which is located in Senate District 25 and House District 133 under the newly elected legislative maps.

5. I have previously voted in prior state legislative elections in Georgia and I intend to vote in future state legislative elections in Georgia.

DATED: ^{1/12/2022} _____

By: Quentin T. Howell
Quentin T. Howell

HOME

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EXHIBIT

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Meet Quentin T.

Quentin T. Howell, successful local business owner, is a native of Baldwin County. He and his wife, Latonya N. Howell, both run Howell's Medical Equipment & Supply, a business that Mr. Howell started in college, after transitioning from the Naval Reserve Officer Training Corps. While in college, he also started a house rental business and became a very successful radio talk show host. As an entrepreneur, Mr. Howell also began diligently working throughout the

[HOME](#)[BIO](#)[NEWS](#)[ISSUES](#)[CONTACT](#)[DONATE WITH ACTBLUE](#)[DONATE WITH PAYPAL](#)

community. After extending his business to Middle Georgia, Mr. Howell started co-hosting a radio talk show on Love 103.7 FM. After college, Mr. Howell married his high school sweetheart and love of his life, Latonya N. Howell. Now in addition to both Quentin T. and Latonya N. Howell running two successful businesses, Quentin T. also hosts the largest radio talk show, "The Talking Straight show with Quentin T. Howell," in the Middle Georgia area.

In 2016, Mr. Howell also started hosting the largest gospel radio show in the Middle Georgia area, "Gospel Explosion," on Sunday mornings, also on Love 103.7 FM.

Latonya and Quentin T. Howell participated in a wave of new leadership across our country when in 2008, 2012, and 2016 they ran for delegates to the Democratic National Convention. They represented the state of Georgia at all three conventions as attendees and delegates in Denver, Colorado; Charleston South Carolina and Philadelphia, Pennsylvania. In Philadelphia, Quentin T. Howell was elected the whip of the Georgia delegation. Quentin T. Howell also was asked by the Ga. State Democratic leadership and the White House to pick and lead a delegation of concerned citizens and community leaders to attend the "Rural Ga Initiative Community leaders", a program where the President of the United States, The Honorable Barack Obama listened to leaders from Georgia about issues, problems and solutions.

In 2015, Quentin T. Howell was appointed to the Milledgeville / Baldwin county Development Authority by the Baldwin county board of commissioners. In 2018 Mr. Howell was reappointed the Development Authority by the city of Milledgeville. This Development Authority is charged with bringing and fostering industry in Baldwin County with real careers for the citizens of this community.

Mr. Howell also serves as an elected officer and member of multiple political, civic, and community based boards, clubs and organizations. These organizations carry multiple roles in the Middle Georgia area, including maintaining a county wide mentoring program for the youth of the Baldwin County School system. In addition to working with the youth of our community, Mr. Howell has led many organizations in creating job and career forums in Milledgeville. Baldwin County and the City of Milledgeville along with the work these organizations have done led by Mr. Howell has led to the naming of the last week of March as, "Job Creation Week"

Quentin T. Howell is a saved born again Christian, who stands for Christian principles. He continues his membership at Litway Missionary Baptist Church of Savannah, Georgia and continues his lifetime membership with Second Beulah Missionary Baptist Church of Sparta, Georgia. Mr. Howell is a conservative Democrat, who has spent years working tirelessly in the Milledgeville and Middle Georgia communities. He has sponsored and participated in numerous food and clothing drives, as well as job and employment forums in the communities. Mr. Howell exerts a strong belief that Baldwin and Putman counties can move forward with new leadership. He also believes that this leadership must understand that small businesses are the life blood of this country, and that tax incentives must be given to small business owners with growth for state industry.

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PAID FOR BY COMMITTEE TO ELECT QUENTIN T. HOWELL

**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

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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 population¹—in multiple

¹ 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.

“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.”²

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

² 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

By: **Adam M. Sparks**

Joyce Gist Lewis

Georgia Bar No. 296261

Adam M. Sparks

Georgia Bar No. 341578

KREVOLIN & HORST, LLC

One Atlantic Center

1201 West Peachtree Street, NW,
Suite 3250

Atlanta, Georgia 30309

Telephone: (404) 888-9700

Facsimile: (404) 888-9577

Email: JLewis@khlawfirm.com

Email: Sparks@khlawfirm.com

Kevin J. Hamilton*

PERKINS COIE LLP

1201 Third Avenue, Suite 4900

Seattle, Washington 98101

Phone: (206) 359-8000

Facsimile: (206) 359-9000

Email: KHamilton@perkinscoie.com

Respectfully submitted,

Abha Khanna*

Jonathan P. Hawley*

Makeba Rutahindurwa*

ELIAS LAW GROUP LLP

1700 Seventh Avenue, Suite 2100

Seattle, Washington 98101

Phone: (206) 656-0177

Facsimile: (206) 656-0180

Email: AKhanna@elias.law

Email: JHawley@elias.law

Email: MRutahindurwa@elias.law

Daniel C. Osher*

Christina A. Ford*

Graham W. White*

Michael B. Jones

Georgia Bar No. 721264

ELIAS LAW GROUP LLP

10 G Street NE, Suite 600

Washington, D.C. 20002

Phone: (202) 968-4490

Facsimile: (202) 968-4498

Email: DOsher@elias.law

Email: CFord@elias.law

Email: GWhite@elias.law

Email: MJones@elias.law

Counsel for Plaintiffs

*Admitted *pro hac vice*

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