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

GEORGIA STATE CONFERENCE OF THE NAACP, et al.	)	
Plaintiffs,	)	CASE NO. 1:21-CV-5338 ELB-SCJ-SDG
vs.	)	
STATE OF GEORGIA, et al.,	)	
Defendants.	)	
COMMON CAUSE, et al.,	)	
Plaintiffs,	)	CASE NO. 1:22-CV-00090 ELB-SCJ-SDG
vs.	)	
BRAD RAFFENSPERGER	)	
Defendant.	)	

30(b)(6) remote deposition of GEORGIA ASSOCIATION OF LATINO ELECTED OFFICIALS, INC., Deponent GERARDO ELEAZAR GONZALEZ, pursuant to notice and agreement of counsel, under the Federal Rules of Civil Procedure, before Celeste Mack, CCR, RPR, at Crowell & Moring, 1001 Pennsylvania Avenue NW, Washington, D.C., on Wednesday, January 11, 2023, commencing at 9:05 a.m.

APPEARANCES OF COUNSEL:

FOR COMMON CAUSE PLAINTIFFS:
CROWELL & MORING, LLP
Mr. Shawn C. Layman
Mr. Astor H.L. Heaven
Ms. LaTonya Smith
Ms. Crinesha Berry
Attorneys at Law
1001 Pennsylvania Avenue NW
Washington, D.C. 20004
(202) 654-6704
slayman@crowell.com

FOR GEORGIA STATE CONFERENCE OF THE NAACP:
LAWYERS' COMMITTEE FOR
CIVIL RIGHTS UNDER LAW:
Ms. Julie M. Houk
Mr. Alex Davis
Attorneys at Law
1500 K Street NW, Suite 900
Washington, D.C. 20005
(202) 662-8600

FOR THE DEFENDANTS:
TAYLOR ENGLISH DUMA, LLP
Ms. Diane LaRoss
Mr. Bryan P. Tyson
Attorneys at Law
1600 Parkwood Circle, Suite 200
Atlanta, Georgia 30339
(678) 336-7249
Dlaross@taylorenglish.com

ALSO PRESENT: Elena
David Garcia

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D I S C L O S U R E S T A T E M E N T

STATE OF GEORGIA

COUNTY OF CHATHAM

Pursuant to Article 10.B of the Rules and Regulations of the Board of Court Reporting of the Judicial Council of Georgia, I make the following disclosure:

I am a Georgia Certified Court Reporter.

I am not disqualified for a relationship of interest under the provisions of O.C.G.A 9-11-28(c).

I am self-employed. I was contacted by Veritext Legal Solutions to provide court reporting services for this proceeding.

I will not be taking this proceeding under any contract that is prohibited by Georgia law.

This, the 22nd day of January 2023.

_____

Celeste Mack, CCR, RPR 2738

(Whereupon, the following proceedings were had, to wit:)

GERARDO ELEAZAR GONZALEZ,

having been produced and first duly sworn as a witness, testified as follows:

MS. LaROSS: So this will be the 30(b)(6) deposition of GALEO Latino Community Development Fund taken by defendants in this action for purposes of discovery and all other purposes allowable under the Federal Rules of Civil Procedure.

All objections except as going to the form of the question and responsiveness of the answer will be reserved until first use of the deposition or at trial.

And Counsel, is that agreeable to you?

MR. LAYMAN: Yes, that's fine. Can you hear me okay? I've got mine muted and I'm trying to use -- so we don't get echoes, but you can hear me okay?

MS. LaROSS: I can hear you. And if you're speaking and it appears that we're not hearing you, just use your hand and we'll figure that out.

Madam Court Reporter, can you hear

Shawn?

COURT REPORTER: Yes.

MS. LaROSS: Okay, great.

EXAMINATION

BY MS. LaROSS:

Q. So Mr. Gonzalez and Mr. Garcia, my name is Diane LaRoss, as I mentioned earlier. I represent the defendants in the lawsuit that we're here about today. I'm going to ask you a series of questions. And before we get started there's just a couple of things I wanted to outline for you about how depositions proceed.

MS. LaROSS: And I guess I should also ask you, Shawn, do you want to read and sign the depositions for both?

MR. LAYMAN: Yes.

MS. LaROSS: Yes? Okay. Okay, great.

BY MS. LaROSS:

Q. So just a couple of things, gentlemen, and later Mr. Garcia, when we get to your questions I can go over these again to remind you if need be.

But for both of you, and this is even more important because we're on Zoom, it's

important that you speak loudly and clearly, and as well that you make sure that I finish my question before you begin answering and that way we won't be speaking over each other.

And the purpose of all of that is to make sure that the court reporter can take down an accurate transcript of all of what you say and all of what the questions are?

So is that agreeable -- let me ask Mr. Garcia first -- and I think what we'll do first -- I'm sorry, I'll ask Mr. Gonzalez first and then, Mr. Garcia, I'll go through these with you so we're clear. Sorry about that, I don't need to make that so confusing.

So Mr. Garcia -- or Mr. Gonzalez, you know, I just ask that you wait until I finish my question; is that agreeable to you before answering your -- before answering the question?

A. Yes.

Q. And we need you to respond verbally to all the questions. It's difficult for our court reporter to take down an ah-ha or other kinds of -- or shake of the head, so we ask that you respond verbally; is that also agreeable?

A. Yes, it is.

Q. And it's not my purpose today to confuse you in any way, so if there's -- if there's a question that I asked that you don't understand, can I have your agreement that you'll let me know that and then I'll do my best to clarify; is that all right with you?

A. Yes, it is.

Q. And also, if at any time you need to take a break, that of course is entirely fine, just as long as you've completed whatever answer to -- if there's a question pending, you completed that answer.

And then once that's done, Mr. Gonzalez, then, you know, we're happy to take breaks whenever you need them; is that also agreeable to you?

A. Yes, it is.

Q. So I'd like to refer you to Exhibit No. 1, which is the amended notice of deposition for today's deposition.

(Exhibit 1 marked for identification.)

BY MS. LaROSS:

Q. And if you -- Mr. Gonzalez, could take a moment and pull that up on your Exhibit Share and

let me know when you've got it.
A. I've got it.
Q. Okay, great. And if you could scroll through that document and let me know if you've seen that before?
A. Yes, I've seen this before.
Q. Okay, great. And if you could look at the second page of the document. I'm sorry, hold on, if we could refer to the first page. So the first page of the notice is the -- do you see where it says the amended notice of 30(b)(6) deposition of GALEO Latino Development Fund, Inc., do you see that --
A. Yes, I do.
Q. -- on the first page?
Okay. And are you aware that this is the notice for today's deposition concerning your testimony on behalf of GALEO Latino Development Fund, Inc.?
A. Yes, I'm aware. The name is incorrect, it should be GALEO Latino Community Development Fund, Inc.
Q. All right. Okay, we will get that corrected. My apologies.
A. No worries.

Q. Okay. And so if I may, the -- when I refer to GALEO Latino Community Development Fund, I may refer to it as the FUND or GALEO FUND. Can we have an agreement that that -- both of those references will mean that it's GALEO Latino Community Development Fund?

A. Yes, that's okay, but we go by -- typically by GALEO.

Q. Okay. So I'm gonna be asking you questions a little bit about the differences between the Community FUND and the Association, so I may refer -- I may only refer to it -- I -- I will be referring to it as the FUND and we can walk through that as we go.

So Mr. Gonzalez, if you could go ahead and look at page two.

A. Okay.

Q. Okay. And then the second sentence in the second full paragraph, if you could look down at that and I'll read it, it says, "The person must be ready to testify about the information known or reasonably available to the organization regarding topics listed in Exhibit A, and that's attached; do you see that sentence there?

A. Yes, I do.

Q. Okay. And are you here to testify on behalf of the -- on behalf of the FUND on -- I believe all topics except for topic 11; is that correct?

A. Mostly correct. I will be able to address some issues on topic 11 as well.

MR. LAYMAN: So I just want to clarify. Yeah, so we've objected to topics 2, 6, 7, 10, 12 and 15. And topic 11, David Garcia will be testifying specifically about his communication, so there might be -- so that might be a hole in Jerry Gonzalez's testimony, if that makes sense.

MS. LaROSS: Okay. So just so that I understand it, Mr. Gonzalez is gonna be testifying as to topics number 2, 6, 7, 12 and 15. What I'm gonna do, Shawn, I'm just going to go through each topic and we'll address which ones he's testifying to and not. But getting back to the notice though --

MR. LAYMAN: One last -- let me just -- my understanding is that 2, 6 and 7 were withdrawn, but...

MS. LaROSS: Okay, yeah. And what I'd like to do, Shawn, is then when I get to

1 topic number -- those topics, then I'll just
2 state for the record so the record is clear about
3 the agreement of counsel and how that came about,
4 if that's agreeable with you.
5 MR. LAYMAN: Yeah, that's fine.
6 Thank you.
7 MS. LaROSS: Thank you.
8 BY MS. LaROSS:
9 Q. So Mr. Gonzalez, the main point I want
10 to make sure here though is that your testimony
11 here today is on behalf of the GALEO Latino
12 Community Development Fund; is that your
13 understanding?
14 A. That's correct.
15 Q. And that you are the representative of
16 that organization in response to the notice that
17 we've provided, subject to whichever topics we'll
18 talk about that -- there's certain topics that
19 you're gonna -- we'll be speaking about today.
20 A. That --
21 Q. You're the representative -- you're the
22 representative for the FUND, along with
23 Mr. Garcia?
24 A. Correct, I am one of the representatives
25 for the GALEO Latino Community Development Fund,

1 along with Mr. David Garcia.
2 Q. And Mr. Gonzalez, what position do you
3 hold with the GALEO FUND?
4 A. I am the CEO.
5 Q. And how long have you held that
6 position?
7 A. It's been a couple of years since I've
8 been named CEO, prior to that I was executive
9 director.
10 Q. And how long were you executive director
11 of the GALEO FUND?
12 A. Since the inception of the FUND, which
13 was in 2004.
14 Q. And during that time, were you also
15 executive director of GALEO, the Georgia
16 Association of Latino Elective Officials?
17 A. Yes, Georgia Association of Latino
18 Elected Officials is a 501(c)(6) organization, in
19 which I was executive director over as well.
20 That organization has been dissolved.
21 Q. Okay. All right, and why don't we go
22 ahead, there's a couple of exhibits I want you to
23 identify and those will be -- so -- about the
24 corporate formation and the dissolution of the
25 organization. So if we could have -- our first

exhibit will be the Georgia Association of Latino Elected Officials, Inc., the Articles of Incorporation. That should be posted.

(Exhibit 2 marked for identification.)

BY MS. LaROSS:

Q. And Mr. Gonzalez, if you could take a moment to take a look at that.

A. Is that Exhibit 2? Okay.

Q. Yes, sir.

MR. LAYMAN: I have standing objections as this is not the entity of what Mr. Gonzalez is here to testify about. This is an unrelated entity and is not part -- it's not a party to this matter.

MS. LaROSS: Are you going to permit him to answer questions so just -- I can clarify which organization is which.

MR. LAYMAN: Yeah. Yes, I'll allow questions at this point, yes.

MS. LaROSS: Okay. Thank you.

BY MS. LaROSS:

Q. So Mr. Gonzalez, if you could take a look at Exhibit No. 2. When you've done that, go ahead and let me know.

A. Okay.
Q. Okay. And is this the -- Exhibit 2, Articles of Incorporation for the Georgia Association of Latino Elected Officials?
A. Yes.
Q. Okay, thank you. And I think you mentioned that that organization -- or you may have, that that organization was formed in 2003; would that be correct?
A. It was formed in 2003, correct.
Q. Okay. And at that time you were executive director of the association?
A. That's correct.
Q. If we could look at another exhibit, which is the Certificate of Incorporation for the GALEO FUND.
(Exhibit 3 marked for identification.)
BY MS. LaROSS:
Q. Okay. Mr. Gonzalez, go ahead, and I believe that Exhibit No. 3 is up in Exhibit Share. If you could take a look at that for a moment and let me know when you've done so.
A. It appears to be sideways.
Q. Sorry about that. My apologies.

A. Oh, there it is, okay. That's better. Okay.

Q. Okay, great. Thank you. And so Exhibit 3, is that the Articles of Incorporation for the GALEO FUND?

A. Yes, those are the Articles of Incorporation for the GALEO Latino Community Development Fund.

Q. Okay. And I think you mentioned earlier in your testimony that it was formed in 2004. Is this -- according to Exhibit 3, was -- were the Articles of Incorporation filed in 2004 for the GALEO Latino Community Development Fund?

A. That is correct.

Q. And at that time in 2004, were you executive director of the GALEO Latino Community Development Fund?

A. That is correct.

(Exhibit 4 marked for identification.)

BY MS. LaROSS:

Q. Then if we could have Exhibit No. 7. Exhibit No. 7 will be the amended and restated the bylaws.

I'm sorry, excuse me. Exhibit 4 are the

1 Amended and Restated Bylaws of the GALEO Latino
2 Community Development Fund. And I believe it's
3 posted, Mr. Gonzalez, so if you could take a
4 moment and take a look at those.
5 A. Okay.
6 Q. And is it correct that Exhibit No. 4 is
7 the Amended and Restated Bylaws for GALEO Latino
8 Community Development Fund?
9 A. That is correct.
10 Q. The copy that I have, on the last page,
11 on page 17, which is also GALEO-VRA-000157, is
12 unsigned, but I'm -- what I want to know is was
13 this document signed on July 5, 2004?
14 A. The date on there is July 6th of 2004,
15 but --
16 Q. I misspoke, let me ask the question
17 again. I'll withdraw the other question.
18 So it appears that these bylaws became
19 effective as of January 31, 2021; is that
20 correct?
21 A. I have to look at the actual minutes of
22 when these were adopted, but they were recently
23 changed in the last several years.
24 Q. And so does January 31, 2021, does that
25 sound about the correct time?

A. That's correct, that sounds about the right time.

Q. So gonna be posting another exhibit for you, Mr. Gonzalez, Exhibit No. 5.

(Exhibit 5 marked for identification.)

BY MS. LaROSS:

Q. And this is the Certificate of Notice of Intent to Dissolve the Georgia Association of Latino Elected Officials. Let me know when you see that on the screen and you've had a chance to look at it.

A. I've reviewed the document.

Q. And is document number five the Certificate of Notice of Intent to Dissolve the Association of Latino Elected Officials filed with the Secretary of State's Office?

A. That is correct.

Q. And this intent to dissolve is effective on September 22, 2021; is that correct?

A. For this state, yes, that's correct. And then we had to file final Form 990 for federal purposes as well, for it to be fully dissolved.

Q. Okay. So there needed to be a 990 filed

on behalf of the GALEO Association of Latino Elected Officials, the final one, in order for -- in order to dissolve the organization; is that -- do I understand your testimony correctly?

A. That is correct.

(Exhibit 6 marked for identification.)

BY MS. LaROSS:

Q. So Exhibit No. 6, Mr. Gonzalez, is the Certificate of Dissolution for the Georgia Association of Latino Elected Officials, if you could let me know when that comes up and you've had a moment to look at it.

A. Okay.

Q. Okay. So is Exhibit No. 6 the Certificate of Dissolution for the Georgia Association of Latino Elected Officials filed with the Georgia Secretary of State?

A. That is correct.

Q. And according to that certificate, it indicates that the association was dissolved, cancelled or terminated on March 24, 2022; is that correct?

A. That's correct.

Q. Is that the date of dissolution of the

organization?
A. Based on my understanding, yes.
Q. I'm gonna ask you some questions about those exhibits, but there are a couple of other housekeeping things that I wanted to go over with you.
Since we're on Zoom, Mr. Gonzalez, if you could state for the record who is there in the room with you.
A. The two attorneys that are in the room are Shawn Layman and LaTonya Smith.
Q. Is Mr. Garcia in the room with you, or he is not?
A. He is not in the room with us, he's in his separate office.
Q. And where are you located today giving your testimony, Mr. Gonzalez?
A. We're located in our office in Norcross, Georgia.
Q. Is that in the GALEO Latino Community Development Fund Office in Norcross?
A. That is correct.
Q. I would ask also while you're on Zoom that if you could turn off your phone and any other e-mails or other social media, except for

of course the Zoom and the Exhibit Share, and if you could have all of those things off for the duration of the deposition I would appreciate it; is that agreeable to you?

A. Yes, it is.

Q. Thank you.

And Mr. Gonzalez, if you could go ahead and state your full name for the record.

A. My full legal name is Geraldo Eleazar Gonzalez.

Q. And I understand you go by Jerry Gonzalez; is that correct?

A. That is correct.

Q. And what is your address, Mr. Gonzalez?

A. My personal address?

Q. Yes.

A. Is that necessary? I ask only because we're targeted by hate groups.

Q. Okay, certainly. But that's something we ask everyone, but yes, your professional address is fine, sir.

A. My professional address is [redacted], Atlanta, Georgia [redacted]

Q. And is that also in Norcross?

A. No, that is in Dekalb County.

Q. All right. And have -- have you taken any medications today that might keep you from fully and truthfully participating in the deposition?

A. No.

Q. And do you have any medical conditions that would keep you from fully and truthfully participating in today's deposition?

A. No.

Q. Have you -- so I know that you've testified by deposition before, I actually took your deposition before. How many times have you testified by deposition, other than today?

A. This is my second time.

Q. Okay. And the last time, was that when I took your deposition previously?

A. I believe that's correct.

Q. And what case was that for?

A. That case was -- it was yourself and another attorney, and that was a case against Gwinnett County and Gwinnett County School Board.

Q. Yeah, I wasn't sure if you actually remembered me or not. Thank you for acknowledging that you had, I appreciate it.

And that case is over, correct?

A. I believe it is, yes.
Q. Okay. Have you ever testified at trial or in a court proceeding?
A. No, I have not.
Q. Have you ever been convicted of a crime?
A. No.
Q. And just really briefly, if I may, if you could let us know your educational background; how far you got in school, we could start with that.
A. I've got a Bachelor of Science from Texas A&M University in technical engineering, and I have a Master's in Public Administration from Georgia State University.
Q. Do you hold any other degrees?
A. No.
Q. And just to go over generally your employment, have you been employed outside of your positions that you've held with -- held with the GALEO Association and then the GALEO FUND?
A. I'm also employed by the GALEO Impact Fund.
Q. And the Impact Fund, is that connected with GALEO?
A. It's an affiliated organization.

Q. And when was that formed?
A. In 2019, I believe.
Q. So no other employment, other than the work that you do in connection with the GALEO entities that you described?
A. No employment, but I do have another source of income from owning property.
Q. So if I can -- I'd like to get into now is to talk to you about the GALEO Association and the FUND and the relationship between the two organizations.
So you testified already that the GALEO Association was dissolved, and I -- in March of 2022, and why was that organization dissolved?
A. We dissolved the Georgia Association of Latino Elected Officials, which is a 501(c)(6) organization, because we no longer needed to have that organization, as we created the GALEO Impact Fund, which is a 501(c)(4) organization.
Q. And what were the terms of the dissolution?
MR. LAYMAN: I'm gonna object here. It's outside the scope of his testimony. The 30(b)(6) witness is here on behalf of GALEO Latino Community Development Fund and not any

other entity.

MS. LaROSS: Okay, are you going to permit him to answer the question though?

THE WITNESS: Could you re-ask the question again, please.

BY MS. LaROSS:

Q. What were the terms of the dissolution of the GALEO Association for Latino -- or GALEO Association of Latino Elected Officials, to your knowledge, on behalf of the organization?

A. Could you re-ask the question? I'm not sure what you're asking.

Q. Okay. The -- what I'm -- what I'm trying to find out is the -- how the entity was -- was dissolved, how it was discontinued. You've already mentioned that there was a final 990 filed on behalf of the organization -- the Association and so -- and according to the Certificate of Dissolution it says that all debts, liabilities and obligations of the corporation have been paid and discharged; is that true?

A. Yes.

MR. LAYMAN: And I'm gonna object again and advise him not to answer these

1 questions that are well outside the scope of his
2 deposition, and ask the witness -- this line of
3 questions about non-related party -- not a party
4 to this matter.
5 And I think you've established -- you're
6 going to establish the differences between this
7 entity and current Latino Community Development
8 Fund is not a part of this case, and I think this
9 goes way beyond that scope.
10 MS. LaROSS: Okay, great. Well,
11 I'll rephrase the question then.
12 BY MS. LaROSS:
13 Q. To what extent were any debts,
14 liabilities and obligations of the GALEO
15 Association taken over by the FUND -- the GALEO
16 FUND?
17 A. All of those matters were resolved and
18 taken care of.
19 Q. Okay. So there was -- none of the
20 finances of the GALEO Association were undertaken
21 by the FUND; is that correct?
22 A. No, that's not correct. Any remaining
23 funds in the GALEO Association of Latino Elected
24 Officials, the 501(c)(6) organization, were
25 transferred to the GALEO Latino Community

Development Fund per the terms of the dissolution agreement that we had.

Q. Okay. But debts and liabilities, those were all resolved on behalf of the Association when it was dissolved?

A. That is correct.

Q. Okay. And what assets became part of the FUND when GALEO Association was dissolved?

A. It was primarily the remaining funds of the Association, and we produced a check and transferred -- and deposited it into the GALEO Latino Community Development Fund.

Q. Was there any property that was taken over by the FUND?

A. Our organizations don't own property.

Q. And were the offices that were used on behalf of the GALEO Association, are those also used by the FUND, or are there different -- were there different offices, how did that work?

A. We have a cost sharing agreement between the C3 and the C4, not with the C6. The new office space that we are in is wholly leased by the GALEO Latino Community Development Fund, with a cost sharing agreement to the GALEO Impact Fund, which is a C-corp.

Q. And when was that lease entered into, if you know?

A. Off the top of my head, I believe it was right before the pandemic, so I would say maybe 2019, the fall of 2019.

Q. When the -- sorry, strike that.

Before the GALEO Association was dissolved, how -- what was the relationship between the FUND and the Association in terms of programming and activities?

A. The -- most of our programming and community outreach that we do, both on civic engagement and leadership development, were conducted under the GALEO Latino Community Development Fund. While under the C6 organization, we did most of our lobbying activity, and policies and issues that are important to the Latino community.

Q. You said there were two things, civic engagement, and what was the second thing that you mentioned that was handled by the FUND?

A. Leadership development. We have several programs associated with making sure that people within our community have access to developing their leadership skills.

Q. And was that kind of what you described, the division of labor between the Association and the FUND, was that how those programs and activities were handled since early 2000 -- the early 2000s when both organizations were formed, or did that change over time?

A. When we started in 2003, all the activities that we were doing were done under obviously the 501(c)(6) because that's the only one that was in existence. However in 2004, when we started the GALEO Latino Community Development Fund, the 501(c)(3) organization, we started shifting our programming and community outreach to the 501(c)(3). So at a point in time the 501(c)(6) supported the activities of the 501(c)(3), which is permitted by IRS guidelines.

Q. So are there documents that would reflect that the work that you just described was being done by the FUND and not the Association?

A. Not clear what the question is.

Q. Okay, yeah. It may not have been a good question.

I'm just trying to understand if the work and the programming that you've referenced, was that done under an umbrella called GALEO, or

was it associated in some way with the FUND and not the Association.

A. As I mentioned, the work in community in 2004 shifted to the GALEO Latino Community Development Fund to ensure that we were doing the charitable purposes of the 501(c)(3) organization under that entity.

Q. And if I was a person in the public, how would I know that the -- that work was being done by the FUND and not the Association; was there some way that the organization differentiated the FUND and the Association, the work with the FUND and the Association?

A. That was more internal than external. It's confusing to the layperson, the structure, which is part of why we moved towards dissolution of the 501(c)(6).

Q. So is it your testimony then that all civic engagement and leadership development programming since 2004 was done by the FUND?

A. Transition period in 2004 upon the creation of the 501(c)(3), which is GALEO Latino Community Development Fund, did occur in 2004, and then soon after that most of the programming was done under the C3.

However, there was some programming that was able to be done under the C6 as well in that general purpose category as well.

Q. Did the Association and the FUND share employees, or were there separate employees for both of those entities?

A. We shared employees at the time.

Q. And what about volunteers, did the entities share volunteers, or were there certain volunteers assigned to the Association and certain ones assigned to the FUND?

A. We shared volunteers.

Q. And GALEO.org, I've seen that website. Is that operated now by the FUND, or has that always been operated by the FUND?

A. That is correct, it is now operated by the FUND.

Q. And so the previous -- sorry, so before the dissolution, GALEO.org was operated by the GALEO Association, or the Latino Elected Officials?

A. The website was created and started by the Georgia Association of Latino Elected Officials, which is a 501(c)(6) organization, and upon dissolution, GALEO Latino Community

Development Fund has taken ownership and over the website.

Q. In terms of programming and activities, have all of the programming and activities of the GALEO Association been taken over by the FUND?

A. Yes, for the most part, all of the activities that we had remaining in the Georgia Association of Latino Elected Officials have been taken over by the GALEO Latino Community Development Fund.

Q. And what were those activities that were remaining in the GALEO -- the Association for Latino Elected Officials that were still remaining at the time of dissolution?

A. Education of policy issues, as well as any potential litigation that we may have been involved with.

Q. So that would have included this litigation?

A. I believe so. We did have to file that motion, I believe, at some point.

MR. LAYMAN: So I'm gonna object to any further questions about the Georgia Association of Latino Elected Officials, as well beyond the scope of the 30(b)(6) deposition.

MS. LaROSS: Okay, I understand. Then let me ask the question this way.

BY MS. LaROSS:

Q. What specific programs did the FUND take over for the GALEO Association of Latino Elected Officials when it dissolved?

A. As I mentioned before, the activities and programs that we did take over were continuing to educate our community about policy issues that impact our community, as well as any potential litigation that was pending.

Q. And -- can you guys still see me?

A. Yes.

Q. So sorry, excuse me.

What were those policy issues that you just referenced --

A. As an organization --

Q. -- taken over by the --

A. Okay, I'm sorry.

Q. The policy issues that you were talking about, what were those that were taken over by the FUND?

A. The issues that are important to GALEO and the GALEO Latino Community Development Fund that remain are issues on immigrant rights,

voting rights. And we've added climate change as part of the issues that were important to our community.

Q. And in terms of the policy issues that the FUND took over from the GALEO Association of Latino Elected Officials, would that have included programming or activities related to redistricting maps that were adopted in 2021?

A. That would fall under the purview of voting rights.

Q. And what other policy areas under voting rights, other than redistricting, were taken over by the FUND upon the dissolution of the Association?

A. There's voting rights -- under voting rights you said?

Q. Yes, yes, under voting rights.

A. Under voting rights, I mean, there's participation in the census that informs what happens in redistricting. It's an important piece of that. How people become citizens in that process and any voting law changes that happened that disproportionally impact the Latino community.

Q. Were there any activities and

1 programming under the area of voting rights taken
2 over by the FUND that were related to issues
3 other than redistricting? For example, SB202 or
4 any other voting or election-related issues?
5 A. Well, certainly SB202 is a front and an
6 effort to diminish voting strength of minority
7 communities in Georgia, so that falls under the
8 purview of voting rights that is necessary for us
9 to address.
10 Q. So is that an area of programming and
11 activities that were taken over by the FUND when
12 the Association was dissolved, or is that just
13 something that the FUND was handling before?
14 A. It falls under the purview of the voting
15 rights focus of our organization to ensure that
16 the Latino community is educated and informed
17 about their rights and how to adjust their way of
18 exercising their right to vote given the changes
19 in law that have happened.
20 Q. And were those activities related to
21 what you just described, were any of those taken
22 over by the FUND from the Association when the
23 Association was dissolved?
24 A. At the time --
25 MR. LAYMAN: I'm gonna object to

any further questions about the FUND and advise the client not to answer further questions related to -- not the FUND, sorry, the Georgia Association of Latino Elected Officials, it's outside the scope of this deposition.

And, I mean, I've given quite a bit of leeway here. And I think specific questions about Georgia Association of Elected Officials is, like I said, outside of the purview.

You've established the differences between the two entities and I think we've been -- I advise my client not to answer any more questions about the FUND. Or I'm sorry, Georgia Association of Elected Officials.

MS. LaROSS: Okay, so I understand that you've instructed your client not to answer any further questions concerning the Association even if it pertains to its relationship to the FUND?

MR. LAYMAN: Yes, the FUND is the plaintiff in this matter and the Association has been resolved -- has resolved.

MS. LaROSS: Would this be an okay time to just take a break for five minutes, would that be okay with everybody?

(A recess was taken from
9:58 a.m. to 10:06 a.m.)
MS. LaROSS: Let's go ahead and -- well, hang on just for a second.
Just so I'm clear, Counsel, because we ended the last part with your objection, and I just want to establish for the record that the GALEO Association is a separate and unrelated entity from the GALEO FUND; am I correct about that?
MR. LAYMAN: Yes, and the case is brought by the FUND and not the Association.
BY MS. LaROSS:
Q. Mr. Gonzalez, if we could take a look back on Exhibit 1 in Exhibit Share, and that is the notice of deposition, and we'll look at Exhibit A attached to the notice and that begins on page four. So once you get there and have a chance to take a look at that, let me know.
A. Yes, I'm familiar with it.
Q. Okay, thank you. With respect to topic number one --
MS. LaROSS: So Shawn, I understand that we have an agreement that the -- because the FUND is not a serving financial -- serving

1 financial resources, that we've withdrawn topics
2 to the extent that we would ask for their
3 financial resources. And that the -- when
4 speaking of diversion of resources, that would be
5 confined, again, to non-financial resources. Am
6 I correct about that?
7 MR. LAYMAN: Yes, you are. And
8 thank you for clarifying that on the record, yes.
9 MS. LaROSS: Okay, great.
10 BY MS. LaROSS:
11 Q. So topic number one, Mr. Gonzalez, to
12 the extent that it refers only to non-financial
13 resources of the FUND, are you the designee or
14 representative of the FUND who is going to
15 testify as to topic number one?
16 A. Yes.
17 Q. Okay, great. And so topic number one is
18 the Association's allocation -- sorry, the
19 organization's allocation of resources from
20 January 1, 2021, through the present, that
21 reflect diversion of resources that the FUND has
22 alleged and undertaken in its complaint.
23 So you're -- so again, you're the
24 designee on behalf of the FUND to testify to that
25 topic; is that correct, Mr. Gonzalez?

A. Yes.
Q. And what work did you do or how did you prepare to respond to topic number one in this deposition?
A. I reviewed our Form 990s and our budget over these last several years.
Q. Did you review any other documents in preparation for your testimony on topic number one?
A. Not on this particular topic, no.
Q. Okay. Do you have any documents there with you today concerning topic number one?
A. No, I don't have anything with me.
Q. So there's no documents at all regardless of the topic, is that what I -- understand that correctly?
A. That's correct, I don't have any documents with me.
Q. Okay. And I would understand that you may have spoken with your attorneys concerning topic number one and I'm not asking about those conversations, but I'm wondering if you spoke with anyone else from the FUND or anyone else concerning your testimony as to topic number one?
A. No.

Q. And does the FUND claim that it has had to divert resources due to the adoption of the 2021 redistricting maps?

A. Yes.

Q. And what resources have changed as a result of -- resources of the FUND have changed as a result of the adoption of the 2021 redistricting maps?

A. Well, I'll start with from an organizational perspective, we -- part of what goes into the redistricting efforts are the census, so this effort started to ensure that we had an accurate count of the Latino community in the State of Georgia.

So that started as we led up -- a year and-a-half before we started with the census work in 2020. So we were making sure that Latinos were gonna be counted accurately in the census, and we were heavily involved in informing and educating our community on the value of participation and being counted in the census.

The census is about power and money. And power with regards to the redistricting and how people get represented in elected office, but also funding for local communities. So we did,

1 from an organization perspective, we made the
2 investment of increasing staff from four to eight
3 people to gear up for the census activities in
4 the outreach and engagement that we needed to do
5 in order to educate and inform our community in
6 the value of participating in the census.
7 So leading up to that, we -- we did
8 increase in resources for staff. And then
9 upon -- upon -- after the -- after the census was
10 done, after the census numbers were released, we
11 had to inform and educate the community about
12 that redistribution of power that happens with
13 redistricting.
14 And we engaged heavily in making sure
15 that our community understand -- understood the
16 connection between them participating in the
17 census, as well as the redistribution of power
18 that happens every ten years with the
19 redistricting process in Georgia.
20 Q. And what you described concerning the
21 census, would that be under category -- would
22 that be education, or how would you characterize
23 those efforts?
24 A. We categorize the efforts on the census
25 and on redistricting under civic engagement for

1 our community.
2 Q. And the work under civic engagement
3 concerning the census itself, was that work that
4 would have been undertaken no matter what the
5 maps were that were adopted -- or what maps were
6 adopted in 2021 under redistricting?
7 A. That work does take place every ten
8 years that we've been in existence, so we've done
9 that work in 2010; we did that work in 2020 as
10 well.
11 Q. And how did that work -- or strike that.
12 Did that work change once the maps were
13 adopted, or was there an effort that was directed
14 solely to now that redistricting is done, that
15 the maps have been adopted, then there's efforts
16 that we undertake from here forward? Does that
17 make any sense?
18 A. Well, once the maps were adopted, part
19 of our effort was to educate and inform our
20 community about the Georgia legislative efforts
21 to diminish the voting strength of minority
22 communities across the state by unfairly packing
23 and cracking our communities to dilute the growth
24 of the communities power in the legislative
25 process through the redistricting process.

So we were making sure that our communities were informed and educated about the legislative efforts to dilute the voting strength of minority community, particularly black, API and Latino communities in that process.

Q. And again, those efforts, would they fall under the FUND civic engagement category?

A. Yes.

Q. And I understand from your testimony that once the maps were adopted, there was messaging that changed as a result of the maps, the redistricting maps. What -- were there any program changes or how did the activities -- any activities change as a result of the adoption of the maps?

A. With the adoption of the maps we had to, again -- part of the education was that we talked about the impact that it has on our community with the cracking and packing and why we believe that happened.

And then we also had to inform and educate our community about the new districts in which they were going to be voting in.

Q. And how did you go about informing the community about the new district that they would

need to be voting in?

A. We did that through a variety of outreach efforts that we do, such as we send out mailers, we make phone calls, we send out texts, those type of -- that type of thing. And we went door to door in some instances.

Q. And the outreach efforts that you just described, the mailers, phone calls, and door to door, generally speaking were those outreach efforts entirely focused on the new redistricting maps, or were those efforts, did they also go to voting registration or other kind of areas related to voting?

A. It was one of the topics that we had in those communications.

Q. So did the FUND publish mailers that were solely on redistricting?

A. Leading up to the redistricting effort, we did publish mailers that were targeted for census outreach and participation, which does -- which does impact the redistricting effort.

Q. And then after the maps were adopted, were there specific mailers that were sent out that referenced just the redistricting, the new redistricting in 2021?

A. Not to my knowledge, no.
Q. And you mentioned that there were phone calls that were made in your outreach effort. Were there phone calls that were made solely for the purpose of communicating issues related to redistricting, or was that part of -- the phone calls were -- there were other topics that were discussed in those phone calls?
A. Well, in our efforts to engage our community to make sure that they're educated and informed about the voting process, part of the voting process was the change in election laws, the change of districts that happens, so that was one of the topics we covered when we were talking to folks about their right to vote.
Q. Sure. And then the change in election laws, would that have included changes -- law changes under SB202?
A. The law changes are reflective of the redistricting effort, as well as the changes in SB202.
Q. Okay. And you also mentioned in your -- when you spoke about the Fund's outreach efforts, the door-to-door efforts. Again, were those efforts concentrated solely on redistricting, or

the redistricting maps that were adopted in 2021?
A. No, not solely on redistricting. As I mentioned, we educated and informed our community about exercising their rights to vote, and part of them exercising their rights to vote is knowing they had new districts and knowing changes in election laws.
Q. And the outreach efforts that you described, has the FUND been sending out mailers, doing phone calls, going door to door and those outreach efforts prior to the adoption of the 2021 maps?
A. Could you restate?
Q. Sure, yeah. What I'm trying to get at is -- I'll ask it this way.
How long has the FUND been undertaking those general areas of outreach that you described for us, the mailers, the phone calls, the door to door?
A. So those -- those efforts we do in local elections, as well as midterm and presidential elections and primaries, so we do those efforts as an ongoing basis from the community perspective.
However, our messaging needs to

accommodate the changes in districts, so that's the distinction here, is that normally -- that is a normal process that we do, but adding another topic to what we're talking to voters about is a diversion of resources that we're doing associated with the work that we're doing.

So had the districts not changed, that's not something that we would have talked about because they would be able to exercise their right to vote without having to understand that there was a new district that they were voting in.

Q. Okay. And I know you mentioned that the FUND had been engaged in an outreach effort for other elections. So what -- my question is, when did the FUND begin engaging in the outreach efforts that you just described?

A. Immediately when we started the FUND in 2004, we started our outreach efforts to the Latino community.

Q. And did those outreach efforts that were undertaken by the FUND after it was established in 2004, how were -- were those outreach efforts different and separate from the -- any outreach efforts or other efforts by the GALEO

Association?

A. As I mentioned before, when we started as an organization -- a set of organizations, once we started the GALEO Latino Community Development Fund in 2004, the programming for outreach was focused on the 501(c)(3) organization, which is GALEO Latino Community Development Fund; and the lobbying activities and policy issues were taken up with the Georgia Association of Latino Elected Officials, which is a 501(c)(6) organization.

Q. Okay. So in other words, since the FUND was established, the outreach efforts that you described have been ongoing and engaged in by the FUND, correct?

A. That is correct.

Q. And I think if I understand your testimony, those were -- those outreach efforts were not undertaken by the Association?

A. Not as a normal practice, no. But the Association was also a non-bipartisan organization that could engage in those outreach activities, which is what we did when we first started in 2003.

Q. Okay. And were any of those efforts

that you just described by the Association, were any of those taken over by the FUND when the Association was dissolved?

A. As I mentioned when we started in 2003, the Georgia Association of Latino Elected Officials did both advocacy and policy work, as well as outreach to our community and leadership development under the 501(c)(6) organization.

When we started the GALEO Latino Community Development Fund in 2004, all of the outreach activities under civic engagement and leadership development transitioned to the 501(c)(3), which is GALEO Latino Community Development Fund in order to implement the programming there and remained in the 501(c)(6), for the most part was our lobbying and policy issues. So that transition happened at that point in time.

Q. Okay. And that's all I'm trying to understand, is what remained in -- when the -- when the Association was dissolved and that got turned over to the FUND or undertaken by the FUND in terms of the -- you know, with the policy issues that you talked about. Is there any more about what those were?

A. I think I've covered that pretty thoroughly. I'm not sure what the question is.

Q. Okay, let me try it one more time. Was there anything specific that the Association was doing before it was dissolved that was specifically taken over by the FUND?

MR. LAYMAN: I'm gonna object again about questions related to the Association, which is dissolved and not a party to this litigation.

MS. LaROSS: Okay, I'll move on. I -- yeah, I'll move on.

BY MS. LaROSS:

Q. So you've spoken, Mr. Gonzalez, and we were discussing topic A -- or topic one in Exhibit A of the notice of deposition and on the diversion of nonfinancial resources. So you described outreach efforts. Is there anything else that the FUND -- any other activities or programming that has -- that has changed for the FUND since the adoption of the redistricting maps in 2021?

A. As I mentioned before, the organization had to engage with our community to educate and inform on the state's efforts to crack and pack our community and dilute the power of the

1 minority communities, and educate our community
2 about the new district in which they were to be
3 going in in that process.
4 So those are the issues -- those are the
5 things we did. We did that in a variety of
6 different was, including the ways that we did
7 before.
8 Q. And you've spoken about the outreach
9 efforts and the mailings, phone calls, and then
10 door to door. Were there any other ways or --
11 any other ways that the FUND was educating the
12 community concerning the adoption of the 2021
13 redistricting maps?
14 A. We were also very active with Spanish
15 media. We were very active with social media as
16 well.
17 Q. Is there any other undertakings by the
18 FUND that is as a result of the 2021
19 redistricting maps?
20 A. I think we've covered the scope of what
21 we did that I -- that I can recall at this time.
22 Q. Okay. All right. And then you spoke
23 about mailers that were sent out that included --
24 that were related to the adoption of the 2021
25 redistricting maps. Do you know if those mailers

or copies of those mailers have been produced in this litigation?

A. I -- we've produced documents to our attorneys, but I'm not -- I'm not -- I don't have that in front of me so I couldn't answer that question.

Q. Okay. Do you have any knowledge of -- strike that.

On behalf of the FUND, did you collect those mailers and submit them to your attorneys?

A. I believe that we did.

Q. And the phone calls that were made in the outreach efforts that you've described, does the FUND provide any -- like a phone calling transcript or any kind of written document to as a "go by" for folks when they're making the phone calls?

A. We sometimes do, but that varies from time to time because we train our staff and volunteers how to conduct those phone calls and they're more conversational based on the needs of the --

Q. Sorry. So then would there be any written documents that would reflect how -- what the folks were trained to say during the phone

conversations that you've talked about?
A. I believe that our staff does generate a general -- a general outline of topics to cover, but I would have to check to see if that -- that did take place.
Q. Okay. So that's not something that you've already produced to your attorneys in this case; am I correct?
A. I'm not clear if that's been the case or not.
Q. Okay. Yeah, and I would appreciate it if you could double check that.
MS. LaROSS: And we can follow-up with you, Shawn, on that.
MR. LAYMAN: Okay.
BY MS. LaROSS:
Q. Are there any written training materials that are prepared by the FUND that would reflect how folks are trained and what they're trained to ask during phone conversations?
A. We do have training materials for our general GOTV purposes, get-out-the-vote purposes and engagement with our community, but not necessarily anything specific to redistricting.
As I said, the four that -- when we

1 engage with our community, it's conversational.
2 So depending on how the conversation is going is
3 determined what topics we cover with our
4 community members in either English or Spanish.
5 Q. Have there been any programs or
6 activities of the FUND that have ceased as a
7 result of -- or that have stopped -- you stopped
8 doing as a result of the adoption of the 2021
9 redistricting maps and what you've described as a
10 diversion of resources?
11 A. I don't believe that we've stopped, we
12 continue to educate and engage our community
13 about the changes in law that have happened. Our
14 community is not always -- not -- does not engage
15 in every single election, so the education and
16 the engagement process is an ongoing effort.
17 Q. Is there anything else, other than what
18 you've described already for us, Mr. Gonzalez,
19 that you would understand to be resources, not
20 financial resources, that have been diverted as a
21 result of the adoption of the 2021 maps?
22 A. Not any more that I can think of at this
23 moment.
24 Q. In terms of nonfinancial resources, have
25 you had to change or expand the numbers of

volunteers, for example, that the FUND utilizes or engages with for the outreach activities that you've described?

A. Certainly we've had to expand and increase our outreach efforts due to the plethora of changes that have happened in Georgia with regards to voter suppression tactics that the Georgia legislature has done, that include but aren't limited to SB202, for example, as well as the redistricting process that packed and cracked and diluted minority communities ability to elect candidates of choice.

Q. So does that, what you just described, the plethora of changes in Georgia law, has that -- has the FUND had to increase the number of volunteers in the last -- since 2021?

A. Yes, and we had to increase our number of volunteers in our targeted outreach to our community to ensure that we are adequately educating and informing our community about the changes in districts, as well as changes in law.

Q. Okay. And has the FUND had to add any staff as a result of -- and I think I understand that -- let me ask it this way, I'm gonna start over again.

1 I understand that the FUND hasn't added
2 any staff as a result of the adoption of the 2021
3 redistricting maps; am I correct about that?
4 A. Well, I wouldn't necessarily say that.
5 What I would say is that GALEO Latino Community
6 Development Fund has had to increase staffing
7 resources to meet the challenges of today, that
8 include a Jim Crow mentality of the Georgia
9 legislatures to suppress minority communities
10 voters, including but not limited to SB202 and
11 the redistricting efforts to racially
12 discriminate against Latino, and black and API
13 community members.
14 So because of the environment -- the
15 hostile environment that we're in with regards to
16 voting rights, we have had to increase our staff
17 to ensure that we have adequate outreach and
18 education efforts ongoing to our community about
19 maneuvering around the Jim Crow obstacles that
20 the legislature puts in place to ensure that our
21 communities voices are respected in the
22 Democratic process.
23 Q. I think you mentioned earlier in your
24 deposition, was there two staff members that were
25 added at the time of the 2020 census; do I recall

your testimony correct about that?

A. No, that's not correct. We went from four staff members to eight staff members, so we added four additional staff members to our organization. And since then, now we're at 15 staff members to our GALEO Latino Community Development Fund.

Q. Would you say that any of those staff members were added solely for the purpose of addressing the issues raised in this litigation concerning the 2021 -- the adoption of the 2021 redistricting maps?

A. As I mentioned in context, Georgia is -- Georgia legislature has taken a very aggressive effort to dilute the minority communities ability to exercise their right to vote and elect candidates of choice, both including SB202, as well as through the redistricting process.

So in those efforts we have had to increase our resource -- staff resource allocation to ensure that we can continue to engage and educate our community about exercising the right to vote, given the changes in laws that we've had.

Q. Okay. So with regard to topic number

one, Mr. Gonzalez, is there anything else, other than what you've explained to us and already testified to that is responsive to topic number one?

A. No. As I mentioned, that's all that I can recall at this time.

Q. Okay, thank you.

And I believe as to topic number two in the notice, that through agreement of counsel that the FUND was not raising a diversion of financial resources, that based on that agreement we've withdrawn topic number two.

MS. LaROSS: Is that your agreement, Shawn?

MR. LAYMAN: Yes, it is.

MS. LaROSS: So Mr. Gonzalez won't be testifying as to topic number two today; is that correct?

MR. LAYMAN: Yes.

THE WITNESS: Yes.

BY MS. LaROSS:

Q. So let's move on to topic number three on the notice of deposition. Okay, so topic number three is the organizations exempt purpose and activities it undertakes in accordance with

its exempt purpose. Do you see topic number three listed on Exhibit A -- well, listed in the notice of deposition that's attached as Exhibit 1 to your deposition?

A. Yes, I do.

Q. Okay, great.

And are you the representative and designee of the FUND as to testify as to topic number three?

A. Yes, ma'am.

Q. Okay. And what did you do to prepare for your testimony concerning topic number three?

A. Again, I reviewed the documents, the pleadings and our organizational bylaws, et cetera, of what -- to ensure I was ready for this.

Q. Okay. When you said that you reviewed the pleadings, would that have included the amended complaint in this matter?

A. Yes.

Q. I'd like to just, if we could post that as an exhibit. We're on Exhibit 7, I think.

(Exhibit 7 marked for identification.)

BY MS. LaROSS:
Q. It should be in your Exhibit Share, Mr. Gonzalez. Do you see it yet?
A. Yes, I see it now.
Q. Okay, so No. 7. If you could open that up for us, and just take a brief look at it. I'll direct you to the paragraphs I'm gonna ask you about so you don't need to take the time to read the whole thing unless you would like to. I don't want to stop you from doing that.
A. No, I've reviewed that document and it looks complete as I've reviewed it before.
Q. Okay. And that document that is Exhibit No. 7, is the Amended Complaint For Declaratory and Injunctive Relief in this case; is that correct?
A. That's correct.
Q. And this document includes the GALEO Latino Community Development Fund as a party -- and as a plaintiff, it's listed as a plaintiff on page one of that amended complaint, correct?
A. That is correct.
Q. If I could ask you to turn to page 18 of the amended complaint. We're going to be looking at paragraphs 53 through 59, which goes on to

page 19, so if you could take a look at paragraphs 53 through 59.

A. Okay.

Q. Okay, thank you.

And in paragraph 53, it refers to the GALEO Latino Community Development Fund as GALEO, and the rest of those paragraphs, 53 through 59, refer to GALEO. And that reference there, we're talking about the FUND; is that correct?

A. That is correct as per the --

Q. And -- sorry, excuse me. Go ahead.

A. As per the dissolution agreement that we had with the Association, the GALEO Latino Community Development Fund can also utilize the name GALEO and we use that interchangeably.

Q. So paragraphs 53 through 59, have you had a chance to look at them? I do want to ask you if all of the information contained in those paragraphs is true and correct today --

A. That is correct.

Q. -- as of today?

A. That is correct.

Q. And you mentioned that you had reviewed the pleadings and I think 990s in preparation for your testimony on topic three; is that correct?

A. That is correct.
Q. And certainly other than your attorney, I don't want to ask about conversations you had with them, but was there anyone else that you spoke to in preparation for your testimony on topic number three?
A. No.
Q. And on behalf of the FUND, Mr. Gonzalez, what is your understanding of the exempt purpose of the FUND?
A. Our purpose is to promote civic engagement and leadership development to the Latino community in Georgia.
Q. I wanted to post as an exhibit, Mr. Gonzalez, the -- I believe it's the 2019 990?
(Exhibit 8 marked for identification.)
BY MS. LaROSS:
Q. Go ahead and check your Exhibit Share, it should be there. It would be Exhibit 8.
A. Okay.
Q. And take a look at Exhibit 8. Is this a copy of the 2019 990 for the GALEO Latino Community Development Fund?
A. Yes.

Q. And is this one of the documents you reviewed in preparation for your testimony on topic number three?

A. Yes.

Q. And what other years of 990 filings has there been for the FUND?

A. I believe --

Q. Let me ask it -- I'm sorry, I need to ask it again.

How about since 2019, for what years have 990 forms been filed on behalf of the FUND?

A. I believe the filings have taken place through 2021.

Q. Okay, thanks.

Okay, great. And so if you would look at Exhibit No. 8, the first page of the 2019 990, under paragraph F, that lists your name there as the principal officer, correct?

A. That is correct.

Q. If we could look -- just a moment. Sorry, just a moment.

If you could take a look at Schedule O, which I think is the sixth -- the last page of Exhibit No. 8. Let me know when you found that. It's a section called Supplemental Information to

Form 990 and Form 990 EAP.
A. Okay.
Q. Okay. So on this page, Schedule O, there's a box that asks for the Form 990 organization mission or most significant activity. Do you see the box I'm referring to?
A. Yes.
Q. Okay. And under "explanation", can you read that for us?
A. GALEO Latino Community Development Fund, Inc., promotes engagement to the Latino and immigrant community in issues that matter to them or efforts that focus upon immigration reform and voters rights and leadership.
Q. Okay. And has that mission changed in any way as a result of the adoption of the 2021 redistricting maps?
A. Not at all.
Q. We're finished with Exhibit No. 8.
And you described for us earlier in your testimony certain outreach efforts by the FUND that the FUND has undertaken. And other than those outreach efforts that pertain in some way to the 2021 redistricting maps, has the FUND undertaken any other exempt activities other than

what you've described?

MR. LAYMAN: Objection, time frame.

MS. LaROSS: Okay, okay.

BY MS. LaROSS:

Q. Any other exempt activities -- I'll ask it again.

Has the FUND undertaken any other exempt activities, other than what you've previously described, that are a result of the adoption of the 2021 redistricting maps?

A. No, not that I'm aware of at this time.

Q. I'm gonna go ahead and go back to Exhibit 1, the notice. We're going to go on to topic number four.

A. Can I take a quick break?

Q. Oh, of course. I was just gonna ask you that. Of course. Five minutes? Ten minutes?

A. Five minutes is fine.

MS. LaROSS: Okay, great. Let's go ahead and take a five-minute break.

(A recess was taken from 10:55 a.m. to 11:04 a.m.)

BY MS. LaROSS:

Q. Let's go back to your Exhibit Share, the amended notice, which is Exhibit No. 1,

Mr. Gonzalez.
A. Yes.
Q. And if you could refer to page four.
MS. LaROSS: And as to topics four and five, Shawn, I understand our -- the agreement, that the FUND is not asserting a claim for a diversion of financial resources, that we will only be -- and those topics addressing financial resources; is that consistent with your understanding?
MR. LAYMAN: Yes, it is.
MS. LaROSS: Okay, great.
BY MS. LaROSS:
Q. So if you could look at topic number four -- let's take topics number four and five together, Mr. Gonzalez, if you could look at both of those topics. And once you've had a chance to take a look at those, let me know.
A. Okay.
Q. And same questions as before, I'd like to know what you did to prepare for your testimony on topics four and five?
A. Again, I've reviewed our Form 990s, our budgets, as well as our organizational documents associated with -- and the pleadings associated

with this case.
Q. And when you say "your organizational documents", are those -- are the documents other than the ones that we've gone over today and have attached as exhibits to the deposition?
A. No, those are the ones that are included in the exhibits.
Q. And other than speaking with your attorneys, did you speak with anyone to prepare for your testimony on topics four and five?
A. No.
Q. With regard to topic number four, concerns the organizations organizational structure and the individuals that have authority to make resource allocation decisions, so you're the designee that's been selected by the FUND to testify on that topic, correct?
A. That is correct.
Q. And tell us about the Fund's organizational structure?
A. Well, the organizational structure that we have, it pertains to our -- well, I'm the CEO. Right now we have a deputy director in place as well. We have a director of communications, we have a director of development, we have a

1 director of policy and advocacy, which is David
2 Garcia, and we have a director of civic
3 engagement and a director of leadership
4 development. Under those we've got community
5 organizers and program coordinators and program
6 managers.
7 Q. And is that pretty much the list of 15
8 staff members that you referenced earlier in your
9 testimony?
10 A. That would include the folks listed -- I
11 hope I didn't forget anybody, but I think I've
12 included anybody.
13 Q. And how does the decisions concerning
14 resource allocation by the FUND, what process
15 does the FUND undergo to make those types of
16 decisions, and that would be since January 1,
17 2021?
18 A. Our normal practices for resource
19 allocation for the FUND are through a budgeting
20 process that the Board leads, along with my --
21 with my participation in the budgeting process
22 and the Board adopts -- adopts the budget. And
23 then it's my responsibility to determine the
24 allocation of resources associated with that
25 budget.

Q. And once you make those decisions about the allocation of resources, do you need to go back to the Board or anyone else for additional approval?

A. No, I have -- unless there's significant changes to the budget that are needed, then I have authority to be able to allocate resources as-needed to ensure that our programmatic scope and impact in our community is appropriately distributed through the organization.

Q. And is it up to you to decide the allocations of volunteers, for example, for the various activities that the organization undertakes, or is that something that each director from the specific areas that you outlined, that that's within their decisionmaking process?

A. We have regular meetings that we discuss the activities and what is happening, and I -- the directors lead in those specific instances. But of course strategic leadership is provided by myself and the deputy director.

Q. If you would look at topic number five, Mr. Gonzalez. The specific question there is what I have there under A, is what are the

specific activities and projects the organization has been unable to engage in due to the diversion of resources as a result of the adoption of the 2021 maps.

A. Well, as I've mentioned several times, is that because our engagement with the Latino community in particular is limited in time and scope with both staff and resources, then by us having to add the conversation about new districts and to add the conversation about how the Georgia legislature has racially gerrymandered the districts to dilute minority communities ability to elect candidates of choice, that takes away from our other engagement activities, such as how to overcome the barriers that were put into place with SB202.

Takes away from our activities of being able to provide language assistance -- adequate language assistance to voters that may need it under protection of the Section 208 of the Voting Right Act.

So any time that we are spending talking about the districts and the dilution and the packing and cracking, is time that we're not spending on those other outreach activities or on

our leadership development activities.
So we've got a limited budget, we've got a limited number of staff members, so when we do divert resources to address the impact of redistricting, and its negative impact on our communities, then we are diverting resources away from our other main areas of focus.
Q. And I believe your testimony earlier was that there was -- there weren't any activities that ceased and stopped happening or that the funds stopped engaging in as a result of the diversion of resources; is that correct?
A. Restate that again, please.
Q. Sure. The -- has the FUND had to stop or discontinue any of its organizational activities as a result of the diversion of resources that have resulted from the adoption of the 2021 redistricting maps?
A. We've not had to stop associated with that, but again, any time that we -- time is limited. So any time that we are discussing redistricting, we're not talking about other things that we could be talking about with our community, like how to circumvent SB202 implications in our community with absentee

1 ballots and how that limited our ability to be
2 able to do that.
3 When we're talking about redistricting,
4 we're not able to provide language access to
5 voters or it's taking time away from our
6 leadership programming that we have. So time and
7 staff resources are limited, so any time that we
8 are doing anything associated with redistricting,
9 is time away from our other focus areas.
10 We've continued our other focused areas
11 but they have been diminished because of the
12 diversion of resources that we've had to do when
13 we're addressing the redistricting impact that
14 it's had on our community.
15 Q. Can you say how much the activities, for
16 example, about respect to SB202 and educating
17 voters concerning SB202, how much has that work
18 been diminished as a result of the adoption of
19 these 2021 maps?
20 A. We don't -- we don't really track our
21 time or our -- our staff resources in that way to
22 be able to determine -- to give you a definitive
23 estimate.
24 Q. Does the FUND have any documents that
25 would reflect the extent to which work concerning

SB202 would have been limited or diminished as a result of the redistricting maps?

A. As I mentioned, we don't have documentation or keep track of staff time to that level of detail.

Q. And would that also be true concerning the amount that you described of the work was diminished in the area of language -- you know, helping folks with language access?

A. Yes, that is accurate.

Q. And you're not able to -- let me ask this.

Can you give me a percentage of how much of that work has been diminished, or is that something you're not able to do?

A. I'm not able to speculate, we don't have the data.

Q. Sure, okay. And I think you mentioned that there was -- work has to be diverted away from leadership development to address those issues concerning the 2021 redistricting maps. Can you tell me more specifically how that area of work has been impacted?

A. For example, when -- during my time today, for example, we are in the process of

1 recruiting for our next class for our GALEO
2 Institute for Leadership. And as part of that,
3 I'm limited in my accessibility for my staff to
4 be able to consult with me on the new recruits
5 and applicants for the leadership program and the
6 logistics associated with the implementation of
7 our leadership program.
8 So my time is limited and taken away
9 from engaging in our leadership program during
10 this important time of recruitment because of the
11 redistricting, as one example of how that impacts
12 our leadership development efforts.
13 Q. Are there any other examples that come
14 to mind concerning leadership development?
15 A. No, that's -- that's a big one right now
16 because we're in the middle of recruitment.
17 Q. Okay. If we could look back at the
18 notice, Mr. Gonzalez, topic number six. Have you
19 had a chance to look at topic number six?
20 A. Yes.
21 Q. And I just have one question here, has
22 the FUND made any decisions on or made any plans
23 to undertake other activities and allocation of
24 resources in the future that you've not described
25 for us today as a result of the redistricting

maps?
A. Not at this time.
Q. And I understand we have an agreement with counsel, we're -- that -- I won't ask any further questions if there's no decision as to the future.
And then also topic number seven, I would understand that based upon our -- the agreement with counsel and that -- the fact that the FUND is not diverting financial resources, that we -- based on that agreement we've withdrawn topic number seven.
MS. LaROSS: Is that consistent with your --
MR. LAYMAN: Yes.
MS. LaROSS: With your knowledge, Shawn?
MR. LAYMAN: We're not going forward with the -- with a claim of financial resources, that's correct.
MS. LaROSS: Okay, great.
BY MS. LaROSS:
Q. So let's go ahead and move on to topic number eight. Mr. Gonzalez, if you could take a look at that. This is the nature of membership

of the organization, including how individuals become members and any obligations of members and any benefits offered by the organization to its members. Do you see that topic?

A. Yes.

Q. And what have you done to prepare for your testimony concerning topic number eight?

A. Similar to before, I've reviewed the bylaws and all the documents in the exhibits to date.

Q. And other than speaking with your attorneys, have you discussed your -- have you spoken with anyone else in preparation for your testimony under topic number eight?

A. The only person that I've spoken to has been the development director, and that's just to get an update on our membership.

Q. Who is the development director?

A. Her name is Elizabeth Scott.

Q. Did she provide you with any documentation during that conversation you had with Elizabeth Scott?

A. I asked for the -- our membership total and she provided me with that.

Q. And what is the Fund's current

membership total?
A. Last time that she provided me that, I believe it was probably over 250 members. Hopefully it's grown since then.
Q. And when was that conversation, was that in the last month or two, or when would you estimate that occurred?
A. I would estimate it was within the last couple of months.
Q. Okay. So possibly November/December of last year and this year, or does that -- is that accurate?
A. November/ December time. Probably November time frame, I believe.
Q. And you are the designated designee to testify on topic number eight; is that correct?
A. That's correct.
Q. And describe the nature of membership of the FUND in 2021 and 2022?
A. Sure. The nature of our membership is a pretty open definition of membership that we have. We have a membership structure where people can contribute to our organization to become members if they align with our values and our mission, as well as people can volunteer to

earn their membership.

And also alumni of the GALEO Institute of Leadership upon graduation are provided with free membership when they graduate from our leadership program. Those are some of the examples of how we add members to our organization.

Members are able to participate as volunteers in our GALEO leadership council, which is sort of -- is sort of an advisory committee to the -- to the organization from community members that want to engage in further -- to continue their leadership development efforts with our organization. They're a self-governing advisory committee that conducts activities aligned with our mission associated with that.

And then also members are able to attend some of our events at a discounted rate to ensure that they can continue to participate in our organization's efforts and activities.

Q. Do your members -- are -- do they pay dues?

A. As I mentioned, there is -- there is a financial rate in which one can become a member, but also if a person gives their time or

graduates from our GALEO Institute for Leadership, they can become members in that way.

Q. Is there a set amount for dues that if that -- if somebody wanted to contribute that way to become a member?

A. No, we have -- we have a wide range of membership levels, so it just depends on whether a person is able to commit. I think it's $15 is the lowest, and then 250 may be highest in that -- in the membership structure.

But as I mentioned that's not rigid, it's in a way if people aren't able to contribute in that way, they can volunteer their time or engage with us in the Institute of Leadership, and therefore earn their membership upon graduation of that leadership program.

Q. Okay. And then when folks become a member of the FUND, do they have any specific obligations as members?

A. There's no specific obligations as members, more benefits than obligations.

Q. And what are the benefits of members?

A. As I mentioned, they're able to attend some of our events at discounted rates or get invited to special events that we may have. For

example, during the election we invited our members to participate in Taco Tuesday to the poles. We had -- we provided tacos for folks and started reminding people about going to the poles during the early voting process, as an example.

MS. LaROSS: And Shawn, in response to supplemental response to discovery, the FUND has disclosed under an AAO designation the name of a member who's been affected by redistricting. And I obviously -- we don't want to say her name here, but I do want to ask just a couple of questions about that.

And then you can tell me if we need to designee this portion of the deposition as a -- I'm trying to avoid that, but if we need to, just let me know; is that acceptable?

MR. LAYMAN: Yes. Yeah, just to the -- I'll let you ask the questions and just object.

MS. LaROSS: Okay. And you can object as I ask the question, if need be. I'm not trying to lock you in there.

BY MS. LaROSS:

Q. Okay. So Mr. Gonzalez, are you aware, and we don't want to say the name of the person,

but that one member of the FUND has been identified as having been affected by redistricting?

A. Yes.

Q. And what process did the FUND undertake to determine that individual?

MR. LAYMAN: Objection to the extent that it covers attorney/client privilege, and conversations you had with an attorney or any work product.

MS. LaROSS: Sure.

BY MS. LaROSS:

Q. Other than discussions with your attorney, what did the FUND do to determine that particular individual?

A. We looked at our membership list and made sure that we had addresses for the folks that we were looking at and made sure that they were in concert with what we were particularly looking for.

Q. And what district does that person reside in?

A. I don't know the particular district, but I know that the district is within Dekalb County.

Q. Those are all the questions that I have on that issue.

And if we look at topic number nine in the notice, Mr. Gonzalez, and let me know when you've done so.

A. Okay.

Q. And are you the designee on behalf of the FUND to testify as to topic number nine?

A. Yes, I am.

Q. And other than what you've previously described, was there any additional -- anything additional that you reviewed in preparation for your testimony on topic number nine?

A. No.

Q. And other than your conversation with your attorneys, did you have any conversations with anyone to prepare for your testimony on topic number nine?

A. No.

MS. LaROSS: I need to go off record just for a moment, Celeste.

(Pause in proceedings.)

MS. LaROSS: We can go back on the record.

BY MS. LaROSS:
Q. We've covered what we need to ask you in topic number eight and topic number nine, so we're going to continue on, Mr. Gonzalez.
And I think we've already covered topic number ten, so we'll get on to topic number 11. I do understand that we will be asking Mr. Garcia some questions on this topic, but I understand that you also are going to testify as to topic number 11; is that correct, Mr. Gonzalez?
A. That's correct.
Q. Okay. Let's take a look at topic number 11. It's the organization's communications with the General Assembly -- Georgia General Assembly regarding the laws, policies and protocols it challenges in this action from January 1, 2021, to the present.
So the FUND has designated you, Mr. Gonzalez, to speak in part about topic number 11; is that correct?
A. That is correct.
Q. And other than what you've explained to us previously, have you done anything else to prepare for your testimony with respect to topic number 11?

A. No.
Q. Other than your attorneys, have you spoken with anyone in preparation for your testimony concerning topic number 11?
A. No.
Q. What communications has the FUND had with the Georgia General Assembly in response to topic number 11?
A. In response to topic number 11, I provided testimony to the Georgia General Assembly in a hearing that was held at the Coverdell Legislative Office Building, as well as one of our former community organizers provided testimony at one of the hearings that took place in the city of Dalton.
Q. Okay. And who was the former community leader that gave testimony in the city of Dalton?
A. A former staff member that was a community organizer at the time that provided testimony in the city of Dalton, his name was Elton Garcia, not related to David.
Q. I won't have to ask him that when we get to Mr. Garcia, so thank you.
So the testimony of the other Mr. Garcia, did that pertain in any way to the

adoption of the 2021 redistricting maps?
A. That was during the field hearings that were taking place prior to the census numbers being released and prior to any maps being released, so most of the comments were focused on the process and the transparency about what the community members wanted to have in the redistricting process and concern about keeping communities of interest, particularly black, API and Latino communities intact in that process.
His testimony anchored around also the lack of language access at all of the hearings that took place. There was no discernible effort in the hearings that took place both outside of the legislative process, in the town hall hearings that took place around the state, but also during the legislative process to actively be able to engage limited English proficient Georgians in the process of redistricting.
Q. Is there anything else that Mr. Garcia testified to concerning redistricting, other than what you've mentioned?
A. I think that's a fair overview of what he testified about.
Q. Let's talk for a moment about your

1 testimony at the Coverdell Legislative Office
2 Building. When did you testify to the General
3 Assembly?
4 A. I don't remember the exact date, but it
5 was prior to the field hearings starting.
6 Q. So would that have been in 2020, before
7 or after the census, or does that help you kind
8 of point to when the testimony was?
9 A. No, it was -- it was after census, I
10 believe, but before the field hearings started.
11 So I would -- I would -- I would imagine that
12 that was in 2021.
13 Q. And was that to a particular committee
14 at the General Assembly?
15 A. Yes, it was an invitation by the General
16 Assembly to provide testimony. Myself and
17 several other organizations were invited to
18 provide testimony regarding what to consider
19 during the redistricting process.
20 Q. And what other organizations were
21 invited to testify with you?
22 A. That's a good question for the
23 committee, I don't have a list handy.
24 Q. Okay. Off the top of your head, can you
25 think of anyone?

A. I -- I believe that the Georgia Gwinnett -- or the Georgia NAACP participated, if I'm not mistaken. So did the Georgia Coalition for the People's Agenda, and several other civil rights organizations participated, but I don't know all of them off the top of my head.

Q. Okay. Was the Alpha Phi Alpha Fraternity, did they have a representative testify with y'all on the occasion?

A. I'm not certain if that was the case or not.

Q. Okay. How about the Sixth District of the AME, do you recall anybody being there to testify from there?

A. Like I said, the full list could probably be attained by the legislative committee that actually invited the organizations.

Q. Do you recall if anyone from Common Cause or The League of Women Voters were present, off the top of your head?

A. That sounds familiar, but I can't be certain.

Q. And concerning communications -- hold on one moment.

Okay. So other than that testimony that

you gave to the General Assembly that you talked about, any other communications with the General Assembly that you're aware of and are prepared to testify to about today?

A. No, the rest of the communications that happened, happened once David started -- David Garcia started with our organization.

MS. LaROSS: And Mr. Garcia, if you could be patient a little while longer, I'll finish up with Mr. Gonzalez and then we'll get to your questions. Thank you for your patience on that.

BY MS. LaROSS:

Q. So Mr. Gonzalez, let's go ahead and look at topic number 12.

MR. LAYMAN: So this is -- this is also one we objected to as pertaining to Association -- First Amendment of Association Privilege and Common Interest regarding communications with the Fund's members and allied organizations, and then we indicated that we wouldn't be producing the (inaudible) for this topic.

MS. LaROSS: Sorry, what was the last thing? You indicated that you -- I'm sorry,

I didn't hear it, Shawn.
MR. LAYMAN: That we would not be producing a deponent for this topic.
MS. LaROSS: Okay, got it. Okay. So with respect to -- does that include public communications with the other plaintiffs in this case, are you not permitting him to testify concerning those kind of communications?
MR. LAYMAN: Public communications?
BY MS. LaROSS: I don't know if there are any. I mean, I don't know if there are any, but I'm just trying to understand the scope of what you're objecting to as to topic number 12.
MR. LAYMAN: Yeah. I mean, it's our position that there -- that all communications between the -- I guess I'm just trying to understand what public communications would be.
But yeah, we raised that we wouldn't be producing, so he's not prepared to answer regarding this topic.
MS. LaROSS: Yeah, okay. Yeah, I just wanted to be clear that Mr. Garcia -- or Mr. Gonzalez, Mr. Garcia is going to be a

1 separate topic, but Mr. Gonzalez is not being
2 offered to testify as to any public
3 communications with the plaintiffs or other
4 advocacy groups and organizations; is that
5 correct?
6 MR. LAYMAN: Yes.
7 MS. LaROSS: And that the FUND is
8 not offering anyone else to testify as to that
9 topic, correct?
10 MR. LAYMAN: Yes, that's correct.
11 BY MS. LaROSS:
12 Q. Go on to topic number 13, Mr. Gonzalez.
13 And this is the specific relief the organization
14 seeks that will cause it to cease diverting
15 resources to address the laws, policies or
16 protocols challenged in this action, and
17 certainly we'll be limiting these questions to
18 nonfinancial resources based upon our agreement
19 with counsel.
20 So for topic number 13, Mr. Gonzalez,
21 have you been designated by the FUND to testify
22 as to this topic?
23 A. Yes.
24 Q. And other than what you've explained to
25 us previously, was there any other preparation

you did to prepare for testifying under topic 13?
A. No.
Q. Did you speak with anyone, other than your lawyers in preparation for your testimony on topic 13?
A. No.
Q. So what relief does the FUND seek that would cause it to cease diverting resources in this case?
A. Well, I think the type of relief that we are seeking is evident in the pleadings that we have.
Q. So offhand, do you have any -- anything to say about what those -- what that relief is, can you describe any of it --
A. Off the top of my head, based on the amended pleadings that we have submitted, we are asking for a reconfiguration of specific districts at the Congressional, State and House level, to ensure that they are -- there are greater opportunities for communities of color to be able to exercise their right in electing candidates of choice.
And to ensure that -- that we have an injunction of implementing any future elections

1 associated with -- with those particular
2 districts from moving forward.
3 And then also making sure that Georgia
4 gets covered under the preclearance efforts in
5 Georgia -- in US law to ensure that any future
6 changes to election law would have to go -- get
7 pre-cleared by the US Department of Justice.
8 Off the top of my head, I think that --
9 that's what I remember.
10 Q. Okay. And moving on to topic number 14,
11 this is -- this topic is documents produced in
12 this litigation by plaintiffs and the information
13 contained in the documents.
14 Mr. Gonzalez, are you the designee for
15 the FUND to testify to topic number 14?
16 A. Yes.
17 Q. And I think we mentioned earlier in your
18 testimony that you were gonna check to see if
19 there was any written documentation concerning
20 training of information that is provided to folks
21 doing phoning and outreach activities.
22 Other than that, has the FUND produced
23 all the documents responsive to our discovery
24 request?
25 A. I believe that we have. We have turned

1 documents over to the attorneys as requested.
2 Q. Is there any plans for the production of
3 any further documents?
4 MR. LAYMAN: Objection,
5 attorney/client privilege.
6 MS. LaROSS: Did you say it was
7 asked and answered?
8 MR. LAYMAN: Sorry, attorney/client
9 privilege.
10 MS. LaROSS: Okay. Yeah, I'm
11 not -- well, I'm not looking for, yeah, obviously
12 anything that's been -- we have a privileged log,
13 so if anything that's been privileged, you know,
14 they're on the log -- or it's on the log, and
15 then everything else is produced.
16 So that's what -- I just wanted to
17 confirm with the witness that there aren't plans
18 for any additional documents.
19 MR. LAYMAN: Well, that's -- I
20 mean, that goes to -- whether there are gonna be
21 further productions relates to conversations that
22 he may or may not have had with counsel.
23 MS. LaROSS: Okay. So -- but can
24 we stipulate that all of the productions that
25 are -- that the -- sorry, can we stipulate that

the FUND has produced all documents that are responsive or listed on the privilege log?

MR. LAYMAN: Oh, you mean the stipulation in fact that they actually were produced, is that what you mean?

MS. LaROSS: Yes.

MR. LAYMAN: Oh, yes.

MS. LaROSS: Complete, that the production is complete.

MR. LAYMAN: Well, I mean, we did provide, I think last night, the updated 2021 990, and so that would be --

MS. LaROSS: Okay, and so that -- and we have that.

MR. LAYMAN: We'll get a Bates stamp production of that in the next few days.

MS. LaROSS: Okay. And there was one document request where the FUND today would produce press release, public testimony or public social media posts from designated organization accounts about redistricting plans that are identified after a reasonable search.

Do we have everything that the FUND is going to produce, or are they still going to produce additional documents in those categories?

MR. LAYMAN: Well, I mean, I don't -- my understanding is that that -- I think -- I don't know if that issue is still being worked out with the discovery teams, from your side and our side, so I don't know if that's a proper thing to get into during this deposition.

And -- yeah, I mean, it's -- I can't stipulate on record that we won't be producing anything ever from here on out. And I don't believe we've produced a privileged log either.

MS. LaROSS: Sorry, the privileged log hasn't been produced yet?

MR. LAYMAN: I don't believe so.

MS. LaROSS: Okay. That may have been one of the other plaintiffs, so I apologize. We're trying to keep track as best we can, but I appreciate knowing that. And we can talk about that offline, for sure. So sorry, Mr. Gonzalez, I don't want to take any more time with you on that.

BY MS. LaROSS:

Q. Let's look at topic number 15, Mr. Gonzalez, and that is the process by which the organization searched for and identified

1 documents responsive to discovery requests served
2 in this case.
3 Are you the designee on behalf of the
4 FUND to testify as to topic 15?
5 MR. LAYMAN: So I'm gonna object to
6 15. We did not designate Jerry on this issue and
7 we object to any questions that pertain to
8 conversations that he had with counsel and any
9 attorney/client privilege or work product that
10 relate to that issue.
11 MS. LaROSS: And then subject to
12 that limitation, is -- is he gonna be permitted
13 to testify about the process, or --
14 MR. LAYMAN: I'll object further
15 if -- depending on the questions. You can ask
16 him.
17 MS. LaROSS: Okay, okay.
18 BY MS. LaROSS:
19 Q. So aside -- I'm not asking for any
20 communications that you had with your attorneys,
21 Mr. Gonzalez, but I just want to understand the
22 process that the FUND undertook to search for
23 documents in this case and how that was done by
24 the FUND. Can you talk about that?
25 A. Yes. As I've mentioned before, we

worked with our attorneys to produce the requested documents and provided them the documents.

Q. Did -- would -- did the FUND search any databases to obtain any responsive documents?

A. As I mentioned, we worked with the attorneys to ensure that we were responsive to the documents that were being requested.

MS. LaROSS: I'll just take a moment, and I think we may be finished, Mr. Gonzalez.

MR. LAYMAN: Diane, real quick on topic 12, if the questions are limited to public communication, can you, I guess, maybe define what you mean by public communication, then I think we can have Jerry answer those questions.

MS. LaROSS: Okay. So what remains here is that anything that was -- were produced to the public or that were made known outside of the organization, we don't want -- we certainly don't want private communications with other plaintiffs -- with the attorneys, you know, that kind of thing we're not asking for. Just anything that was made public or available to the folks at large.

MR. LAYMAN: Right.
MS. LaROSS: You know, that could serve communications with the other plaintiffs in this case.
MR. LAYMAN: Okay, I think we can -- if you want to move to that topic, we can see how that goes, but --
MS. LaROSS: Could I take a five-minute break and kind of reorganize myself and then I'll quick ask those questions.
(A recess was taken from. 11:53 a.m. to 12:00 p.m.)
BY MS. LaROSS:
Q. Okay, so we talked a little bit about topic number 12 and I'll ask some questions about that. Did the FUND, Mr. Gonzalez, hold any press conferences with any of the other plaintiffs in this case concerning redistricting?
A. Off the top of my head I believe that we did, but how many and when, that's -- that's quite a while ago, so I don't know off the top of my head.
Q. Okay. Those press conferences would have been about the plans adopted by the General Assembly?

MR. LAYMAN: Wait, what was the question? Sorry.

THE WITNESS: Question was regarding press conferences with the other plaintiffs.

BY MS. LaROSS:

Q. Right. And did they concern the plans adopted by the General Assembly. I'm just trying to get to was this before or after the plans were adopted.

A. I believe that we -- I am not 100 percent certain, but I believe that we did do before and after in part of our efforts. If they weren't press conferences, then they were seminars or Facebook Lives that we did with -- to educate our community about what just happened.

Q. And were any of those press conferences or seminars or Facebook Live sessions, were those done with the Georgia NAACP?

A. We typically did do -- work in concert with our partners that are co-plaintiffs in this case.

Q. Okay, so some -- some of the press conferences and seminars and Facebook Lives would have been with co-plaintiffs, but perhaps not

all, every single --

A. Correct, maybe not all of them, but certainly in concert with most of them, I would say.

Q. Were there any press conferences, seminars or Facebook Live sessions done with Alpha Phi Alpha Fraternity?

A. I can't recall.

Q. How about the Sixth District of the AME?

A. I can't recall if they were or not.

Q. Would that be something Mr. Garcia would know, you think?

A. I'm not sure -- yeah, I'm not sure if he would know or not off the top of his head either, so that -- it's been a while, so.

Q. Okay. And what about Common Cause and League of Women Voters, were they part of the press conference, seminars or Facebook Live sessions concerning the redistricting maps?

A. I mean, we work with the organizations on a pretty consistent basis and a pretty regular basis, so we -- we do participate with them on a regular ongoing basis.

Q. So there might have been some press conferences or seminars and Facebook Lives with

Common Cause and the League of Women Voters, do I understand that correctly?

A. There could have been, yes, because like I mentioned, all of the folks that we work in large part in concert with many of our communities, community partners, because our communities, Latinx, black and API communities are -- live together and are impacted by what's happening.

So we don't work in isolation of only what -- how it impacts the Latino community, but we work in concert with the other organizations because our communities are pretty diverse and live with other communities. And issues impacting all of our communities, they impact the Latinx community as well.

Q. Has the FUND made any public statements with its partners in opposition to the maps that were adopted by the General Assembly?

A. We have made several public statements opposing the maps that were drawn that did intentionally pack and crack minority communities, the voting power of minority communities of color in Georgia from electing candidates of choice.

Q. So it's fair to say that the FUND opposes the plans as adopted by the General Assembly?

A. Yes, that's why we are here today because of our pleadings say that we feel that they were not in compliance with the Voting Rights Act and I believe the Fourteenth Amendment; but I'm not an attorney, but that's why we're here today is because of that dispute.

Q. Okay. And I'm gonna ask you a couple questions about, like, public statements with your partners concerning the unity maps. Do you know what I'm speaking about when I say "unity maps"?

A. Yes.

Q. Okay. I'm gonna just -- we'll post an exhibit. This will be Exhibit 9.

(Exhibit 9 marked for identification.)

BY MS. LaROSS:

Q. It should be there in your Exhibit Share, if you could open that up. Now, this is a document that I purchased from the FUND's website, and I understand that there's some kind of crazy lettering at the top that doesn't appear

on your website.

So if you would, Mr. Gonzalez, if you could review this exhibit to confirm if it reflects content that is -- that appears on the FUND's website?

MR. LAYMAN: I'm gonna object to this as not representative of the website.

MS. LaROSS: I'm sorry, I couldn't hear your objection, Shawn.

MR. LAYMAN: You can go on, Jerry.

THE WITNESS: Yes, that is reflective of what we posted on our website.

BY MS. LaROSS:

Q. And if you could just describe generally what the unity maps are?

A. The unity maps were -- that was our effort to demonstrate that given the growth in the minority community that we had in Georgia, where we had increases in the black, API, as well as the Latinx community, the legislature had the opportunity to produce maps that better reflected those demographic changes more -- more respectfully, as well as with regards to what they were able to do.

And we wanted to demonstrate that that

opportunity was a missed opportunity by the Georgia legislature. And in fact the Georgia legislature actually went the complete opposite direction, and rather than respecting the growth in the minority communities and the decrease in the white population, they actually redrew the lines to where they negatively impacted minority communities of color to be able to elect candidates of choice.

Q. Do you know of any legislator introduced the unity maps as a bill?

A. I'm not sure if -- I'm not sure if that happened or not, maybe David would be able to answer that.

Q. Okay. I'd just like to refer you to the back of Exhibit No. 9, if you would, on the second page, down at the bottom, the last paragraph there on the bottom. Where it says, "Our proposed maps demonstrate that the creation of redistricting plans where Georgians of color have an equal opportunity to elect candidates of choice is possible without partisans or racial gerrymandering." Do you see that sentence there in that exhibit, Mr. Gonzalez?

A. Yes, I do.

Q. And that is a statement made by the FUND, correct?

A. That was a statement made by all of us that signed onto that unity map press release, yes.

Q. Okay. And so the -- and the FUND was one of the organizations that signed onto the unity maps press release, correct?

A. That is correct.

Q. Has the FUND made any public statements concerning -- wait a minute, let's strike that question, let me start again.

Does the FUND -- oh, okay. Sorry about that.

That sentence mentions partisan or racial gerrymandering. Does the FUND consider that the maps adopted by the General Assembly are -- reflect partisan gerrymandering?

A. I believe that in our pleadings we say that there was racial gerrymandering associated with the maps that were adopted by the Georgia General Assembly. And we do understand, given the context and given the history, that in the south, particularly in Georgia and Georgia's history on suppressing minority community voters,

that race is a proxy for party in -- in the south.

Q. Okay. Let's look at the next sentence if you don't mind, at the bottom of the second page of Exhibit No. 9, where it says, "Moreover, our proposed maps unpack districts that are overconcentrated with voters of color." That word "unpack", what is your understanding of the word unpack?

A. Unpack is the opposite of pack. Packing means stuffing minority communities in over -- in overabundance in districts that don't need to and unpacking means that we more evenly distribute communities of color to ensure that they have greater opportunities to elect candidates of choice.

Q. We're done with that exhibit, and I'm gonna check with co-counsel for a second, but I think we're finished with our questions.

(Pause in proceedings.)

MS. LaROSS: Yeah, we are finished with our questions for you, Mr. Gonzalez. Very, very much appreciate your time. Thank you for being with us here today.

(Pause in proceedings.)

MS. LaROSS: Just quickly. With request for the production of documents, those are all the questions I have, Mr. Gonzalez. If there are additional documents produced later in this litigation, then we may need to come back and reopen your deposition to ask additional questions based upon those documents.

So with that, I can suspend the deposition.

(The deposition concluded at 12:14 p.m.)

C E R T I F I C A T E

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CHATHAM COUNTY :

I hereby certify that the foregoing transcript was taken down, as stated in the caption, and the questions and answers thereto were reduced to typewriting under my direction; that the foregoing Pages 1 through 109 represent a true and correct transcript of the evidence given upon said hearing, and I further certify that I am not of kin or counsel to the parties in the case; am not in the regular employ of counsel for any of said parties; nor am I in anywise interested in the result of said case.

Th: Celeste Mack)23.

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Celeste Mack, CCR, RPR, 2738

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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.

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

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

GEORGIA STATE CONFERENCE OF THE NAACP, et al. *Plaintiffs*, v. STATE OF GEORGIA, et al. *Defendants*.	)	Case No. 1:21-CV-5338-ELB-SCJ-SDG
COMMON CAUSE, et al., *Plaintiffs*, v. BRAD RAFFENSPERGER *Defendant*.	)	Case No. 1:22-CV-00090-ELB-SCJ-SDG

AMENDED NOTICE OF 30(b)(6) DEPOSITION OF GALEO LATINO DEVELOPMENT FUND, INC.

PLEASE TAKE NOTICE that, pursuant to Rules 26 and 30 of the Federal Rules of Civil Procedure, counsel for Defendants the State of Georgia, Governor Brian Kemp, and Brad Raffensperger, in his official capacity as Secretary of State of Georgia, will take the oral examination under oath of the designated representatives of the GALEO Latino Development Fund, Inc. ("GALEO Fund" or "Organization") on Wednesday, January 11, 2023, beginning at 9:00 a.m. and continuing thereafter until completed via Zoom

Exhibit
0001

videoconferencing through Veritext Legal Solutions. Details regarding the videoconferencing will be emailed to those participating once all arrangements are finalized.

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

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

Respectfully submitted this 9th day of January, 2023.

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 S. McGowan
Assistant Attorney General
Georgia Bar No. 697316
40 Capitol Square, S.W.
Atlanta, Georgia 30334

/s/Bryan P. Tyson
Bryan P. Tyson
Special Assistant Attorney General
Georgia Bar No. 515411
btyson@taylorenglish.com
Frank B. Strickland
Georgia Bar No. 687600
fstrickland@taylorenglish.com
Bryan F. Jacoutot
Georgia Bar No. 668272
bjacoutot@taylorenglish.com
TAYLOR ENGLISH DUMA LLP
1600 Parkwood Circle, Suite 200
Atlanta, GA 30339
Telephone: (678) 336-7249

Attorneys for Defendants

Exhibit A

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CERTIFICATE OF SERVICE

I hereby certify that, on January 9, 2023, I caused to be served the foregoing **AMENDED NOTICE OF 30(b)(6) DEPOSITION OF GALEO LATINO DEVELOPMENT FUND, INC.** via email to the following:

Kurt Kastorf
KASTORF LAW LLP
1387 Iverson St., Suite 100
Atlanta, GA 30307
(404) 900-0030
kurt@kastorflaw.com

Jon Greenbaum*
Ezra D. Rosenberg*
Julie M. Houk*
jgreenbaum@lawyerscommittee.org
erosenberg@lawyerscommittee.org
jhouk@lawyerscommittee.org
LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW
1500 K Street NW, Suite 900
Washington, D.C. 20005
Telephone: (202) 662-8600
Facsimile: (202) 783-0857

*Pro Hac Vice

Georgia State Conference of the NAACP Plaintiffs

Jack Genberg
Bradley Heard
Pichaya Poy Winichakul
SOUTHERN POVERTY LAW CENTER
150 E Ponce de Leon Av, Suite 340
Decatur, GA 30030
Telephone: (404) 521-6700
Facsimile: (404) 221-5857
jack.genberg@splcenter.org
bradley.heard@splcenter.org
poy.winichakul@splcenter.org

Toni Michelle Jackson*
Astor H.L. Heaven*
Keith Harrison*
tjackson@crowell.com
aheaven@crowell.com
kharrison@crowell.com
aheaven@crowell.com
CROWELL & MORING LLP
1001 Pennsylvania Avenue NW
Washington, D.C. 20004
Telephone: (202) 624-2500

**Pro Hac Vice*

Common Cause Plaintiffs

This 9th day of January, 2023.

/s/ Bryan P. Tyson
Bryan P. Tyson
Georgia Bar No. 515411

Secretary of State
Corporations Division
315 West Tower
#2 Martin Luther King, Jr. Dr.
Atlanta, Georgia 30334-1530

CONTROL NUMBER: 0357970
EFFECTIVE DATE: 10/21/2003
COUNTY : GEORGIA
REFERENCE : 0089
PRINT DATE : 10/23/2003
FORM NUMBER : 311

ALSTON & BIRD
BENJAMIN T WHITE
1201 WEST PEACHTREE ST.
ATLANTA, GA 30309

CERTIFICATE OF INCORPORATION

I, Cathy Cox, the Secretary of State and the Corporations Commissioner of the State of Georgia, do hereby certify under the seal of my office that

GEORGIA ASSOCIATION OF LATINO ELECTED OFFICIALS, INC.
A DOMESTIC NONPROFIT CORPORATION

has been duly incorporated under the laws of the State of Georgia on the effective date stated above by the filing of articles of incorporation in the Office of the Secretary of State and by the paying of fees as provided by Title 14 of the Official Code of Georgia Annotated.

WITNESS my hand and official seal in the City of Atlanta and the State of Georgia on the date set forth above.

Cathy Cox
Secretary of State

Exhibit
0002

CATHY COX
Secretary of State

OFFICE OF SECRETARY OF STATE
CORPORATIONS DIVISION
315 West Tower, #2 Martin Luther King, Jr. Drive
Atlanta, Georgia 30334-1530
(404) 656-2817
Registered agent, officer, entity status information via the Internet
http://www.georgiacorporations.org

WARREN RARY
Director

ENRICO M. ROBINSON
Assistant Director

TRANSMITTAL INFORMATION
GEORGIA PROFIT OR NONPROFIT CORPORATIONS

DO NOT WRITE IN SHADED AREA - SOS USE ONLY

NOTICE TO APPLICANT: PRINT PLAINLY OR TYPE REMAINDER OF THIS FORM

1. 32960466
Corporate Name Reservation Number (if one has been obtained; if articles are being filed without prior reservation, leave this line blank)

Georgia Association of Latino Elected Officials, Inc.
Corporate Name (List *exactly* as it appears in articles)

2. Benjamin T. White — (404) 881-7488
Name of person filing articles (certificate will be mailed to this person, at address below) — Telephone Number

Alston & Bird LLP, 1201 West Peachtree Street
Address

Atlanta, — GA — 30309-3424
City — State — Zip Code

3. Mail or deliver the following items to the Secretary of State, at the above address:

1) This transmittal form
2) Original and one copy of the Articles of Incorporation
3) Filing fee of $100.00 payable to Secretary of State. Filing fees are NON-refundable.

I certify that a Notice of Incorporation or Notice of Intent to Incorporate with a publication fee of $40.00 has been or will be mailed or delivered to the official organ of the county where the initial registered office of the corporation is to be located. (List of legal organs is posted at web site; or, the Clerk of Superior Court can advise you of the official organ in a particular county.)

Benjamin T. White — October 21, 2003
Authorized signature of person filing documents — Date

Request certificates and obtain entity information via the Internet: http://www.georgiacorporations.org

ARTICLES OF INCORPORATION

OF

GEORGIA ASSOCIATION OF LATINO ELECTED OFFICIALS, INC.

ARTICLE ONE

Name

The name of the corporation shall be:

GEORGIA ASSOCIATION OF LATINO ELECTED OFFICIALS, INC.

ARTICLE TWO

Perpetual Duration

The corporation shall have perpetual duration.

ARTICLE THREE

Nonprofit Corporation and Purposes

The corporation shall be a nonprofit corporation under the provisions of the Georgia Nonprofit Corporation Code.

For purposes of these Articles of Incorporation and other governing instruments of the corporation, the term "Latino" is defined as follows and is interchangeable with the term "Hispanic": A self-designated classification for people whose origins are from Spain, the Spanish-speaking countries of Central or South America, the Caribbean, or those identifying themselves generally as Spanish, Spanish-American, etc. Origin can be viewed as ancestry, nationality, or country of birth of the person or the person's parents or ancestors prior to their arrival in the United States.

GALEO shall be organized, and at all times thereafter operated, to increase representation of Latino/Hispanic elected and appointed officials, to address proactively the issues and needs of the Latino/Hispanic community, and to engage the Latino/Hispanic community in the democratic and policy process throughout the State of

Georgia. In furtherance of such purposes, the corporation shall have full power and authority:

(a) To encourage and develop qualified Latinos/Hispanics throughout the state to run for public or appointed office;

(b) To develop a mechanism for implementing and researching best-practices of Latino issues and coordinate and lead on effective and comprehensive federal, state, and local policy;

(c) To develop a statewide Latino/Hispanic legislative agenda;

(d) To promote the involvement of the Latino/Hispanic community in the legislative process;

(e) To promote the involvement of the Latino/Hispanic community in exercising the right to vote in all elections;

(f) To develop accountability for all elected officials with regard to the needs and issues of the Latino/Hispanic community;

(g) To collaborate with other organizations and associations to empower the developed goals and objectives; and

(h) To perform all other acts necessary or incidental to the above and to do whatever is deemed necessary, useful, advisable, or conducive, directly or indirectly, as determined by the Board of Directors in its discretion, to carry out any of the purposes of the corporation, as set forth in these Articles of Incorporation, including the exercise of all other power and authority enjoyed by corporations generally by virtue of the provisions of the Georgia Nonprofit Corporation Code (within and subject to the limitations of section 501(c)(6) of the Internal Revenue Code).

The corporation shall serve only such purposes and functions and shall engage only in such activities as are consonant with the purposes set forth in this Article Three and as are entitled to tax-exempt status under section 501(c)(6) of the Internal Revenue Code.

ARTICLE FOUR

Tax-Exempt Business League

The corporation shall be neither organized nor operated for pecuniary gain or profit.

(a) No part of the net earnings of the corporation shall inure to the benefit of, or be distributable to, any member, director, officer, or trustee of the corporation, or any other private person; but the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes as set forth in Article Three hereof.

(b) Notwithstanding any other provisions of these Articles of Incorporation, the corporation shall not carry on any other activities not permitted to be carried on by a corporation exempt from federal income taxation under section 501(c)(6) of the Internal Revenue Code.

It is intended that the corporation shall have, and continue to have, the status of an organization which is exempt from federal income taxation under section 501(c)(6) of the Internal Revenue Code. All terms and provisions of these Articles of Incorporation and the Bylaws of the corporation, and all authority and operations of the corporation, shall be construed, applied, and carried out in accordance with such intent.

ARTICLE FIVE

Board of Directors

The Board of Directors shall have general charge of the affairs and any property and assets of the corporation. It shall be the duty of the directors to carry out the purposes and functions of the corporation. The directors shall be elected in accordance with the Bylaws of the corporation and shall have the powers and duties set forth in these Articles of Incorporation and in the Bylaws, to the extent that such powers and duties are not inconsistent with the status of the corporation as a nonprofit corporation which is

exempt from federal income taxation under section 501(c)(6) of the Internal Revenue Code.

ARTICLE SIX

Members

The corporation initially shall have no members. However, the Board of Directors of the corporation shall have the power to admit members to the corporation in such manner, subject to such qualifications, and upon such terms and conditions and with such rights and privileges as may be provided from time to time in the Bylaws of the corporation and as are not inconsistent with any provision of these Articles of Incorporation. Members may be divided into one or more classes.

ARTICLE SEVEN

Dissolution of Corporation

Upon dissolution of the corporation, the Board of Directors shall, after paying or making provision for payment of all of the liabilities of the corporation, dispose of all of the assets of the corporation by distributing those assets exclusively for the purposes of the corporation in such manner, or to such organization or organizations organized and operated for purposes similar to those of the corporation as shall at the time qualify as exempt from taxation under section 501(c)(6) of the Internal Revenue Code, as the Board of Directors shall determine. Any such assets not so disposed of shall be disposed of by a court of competent jurisdiction for the county in which the principal office of the corporation is then located, exclusively for such purposes or to such organization or organizations as said court shall determine, which are organized and operated exclusively for such purposes.

ARTICLE EIGHT

Registered Office and Registered Agent

The initial registered office of the corporation shall be at Alston & Bird LLP, One Atlantic Center, 1201 West Peachtree Street, Atlanta, Fulton County, Georgia 30309-3424. The initial registered agent of the corporation at such address shall be Benjamin T. White.

ARTICLE NINE

Principal Office

The mailing address of the initial principal office of the corporation is GALEO, Post Office Box 29506, Atlanta, Georgia 30359.

ARTICLE TEN

Limitation of Director Liability

(a) A director of the corporation shall not be personally liable to the corporation or its members for monetary damages for breach of duty of care or other duty as a director, except for liability (i) for any appropriation, in violation of his or her duties, of any business opportunity of the corporation, (ii) for acts or omissions not in good faith or which involve intentional misconduct or a knowing violation of law, or (iii) for any transaction from which the director derived an improper personal benefit.

(b) Any repeal or modification of the provisions of this Article shall be prospective only, and shall not adversely affect any limitation on the personal liability of a director of the corporation with respect to any act or omission occurring prior to the effective date of such repeal or modification.

(c) If the Georgia Nonprofit Corporation Code or, by reference, if appropriate, the Georgia Business Corporation Code hereafter is amended to authorize the further elimination or limitation of the liability of directors, then the liability of a director of the corporation, in addition to the limitation on personal liability provided herein, shall be

limited to the fullest extent permitted by the amended Georgia Nonprofit Corporation Code or the amended Georgia Business Corporation Code, as appropriate.

(d) In the event that any of the provisions of this Article (including any provision within a single sentence) are held by a court of competent jurisdiction to be invalid, void, or otherwise unenforceable, the remaining provisions are severable and shall remain enforceable to the fullest extent permitted by law.

ARTICLE ELEVEN

Incorporator

The name and address of the Incorporator are as follows:

Benjamin T. White
Alston & Bird LLP
One Atlantic Center
1201 West Peachtree Street
Atlanta, Georgia 30309-3424

ARTICLE TWELVE

Amendments

These Articles of Incorporation may be amended at any time and from time to time by the affirmative vote of a majority of all of the directors then in office.

IN WITNESS WHEREOF, the Incorporator has executed these Articles of Incorporation, this 20th day of October, 2003.

BENJAMIN T. WHITE
Incorporator

ALSTON & BIRD LLP
One Atlantic Center
1201 West Peachtree Street
Atlanta, Georgia 30309-3424
(404) 881-7488

ATL01/11523285v1

Secretary of State
Corporations Division
315 West Tower
#2 Martin Luther King, Jr. Dr.
Atlanta, Georgia 30334-1530

CONTROL NUMBER: 0440863
EFFECTIVE DATE: 07/06/2004
JURISDICTION : GEORGIA
REFERENCE : 0167
PRINT DATE : 07/12/2004
FORM NUMBER : 311

BENJAMIN T. WHITE
1201 WEST PEACHTREE STREET
ATLANTA, GA 303093424

CERTIFICATE OF INCORPORATION

I, Cathy Cox, the Secretary of State and the Corporations Commissioner of the State of Georgia, do hereby certify under the seal of my office that

GALEO LATINO COMMUNITY DEVELOPMENT FUND, INC.
A DOMESTIC NONPROFIT CORPORATION

has been duly incorporated under the laws of the State of Georgia on the effective date stated above by the filing of articles of incorporation in the Office of the Secretary of State and by the paying of fees as provided by Title 14 of the Official Code of Georgia Annotated.

WITNESS my hand and official seal in the City of Atlanta and the State of Georgia on the date set forth above.

Cathy Cox
Secretary of State

EXHIBIT
3

CATHY COX
Secretary of State

OFFICE OF SECRETARY OF STATE
CORPORATIONS DIVISION
315 West Tower, #2 Martin Luther King, Jr. Drive
Atlanta, Georgia 30334-1530
(404) 656-2817
Registered agent, officer, entity status information via the Internet
http://www.georgiacorporations.org

WARREN RARY
Director

ENRICO M. ROBINSON
Assistant Director

TRANSMITTAL INFORMATION
GEORGIA PROFIT OR NONPROFIT CORPORATIONS

DO NOT WRITE IN SHADED AREA - SOS USE ONLY

DOCKET #		PENDING #		CONTROL #			
DOCKET CODE		DATE FILED		AMOUNT RECEIVED		CHECK/ RECEIPT #	
TYPE CODE		EXAMINER		JURISDICTION (COUNTY) CODE			

NOTICE TO APPLICANT: PRINT PLAINLY OR TYPE REMAINDER OF THIS FORM

1. 041940719
Corporate Name Reservation Number (if one has been obtained; if articles are being filed without prior reservation, leave this line blank)

Galeo Latino Community Development Fund, Inc.
Corporate Name (List *exactly* as it appears in articles)

2. Benjamin T. White — (404) 881-7488
Name of person filing articles (certificate will be mailed to this person, at address below) — Telephone Number

Alston & Bird LLP, 1201 West Peachtree Street
Address

Atlanta, — GA — 30309-3424
City — State — Zip Code

3. Mail or deliver the following items to the Secretary of State, at the above address:

1) This transmittal form
2) Original and one copy of the Articles of Incorporation
3) Filing fee of $100.00 payable to Secretary of State. Filing fees are NON-refundable.

I certify that a Notice of Incorporation or Notice of Intent to Incorporate with a publication fee of $40.00 has been or will be mailed or delivered to the official organ of the county where the initial registered office of the corporation is to be located. (List of legal organs is posted at web site; or, the Clerk of Superior Court can advise you of the official organ in a particular county.)

Benjamin T. White — July 6, 2004
Authorized signature of person filing documents — Date

Request certificates and obtain entity information via the Internet: http://www.georgiacorporations.org

ARTICLES OF INCORPORATION
OF
GALEO LATINO COMMUNITY DEVELOPMENT FUND, INC.

ARTICLE ONE

Name

The name of the corporation shall be:

GALEO LATINO COMMUNITY DEVELOPMENT FUND, INC.

ARTICLE TWO

Perpetual Duration

The corporation shall have perpetual duration.

ARTICLE THREE

Nonprofit Corporation and Charitable Purposes

The corporation shall be a nonprofit corporation under applicable provisions of the Georgia Nonprofit Corporation Code. It shall be organized, and at all times thereafter operated, exclusively for public charitable uses and purposes within the meaning of section 501(c)(3) of the Internal Revenue Code, to carry out charitable purposes and functions and to engage in charitable programs and activities on behalf of Georgia Association of Latino Elected Officials, Inc., a publicly supported tax-exempt business league. The corporation shall carry out its charitable purposes and functions in such ways as the Board of Directors of the corporation shall determine in its discretion. In furtherance of such purposes, the corporation shall have full power and authority:

(a) To acquire or receive from any person or organization, by deed, gift, purchase, bequest, devise, appointment, or otherwise, cash, securities and other property, tangible or intangible, real or personal, and to hold, administer, manage,

invest, reinvest, and disburse the principal and income thereof solely for the charitable purposes hereof;

(b) To distribute property for such charitable purposes in accordance with the terms of gifts, bequests, or devises to the corporation not inconsistent with its purposes, as set forth in these Articles of Incorporation, or in accordance with determinations made by the Board of Directors pursuant to these Articles of Incorporation; and

(c) To perform all other acts necessary or incidental to the above and to do whatever is deemed necessary, useful, advisable, or conducive, directly or indirectly, as determined by the Board of Directors in its discretion, to carry out any of the purposes of the corporation, as set forth in these Articles of Incorporation, including the exercise of all other power and authority enjoyed by corporations generally by virtue of applicable provisions of Georgia law, including the Georgia Nonprofit Corporation Code (within and subject to the limitations of section 501(c)(3) of the Internal Revenue Code).

The corporation shall serve only such purposes and functions and shall engage only in such activities as are consonant with the purposes set forth in this Article Three and as are exclusively charitable and are entitled to charitable status under section 501(c)(3) of the Internal Revenue Code.

ARTICLE FOUR

Publicly Supported Tax-Exempt Nonprofit Corporation

The corporation shall be neither organized nor operated for pecuniary gain or profit.

(a) No part of the net earnings of the corporation shall inure to the benefit of, or be distributable to, any member, trustee, officer, or director of the corporation, or any other private person; but the corporation shall be authorized and empowered to pay

reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes as set forth in Article Three hereof.

(b) The corporation shall not carry on propaganda, or otherwise attempt to influence legislation, to an extent that would disqualify it for tax exemption under section 501(c)(3) of the Internal Revenue Code by reason of attempting to influence legislation. The corporation shall not participate in, or intervene in (including the publication or distribution of statements) any political campaign on behalf of any candidate for public office.

(c) Notwithstanding any other provisions of these Articles of Incorporation, the corporation shall not carry on any other activities not permitted to be carried on:

(i) By a corporation exempt from federal income taxation under section 501(c)(3) of the Internal Revenue Code and which is other than a private foundation within the meaning of section 509(a) of the Internal Revenue Code; or

(ii) By a corporation, contributions to which are deductible for federal income tax purposes under section 170(c)(2) of the Internal Revenue Code.

It is intended that the corporation shall have, and continue to have, the status of an organization which is exempt from federal income taxation under section 501(c)(3) of the Internal Revenue Code and which is other than a private foundation within the meaning of section 509(a) of the Internal Revenue Code. All terms and provisions of these Articles of Incorporation and the Bylaws of the corporation, and all authority and operations of the corporation, shall be construed, applied and carried out in accordance with such intent.

ARTICLE FIVE

Board of Directors

(a) The Board of Directors shall have general charge of the affairs and any property and assets of the corporation. It shall be the duty of the directors to carry out the purposes and functions of the corporation. The directors shall be elected in accordance with the Bylaws of the corporation and shall have the powers and duties set forth in these Articles of Incorporation and in the Bylaws, to the extent that such powers and duties are not inconsistent with the status of the corporation as a nonprofit public benefit corporation which is exempt from federal income taxation under section 501(c)(3) of the Internal Revenue Code and which is other than a private foundation within the meaning of section 509(a) of the Internal Revenue Code.

(b) Anything in these Articles of Incorporation or in the Bylaws of the corporation to the contrary notwithstanding, the corporation shall not be controlled, directly or indirectly, by one or more disqualified persons (as defined in section 4946 of the Internal Revenue Code) other than foundation managers and other than one or more organizations described in section 509(a)(1) or section 509(a)(2) of the Internal Revenue Code.

ARTICLE SIX

Members

The corporation initially shall have no members. However, the Board of Directors of the corporation shall have the power to admit members to the corporation in such manner, subject to such qualifications, and upon such terms and conditions and with such rights and privileges as may be provided from time to time in the Bylaws of the corporation and as are not inconsistent with any provision of these Articles of Incorporation. Members may be divided into one or more classes.

ARTICLE SEVEN

Dissolution of Corporation

Upon dissolution of the corporation, the Board of Directors shall, after paying or making provision for payment of all of the liabilities of the corporation, dispose of all of the assets of the corporation by distributing those assets exclusively for the purposes of the corporation in such manner, or to such organization or organizations organized and operated exclusively for public charitable uses and purposes as shall at the time qualify as exempt from taxation under section 501(c)(3) of the Internal Revenue Code, as the Board of Directors shall determine. Any such assets not so disposed of shall be disposed of by a court of competent jurisdiction for the county in which the principal office of the corporation is then located, exclusively for such purposes or to such organization or organizations as said court shall determine, which are organized and operated exclusively for such purposes.

ARTICLE EIGHT

Registered Office and Registered Agent

The registered office of the corporation shall be at Alston & Bird LLP, One Atlantic Center, 1201 West Peachtree Street, Atlanta, Fulton County, Georgia 30309-3424. The initial registered agent of the corporation at such address shall be Benjamin T. White.

ARTICLE NINE

Principal Office

The mailing address of the initial principal office of the corporation is c/o Mr. Jerry Gonzalez, Executive Director, Georgia Association of Latino Elected Officials, Inc., Post Office Box 29506, Atlanta, Georgia 30359.

ARTICLE TEN

Definitions

For purposes of these Articles of Incorporation, "charitable purposes" include charitable, religious, educational, literary, or scientific purposes within the meaning of section 501(c)(3) of the Internal Revenue Code, contributions for which are deductible under section 170(c)(2) of the Internal Revenue Code. All references in these Articles of Incorporation to sections of the Internal Revenue Code shall be considered references to the Internal Revenue Code of 1986, as from time to time amended, and to the corresponding provisions of any applicable future United States Internal Revenue Law, and to all regulations issued under such sections and provisions.

ARTICLE ELEVEN

Limitation of Director Liability

(a) A director of the corporation shall not be personally liable to the corporation or its members for monetary damages for breach of duty of care or other duty as a director, except for liability (i) for any appropriation, in violation of his or her duties, of any business opportunity of the corporation, (ii) for acts or omissions not in good faith or which involve intentional misconduct or a knowing violation of law, or (iii) for any transaction from which the director derived an improper personal benefit.

(b) Any repeal or modification of the provisions of this Article shall be prospective only, and shall not adversely affect any limitation on the personal liability of a director of the corporation with respect to any act or omission occurring prior to the effective date of such repeal or modification.

(c) If the Georgia Nonprofit Corporation Code or, by reference, if appropriate, the Georgia Business Corporation Code hereafter is amended to authorize the further elimination or limitation of the liability of directors, then the liability of a director of the corporation, in addition to the limitation on personal liability provided herein, shall

be limited to the fullest extent permitted by the amended Georgia Nonprofit Corporation Code or the amended Georgia Business Corporation Code, as appropriate.

(d) In the event that any of the provisions of this Article (including any provision within a single sentence) are held by a court of competent jurisdiction to be invalid, void, or otherwise unenforceable, the remaining provisions are severable and shall remain enforceable to the fullest extent permitted by law.

ARTICLE TWELVE

Incorporator

The name and address of the Incorporator are as follows:

Benjamin T. White
Alston & Bird LLP
One Atlantic Center
1201 West Peachtree Street
Atlanta, Georgia 30309-3424

ARTICLE THIRTEEN

Amendments

These Articles of Incorporation may be amended at any time and from time to time by the affirmative vote of a majority of all of the directors then in office.

IN WITNESS WHEREOF, the Incorporator has executed these Articles of Incorporation, this 2nd day of July, 2004.

Benjamin T. White

BENJAMIN T. WHITE
Incorporator

ALSTON & BIRD LLP
One Atlantic Center
1201 West Peachtree Street
Atlanta, Georgia 30309-3424
(404) 881-7488

SECRETARY OF STATE
2004 JUL -6 P 3:35
CORPORATIONS DIVISION

AMENDED AND RESTATED BYLAWS

OF

GALEO LATINO COMMUNITY DEVELOPMENT FUND, INC.

Incorporated under the laws of the State of Georgia

ARTICLE 1

Name, Location, and Offices

1.1 Name. The name of this corporation shall be "GALEO LATINO COMMUNITY DEVELOPMENT FUND, INC." (the "corporation")

1.2 Registered Office and Agent. The corporation shall maintain a registered office in the State of Georgia, and shall have a registered agent whose address is identical with the address of such registered office, in accordance with the requirements of the Georgia Nonprofit Corporation Code ("GNCC").

1.3 Other Offices. The principal office of the corporation shall be located in the State of Georgia. The corporation may have other offices at such place or places, and may conduct its affairs, within or outside the State of Georgia, as the Board of Directors may determine from time to time or the affairs of the corporation may require or make desirable.

ARTICLE 2

Purposes and Governing Instruments

2.1 Nonprofit Corporation. The corporation shall be organized and operated as a nonprofit corporation under the provisions of the Georgia Nonprofit Corporation Code.

2.2 Purposes. For purposes of these amended and restated bylaws (as they may be further amended and as in effect from time to time, the "Bylaws") and other governing instruments of the corporation, the term "Latino" is interchangeable with the term "Hispanic". The term "Latino/Hispanic" shall be defined as: A self-designated classification for people whose origins are from Spain, the Spanish-speaking countries of Central or South America, the Caribbean, or those identifying themselves generally as Spanish, Spanish-American, etc. Origin can be viewed as ancestry, nationality, or country of birth of the person or the person's parents or ancestors prior to their arrival in the United States. The corporation was originally organized to carry out charitable purposes and functions and to engage in charitable programs and activities on behalf of Georgia Association of Latino Elected Officials, Inc., a publicly supported business league described in section 501(c)(6) of the Internal Revenue Code. The corporation is a voluntary association of individuals and organizations the primary purpose of which, as set forth in the articles of incorporation, is to increase representation of Latino/Hispanic elected and appointed officials, to address proactively the issues and needs of the Latino/Hispanic community, and to

Exhibit
0004

increase civic engagement of the Latino/Hispanic community throughout the State of Georgia. In furtherance of such purposes, the corporation shall have full power and authority:

(a) To encourage and develop qualified Latinos/Hispanics throughout the state to run for public or appointed office;

(b) To develop a mechanism for implementing and researching best-practices of Latino issues and coordinate and lead on effective and comprehensive federal, state, and local policy;

(c) To develop a statewide Latino/Hispanic legislative agenda;

(d) To promote the involvement of the Latino/Hispanic community in the legislative process;

(e) To promote the involvement of the Latino/Hispanic community in exercising the right to vote in all elections;

(f) To develop accountability for all elected officials with regard to the needs and issues of the Latino/Hispanic community;

(g) To collaborate with other organizations and associations to empower the developed goals and objectives; and

(h) To perform all other acts necessary or incidental to the above and to do whatever is deemed necessary, useful, advisable, or conducive, directly or indirectly, as determined by the Board of Directors in its discretion, to carry out any of the purposes of the corporation, as set forth in the articles of incorporation and these Bylaws, including the exercise of all other power and authority enjoyed by corporations generally by virtue of the provisions of the Georgia Nonprofit Corporation Code (within and subject to the limitations of Section 501(c)(3) of the Internal Revenue Code).

The corporation shall serve only such purposes and functions and shall engage only in such activities as are consonant with the purposes set forth in this Article Two and as are exclusively charitable and are entitled to tax-exempt status under Section 501(c)(3) of the Internal Revenue Code.

2.3 Governing Instruments. The corporation shall be governed by its articles of incorporation and these Bylaws.

ARTICLE 3

Board of Directors

3.1 Authority and Responsibility of the Board of Directors.

(a) The supreme authority of the corporation and the government and management of the affairs of the corporation shall be vested in the Board of Directors; and all the powers, duties,

and functions of the corporation conferred by the articles of incorporation, these Bylaws, state statutes, common law, court decisions, or otherwise, shall be exercised, performed, or controlled by or under the authority of the Board of Directors.

(b) The governing body of the corporation shall be the Board of Directors. The Board of Directors shall have supervision, control, and direction of the management, affairs, and property of the corporation; shall determine its policies or changes therein; and shall actively prosecute its purposes and objectives and supervise the disbursement of its funds. The Board of Directors may adopt, by majority vote, such rules and regulations for the conduct of its business and the business of the corporation as shall be deemed advisable, and may, in the execution of the powers granted, delegate certain of its authority and responsibility to an executive committee. Under no circumstances, however, shall any actions be taken that are inconsistent with the articles of incorporation or these Bylaws; and the fundamental and basic purposes of the corporation, as expressed in the articles of incorporation and these Bylaws, shall not be amended or changed thereby.

(c) The Board of Directors shall not permit any part of the net earnings or capital of the corporation to inure to the benefit of any member, trustee, officer, director, or other private person or individual.

(d) The Board of Directors, from time to time, may appoint, as advisors, persons whose advice, assistance, and support may be deemed helpful in determining policies and formulating programs for carrying out the purposes and functions of the corporation.

(e) The Board of Directors is authorized to employ or retain such person or persons, including an Executive Director or officer, attorneys, trustees, agents, and assistants, as in its judgment are necessary or desirable for the administration and management of the corporation, and to pay reasonable compensation for the services performed and expenses incurred by any such person or persons.

3.2 Board of Directors. The Board of Directors shall consist of no fewer than three members, who shall be elected or appointed in the manner prescribed in these Bylaws. Members of the Board of Directors of the corporation shall always include the Chair of the corporation, together with such other directors as may be elected or appointed from time to time in accordance with these Bylaws. Unless the Board of Directors votes otherwise, the current chair of the GALEO Leadership Council (a Special Committee created by the Corporation as described in Section 9.1 below) will be member of the Board of Directors and shall remain a director until such person is no longer the chair of the GALEO Leadership Council. The Board of Directors is authorized to fix the precise number of directors by resolution adopted from time to time by a majority of all the directors then in office.

3.3 Manner of Election; Term of Office; Limitations on Consecutive Terms. The directors of the corporation shall be elected by the Board of Directors of the corporation by a vote of the directors as provided in Article Four of these Bylaws. Each director shall serve for a three-year term, or until his or her successor has been elected and qualified, or until his or her earlier death, resignation, retirement, disqualification, or removal. A director may serve a maximum of two consecutive terms; provided, however, that a director may serve a third

consecutive term if during such third term such director is an executive officer of the corporation.

3.4 Removal. Any director may be removed, either for or without cause, at any regular, special, or annual meeting of the Board of Directors, by the affirmative vote of two-thirds of all the directors then in office. A removed director's successor may be elected at the same meeting to serve the unexpired term.

3.5 Vacancies. Any vacancy in the Board of Directors arising at any time and from any cause, including the authorization of an increase in the number of directors, may be filled for the unexpired term at any meeting of the Board of Directors by a majority of the directors then in office. Each director so elected shall hold office until his or her successor has been elected and has qualified, or until his or her earlier death, resignation, retirement, removal or disqualification.

3.6 Committees of the Board of Directors. By resolution adopted by a majority of the full Board of Directors, the Board of Directors may designate from among its members one or more executive committees, each consisting of one or more directors, which number shall always include the Chair of the corporation. By resolution adopted by a majority of directors present at a meeting at which a quorum is present, the Board of Directors may designate from among its members one or more other committees, each consisting of one or more directors. Except as prohibited by law, each committee shall have the authority as set forth in the resolution establishing said committee. See also Article Eight ("Committees of Directors").

3.7 Compensation. Directors shall not receive any stated compensation for their services. Nothing in this Section 3.7 shall be construed to preclude a director from serving the corporation in any other capacity and receiving compensation therefor.

ARTICLE 4

Meetings of the Board of Directors

4.1 Place of Meetings. Meetings of the Board of Directors may be held at any place within or outside the State of Georgia as set forth in the notice thereof or in the event of a meeting held pursuant to waiver of notice, as may be set forth in the waiver, or if no place is so specified, at the principal office of the corporation.

4.2 Annual Meeting; Notice. An annual meeting of the Board of Directors may be held at the principal office of the corporation or at such other place as the Board of Directors may determine on such date and at such time as the Board of Directors shall designate. Unless waived as contemplated in Section 5.2, notice of the time, date, and place of such annual meeting shall be given by the Secretary in accordance with the provisions of Section 5.1 no fewer than ten nor more than 50 days before such meeting. Notwithstanding the foregoing, the Board of Directors may provide, by resolution, the time and place for the holding of any annual meeting without other notice than such resolution.

4.3 Regular Meetings; Notice. Regular meetings of the Board of Directors may be held from time to time between annual meetings at such times, on such dates, and at such places as the Board of Directors may prescribe. Notice of the time, date, and place of each such regular

meeting shall be given by the Secretary in accordance with the provisions of Section 5.1 no fewer than seven nor more than 30 days before such regular meeting. Notwithstanding the foregoing, the Board of Directors may provide, by resolution, the time and place for the holding of any such regular meetings without other notice than such resolution.

4.4 Special Meetings; Notice. Special meetings of the Board of Directors may be called by or at the request of the Chair or by one-third of the directors in office at that time. Notice of the time, date, place, and purpose of any special meeting of the Board of Directors shall be given by the Secretary in accordance with the provisions of Section 5.1 at least 24 hours before such meeting; provided that notice shall be given at least seven days prior to any special meeting the purpose of which is to remove a director.

4.5 Waiver. Attendance by a director at a meeting shall constitute waiver of notice of such meeting, except where a director attends a meeting for the express purpose of objecting to the transaction of business because the meeting is not lawfully called. See also Article Five ("Notice and Waiver").

4.6 Quorum. At meetings of the Board of Directors, a majority of the directors then in office shall be necessary to constitute a quorum for the transaction of business.

4.7 Vote Required for Action. Except as otherwise provided in these Bylaws or by applicable law, the act of a majority of the directors present at a meeting at which a quorum is present at the time shall be the act of the Board of Directors. Adoption, amendment, and repeal of a bylaw are provided for in Article Thirteen of these Bylaws. Vacancies in the Board of Directors may be filled as provided in Section 3.5 of these Bylaws.

4.8 Action by Directors Without a Meeting. Any action required or permitted to be taken at a meeting of the Board of Directors may be taken without a meeting if a consent in writing, setting forth the action so taken, is signed (including by means of confirmation by email) by not less than a majority of the members of the Board of Directors. Such consent shall have the same force and effect as a majority vote at a meeting duly called. The signed consent, or a signed copy (or copies of emails so confirming such consent), shall be placed in the minute book.

4.9 Telephone and Similar Meetings. Directors may participate in and hold a meeting by means of conference telephone or similar communications equipment by means of which all persons participating in the meeting can hear each other. Not all directors must participate by the same means during the same meeting (e.g., some directors may attend in person and others by telephone) Participation in such a meeting shall constitute presence in person at the meeting, except where a person participates in the meeting for the express purpose of objecting to the transaction of any business on the grounds that the meeting is not lawfully called or convened.

4.10 Adjournments. A meeting of the Board of Directors, whether or not a quorum is present, may be adjourned by a majority of the directors present to reconvene at a specific time and place. It shall not be necessary to give notice of the reconvened meeting or of the business to be transacted, other than by announcement at the meeting which was adjourned. At any such reconvened meeting at which a quorum is present, any business may be transacted that could have been transacted at the meeting that was adjourned.

ARTICLE 5

Notice and Waiver

5.1 Procedure. Whenever these bylaws require notice to be given, the notice shall be given in accordance with this Section 5.1. Notice under these bylaws shall be in writing unless oral notice is reasonable under the circumstances. Notice may be communicated in person, by telephone, e-mail, or other form of wire or wireless or electronic communication, or by mail or private carrier. Written notice, if in a comprehensible form, is effective upon receipt thereof; provided, however, that with respect to written notice that is sent by mail, such notice is effective five days after its deposit in the mail, as evidenced by the postmark, if mailed with first-class postage prepaid and correctly addressed or on the date shown on the return receipt, if sent by registered or certified mail, return receipt requested, and the receipt is signed by or on behalf of the addressee. Oral notice is effective when communicated if communicated in a comprehensible manner.

5.2 Waiver. Any notice may be waived before or after the date and time stated in the notice. Except as provided herein, the waiver must be in writing, signed by the person entitled to the notice, and delivered to the corporation for inclusion in the minutes or filing with the corporate records (which signature and delivery may be made by email). A person's attendance at or participation in a meeting waives any required notice to him or her of the meeting unless such person at the beginning of the meeting (or promptly upon his or her arrival) objects to holding the meeting or transacting business at the meeting and does not thereafter vote for or assent to action taken at the meeting.

ARTICLE 6

Board of Advisors

6.1 Appointment. The Board of Directors may appoint such persons as it reasonably deems necessary or desirable to act as the Board of Advisors of the corporation. To the extent possible, the Board of Advisors should consist of persons whose integrity, capability, experience, knowledge of the communities and institutions served by the corporation, and community standing will help the Board of Directors carry out its functions. The number of persons appointed to constitute the Board of Advisors shall be determined in the sole discretion of the Board of Directors.

6.2 Purpose. It shall be the function and purpose of the Board of Advisors to advise the Board of Directors on matters relating to the business and affairs of the corporation, and to suggest or be available for consultation with regard to projects or activities which the corporation may undertake, consistent with its exempt purposes, in furtherance of its goals and objectives.

ARTICLE 7

Officers

7.1 Number and Qualifications. The executive officers of the corporation shall consist of a Chair, one or more vice Chairs, as determined by the Board of Directors, a Secretary, and a

Treasurer. The Board of Directors may from time to time create and establish the duties of such other officers or assistant officers as it deems necessary for the efficient management of the corporation, but the corporation shall not be required at any time to have any officers other than a Chair, a Secretary, and a Treasurer. Any two or more offices may be held by the same person.

7.2 Election and Term of Office. The executive officers of the corporation shall be elected by the Board of Directors at the annual meeting of the Board of Directors. If the election of officers is not held at such meeting, such election shall be held as soon thereafter as may be convenient. Each officer shall serve for a two-year term, or until his or her successor has been duly elected and qualified or until his or her earlier death, resignation, removal, retirement, or disqualification. While holding such offices, the executive officers of the corporation shall serve as a member of the Board of Directors of the corporation.

7.3 Other Agents. The Board of Directors may appoint from time to time such agents as it may deem necessary or desirable, each of whom shall hold office during the pleasure of the board, and shall have such authority and perform such duties and shall receive such reasonable compensation, if any, as the Board of Directors may from time to time determine.

7.4 Removal. Any officer or agent elected or appointed by the Board of Directors may be removed by the Board of Directors whenever in its judgment the best interests of the corporation will be served thereby. However, any such removal shall be without prejudice to the contract rights, if any, of the officer or agent so removed.

7.5 Vacancies. A vacancy in any office arising at any time and from any cause may be filled for the unexpired term at any meeting of the Board of Directors.

7.6 Chair. The Chair shall (i) preside at the Board Meetings and (ii) ensure that the direction given by the corporation and the actions of the Board of Directors are carried into effect by the Executive Director and staff. The Chair shall perform such other duties and have such other authority and powers as the Board of Directors may from time to time prescribe.

7.7 Vice Chairs. The vice Chairs (if any), in the order of their seniority, unless otherwise determined by the Chair or by the Board of Directors, shall, in the absence or disability of the Chair, perform the duties and have the authority and exercise the powers of the Chair. They shall perform such other duties and have such other authority and powers as the Board of Directors may from time to time prescribe or as the Chair may from time to time delegate.

7.8 Secretary.

(a) The Secretary shall attend all meetings of the Board of Directors and record, or cause to be recorded, all votes, actions, and the minutes of all proceedings in a book to be kept for that purpose and shall perform, or cause to be performed, like duties for the executive and other committees when required. If the Secretary is not available to attend a meeting, he or she shall designate another director to fulfill the obligations of this Section 7.9(a).

(b) The Secretary shall give, or cause to be given (including with the assistance of the corporation's staff), notice of all meetings of the Board of Directors.

(c) The Secretary (or his/her designee) shall keep in safe custody the seal of the corporation and, when authorized by the Board of Directors or the Chair, affix it to any instrument requiring it. When so affixed, it shall be attested by his or her signature or by the signature of the Treasurer or an Assistant Secretary.

(d) The Secretary shall be under the supervision of the Chair. He or she shall perform such other duties and have such other authority and powers as the Board of Directors may from time to time prescribe or as the Chair may from time to time delegate.

7.9 **Assistant Secretaries.** The Assistant Secretaries, in the order of their seniority, unless otherwise determined by the Chair or by the Board of Directors, shall, in the absence or disability of the Secretary, perform the duties and have the authority and exercise the powers of the Secretary. They shall perform such other duties and have such other powers as the Board of Directors may from time to time prescribe or as the Chair may from time to time delegate.

7.10 **Treasurer.**

(a) The Treasurer, jointly with the Chair and the Executive Director, shall ensure that accurate records are maintained reflecting the financial condition of the Corporation, including statements of cash, outstanding advances, investments, accounts receivable and other assets, accounts payable, and fund balances (net assets). The Treasurer shall oversee all funds and assets of the Corporation, participate in the preparation of the budget, serve as chair of the finance committee, ensure that assets are protected and invested according to any financial policies adopted by the Corporation, ensure that the Corporation complies with applicable corporate and statutory reporting requirements and serve as the agent of the Corporation for all designated bank accounts.

(b) With the approval of the Board of Directors, the Treasurer shall select an accountant to conduct an annual audit of the financial books and records of the Corporation and prepare such reports to the Board of Directors in accordance with the appropriate accounting standards. All such reports and audits shall be delivered to each member of the Board of Directors.

(c) If required by the Board of Directors, the Treasurer shall give the corporation a bond (in such form, in such sum, and with such surety or sureties as shall be satisfactory to the board) for the faithful performance of the duties of his or her office and for the restoration to the corporation, in case of his or her death, resignation, retirement, or removal from office of all books, papers, vouchers, money and other property of whatever kind in his or her possession or under his or her control belonging to the corporation. The expense of furnishing any such bond shall be paid by the corporation.

(d) The Treasurer shall perform such other duties and have such other authority and powers as the Board of Directors may from time to time prescribe or as the Chair may from time to time delegate. The Treasurer, with the approval of the Chair, may delegate certain clerical functions associated with his or her office to any other Director, employee, volunteer, or independent contractor of the Corporation.

7.11 Assistant Treasurers. The Assistant Treasurers, in the order of their seniority, unless otherwise determined by the Chair or by the Board of Directors, shall, in the absence or disability of the Treasurer, perform the duties and have the authority and exercise the powers of the Treasurer. They shall perform such other duties and have such other powers as the Board of Directors may from time to time prescribe or as the Chair may from time to time delegate.

7.12 Executive Director.

(a) The Executive Director of the corporation shall not be an officer and shall be appointed by the Board of Directors from time to time. The Executive Director shall be the chief executive officer of the corporation and shall have general supervision over the business and affairs of the corporation, subject to the control of the Board of Directors and of the Chair. Under the direction of the Chair, the Executive Director shall supervise and have general charge of the operations of the corporation and shall assist the Chair in carrying out the policies, programs, orders, and resolutions of the Board of Directors.

(b) The books and financial records of the corporation shall be kept under the supervision of the Executive Director. All monies due and payable to the corporation from any source whatsoever shall be received by him or her and deposited by him or her to the credit of the corporation in such banks, trust companies, or other depositories as the Board of Directors may designate. He or she shall keep or cause to be kept proper account of all such monies received and all monies disbursed on behalf of the corporation and of all records in connection therewith and, as requested, shall report on such matters to the Board of Directors.

(c) The Executive Director shall see that all orders of the Chair and all orders and resolutions of the Board of Directors are carried into effect. He or she shall keep the Board of Directors and all officers and committees of the corporation fully informed as to the business and affairs of the corporation and shall consult freely with them concerning the business and affairs of the corporation.

(d) The Executive Director shall have all powers and duties usually incident to the office of executive officer, except as specifically limited by resolution of the Board of Directors. The Executive Director shall have authority to conduct all day-to-day, ordinary business on behalf of the corporation and may exercise and deliver on behalf of the corporation any contract, conveyance, or similar document; provided that causing the corporation to enter into any contract, conveyance or similar document involving the expenditure of more than $30,000 in any calendar year shall require approval by the Board of Directors. The Executive Director shall attend all meetings of the Board of Directors, for the purposes of reporting on the progress of the corporation and answering questions from the Directors. The Executive Director shall employ, discharge, and supervise, and determine the compensation of employees of the corporation.

(e) The Executive Director shall perform such other duties and shall have such other authority and powers as the Chair or the Board of Directors may from time to time prescribe.

ARTICLE 8

Committees of Directors

8.1 Executive Committees. By resolution adopted by a majority of the directors in office, the Board of Directors may designate from among its members one or more executive committees, each of which shall consist of one or more directors, including the Chair of the corporation. Each such executive committee, to the extent provided in such resolution, shall have and exercise the authority of the Board of Directors in the management of the affairs of the corporation, but the designation of any such executive committees and the delegation thereto of authority shall not operate to relieve the Board of Directors, or any individual director, of any responsibility imposed upon it or him or her by applicable law.

8.2 Finance Committee. By resolution adopted by a majority of the directors in office, the Board of Directors may designate from among its members a finance committee; provided, however, that the Treasurer shall be a member of and shall chair the finance committee. Subject to the direction and control of the Board of Directors, the finance committee shall be responsible for developing fiscal procedures, the fundraising plan, and the annual budget of the Corporation and reviewing each with appropriate staff members and the Board of Directors; provided, however, that the Board of Directors shall approve the annual budget and any material change in the budget must be approved by the Board of Directors or the executive committee. The finance committee shall submit to the Board of Directors annual reports showing income, expenditures, and pending income.

8.3 Other Committees of Directors. Other committees, each consisting of two or more directors, not having and exercising the authority of the Board of Directors in the management of the corporation may be designated by a resolution adopted by a majority of directors present at a meeting at which a quorum is present. Except as otherwise provided in such resolution, members of each such committee shall be appointed by the Chair of the corporation. Any member of any committee may be removed by the person or persons authorized to appoint such member whenever in their judgment the best interests of the corporation shall be served by such removal.

8.4 Advisory and Other Committees. The Board of Directors may provide for such other committees, including committees, advisory groups, boards of governors, etc., consisting in whole or in part of persons who are not directors of the corporation, as it deems necessary or desirable, and discontinue any such committee at its pleasure. It shall be the function and purpose of each such committee to advise the Board of Directors, and each such committee shall have such powers and perform such specific duties or functions, not inconsistent with the articles of incorporation of the corporation or these Bylaws, as may be prescribed for it by the Board of Directors. Appointments to and the filling of vacancies on any such other committees shall be made by the Chair of the corporation, unless the Board of Directors otherwise provides. Any action by each such committee shall be reported to the Board of Directors at its meeting next succeeding such action and shall be subject to control, revision, and alteration by the Board of Directors, *provided that* no rights of third persons shall be prejudicially affected thereby. See Article Six ("Board of Advisors").

8.5 **Term of Appointment.** Each member of a committee shall continue as such until the next annual meeting of the Board of Directors and until his or her successor is appointed, unless the committee shall be sooner terminated, or unless such member shall be removed from such committee, or unless such member shall cease to qualify as a member thereof.

8.6 **Chair.** One member of each committee shall be appointed Chair thereof.

8.7 **Vacancies.** Vacancies in the membership of any committee may be filled by appointments made in the same manner as provided in the case of the original appointments.

8.8 **Quorum.** Unless otherwise provided in the resolution of the Board of Directors designating a committee, a majority of the whole committee shall constitute a quorum; and the act of a majority of members present at a meeting at which a quorum is present shall be the act of the committee.

8.9 **Rules.** Each committee may adopt rules for its own governance, so long as such rules are not inconsistent with these Bylaws or with rules adopted by the Board of Directors.

ARTICLE 9

Special Committees

9.1 **Special Committees.** The Chair, with the approval of the Board of Directors, shall appoint such other committees, sub-committees, or task forces as may be necessary or desirable and that are not in conflict with other provisions of these Bylaws, and the duties of any such committees shall be prescribed by the Board of Directors upon their appointment (any such committee, a "Special Committee").

9.2 **Term of Appointment.** Each member of a Special Committee shall continue as such until his or her successor is appointed, unless the Special Committee shall be sooner terminated, or unless such member shall be removed from such committee, or unless such member shall cease to qualify as a member thereof.

9.3 **Chair.** One member of each Special Committee shall be appointed Chair thereof.

9.4 **Vacancies.** Vacancies in the membership of any Special Committee may be filled by appointments made in the same manner as provided in the case of the original appointments.

9.5 **Quorum.** Unless the Board of Directors directs otherwise, a majority of the whole Special Committee shall constitute a quorum; and the act of a majority of the members present at a meeting at which a quorum is present shall be the act of the Special Committee.

9.6 **Rules.** Each Special Committee may adopt rules for its own governance, so long as such rules are not inconsistent with these Bylaws or with rules adopted by the Board of Directors.

ARTICLE 10

Contracts, Checks, Deposits, and Funds

10.1 Contracts. The Board of Directors may authorize any officer or officers, agent or agents of the corporation, in addition to the officers so authorized by these Bylaws, to enter into any contract or execute and deliver any instrument in the name and on behalf of the corporation. Such authority must be in writing and may be general or confined to specific instances.

10.2 Checks, Drafts, Notes, Etc. All checks, drafts, or other orders for the payment of money, notes, or other evidences of indebtedness issued in the name of the corporation shall be signed by such officer or officers, agent or agents, of the corporation and in such other manner as may from time to time be determined by resolution of the Board of Directors. In the absence of such determination by the Board of Directors, such instruments shall be signed by the Treasurer or an Assistant Treasurer and countersigned by the Chair or a vice Chair of the corporation.

10.3 Deposits. All funds of the corporation shall be deposited from time to time to the credit of the corporation in such banks, trust companies, or other depositories as the Board of Directors may select.

10.4 Gifts. The Board of Directors may accept on behalf of the corporation any contribution, gift, bequest, or devise for the general purposes or for any special purpose of the corporation.

ARTICLE 11

Limited Liability; Indemnification; and Insurance

11.1 Limited Liability of Directors. The liability of the directors of the corporation shall be limited in accordance with the provisions of Section 14-3-830 of the GNCC and the articles of incorporation.

11.2 Indemnification.

(a) To the full extent permitted by applicable law and the articles of incorporation, the corporation shall indemnify any person (and the heirs, executors and administrators of such person) who, by reason of the fact that he or she is or was a director, officer, employee or agent of the corporation, or is or was serving at the request of the corporation as a director, officer, partner, employee or agent of another corporation, partnership, joint venture, trust or other enterprise, was or is a party or is threatened to be made a party to:

(1) Any threatened, pending or completed claim, action, suit or proceeding, whether civil, criminal, administrative or investigative, including appeals (other than an action by or in the right of the corporation), against expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred by such person in connection with any such claim, action, suit or proceeding; or

(2) Any threatened, pending or completed claim, action or suit by or in the right of the corporation to procure a judgment in its favor, against expenses (including

attorneys' fees) actually and reasonably incurred by such person in connection with the defense or settlement of such action or suit.

Any such indemnification by the corporation shall be made in the manner and to the extent authorized by applicable law and the articles of incorporation.

11.3 **Success on Merits or Otherwise**. To the extent that a person who is or was a director, officer, employee or agent of the corporation, or of any other corporation, partnership, joint venture, trust or other enterprise with which he or she is or was serving in such capacity at the request of the corporation, has been successful on the merits or otherwise in defense of any action, suit or proceeding referred to in this Article 11 or in defense of any claim, issue or matter therein, such person shall be indemnified against expenses (including attorneys' fees) reasonably incurred by such person in connection therewith.

11.4 **Applicable Standard**. Any indemnification under this Article 11 (unless ordered by a court) shall be made by the corporation only as authorized in the specific case upon a determination that indemnification of the director or officer is proper in the circumstances because he or she has met the applicable standard of conduct. Such determination shall be made: (a) by the Board of Directors by a majority vote of a quorum consisting of directors who were not parties to such action, suit or proceeding; or (b) if such a quorum is not obtainable, or even if obtainable but a quorum of disinterested directors so directs, by independent legal counsel in a written opinion.

11.5 **Non-Exclusivity of Article**. The indemnification provided by this Article 11 shall not be deemed exclusive of any other rights to which a director or officer seeking indemnification may be entitled under the articles of incorporation, these Bylaws, any statute, agreement, vote of members or disinterested directors or otherwise, both as to action in such person's official capacity and as to action in another capacity while holding such office, and shall continue as to a person who has ceased to be a director or officer and shall inure to the benefit of the heirs, executors and administrators of such person.

11.6 **Insurance**. The corporation shall have the power to purchase and maintain insurance on behalf of any person who is or was a director, officer, employee or agent of the corporation, or is or was serving at the request of the corporation as a director, officer, partner, employee or agent of another corporation, partnership, joint venture, trust or other enterprise against any liability asserted against such person and incurred by him or her in any such capacity or arising out of his or her status as such, whether or not the corporation would have the power to indemnify such person against such liability under applicable.

11.7 **Intent**. The intent of this Article 11 is to permit indemnification of directors and officers of the corporation to the fullest extent permitted by the GNCC. If the GNCC or, if applicable, the Georgia Business Corporation Code, is amended to authorize the further elimination or limitation of the liability of directors or officers, then the liability of a director or officer of the corporation, in addition to the limitation on personal liability provided herein, shall be limited to the fullest extent permitted by the amended GNCC or the amended Georgia Business Corporation Code, as appropriate.

ARTICLE 12

Miscellaneous

12.1 Books and Records. The corporation shall keep correct and complete books and records of account and shall also keep minutes of the proceedings of its Board of Directors and committees having any of the authority of the Board of Directors. The corporation shall keep at its registered or principal office a record giving the names and addresses of the directors and any other information required under Georgia law.

12.2 Corporate Seal. The corporate seal (of which there may be one or more exemplars) shall be in such form as the Board of Directors may from time to time determine.

12.3 Fiscal Year. The Board of Directors is authorized to fix the fiscal year of the corporation and to change the same from time to time as it deems appropriate.

12.4 Internal Revenue Code. All references in these bylaws to sections of the Internal Revenue Code shall be considered references to the Internal Revenue Code of 1986, as from time to time amended, to the corresponding provisions of any applicable future United States Internal Revenue Law, and to all regulations issued under such sections and provisions.

12.5 Construction. Whenever the context so requires, the masculine shall include the feminine and neuter, and the singular shall include the plural, and conversely. If any portion of these bylaws shall be invalid or inoperative, then, so far as is reasonable and possible:

(a) The remainder of these Bylaws shall be considered valid and operative; and

(b) Effect shall be given to the intent manifested by the portion held invalid or inoperative.

12.6 Table of Contents; Headings. The table of contents and headings are for organization, convenience, and clarity. In interpreting these Bylaws, they shall be subordinated in importance to the other written material.

12.7 Relation to Articles of Incorporation. These Bylaws are subject to, and governed by, the articles of incorporation.

ARTICLE 13

Amendments

13.1 Power to Amend Bylaws. These Bylaws may be amended or repealed, and new Bylaws may be adopted, by the vote of two-thirds of all the directors then in office at any annual, regular or special meeting.

ARTICLE 14

Tax-Exempt Status

14.1 **Tax-Exempt Status.** The affairs of the corporation at all times shall be conducted in such a manner as to assure the corporation's status as an organization qualifying for exemption from taxation pursuant to (a) Section 501(c)(3) of the Internal Revenue Code; (b) upon the vote by two-thirds of all the directors then in office and recognition of the exemption by the Internal Revenue Service, Section 501(c)(4) of the Internal Revenue Code; or (c) in the case of either (a) or (b), the corresponding section of any future federal tax law.

ARTICLE 15

Director or Officer Conflicts of Interest

15.1 **Conflict of Interest Transaction.** No director or officer of the corporation, or any family member of such director or officer, or any corporation, partnership, association, trust, or other entity in which such director or officer, or family member of such director or officer, serves as a director, officer, partner, or trustee, or has a financial interest, shall be permitted to enter into any contract or transaction with the corporation unless:

(a) Such director or officer discloses to the Board of Directors of the corporation the material facts as to his or her or his or her family member's relationship with or interest in the entity proposing to enter into the contract or transaction with the corporation, and the Board of Directors authorizes the contract or transaction by the affirmative vote of a majority of the disinterested directors (even though the disinterested directors may constitute less than a quorum); and

(b) The contract or transaction is fair to the corporation.

15.2 **Fairness to the Corporation.** Factors to be considered in determining whether the contract or transaction is "fair" to the corporation include an examination of the following:

(a) The price and terms of the contract or transaction (the price and terms of the contract or transaction may vary, but must be on a level which the Board of Directors would accept in an arm's-length negotiation, in light of the knowledge that the Board of Directors would reasonably have acquired in the course of such negotiation); and

(b) Whether the Board of Directors would reasonably determine that the contract or transaction was in the best interests of the corporation.

15.3 **Remedies for Violation of Conflict of Interest Requirements.** If a director or officer of the corporation, or any family member of such director or officer, or any corporation, partnership, association, trust, or other entity in which such director, officer, or family member of such director or officer serves as a director, officer, partner, or trustee, or has a financial interest, enters into any contract or transaction with the corporation without complying with the requirements described above, the Board of Directors may, at its sole discretion:

(a) Void the contract or transaction in its entirety and recover from such director or officer any damages and expenses suffered or incurred by the corporation as a result of the contract or transaction; or

(b) Modify the price and terms of the contract or transaction so that the corporation receives a price and terms comparable to what the corporation would receive in an arm's-length negotiation.

15.4 Additional Conflicts of Interest Policies. From time to time, the Board of Directors may adopt additional conflicts of interest policies that are not inconsistent with these Bylaws. This Article 15 and any additional conflicts of interest policies adopted by the Board of Directors are intended to supplement, but not replace, any applicable state or federal laws governing conflicts of interest applicable to nonprofit and charitable organizations.

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ARTICLE 16

Adoption of Amended and Restated Bylaws

GALEO Latino Community Development Fund, Inc. was organized under the laws of the State of Georgia on July 6, 2004 and previously operated under bylaws dated as of that date. These Amended and Restated Bylaws were adopted, and became effective, as of January 31, 2021 (the "Effective Date").

APPROVED:

GALEO LATINO COMMUNITY DEVELOPMENT FUND, INC.

By: _____
Art Gambill, Chair

[CORPORATE SEAL]

Control Number : 0357970

STATE OF GEORGIA

Secretary of State

Corporations Division
313 West Tower
2 Martin Luther King, Jr. Dr.
Atlanta, Georgia 30334-1530

CERTIFICATE OF NOTICE OF INTENT TO DISSOLVE

I, **Brad Raffensperger**, the Secretary of State and the Corporation Commissioner of the State of Georgia, hereby certify under the seal of my office that

GEORGIA ASSOCIATION OF LATINO ELECTED OFFICIALS, INC.
a **Domestic Nonprofit Corporation**

has filed a notice of intent to dissolve in the Office of the Secretary of State on **09/22/2021** and has paid the required fees pursuant to Title 14 of the Official Code of Georgia Annotated. Attached hereto is a true and correct copy of said notice of intent to dissolve.

WITNESS my hand and official seal in the City of Atlanta and the State of Georgia on **09/22/2021**.

Brad Raffensperger

Brad Raffensperger
Secretary of State

Exhibit
0005

NOTICE OF INTENT TO DISSOLVE

Electronically Filed
Secretary of State
Filing Date: 9/22/2021 3:50:07 PM

ARTICLE 1

Business Name : GEORGIA ASSOCIATION OF LATINO ELECTED OFFICIALS, INC.

Control Number : 0357970

ARTICLE 2

The date the dissolution was authorized was: 09/22/2021

ARTICLE 3

Approval of the members was not required.

ARTICLE 4

This Notice of Intent to Dissolve shall be effective on: 09/22/2021

ARTICLE 5

The undersigned does hereby certify that a request for publication of a notice of intent to voluntarily dissolve the corporation along with the publication fee of $40.00 has been forwarded to the official organ of the county of the registered office as required by O.C.G.A. § 14-3-1404.1(b).

AUTHORIZER INFORMATION

Authorizer Signature : Neeli Shah, on behalf of The Law Offices of Neeli Shah, LLC

Authorizer Title : Attorney In Fact

Control Number : 0357970

STATE OF GEORGIA

Secretary of State

Corporations Division
313 West Tower
2 Martin Luther King, Jr. Dr.
Atlanta, Georgia 30334-1530

CERTIFICATE OF DISSOLUTION

I, **Brad Raffensperger**, the Secretary of State and the Corporation Commissioner of the State of Georgia, hereby certify under the seal of my office that

GEORGIA ASSOCIATION OF LATINO ELECTED OFFICIALS, INC.
a Domestic Nonprofit Corporation

has been duly dissolved, cancelled or terminated on 03/24/2022 under the laws of the State of Georgia by the filing of documents in the office of the Secretary of State and by the paying of fees as required by the Official Code of Georgia Annotated and the Rules and Regulations promulgated there under. Attached hereto is a true and correct copy of said documents.

WITNESS my hand and official seal in the City of Atlanta and the State of Georgia on **03/31/2022**.

Brad Raffensperger

Brad Raffensperger
Secretary of State

Exhibit
0006

ARTICLES OF DISSOLUTION

Electronically Filed
Secretary of State
Filing Date: 3/24/2022 10:14:56 AM

ARTICLE 1

Business Name : GEORGIA ASSOCIATION OF LATINO ELECTED OFFICIALS, INC.

Control Number : 0357970

ARTICLE 2

The date on which the Notice of Intent to Dissolve was filed with the Secretary of State was : 09/22/2021

ARTICLE 3

The Notice of Intent to Dissolve has not been revoked.

ARTICLE 4

All known debts, liabilities, and obligations of the corporation have been paid and discharged.

ARTICLE 5

All remaining property and assets of the corporation have been distributed in accordance with the plan of dissolution.

ARTICLE 6

There are no actions pending against the corporation in any court.

ARTICLE 7

The corporation is not required to notify the Attorney General of its intent to dissolve.

ARTICLE 8

These Articles of Dissolution shall be effective on: 03/24/2022

AUTHORIZER INFORMATION

Authorizer Signature : Neeli Shah

Authorizer Title : Attorney In Fact

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

GEORGIA STATE CONFERENCE OF THE NAACP; GEORGIA COALITION FOR THE PEOPLE'S AGENDA, INC.; GALEO LATINO COMMUNITY DEVELOPMENT FUND, INC. *Plaintiffs*, v. STATE OF GEORGIA; BRIAN KEMP, in his official capacity as the Governor of the State of Georgia; BRAD RAFFENSPERGER, in his official capacity as the Secretary of State of Georgia, *Defendants.*	Case No. 21-civ-5338 **Requesting a three-judge panel pursuant to 28 U.S.C. § 2284**

AMENDED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

INTRODUCTION

In the wake of the growth of communities of color in Georgia, which was reflected in the 2020 elections and the January 2021 Senate runoffs, the State of Georgia has drawn its Congressional and State legislative maps in violation of the U.S. Constitution and the Voting Rights Act. Reverting to the strategies of the Jim

Exhibit 0007

Crow era, Georgia has employed the two classic tactics of gerrymandering to tilt the balance of electoral power to the White majority: "cracking" (diluting the voting power of voters of color across many districts) and "packing" (concentrating the voting power of voters of color in one district to reduce and dilute their voting power in other districts). These redistricting techniques undermine the voting rights of Georgia's Black, Hispanic/Latino ("Latinx") and Asian American Pacific Islander ("AAPI") citizens and deny them an equal opportunity to elect candidates of their choice.

Plaintiffs GEORGIA STATE CONFERENCE OF THE NAACP; GEORGIA COALITION FOR THE PEOPLE'S AGENDA, INC.; and GALEO LATINO COMMUNITY DEVELOPMENT FUND, INC., file this Amended Complaint for Declaratory and Injunctive Relief against Defendants STATE OF GEORGIA; BRIAN KEMP; and BRAD RAFFENSPERGER, and allege as follows:

BACKGROUND

1. According to the 2020 census, Georgia was among the top five States gaining population in the past decade, with the State adding 1,024,255 residents since 2010—a 10.6% increase. *See* U.S. Census Bureau, *Georgia: 2020 Census*, August 24, 2021, available at: https://www.census.gov/library/stories/state-by-state/georgia-population-change-between-census-decade.html.

2. Communities of color in the state account for nearly all of Georgia's reported population growth since 2010. This is so despite the well-documented undercounting of racial and ethnic minorities in the 2020 Census. The State's Black population increased by 12.5%, Latinx population increased by 31.6% and AAPI population increased by 52.3%. By contrast, Georgia's White population decreased by 4%.

3. In short, the reality is that Georgia's population is becoming more racially and ethnically diverse. With full knowledge of the State's fast changing demographics, the party controlling the Georgia General Assembly ("Controlling Party") created redistricting maps for Georgia's House, Senate, and Congressional districts which are based upon the unconstitutional and unlawful use of race. Governor Brian Kemp endorsed these unconstitutional and unlawful maps by enacting them into law.

4. Racial considerations by the Controlling Party and its chosen map drawers predominated in crucial districting decisions, diluting the voting rights of Black, Latinx, and AAPI voters. Moreover, the Controlling Party ignored the growth of communities of color by failing and refusing to create additional majority-minority and minority opportunity districts in the House, Senate, and Congressional maps.

5. Had the chosen map drawers and the Georgia General Assembly drawn districts that accurately reflect Georgia's increasingly diverse population without the improper consideration of race, opportunities for people of color to elect candidates of their choice would have necessarily increased. Instead, the Controlling Party deliberately targeted Black, Latinx, and AAPI Georgians and moved them into and out of districts to deny them equal opportunities to elect candidates of their choice, splitting communities of interest, and ensuring safe districts where White voters can elect their candidates of choice.

6. The Controlling Party in the General Assembly and their map drawers made districting decisions in which race predominated the process.

7. These maps ensure that White voters and the party favored by those voters will maintain control of the Georgia General Assembly and Georgia's Congressional delegation for the foreseeable future, despite their dwindling population, denying voters of color an opportunity to elect candidates of their choice.

8. To accomplish this, the map drawers, chosen by the Controlling Party, used similar tactics on all three maps. First, they unconstitutionally manipulated populations based on race in many districts, moving populations of color in and out of key districts. Second, they unlawfully diluted the voting strength of Black, Latinx and AAPI voters in many districts. And, finally, they abdicated their legal

responsibility to create appropriate majority-minority districts, including coalition districts where necessary to give voters of color an opportunity to elect candidates of their choice.

9. These unconstitutional and illegal redistricting tactics are nothing new in Georgia. As a result, federal courts have repeatedly invalidated Georgia State House, State Senate, and Congressional districts that disadvantaged Black people and other people of color by impermissibly drawing district lines based on race.

10. It is well-documented that voting is racially polarized in Georgia and Senator John Kennedy, Chair of the Senate Redistricting and Reapportionment Committee, admitted that this is the case during a redistricting hearing on the Controlling Party's State Senate plan.

11. In fact, Georgia legislators are aware of the degree of racial polarization and have crafted redistricting plans which pack or crack communities of color into and out of districts to dilute their voting strength in order to prevent them from having a meaningful opportunity to elect candidates of their choice.

12. Georgia's Black, Latinx, and AAPI voters often vote cohesively in the State to elect candidates of choice and White voters favor different candidates in federal and State elections. In most instances where people of color comprise the majority of the electorate, their preferred candidates win. When White voters

comprise a substantial majority of voters, the preferred candidates of voters of color usually lose.

13. The elected officials who cast the votes to enact the three maps are generally preferred by White voters and not by voters of color – they acted in their own self-interest and that of White voters, and against the voters of color. Indeed, the maps manipulate populations of Black, Latinx, and AAPI person in and out of districts to make otherwise competitive districts safe for White voters and their preferred candidates, which is decidedly unconstitutional. Manipulating populations by race and diluting the votes of persons of color with the goal of maintaining political power is no more lawful when Republicans do it in Georgia today than it was when Dixiecrats did it in Georgia decades ago.

14. Instead of allowing the incumbents the opportunity to appeal to their districts' increasingly diverse electorate, the Controlling Party in the General Assembly created these new redistricting maps to make districts safer for the Controlling Party's incumbents and candidates, while diluting the voting strength of Georgia's increasingly diverse electorate, with racial considerations used as the means for achieving this partisan end.

15. To accomplish its goal, the Controlling Party operated with surgical precision to crack and pack districts with higher percentages of Black, Latinx, and

AAPI voters, while moving the lines to increase the number of White voters in many districts.

16. Because Georgia maintains voter registration by race but not by party, the proponents of these maps necessarily used race when redrawing the boundary lines of the districts, including by racial gerrymandering, diluting the voting power of racial and ethnic minorities, and failing to create majority-minority districts.

17. Moreover, the legislature and map drawers' actions were intentional, occurring in an atmosphere that was racially charged. These three plans were enacted following a regular legislative period that was undeniably hostile to Black, Latinx, and AAPI people.

18. Just this year, the Georgia General Assembly enacted SB 202, a law that eliminated or changed longstanding voting options in the State that were particularly used in areas with high populations of people of color and resulted in high voter turnout and voters of color electing their candidates of choice.

19. SB 202 shortens the time between an election where no candidate received a majority of the vote and the runoff in apparent reaction to the approximately 76,000 new voters who registered between the November 2020 general election and the January 2021 Senate runoff elections in which Reverend Raphael Warnock and Jon Ossoff were the first Black and Jewish Senators elected

in Georgia. *See* Mark Niesse, *76K new Georgia voters registered before US Senate runoffs*, Atlanta Journal-Constitution, December 17, 2020, available at: https://www.ajc.com/politics/75k-new-georgia-voters-registered-before-us-senate-runoffs/H3CXAFIKFVCKHJNW5MBFZKQDZU/.

20. SB 202 also changed the deadline by which voters are required to request absentee ballots from the Friday before an election to 11 days before an election and also requires voters to provide a Georgia driver's license number, State ID card number, or copy of another form of acceptable ID with their absentee ballot applications.

21. According to a November 26, 2021, article in the Atlanta Journal-Constitution, about 52% of the absentee ballot applications submitted by voters for November 2021 general elections were rejected due to voters making the request after the new deadline established by SB 202 and about 15% were rejected due to the new ID requirements mandated by SB 202. The report also found that about 4% of absentee ballots applications for the November 2021 elections were rejected – a three percentage point increase over the 1% rejection rate in the November 2020 general election before these changes were enacted. The report further noted that few voters whose absentee ballots applications were rejected cast ballots in person on election day. *See* Mark Niesse, *Georgia voting law drives rejections of absentee*

requests made too late, AJC (November 26, 2021) https://www.ajc.com/politics/georgia-voting-law-drives-rejections-of-absentee-requests-made-too-late/HEZUYZA3RZBEVKZSDLEOBXLQ3E/.

22. SB 202 also provides a clear path for the intimidation of voters by allowing unlimited challenges by partisan organizations and their advocates on an expedited hearing schedule, which gives voters only three days' notice of a hearing by mail.

23. SB 202 also criminalizes efforts by nonpartisan volunteers to provide water, food, and PPE, even as wait times for voting are notoriously long in communities of color, among other voting changes.

24. The three Georgia redistricting bills were rushed through in a secretive and dubious process that gave little notice about the maps to the public or even members of the General Assembly who were not in the Controlling Party. Controlling Party members refused to answer questions about why districts were drawn as they were and what information was conveyed to them by their map drawers and consultants.

25. While paying lip-service to the Voting Rights Act, Controlling Party members refused to explain how these maps were drawn in alleged compliance with the Voting Rights Act and did not provide any of the data produced from a racially

polarized voting study they claim to have obtained from a consultant.

26. The Controlling Party's map drawers (1) strategically removed Black, Latinx, and AAPI voters from existing and performing majority-minority districts and dispersed them into White majority districts in rural and/or suburban areas where they will no longer have the ability to elect the candidates of their choice, and (2) packed Black voters and other voters of color into districts with high minority populations. The Controlling Party's legislators could have had only one motive for passing such facially unconstitutional plans: the desire to limit the voting strength of voters of color statewide.

27. There are one or more alternative maps for each body that would remedy violations of Section 2 of the Voting Rights Act present in the redistricting plans as described in more detail below, including a congressional map in which one (1) additional majority Black congressional district is drawn in the western Atlanta suburbs; a state senate map in which four (4) additional majority Black plus two (2) multi-racial coalition state senate districts are drawn; and a state house map in which seven (7) additional majority Black and (2) multi-racial coalition state house districts are drawn.

28. In addition, in many of the congressional and state legislative districts, race was the predominant factor in the drawing of the districts. To that end, the

Controlling Party's map drawers intentionally manipulated populations of voters of color by various mechanisms, including the packing of them into districts where it was unnecessary in order for them to have an opportunity to elect candidates of their choice, and by cracking these populations across several districts. These map drawers also ignored or violated traditional districting principles in order to achieve their goals.

29. As alleged in detail below, Plaintiffs respectfully seek a declaratory judgment that the redistricting plans for the Georgia Senate (SB 1 EX/AP), Georgia House of Representatives (HB 1EX LC 47 1163S/AP), and Congress (SB 2 EX/AP) are racial gerrymanders in violation of the Fourteenth and Fifteenth Amendments to the United States Constitution; that these redistricting plans dilute the voting strength of voters of color and deny them the opportunity to elect preferred candidates of their choice in violation of Section 2 of the Voting Rights Act of 1965; that these redistricting plans were drawn by the Controlling Party's mappers and were allowed to become law for the express purpose of impermissibly discriminating against voters of color in violation of the Fourteenth Amendment to the United States Constitution and the intent prong of Section 2 of the Voting Rights Act.

30. Plaintiffs seek a permanent injunction that prohibits Defendants from calling, holding, supervising, or certifying any election under these plans and further

requests the creation of revised redistricting plans that do not infringe upon the constitutional and statutory rights of Georgians of color by diluting their voting strength.

31. Finally, Plaintiffs also seek an order requiring Georgia to preclear voting changes during the following ten-year period pursuant to 52 U.S.C. § 10302.

REQUEST FOR THREE-JUDGE PANEL

32. Because this action challenges the constitutionality of the apportionment of a statewide legislative body, as well as the apportionment of a State's Congressional delegation, Plaintiffs request the convening of a three-judge panel pursuant to 28 U.S.C. § 2284.

PARTIES

33. Plaintiff GEORGIA STATE CONFERENCE OF THE NAACP (Georgia NAACP) is a non-partisan, interracial, nonprofit membership organization that was founded in 1941. Its mission is to eliminate racial discrimination through democratic processes and ensure the equal political, educational, social, and economic rights of all persons, in particular African Americans. It is headquartered in Atlanta and currently has approximately 10,000 members.

34. The Georgia NAACP works to protect voting rights through litigation, advocacy, legislation, communication, and outreach, including work to promote

voter registration, voter education, get out the vote efforts, election protection, and census participation.

35. The Georgia NAACP brings this action on behalf of itself and its individual members, including the thousands of Georgia NAACP members who are registered voters residing in Georgia House, State Senate, and Congressional districts where their voting power will be reduced under the new plans.

36. The Georgia NAACP has branches in counties across the State of Georgia that are involved in voter registration, voter assistance, voter education, election protection, grassroots mobilization, and get out the vote efforts, including Sunday early voting events, such as "Souls to the Polls."

37. The Georgia NAACP has sought to prevent efforts to suppress or disenfranchise African American voters and has been involved in voting rights litigation in Georgia to vindicate their rights.

38. The Georgia NAACP engages in voter outreach efforts, including voter education on voting in-person during early voting, voting by mail, and voting in person on election day.

39. The Georgia NAACP has conducted text and phone banking programs and reached out to voters throughout Georgia to encourage voter participation and to educate the public about the voting process, including about voting by mail.

40. The Georgia NAACP and its members have a history of advocating for fair redistricting, including a history of advocating for majority-minority coalition districts in Georgia with Black, Latinx, and AAPI voters and litigating claims challenging State legislative, county and school district plans in Georgia as well as other voting rights litigation in the State.

41. This redistricting cycle, the Georgia NAACP provided oral and written testimony to the House and Senate redistricting committees and submitted proposed Georgia Unity Maps, along with co-Plaintiffs, the Georgia Coalition for the People's Agenda, Inc. and GALEO Latino Community Development Fund, Inc., via the committees' public comment portal and advocated for the adoption of fair maps that adhere to the requirements of the Voting Rights Act of 1965 and the Fourteenth and Fifteenth Amendments to the U.S. Constitution.

42. The Georgia NAACP has had to commit significant time and resources, and will have to continue to commit significant time and resources to combatting the effects of these new maps on communities of color throughout the State now that they have been enacted. Funds and volunteers normally directed towards programs that the Georgia NAACP implements, such as voter education efforts and voter registration drives, have had to be and will continue to have to be redirected and diverted towards efforts to combat the effects of these unconstitutional new maps on

its constituents. By diverting time and resources to these priorities, Georgia NAACP will be unable to commit to other programs that are core to its mission.

43. Plaintiff THE GEORGIA COALITION FOR THE PEOPLE'S AGENDA, INC. ("GCPA") is a Georgia nonprofit corporation with its principal place of business located in Atlanta, Georgia. The GCPA is a coalition of more than 30 organizations, which collectively have more than 5,000 individual members.

44. In addition to its main office in Atlanta, the GCPA has field offices in Athens, Albany, Augusta, Macon, Savannah, and LaGrange, Georgia where it is able to provide outreach and support to voters and prospective voters of color and underserved communities outside of the Metro Atlanta area.

45. The GCPA brings this action on behalf of its itself and its individual members who are registered voters residing in Georgia House, State Senate, and Congressional districts where their voting power will be reduced under the new plans.

46. The GCPA encourages voter registration and participation, particularly among Black and other underrepresented communities of color in Georgia. The GCPA's support of voting rights is central to its mission. The organization has committed, and continues to commit, time and resources to protecting voting rights through advocacy, legislation, communication, and outreach, including work to

promote voter registration, voter education, get out the vote efforts, election protection, census participation and litigation.

47. The GCPA conducts voter registration drives, voter ID assistance, "Souls to the Polls" get out the vote events during Sunday early voting and other get out the vote efforts in Georgia that seek to encourage voter participation among Black and Brown voters and voters in historically underserved communities of color. The GCPA in coalition with other civic engagement organizations in Georgia also participates in voter education and voter empowerment programs.

48. GCPA's voter education and empowerment programs have included, but are not limited to, educating prospective voters about how to register to vote and to confirm their registration status; educating voters about the options to vote in-person during advanced voting, in-person on Election Day, and by mail via absentee ballot; providing information to voters about accessing absentee ballot drop boxes to cast their absentee ballots safely and securely, and helping voters to understand the new voting system implemented for the first-time during the 2020 election cycle statewide.

49. The GCPA has also distributed civic education materials to voters and prospective voters; arranged for rides to the polls for voters; and supported the Georgia Election Protection field program in order to assist voters on the ground near polling sites.

50. The GCPA also participates in media interviews, sponsors Public Service

Announcements (PSAs), places billboard ads, conducts phone banking, and engages in text message campaigns to educate voters and to encourage participation.

51. During this redistricting cycle, the GCPA provided oral testimony to the House and Senate redistricting committees and submitted proposed Georgia Unity Maps, along with co-Plaintiffs, the Georgia NAACP and GALEO Latino Community Development Fund, Inc., via the committees' public comment portal and advocated for the adoption of fair maps that adhere to the requirements of the Voting Rights Act of 1965 and the Fourteenth and Fifteenth Amendments to the U.S. Constitution.

52. The GCPA has had to commit significant time and resources, and will have to continue to commit significant time and resources to combatting the effects of these new maps on communities of color throughout the state now that they have been enacted. Funds and volunteers normally directed towards programs that the GCPA implements, such as voter empowerment efforts and voter registration drives, have had to be and will continue to have to be redirected and diverted towards efforts to combat the effects of these new maps on its constituents. By diverting time and resources to these priorities, GCPA will be unable to commit to other programs that are core to its mission.

53. Plaintiff GALEO LATINO COMMUNITY DEVELOPMENT FUND, INC. ("GALEO") is a non-partisan, nonprofit corporation. GALEO is one of the oldest, largest, and most significant organizations promoting and protecting the civil rights of Georgia's Latinx community. GALEO has approximately 165 members across Georgia.

54. GALEO's headquarters is in Norcross, which is in Gwinnett County, and a substantial amount of GALEO's civic engagement, voter registration and get-out-the-vote work takes place in Gwinnett County and other Metro Atlanta counties, areas in which the Controlling Party targeted people of color in its redistricting maps.

55. GALEO's work includes organizing voter education, civic engagement, voter empowerment and get out the vote events and conducting voter registration drives. After Gwinnett County became a covered jurisdiction for Spanish under Section 203 in December 2016, GALEO has worked also with the Gwinnett County Board of Registrations and Elections in an effort to bring its procedures and election materials into compliance with the law's requirements.

56. During the 2020 election cycle, GALEO also worked to address challenges facing Gwinnett County's limited-English-proficiency Spanish speaking voters as a result of the impact of the COVID-19 pandemic.

57. GALEO sent bilingual mailers to Latinx Gwinnett County voters with information about the presidential primary as well as additional mailers after the primary was postponed due to COVID-19.

58. In this redistricting cycle, GALEO provided oral testimony to the House and Senate redistricting committees and submitted proposed Georgia Unity Maps, along with co-Plaintiffs, the Georgia NAACP and GCPA via the committees' public comment portal and advocated for the adoption of fair maps that that adhere to the requirements of the Voting Rights Act of 1965 and the Fourteenth and Fifteenth Amendments to the U.S. Constitution.

59. GALEO has had to commit significant time and resources, and will continue to have to commit significant time and resources to combatting the effects of these new maps on communities of color throughout the State now that they have been enacted. Funds and volunteers normally directed towards programs that the GALEO implements, such as voter empowerment efforts and voter registration drives, have had to be and will continue to have to be redirected and diverted towards efforts to combat the effects of these new maps on its constituents. By diverting time and resources to these priorities, GALEO will be unable to commit to other programs that are core to its mission.

60. Defendant STATE OF GEORGIA is a sovereign State of the United

States of America.

61. Defendant BRIAN KEMP is the Governor of Georgia and is the chief executive officer of the State of Georgia. Governor Kemp is sued in his official capacity.

62. Defendant BRAD RAFFENSPERGER is the Secretary of State of Georgia, the State's chief election officer and is responsible for administering and implementing Georgia's election laws and regulations. Secretary Raffensperger is sued in his official capacity.

LEGAL STANDARDS

63. Section 2 of the Voting Rights Act, 52 U.S.C. § 10301(a), 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[.]" 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 [minority voters] 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." 52 U.S.C. § 10301(b).

64. Section 2 of the Voting Rights Act prohibits the dilution of minority voting strength. The dilution of minority voting strength may be caused by, among

other things, the dispersal of the minority population into districts where they constitute an ineffective minority—known as "cracking"—and the concentration of minority voters into districts where they constitute an excessive majority—known as "packing." *Thornburg v. Gingles*, 478 U.S. 30, 46 n.11 (1986).

65. When in the Under *Gingles* standard, plaintiffs who are challenging a redistricting plan violates dilutes the voting strength of people of color under Section 2 of the Voting Rights Act must first demonstrate that three preconditions are met:

a. that the racial minority group or groups are sufficiently large and geographically compact to constitute a majority in a single-member district;

b. the minority group is politically cohesive; and

c. the white majority votes as a bloc such that it will usually defeat the minority group's preferred candidate.

66. In addition to the *Gingles* preconditions, vote-dilution claims under Section 2 are subject to "[a] totality of circumstances" analysis, which is guided by non-exhaustive factors set forth in Senate Report that accompanied the 1982 amendment to the Voting Rights Act.

67. These Senate factors include, but are not limited to: (1) the extent of any history of official discrimination that touched the right of the members of the

minority group to register, to vote, or otherwise to participate in the democratic process; (2) the extent to which voting is racially polarized; (3) the extent to which the State has voting practices or procedures that may enhance the opportunity for discrimination against the minority group; (4) whether the members of the minority group have been denied access to a candidate slating process, if any; (5) the extent to which members of the minority group in the State bear the effects of discrimination in such areas as education, employment and health, which hinder their ability to participate effectively in the political process; (6) whether political campaigns have been characterized by overt or subtle racial appeals; and (7) the extent to which members of the minority group have been elected to public office in the jurisdiction.

68. Courts have also considered additional factors, including whether there is a significant lack of responsiveness on the part of elected officials to the particularized needs of the members of the minority group; and whether the policy underlying the State's use of the challenged standard, practice or procedure is tenuous.

69. The Equal Protection Clause forbids racial gerrymandering, that is, intentionally assigning citizens to a district on the basis of race without sufficient justification. *Shaw v. Reno*, 509 U.S. 630, 641 (1993). The plaintiff must prove that

race was the predominant factor motivating the legislature's decision to place a significant number of voters within or without a particular district. A conflict between the enacted plan and traditional redistricting criteria is not essential to establish racial predominance, but may be persuasive circumstantial evidence. *VBethune-Hill v. Va. State Bd. of* Elections, 137 S. Ct. 788, 799 *2017). If racial considerations predominate over others, then the redistricting decision will be subject to strict scrutiny and the burden will shift to the State to prove that its redistricting decisions served a compelling interest and was narrowly tailored to that end. *Cooper v. Harris,* 136 S. Ct. 2512 (2017).

70. Intentional discrimination is proved by reference to factors set forth in *Village of Arlington Heights v. Metropolitan Dev. Corp.*, 429 U.S. 252 (1977), including whether the impact of the official action bears more heavily on one race than another; the specific sequence of events leading up to the challenged decision, including whether there are departures from the normal procedural sequence or substantive departures; and the legislative or administrative history. A plaintiff does not have to prove that the challenged action rested solely on racially discriminatory purposes. 429 U.S. at 265-267.

STATEMENT OF FACTS

71. The Georgia House of Representatives is comprised of 180 members.

Each representative is elected from a single-member district. Georgia State legislative and Congressional elections are partisan. Primary and general elections feature a majority vote requirement. If no candidate receives a majority of the votes cast, a runoff election is held between the top two candidates.

72. The majority vote requirement and runoffs make it more difficult for Latinx, Black, and AAPI voters to elect candidates of choice because they individually comprise a minority of the electorate and voting patterns in Georgia State legislative and Congressional election contests are racially polarized.

73. These polarized voting patterns are highly correlated with support for Georgia's two major political parties. Georgia's Latinx, Black, and AAPI voters strongly favor candidates from the Democratic Party, while the State's White voters overwhelmingly favor candidates from the Republican Party.

74. Racial, ethnic and language minorities historically have been and continue to be underrepresented in the Georgia General Assembly, particularly with respect to Georgia's Latinx and AAPI communities. According to the 2020 Census, Georgia's total population is comprised of 51.9% of individuals identifying as White alone; 31% as Black alone; 10.5% as Hispanic or Latino; and 4.5% as Asian alone. *See* United States Census Bureau, Georgia: 2020 Census (August 25, 2021), https://www.census.gov/library/stories/state-by-state/georgia-population-change-

between-census-decade.html.

75. By contrast, according to a December 2020 report by the National Conference of State Legislatures, 71% of the Georgia General Assembly's legislators were White, and only 1% were Latinx or AAPI. *See* National Conference of State Legislatures, *State Legislator Demographics* (December 1, 2020), https://www.ncsl.org/research/about-state-legislatures/state-legislator-demographics.aspx (note that this study was not updated to reflect the demographics of newly elected candidates who took their seats after the November 2020 general election).

I. History of Discrimination in Georgia Relevant to Redistricting

76. There is a long and well-documented history of voting discrimination against voters of color in Georgia. Indeed, Courts repeatedly have acknowledged Georgia's extensive history of discrimination in this area. *See Fair Fight Action, Inc. v. Brad Raffensperger*, Order, 1:18-cv-05391-SCJ, Document 636 at 41 (11/15/21) (taking judicial notice of Georgia's "long sad history of racist policies in a number of areas including voting"); *Wright v. Sumter Cnty. Bd. of Elections & Registration*, 301 F. Supp. 3d 1297, 1310 (M.D. Ga. 2018), *aff'd*, 979 F.3d 1282 (11th Cir. 2020) ("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."); *Georgia State Conference of the NAACP v. Fayette County Bd. of Comm'rs*, 950 F. Supp. 2d 1294, 1314-16 (N.D. Ga. 2013) (citing *Brooks v. State Bd. of Elections*, 848 F. Supp. 1548, 1560–61, 1571 (S.D. Ga. 1994) (Georgia's "segregation practice and laws at all levels has been rehashed so many times that the Court can all but take judicial notice thereof"), *vacated and remanded on other grounds*, 775 F.3d 1336 (11th Cir. 2015); and *Johnson v. Miller*, 864 F. Supp. 1354, 1379-80 (S.D. Ga. 1994), *aff'd and remanded*, 515 U.S. 900 (1995) ("we have given formal judicial notice of the State's past discrimination in voting, and have acknowledged it in the recent cases").

77. The history of voting discrimination against voters of color in Georgia is further detailed in various expert reports filed in federal voting rights litigation in Georgia and was also documented by Laughlin McDonald, et al., in *Quiet Revolution In The South: The Impact of the Voting Rights Act 1965-1990*, pp. 67-102 (Chandler Davidson & Bernard Grofman eds., 1994).

78. The historical background of redistricting by the Georgia Legislature includes numerous federal court orders revising Georgia's redistricting plans to cure violations of the federal Voting Rights Act or the Constitution. *See, e.g.*, *Georgia v. United States*, 411 U.S. 526 (1973) (finding a violation of Section 5 of the Voting Rights Act); *Busbee v. Smith*, 549 F. Supp. 494, 517 (D.D.C. 1982), *aff'd mem.*, 459

U.S. 1116 (1983) (finding discriminatory purpose); *Miller v. Johnson*, 515 U.S. 900, 917 (1995) (finding racial gerrymandering); *Abrams v. Johnson*, 521 U.S. 74, 107 (1997) (same); *Larios v. Cox*, 300 F. Supp. 2d 1320, 1356 (N.D. Ga.), aff'd, 542 U.S. 947 (2004) (finding that the redistricting plan violated one person, one vote principle); *Georgia v. Ashcroft*, 539 U.S. 461, 486 (2003) (noting that redistricting plan made it more difficult for minority voters to elect a candidate of their choice).

79. The socioeconomic realities of Georgia have placed a greater burden on minority residents to effectively participate in the electoral process. The effects of Georgia's long history of discrimination against Black residents remains present. Black Georgians have poverty rates more than double those of White residents. There are also substantial disparities between Black and White Georgians in access to health care and health outcomes, in involuntary residential mobility, and in employment. And Black Georgians face unequal access to education and discrimination in housing and lending. Due to these and related factors, Black Georgians participate in elections at lower rates than White residents. For example, even after an historic increase in Black voter registration in the 2020 election, the levels of Black electoral participation still remain lower than for White residents.

80. The Latinx community in Georgia faces similar socioeconomic burdens that limit their ability to effectively participate in the electoral process. Poverty rates

for Latinx Georgians are almost double the rates for White Georgians. Latinx Georgians also are less likely to graduate from high school or receive a graduate degree than White Georgians. And Latinx Georgians have lower median income than their White counterparts, and also are more likely to lack health insurance than their White counterparts. In addition, access to in-language voter assistance in Georgia is significantly limited. For example, the Georgia Secretary of State does not include bilingual information on its website, including no bilingual or multilingual voter registration information, absentee ballots or other election-related materials. This substantially hampers the ability for Latinx Georgians who lack English proficiency to participate in the electoral process. For all these and related reasons, Latinx Georgians participate in elections at lower rates than White residents.

81. And the AAPI community faces socioeconomic burdens that limit their ability to effectively participate in the electoral process as well. About 10% of AAPI Georgians lack health insurance, and about 10% live in poverty. The AAPI population also faced extreme violence in March 2021, when a gunman murdered 6 people in Atlanta, including 6 AAPI women. Also, similar to the Latinx population in Georgia, the AAPI population that lacks English proficiency is substantially hampered from participating in the electoral process due to the Georgia Secretary of

State's failure to include bilingual information on its website, and other barriers to in-language access. For all of these and related reasons, AAPI Georgians participate in elections at lower rates than White residents.

II. Racial and Ethnic Demographics of Voting in Georgia

82. The Secretary of State of Georgia maintains detailed records as to the racial demographics of voters because Georgia's voter registration forms ask applicants to identify their race or ethnicity to comply with the Voting Rights Act. *See* Georgia Voter Registration Form, https://sos.ga.gov/admin/files/GA_VR_APP_2019.pdf. The form also does not ask voters to identify their political party preference. As a result, the Controlling Party legislators and its elected officials are well aware of the implications of making decisions as to voting on racial and ethnic minorities.

83. In every presidential election since 2004, the share of registered voters who are White has decreased in Georgia from 68% in 2004, to 63% in 2008, to 59% in 2012, to 56% in 2016, to 53% in 2020. During that same period, the cumulative share of registered Black, Latinx, and AAPI voters and other voters of color has increased.

84. The percentage of the vote that the Republican Presidential candidate has received in Georgia has decreased in every election since 2004 with the

exception of 2012.

85. The 2018 statewide election in Georgia demonstrated how fragile the Republican party's hold on the State was. While Republican candidates won the races for Governor, Lieutenant Governor, Secretary of State, and Attorney General, all of the winners received less than 52% of the vote and the Secretary of State election went to a run-off.

86. In 2020, a Democratic presidential candidate won Georgia's electoral college votes for the first time in Georgia since 1992, and two senatorial races were sent to run-offs, with both Democratic candidates winning in January 2021. This was the first time a Democrat had won a United States Senate race in Georgia since 2000.

87. Between 2016 and 2020, the share of registered voters who are White decreased from 56% to 53% and the percentage of voters who turned out who were White decreased from 61% to 58%. These percentages stayed the same for the January 2021 run-off elections. The 3% drop was determinative in who won the 2020 and 2021 elections.

88. Election analysis demonstrates that Black, Latinx, and AAPI voters of color overwhelmingly provide strong support to Democratic candidates. Members of the Georgia General Assembly are aware of this fact.

89. In fact, during the 2021 regular legislative session, the Controlling

Party in the Georgia General Assembly passed SB 202, an omnibus voter suppression bill, which took aim at the voting methods increasingly being used by voters of color—including absentee and mail-in voting, early voting, out of precinct voting, and the use of ballot drop boxes. The Controlling Party did so in an effort to stem the tide of Black, Latinx, and AAPI voters electing candidates of choice in statewide and local elections. Passage of SB 202 was largely premised upon a false narrative of alleged voter fraud in majority-Black Fulton County following President Joe Biden's win in Georgia.

90. Apparently unsatisfied that making it harder for Black voters and other voters of color to cast ballots in Georgia's elections would guarantee their electoral success notwithstanding their dwindling share of the vote, the Controlling Party rammed through State legislative and Congressional redistricting maps to racially gerrymander districts which dilute the voting strength of Black, Latinx, and AAPI voters to deny them an equal opportunity to elect candidates of choice.

91. Manipulating voting districts in an effort to retain its dwindling vote share is nothing new for the Controlling Party.

III. Demographic Changes in Georgia between 2010 and 2020

92. There have been pronounced demographic shifts in Georgia since the 2010 Census. In fact, the 2020 Census found that the percentage of people of color

residing in Georgia grew dramatically since 2010, with Black residents growing by 12.5%, Latinx by 31.6%, AAPI residents by 52.3%, while the White population of Georgia decreased by 4%.

93. Moreover, while the percentage of Georgia's White voters has steadily decreased since 2004, the percentage of the voters of color has steadily increased. From 2004 to 2020, registered voters of color increased in Georgia from 29.8% to 38.3%. White voter registration decreased from 68.7% in 2006, to 52.7% in 2020. In the 2021 Georgia senate runoff election, 228,000 new voters cast ballots who did not participate in the November 2020 general election. These voters tended to be more racially diverse and younger than in past elections.

94. Of Georgia's 250 Congressional and statewide legislative districts prior to the enactment of the new redistricting maps, 74 State House, 20 State Senate and 5 Congressional districts had a voting age population of people of color of more than 50%.

95. Packing minority voters into as few districts as possible—while maximizing the number of districts where White voters comprise 55% or more of the electorate—has long been a strategy to maintain political dominance for White voters in Georgia. This strategy is present in the new redistricting plans passed by the General Assembly and which were signed into law by Governor Kemp.

IV. The Georgia 2021 Redistricting Process and Proceedings

A. Town Halls Convened by the Joint House and Senate Committees on Redistricting and the Public Comment Portal

96. The Georgia General Assembly's Joint House and Senate Redistricting Committee held a series of Town Halls in various locations around the State where they solicited public comment about the redistricting process prior to the introduction of any redistricting plans by the General Assembly and before the 2020 Census data were published.

97. As a result, the public was unable to comment on any maps or plans proposed by legislators, nor did they have the 2020 Census data yet to inform map drawing considerations.

98. Instead, a considerable focus of the oral public comment at the Town Halls, as well as in hundreds of public comments submitted to the committees via a public portal on the General Assembly's website (including by Plaintiffs), was on demands for a transparent, fair and equitable process, rather than a focus upon specific mapping proposals by the legislature or Census results.

99. During these Town Halls, legislators did not respond to numerous questions posed to them by the public (including by Plaintiffs) about how the redistricting process would be conducted; when and how redistricting plans and background about the plans would be shared with the public; and whether the

legislature would consider maps, data and alternatives plans submitted by the public. The legislators also did not respond to written public comments submitted to the committees' public comment portal.

100. While there were many members of the public who expressed concerns about the fact the Town Halls did not provide accommodations for persons with limited English proficiency, who were vision or hearing impaired, or were otherwise physically disabled, no action was taken by the Joint Committee Chairs, Representative Bonnie Rich and Senator John Kennedy, to make the Town Halls accessible for Georgians who needed such accommodations. Once the special redistricting session began on November 3, 2021, the Chairs of the Committees also failed to make such accommodations available for Georgians who needed them.

101. The pleas for transparency and a fair and equitable process made by members of the public at the Town Halls and on the public comment portal were virtually ignored by the Controlling Party.

102. Instead, the Controlling Party rammed through all three maps during the special session, providing little to no information about the rationale for drawing the districts and refusing to share information with the public about the role consultants played in the drawing of the Controlling Party's maps, what voter data the map-makers relied on to draw the maps (and in particular, whether that included

race-based data), and what advice they were given by the consultants about how the maps should be drawn and why.

103. When members of the public complained about the lack of transparency in the process during committee hearings and the absence of any real opportunity to examine and analyze the proposed maps before and after the commencement of the special session on November 3, 2021, these complaints were frequently met with Controlling Party legislators pointing to the Town Halls as evidence that the process was transparent – even though they all took place before a single map was proposed by legislators, none of the legislators responded in substance to any of the comments or questions made by the public during the Town Halls or on the public portal, and Georgia's final Census data was not released until after the final Town Hall was held on August 11, 2021.

B. Events Prior to the Commencement of the Special Session on November 3, 2021

104. On September 23, 2021, Governor Kemp signed a proclamation ordering the commencement of a special session of the Georgia General Assembly on November 3, 2021, for the purpose of drawing new redistricting maps for Georgia's House, Senate and Congressional districts, among other things. *See* https://gov.georgia.gov/executive-action/proclamations.

105. On September 27, 2021, before the special session began, the General

Assembly's Legislative and Congressional Reapportionment Office posted a proposed Congressional redistricting plan submitted by Senator John Kennedy, Chair of the Georgia Senate Redistricting Committee, on its website: https://www.legis.ga.gov/api/document/docs/default-source/reapportionment-document-library/cong-s18-p1-packet.pdf?sfvrsn=dd7b16e7_2. This plan included total population and voting age population data for the racial and ethnic composition of each proposed district.

106. The Reapportionment Office is a joint office of the Georgia House and Senate responsible for providing the General Assembly with redistricting services. According to the General Assembly's website, the "office uses data provided to the State of Georgia by the U.S. Census Bureau for the purpose of redistricting. In addition to providing the technical assistance to redistrict, the website states that the office provides an array of maps and up to date data reports which include information on demographics, precincts, and local redistricting." *See* GEORGIA GENERAL ASSEMBLY: LEGISLATIVE AND CONGRESSIONAL REAPPORTIONMENT OFFICE (2021), https://www.legis.ga.gov/joint-office/reapportionment.

107. While the Reapportionment Office is supposed to be nonpartisan and open to all members of the General Assembly from any party, and its employees are paid by the taxpayers of Georgia, the House and Senate redistricting committees

passed guidelines ("Committee Guidelines") for the 2021 redistricting special session which provided, among other things, that:

> [R]edistricting plans and other records related to the provision of [Reapportionment Office] staff services to individual members of the General Assembly will not be subject to public disclosure. Only the author of a particular map may waive the confidentiality of his or her own work product. This confidentiality provision will not apply with respect to records related to the provision of staff services to any committee or subcommittee as a whole or to any records which are or have been previously disclosed by or pursuant to the direction of an individual member of the General Assembly.

See Georgia Senate redistricting committee's guidelines, https://www.legis.ga.gov/api/document/docs/default-source/reapportionment-document-library/2021-senate-redistricting-committee-guidelines.pdf?sfvrsn=a9bbb991_2; House redistricting committee's guidelines here: https://www.legis.ga.gov/api/document/docs/default-source/reapportionment-document-library/2021-senate-redistricting-committee-guidelines.pdf?sfvrsn=a9bbb991_2.

108. Additionally, communications between legislators and Reapportionment Office staff and the nature of the services provided by the Reapportionment Office to legislators are exempt from Georgia's Open Records Act, meaning that the public has no access to this information absent obtaining it in discovery during litigation.

109. Thus, the Reapportionment Office and Controlling Party members

engaged in a secretive process which excluded the public and minority party members, preventing them from obtaining critical information about how and why the redistricting plans were drawn the way they were. In particular, the public and minority party members were denied information regarding whether the Reapportionment Office and the Controlling Party's members relied on race as a predominant factor to draw the maps, whether the Reapportionment Office and Controlling Party members complied with the VRA to draw the maps, and whether the Reapportionment Office and the Controlling Party intentionally drew the maps to discriminate against Georgians on the basis of race or ethnicity.

110. Aside from the map, data, and shapefiles posted on the Reapportionment Office website, the initial version of the Congressional district plan sponsored by Senator Kennedy was not accompanied by information explaining any rationale about how or why the plan was drawn as it was. No legislative hearings were ever held on this Congressional plan.

111. On October 21, 2021, the Reapportionment Office posted a Congressional district plan submitted by the Georgia House and Senate Democratic Caucuses identified as HB 5EX.

112. On October 28, 2021, the Reapportionment Office posted a State Senate

plan submitted by the Georgia Democratic Senate Caucus identified as SB 4EX.

113. On October 29, 2021, the Reapportionment Office posted a State House plan submitted by the Georgia House Democratic Caucus identified as HB 4EX.

114. On November 2, 2021, the day before the special session was scheduled to begin on November 3, 2021, the Reapportionment Office posted a House district plan identified as HB 1EX submitted by the House committee's Controlling Party's Chair and a Senate district plan identified as SB 1EX submitted by the Senate committee's Controlling Party's Chair.

C. The Georgia Senate Redistricting Plan and Proceedings

115. The 2021 Georgia redistricting process was designed by the Controlling Party to be anything but transparent. Line drawing was done by design in secret by Controlling Party's members with the assistance of the supposedly non-partisan Reapportionment Office; multiple committee meeting agendas were issued with the only information provided as, "TBD," i.e., "To be Determined;" redistricting plans and substitute bills were sometimes disclosed within hours of their introduction or even after committee meetings discussing them had already begun.

116. The lack of transparency and the intentionally rushed process virtually guaranteed that the Controlling Party's redistricting plans would not be reflective of the interests and concerns of Georgia's voters—particularly those of Georgia's fast-

growing communities of color demanding that the plans comply with the Voting Rights Act, United States Constitution and respect their communities of interest, during the redistricting proceedings.

117. On November 2, 2021, the Senate Reapportionment and Redistricting Committee Chair, Senator John Kennedy, issued a notice that the committee would meet on November 3, 2021, at 1:00 p.m. The agenda for the meeting stated it was "TBD." A skeletal bill, SB 1EX LC 47 1159, was also submitted to the Senate Hopper on November 2, 2011, which contained no specific information about the Controlling Party's Senate redistricting plan.

118. The November 3, 2021, Senate committee meeting was relatively short and generally included a brief discussion of the aforementioned Senate redistricting committee guidelines by Chair Kennedy, the committee's process going forward, and an announcement that there would be another meeting the following day on November 4, 2021, where public comment would be allowed.

119. Chairman Kennedy also indicated that he expected to pass a Senate districting redistricting plan out of committee as early as on November 5, 2021 – just two days after the start of the special session and before any substantive discussion of the bills by the committee.

120. On November 4, 2021, Chairman Kennedy introduced a Senate substitute bill, SB 1EX LC 47 1165S, also known as, "User: S018 Plan Name: Senate-prop1-2021 Plan Type: Senate." It is available at: https://www.legis.ga.gov/api/legislation/document/2021EX/202757. This Senate plan included total population and voting age population data regarding of the racial and ethnic composition of each proposed district, but no other information was made available concerning how or why the plan was drawn as it was.

121. Chairman Kennedy also announced that he planned to permit the minority leader, Senator Gloria Butler, to introduce the Democratic Caucus' Senate plan (SB 4EX LC 47 1154), but leader Butler objected because the minority party had not been informed that the Chair planned to take up the Democratic caucus' bill at this meeting. As a result, the hearing on the minority party's map was deferred to the following day's meeting on November 5, 2021.

122. The Senate Reapportionment and Redistricting Committee met next on November 5, 2021. The Agenda included a reference to public comment and that the committee would be conducting a hearing on SB 4 (Sen. Butler) and consideration of SB 1 (Sen. Kennedy). (These bills were introduced as SB 4EX LC 1154 and SB 1EX 1165S, respectively).

123. During this hearing, Chairman Kennedy stated that the 2021 Committee

Guidelines included prioritizing keeping counties whole, yet the Senate plan splits 29 of Georgia's 159 counties, including counties where communities of color account for the significant growth in population reported in the 2020 Census.

124. The committee considered the Controlling Party's Senate Plan, SB 1EX 1165S, as well as the minority party's plan, SB 4EX LC 47 1154. Public comment on the bills was received, with the majority of the public comments opposed to the passage of the Controlling Party's plan.

125. Members of the public and the minority party objected to the Controlling Party's lack of transparency and the rushed process which failed to give the public any reasonable opportunity to analyze the bill. Members of the public also objected to the plan because of racially gerrymandered districts and minority vote dilution present in the Controlling Party's plan.

126. Nevertheless, the Controlling Party's Senate plan was voted out of committee at this meeting after only three days of hearings.

127. This plan was passed by the General Assembly on November 15, 2021, following a Senate floor vote along party lines of 34-21 on November 9, 2021, and a House floor vote along party lines of 96-70 on November 15, 2021.

128. Governor Kemp signed the Senate plan, which is a racial gerrymander

and violates Section 2 of the Voting Rights Act, into law.

D. The Georgia House Redistricting Plan and Proceedings

129. On Friday, November 5, 2021, Representative Bonnie Rich, the Chair of the House Legislative and Congressional Reapportionment Committee, convened the first meeting of the committee to discuss HB 1EX, the Controlling Party's House redistricting bill, and HB 4EX, the Democratic Caucus' House redistricting bill. The agenda provided no information about whether the committee would entertain public comment. During this meeting, the Chair and members of the committee generally discussed the committee's redistricting guidelines and the process for the hearings on the proposed House plans.

130. On the following Monday, November 8, 2021, the Reapportionment Office posted a substitute House district plan, HB 1EX LC 47 1163S, submitted by Chair Rich, replacing the previous skeletal redistricting bill proposed by the Controlling Party. This bill was subsequently introduced the same day at the House committee meeting convened by Chair Rich, giving the public and minority party lawmakers little time to review changes made to the Controlling Party's House redistricting bill. The substitute bill was also not mentioned in the agenda circulated prior to the meeting.

131. On the following day, November 9, 2021, Chair Rich convened another

hearing on HB 1EX LC 47 1163S and received public comment, most of which was negative, with members of the public complaining about the lack of transparency and the failure of the Controlling Party to provide the public with information about the rationale for the way districts were drawn in the plan. Members of the public, as well as minority members of the committee, also provided negative comments about the racial gerrymanders and minority vote dilution present in the plan.

132. Nevertheless, the Controlling Party's House substitute redistricting bill was voted out of committee on November 9, 2021, after only three days of public hearings, and was later passed by a House floor vote along party lines of 99-79 the following day on November 10, 2021. It was subsequently passed by a Senate floor vote two days later on November 12, 2021, on a vote of 32-21 along party lines.

133. Governor Kemp chose not to veto the Controlling Party's unconstitutional and unlawful House redistricting plan and allowed it to become law.

E. The Georgia Congressional Redistricting Plan and Proceedings

134. A skeletal Congressional redistricting bill was filed as SB 2EX LC 47 1158 in the Senate Hopper on November 2, 2021, and was read and referred to the Senate Reapportionment and Redistricting Committee on November 3, 2021. This bill contained no details about the map or plan and did not reference the Congressional plan posted by the Reapportionment Office that had been submitted

by Chairman Kennedy on September 27, 2021.

135. On November 17, 2021, just hours before the Senate Reapportionment and Redistricting Committee was scheduled to convene that day, the Reapportionment Office posted a Congressional district plan jointly sponsored by the House and Senate Controlling Party's redistricting committee chairs, giving neither the public nor the minority party's legislators any reasonable opportunity to review or analyze the plan before the hearing began. *See* https://www.legis.ga.gov/api/document/docs/default-source/reapportionment-document-library/congress-prop1-2021-packet.pdf?sfvrsn=104b7388_2. This plan was introduced in the Georgia Senate and considered by the House redistricting committee as SB 2EX LC 47 1166S and in ("Joint Congressional Plan"). This plan included data on the race and ethnicity of the total population and voting age population (VAP) in each proposed district.

136. Hearings on the joint Congressional plan began on November 17, 2021, in both the Senate and House redistricting committees.

137. The very next day, on November 18, 2021, the Senate Reapportionment and Redistricting Committee voted the joint Congressional plan out of committee and it was passed on the Senate floor the following day, November 19, 2021, by a vote of 32-21, along party lines—only two days after the plan was first made

available to the public and the hearings on the bill were commenced in the Senate redistricting committee.

138. The House committee also held a hearing on November 18, 2021, on the joint Congressional plan, SB 2EX LC 47 1166S, and on the Democratic Caucus' Congressional plan, HB 5EX LC 47 1149. The House committee scheduled another hearing on the joint Congressional plan on Saturday, November 20, 2021, at 9:00 a.m. where the Congressional plan was passed out of committee.

139. A House floor vote was held on Monday, November 22, 2021, and SB 2 EX LC 47 1166S was passed by a vote of 96-68 along party lines. A copy of the final bill as passed by the Georgia General Assembly is entitled "SB 2EX/AP and is available on the Georgia General Assembly's website at: https://www.legis.ga.gov/api/legislation/document/2021EX/203133.

140. The joint Congressional plan is a racial gerrymander and violates Section 2 of the Voting Rights Act because race predominated in the drawing of the plan and the plan dilutes the voting strength of voters of color.

141. Nevertheless, Governor Kemp signed the Controlling Party's unconstitutional and unlawful Joint Congressional district plan and as well as the

Controlling Party's House and Senate plans into law.

V. The Congressional Map

A. The Metro Atlanta Congressional Plan (SB 2 EX/AP) (Allegations supporting constitutional and Section 2 of VRA claims)

142. The Controlling Party and their map drawers created a textbook example of how redistricting lines can be manipulated to dilute the voting strength of people of color by refusing to draw a majority-Black Congressional district and using gerrymandering of adjacent districts to maintain a White majority advantage in an area of Georgia in which the population of people of color has exploded since the 2010 Census.

143. The growth in the State's population of Black, Latinx and AAPI residents has in large part taken place in the Atlanta Metro area.

144. The percentage of total population that are people of color in the Atlanta metropolitan ("Atlanta Metro") area grew dramatically since the last Census, from 49.22% in 2010 to 56.29% in 2020, a net increase of just over 7 percentage points.

145. In the same period, the percentage of population that is White in the Atlanta Metro area decreased from 50.78% in 2010 to 43.71% in 2020, a net drop of just over 7 percentage points.

146. Similar changes are seen in the percentage of the voting age population in the Metro Atlanta with an approximately 7.4 percentage point increase in the

voting age population of voters of color from 2010 to 2020. The opposite was true for White voters, where the percentage of the White voting age population decreased by about 7.4 percentage points from 53.72% in 2010 and 46.34% in 2020.

147. And in this area of Georgia, voting is racially polarized, with Black voters cohesively for candidates of their choice, and the White majority generally voting as a bloc for different candidates so as to prevent the election of the candidates of choice of Black voters. Thus, unless Black voters comprise a majority of a district or close to it, the White majority votes as a bloc for its preferred candidates, usually preventing the election of Black preferred candidates.

148. Before the enactment of SB 2 EX/AP in 2021, the existing 2011 14-seat Congressional plan, had four (4) seats that were majority-Black by total population based upon the 2020 Census: CD-2, CD-4, CD-5, and CD-13. Three (3) of those seats were in the Metro Atlanta area: CD-4, CD-5 and CD-13. One (1) Metro Atlanta seat, CD-7, was a majority coalition district based upon the population of people of color collectively (61.95%) and voting age population (58.84%); but was not a majority coalition district by CVAP (45.13%) or registered voters (48.75%), but getting closer to a majority coalition district on those metrics as well.

149. Due to the population changes in this area of the State where racially polarized voting is present, the Controlling Party and its map drawers could have

and should have drawn at least one new compact majority-Black Congressional district in the western Atlanta Metro area to comply with the Section 2 Voting Rights Act. This would have increased the total number of majority-Black Congressional districts in the Metro Atlanta area from 3 to 4 and given Black voters and other voters of color an opportunity to elect candidates of their choice.

150. Instead, the Controlling Party and their map drawers intentionally chose to systematically racially gerrymander Atlanta Metro Congressional districts to avoid drawing the new majority-Black Congressional district and to dilute the voting strength of Black, Latinx and AAPI voters in this region. This not only violated Section 2 of the Voting Rights Act, but also violated the Fourteenth and Fifteenth Amendments to the U.S. Constitution.

151. Some of the most egregious instances of racial gerrymanders and minority vote dilution in the new Congressional plan (SB 2 EX/AP) are present in the Metro Atlanta area districts, particularly in Congressional Districts 3, 4, 6, 7, 9, 10, 11 13, and 14 where communities of color were cracked or packed to dilute their voting strength.

152. CD-6 in the new plan is a prime example where the Controlling Party and its map drawers manipulated the district lines to dilute the voting strength of people of color and where race predominated over traditional districting principles.

153. Until recently, CD-6 had elected candidates preferred by the White majority. However, in 2018, the growing Black population helped elect CD-6's first Black female Congresswoman, Lucy McBath, as their candidate of choice.

154. CD-6 was only 657 persons away from the ideal district size of 765,736 for equal apportionment based upon the 2020 Census. Nevertheless, the Controlling Party and its map drawers retained only 404,452 people from the prior plan or about 52.8% of the former plan's population in the new CD-6 plan.

155. This group is 61.5% White by population, 63.9% White by VAP and 61.7% White by voter registration. About 361,351 people, or approximately 47.2% of CD-6's population, was swapped out of the district by the Controlling Party's mappers.

156. Of that population—which was removed from Cobb, Fulton, and DeKalb County portions of the district—184,254 or 51% of the population were people of color. 134,972 of 279,240 or 49% of the removed population were people of color by VAP, and 82,606 of 222,271 or 37.2% were registered voters of color.

157. Of the added population—which was drawn from Forsyth, Dawson, Cherokee, Gwinnett, and Cobb Counties—121,810 of 360,684 or 33.8% of the population were people of color; 79,828 of 264,430 or 30% were people of color by VAP; and, 50,808 of 240,187 or 21.15% were registered voters of color.

158. The new CD-6 plan drastically changed the geography of the district as well as its demographics. The net result was that the new CD-6 plan had 62,482 fewer persons of color than under the previous plan and 61,670 more White persons.

159. The percentage of White registered voters in CD-6 under the new plan increased from 58.39% to 65.60%, while the percentage of registered voters who are people of color decreased from 32.19% to 25.38%, a loss of 6.81 percentage points. The White voting age population of the district also increased from 58.13% to 66.63%, while the voting age population of people of color decreased from 41.88% to 33.37%, a loss of 8.51 percentage points. The total White population of the district also increased – growing from 55.58% to 63.70%, while the total population of people of color decreased from 44.42% to 36.30%, under the new plan, a loss of 8.12 percentage points.

160. Under every metric, the changes made by the Controlling Party and its map drawers to CD-6 made it a safe district for White voters by diluting the voting strength of persons of color in order to prevent them and cross-over voters from having a meaningful opportunity to elect candidates of choice.

161. Because CD-6 was only 657 persons away from ideal population size for apportionment, there was no legitimate or compelling reason for the Controlling Party and its map drawers to surgically remove 62,482 people of color from CD-6

and replace them with 61,670 more White people except to dilute the voting strength of voters of color.

162. The Controlling Party and its map drawers sorted voters by race into and out of CD-6 to dilute the voting strength of voters of color and to deny voters of color an equal opportunity to participate in the political process in CD-6.

163. CD-13 is another example of the Controlling Party and their map drawers' choosing to increase the packing of people of color in CD-13 to dilute their voting strength and to deny them an equal opportunity to participate in the political process, despite the fact that CD-13 was an already packed district and population could have been shifted out of CD-13 to create the new majority-Black district in the Metro Atlanta area.

164. The total population of people of color in CD-13 in the new plan is a whopping 83.65%, with 64.26% of the packed district comprised of persons identifying as Black alone in the 2020 Census. This is an overall increase in the total population of people of color in the already overpacked CD-13 of 4.41 percentage points. The people of color VAP in the new CD-13 plan is 81.18%, an increase of 4.76 percentage points, and the Black VAP is 63.75%, an increase of 4.03 percentage points. The percentage of registered voters of color in the new CD-13 plan is 79.32%, an increase of 4.98 percentage points, and the Black registered voter percentage is

70.75%, an increase of 4.66 percentage points.

165. The Controlling Party and its map drawers offered no evidence during the hearings on the Congressional plan demonstrating that the packing of CD-13 to such an extraordinary degree was necessary to provide voters of color or Black voters an equal opportunity to elect candidates of their choice or was required to comply with Section 2, traditional districting principles or for any other legitimate reason.

166. Although the Controlling Party and its map drawers could have unpacked CD-13 to relieve the overpacking in order to facilitate the creation of the new majority-minority Congressional district in the Metro Atlanta area, they chose not to do so and, instead, created a Congressional plan which dilutes the voting strength of people of color and Black voters in CD-13 and denies voters of color and Black voters an equal opportunity to participate in the political process.

167. The new Congressional plan also continues to pack people of color in CD-4, which was already a majority-minority district in the previous Congressional plan.

168. In the new CD-4 plan, people of color comprise 74.18% of the total population in the new plan, with 52.19% of the population identifying Black alone in the 2020 Census. This represents a small reduction of the packing of this district,

but is still well above the percentage of population necessary for voters of color to have a meaningful opportunity to elect candidates of their choice. As a result, the new plan dilutes the voting strength of people of color in the Atlanta area by continuing to pack them into CD-4 without a legitimate or compelling reason.

169. Although the Controlling Party and its map drawers could have created another majority-minority Congressional district in the Metro Atlanta by unpacking CD-13 and CD-4 and by moving voters of color from other adjacent districts to give the growing population of people of color a meaningful opportunity to elect candidates of choice, they chose not to do so and did not provide any rationale for continuing to overpack CD-4 during the legislative hearings on the new Congressional plan.

170. Voters of color in Henry, Fayette, and Newton counties also remain cracked between the packed CD-13 and the majority-White CD-3 and CD-10, diluting their voting strength. The plan also cracks communities of color in Douglas County, which was not split in the 2011 plan. The new plan moves a total of 42,970 people into the majority-White CD-3. 19,532 or 45.5% of the persons moved into CD-3 are people of color.

171. Approximately 283,464 people, 85% of whom were in CD-7 in Gwinnett County in the prior plan, and approximately 54% of whom are people of

color, were moved to the majority-White CD-9. Had these voters of color been retained in CD-7, they could have been used to facilitate the drawing of the new fourth majority-Black Congressional district in the Metro Atlanta area, giving these voters of color a meaningful opportunity to elect candidates of choice.

172. The new Congressional plan also dilutes the voting strength of voters of color in Cobb County, including those residing in the majority-minority cities of Marietta, Smyrna, Powder Springs, Austell, and in areas adjacent to I-75.

173. The center of Cobb County and numerous cities along I-75 are paired with majority-White Cherokee, Bartow, and Pickens counties to make CD-11, a majority-White district, which preserves the cracking of growing communities of color in these areas in the previous map, diluting their voting strength.

174. In the southern part of Cobb County, voters of color continue to be packed into CD-13 at unnecessarily high levels—far above what is needed for them to have a meaningful opportunity to elect candidates of their choice.

175. In the new Congressional plan, the Controlling Party and its map drawers moved 77,813 people out of Cobb County to majority-White CD-14. This included persons residing in southwestern Cobb County in the majority-minority cities of Powder Springs and Austell - the majority of whom are people of color,

176. 60,003 or 77% of the persons moved into CD-14 were previously in

majority-Black CD-13, the rest were from majority-White CD-11. The majority of the persons moved into CD-14 from CD-13 and CD-11 were people of color.

177. 44,429 or 74% of the 60,003 people moved into CD-14 from CD-13 were people of color by total population; 70% of persons of voting age (VAP) who were moved were people of color; 63.6% of citizens of voting age (CVAP) who were moved were people of color, and 68.3% of registered voters who were moved were people of color. 31,611 or 52.7% of the persons from CD-13 who were moved into CD-14 are Black and 51% of those persons were of voting age.

178. 17,810 persons moved into majority-White CD-14 from majority-White CD-11 were 34% people of color by total population and 30.5% by voting age population.

179. Rather than diluting the voting strength of voters of color who were moved into CD-14 from packed majority-Black CD-13, the Controlling Party's lawmakers and map drawers should have drawn population from adjacent areas of CD-9 and/or additional population from CD-11 to equalize the population of CD-14 and used the over-packed population of CD-13 to create the new majority-Black Congressional seat in the western Atlanta Metro Area.

180. Instead, the Controlling Party's lawmakers ignored pleas from community members of color affected by these changes during legislative committee

hearings who expressed concerns the changes would dilute their voting strength and move them into a district with which they have little or no shared common interests.

181. There was no reason to draw the map in this way other than to dilute the voting strength of voters of color in one of the fastest growing regions for Black communities in the United States in violation of Section 2 of the Voting Rights Act and the U.S. Constitution without a compelling justification.

182. These changes are textbook examples of cracking and packing, and they were made with the objective to create a Congressional map that has at least one-less majority-Black Congressional district than should be present.

183. Accordingly, race predominated in the Controlling Party's decision not to create a new majority-Black Congressional district in the Metro Atlanta area and in cracking and packing the adjacent Metro Atlanta Congressional districts to dilute the voting strength of Black voters and other voters of color in order to avoid drawing the new majority-Black Congressional district. Traditional districting principles, including drawing compact districts, keeping communities of interest intact, and avoiding cross county splits were all subordinated to the predominance of racial considerations in the drawing of the 2021 Congressional plan.

VI. The State Senate Map

A. Central Georgia Senate Districts (Allegations supporting constitutional and Section 2 of VRA claims)

184. The Black population in Georgia has grown in the last decade, while the White population has fallen. These trends are across the State, including in central Georgia, where counties such as Newton, Rockdale, Henry, Spalding are located.

185. However, the Controlling Party and its map drawers drew Senate districts in central Georgia that have the effect of diluting the political power of Black Georgians in violation of Section 2 of the Voting Rights Act. The State Senate districts in central Georgia were also drawn with the intent to dilute the political power of Black Georgians and constitute racial gerrymanders.

186. Specifically, SD-10 and SD-43 were packed with Black voters. Both districts have a Black voting population that is greater than 60%. And this packing was accomplished by creating districts that do not comport with traditional districting principles, have irregular shapes, pull in Black populations from disparate communities without a compelling justification, and dilute the voting strength of Black voters.

187. In addition, SD-17 and SD-25 were drawn to crack populations of Black voters to dilute Black voting strength, with neither district having a Black

voting population over 33%. Due to racially polarized voting, Black voters are usually unable to elect candidates of choice in these cracked districts because the White majority tends to vote as a bloc to prevent Black voters from electing candidates of their choice.

188. Only Senate District 10 and SD-43 give voters of color a meaningful opportunity to elect a candidate of choice. Senate Districts 17 and 25 crack the population of people of color to prevent them from having a meaningful opportunity to elect candidates of choice.

189. In the new Senate plan, the Controlling Party and its map drawers reduced the voting age population of people of color in the new SD-17 plan from 50.93% to 40.58%, a 10.35% drop. This plan was drawn after Phyllis Hatcher, a Black Democrat, was in a competitive election against a White Republican candidate, Brian Strickland, and lost by a margin of approximately 5 percentage points in 2018. The Controlling Party's map drawers also reduced the population of registered voters of color in the new plan from 48.73% to 37.88%, a 10.86 percentage point drop. The Black voter registration population was also reduced from 42.23% to 31.84%, a drop of 10.39 percentage points in the new plan. Race

predominated over traditional districting principles in the drawing of SD-17 by the Controlling Party and its map drawers in the new Senate plan.

190. In SD-25, the percentage of the population of people of color was increased slightly from 37.24% in the old plan to 42.55% in the new plan, but the increase is not likely enough to give people of color a meaningful opportunity to elect candidates of their choice in the new SD-25 plan.

191. The Controlling Party and its map drawers could have alleviated the overpacking of SD-10 and the cracking of people of color in SD-17 and SD-25 by increasing the percentage of people of color in SD-17 and SD-25, but chose not to, diluting the voting strength of people of color in the new plan.

Without violating—and indeed, while better preserving—traditional redistricting principles, Black voters should be moved out of SD-10 and SD-43 and moved into SD-17 and SD-25 to provide the Black voters in central Georgia an opportunity to elect candidates of their choice.

B. Senate Districts in and around the Area of Clayton, Spalding & Fayette Counties (Allegations supporting constitutional and Section 2 of VRA claims)

192. Clayton, Spalding, and Fayette counties are part of the Atlanta Metro area and have seen material population growth since the 2010 Census. In all three counties as well—and also in surrounding counties—the population growth can be

attributed primarily to the increase in Black population whose voters vote cohesively.

193. Accordingly, this region of the State can support the drawing of at least three compact majority-Black State Senate districts where Black voters, who vote cohesively, have the opportunity to elect candidates of their choice.

194. However, the Controlling Party and its map drawers drew the lines in and around this region—specifically, the lines for SD-44, SD-34, SD-16, and SD-18, to ensure that this region would have only two districts where Black voters can elect candidates of their choice.

195. Specifically, SD-34 and SD-44 are substantially packed, with both having a Black voting population of over 65%. But the Controlling Party's map drawers drew SD-16 and SD-18 to severely crack populations of Black voters, with both districts containing a Black voter population of less than 30%.

196. These line drawing decisions were made intentionally and surgically to diminish Black voting strength. For example, SD-16 was drawn to intentionally not reach into Clayton County and SD-18 was drawn to reach far down into Crawford and Peach counties, so as to push SD-16 down and away from the highly dense Black populations in and around Clayton, Fayette, and Spalding counties and towards counties with higher populations of White residents where racially polarized voting

usually prevents Black voters who vote cohesively from being able to elect candidates of choice due to White bloc voting.

197. These choices have caused the Black voters to have one less district where they have an opportunity to elect candidates of their choice. And these decisions were made intentionally by the Controlling Party and its map drawers.

C. Senate Districts in the Area of Fulton & Douglas Counties (Allegations supporting Section 2 of VRA claims)

198. Senate District 35 is located solely in Fulton and Douglas counties. Dense Black communities are located in these counties. Approximately 90% of Atlanta sits in Fulton County, while Douglas County to the west has witnessed an almost 10% increase in its Black population since the 2010 Census.

199. Prior to the 2021 redistricting of Senate District 35, the district had a 68.3% Black voting age population.

200. Given this fact, it is no surprise that SD-35 is a majority-Black district with a Black voting age population of almost 70%.

201. However, this level of packing is not necessary for Black voters to elect candidates of their choice. In fact, if such packing did not take place, then at least one additional compact majority-Black senate district could be drawn in the area of Fulton and Douglas counties that provides Black voters in this region with an opportunity to elect candidates of their choice.

202. The drawing of another majority-Black senate district in this area is possible by reducing the packing of SD-35 and drawing in additional Black voting age population from Senate districts to the immediate west of SD-35, which include SD-30, SD-31, and SD-28.

203. None of these districts have even a 20% Black voter population, and each of these districts could reach further into Douglas and Fulton counties without violating traditional redistricting principles. In fact, the compositions of at least SD-28 and SD-30 would better protect traditional redistricting principles if these changes were made given that the map drawn by the Controlling Party and its mappers was not compact.

D. Senate Districts in Cobb County Area (Allegations supporting constitutional and Section 2 of VRA claims)

204. Cobb County is one of the largest counties in the Atlanta Metro area, with over 760,000 total residents after the most recent Census. The county is majority people of color. The largest city in Cobb County, Marietta, has a population of people of color that nearly reaches 60%. The Cobb County population of people of color is primarily comprised of large percentages of Black and Latinx residents.

205. Also, Cobb County is surrounded by other counties with large populations of people of color, such as Fulton and Douglas counties.

206. Both historically and in the most recent Georgia elections, the large and growing populations of Black and Latinx voters in Cobb County usually vote cohesively, individually and collectively as a group, voting for the same candidates. The White majority votes cohesively as a bloc for different candidates and, due to racially polarized voting, White bloc voting usually prevents voters of color from electing candidates of their choice.

207. In 2020, there were five districts with significant pieces of Cobb: SD-38, which is a majority-Black district split between Fulton and Cobb counties (61.31% BVAP); SD-33, is a majority-people of color coalition district (with a people of color VAP of 63.65%, CVAP 55.18% and registered voters 57.97%), which is nested within Cobb County; SD-6, which is a majority-White district (White VAP of 53.74%), which includes part of Fulton and Cobb counties; SD-32, a majority-White district (White VAP of 68.88%), which includes part of Cobb and Fulton counties; and SD-37, which is a majority-White district (62.54% White VAP), which is entirely in Cobb County. There was also one senate district, SD-14, which included a smaller portion of Cobb County.

208. The new senate map continues to cut Cobb County into six separate districts—SD-6, SD-32, SD-33, SD-37, SD-38, and SD-56—which results in the

packing of Black and Latinx voters into SD-33 and SD-38, but does not provide this coalition with another opportunity to elect candidates of their choice.

209. These six senate districts in the new plan cut Cobb County to a greater extent than the previous senate plan. Each district includes at least 89,000 Cobb County residents and is paired with adjacent parts of neighboring counties.

210. This was an intentional and deliberate choice on the part of the Controlling Party and its map drawers to dilute the voting strength of Black and Latinx voters by packing them into two senate districts instead of giving them more opportunities to elect candidates of choice in at least three additional compact, majority people of color districts.

211. By doing so, race predominated over traditional districting principles, including the Controlling Party's own redistricting guidelines which stated cross county cuts, like these in the Cobb County senate districts, should be avoided.

212. In making these changes, the Controlling Party and its mappers also intentionally increased the percentage in SD-6 of White VAP from 53.8% in the previous plan to 57.8% to prevent people of color from having a meaningful opportunity to elect candidates of their choice in this district.

213. Without violating traditional districting principles—and in fact, by drawing the districts to better preserve Cobb County and to better respect traditional

redistricting principles—a third majority persons of color senate district could be drawn in this region by shifting voters into SD-6 and primarily out of SD-38 and SD-33. This would reduce the number of senate districts that enter Cobb County to five instead of the six in the new plan.

214. Alternatively, a map could be drawn to reduce the number of senate districts with portions of Cobb County to four instead of five. 765,136 people are needed for four state senate districts based on statewide figures. Cobb County's total population is 766,149 people. This is only 1,013 people, or 0.13% greater than the total population required for four seats, well within the acceptable 5% population deviation for state senate districts. Four districts could be nested within Cobb County, better satisfying traditional districting principles. The voting strength of Black voters in SD-38 will continue to make this district perform as a majority Black district – even if it no longer included precincts from Cobb County.

215. Notably, the Controlling Party's legislative delegation passed a Cobb County Board of Commission map that includes only four single member districts and an at-large chair. That plan has two coalition districts and is entirely nested in Cobb County. There is no compelling or reason for six senate seats to enter Cobb County, except to dilute the voting strength of the burgeoning population of people of color in Cobb County and adjacent areas.

216. As a result, the six-senate district plan drawn by the Controlling Party and its map drawers violates Section 2 of the Voting Rights Act and also constitutes an unconstitutional racial gerrymander.

E. Senate Districts in and around Gwinnett, North Fulton & Forsyth Counties (Allegations supporting constitutional claims)

217. In 2020, Michelle Au was elected to the Georgia State Senate to represent SD-48. This was an historic election, as Senator Au is the first AAPI individual elected to the Georgia State Senate.

218. Her victory was due in part to the growing diversity of Gwinnett, Fulton, and a small portion of Forsyth counties, where there is not only a growth in the population of Black communities, but also of Latinx and AAPI communities as well.

219. In a clear effort to put a roadblock in the way of the increasingly diverse multi-racial and ethnic voting bloc in SD-48, the Controlling Party and its mappers intentionally manipulated the redistricting plan for SD-48 to dilute the voting strength of this coalition and to prevent the re-election of a candidate of their choice, such as Senate Au, in the future.

220. In the new plan, SD-48 was drawn as a majority-White district, with a Black and Latinx voting age population at less than 10% each, an AAPI voting age

population at less than 30% and a combined CVAP percentage of people of color of only about 32%.

221. The map drawers achieved this result by reaching out of the existing SD-48 lines into a region of Forsyth County that has a high density of White voters. These percentages virtually guarantee that the coalition of Black, Latinx and APPI voters will be unable to elect candidates of their choice in upcoming election cycles, despite the substantial surge of the population of people of color in this area.

222. Racial considerations predominated the Controlling Party's redistricting plan for SD-48. It would have been very easy for the Controlling Party and its map drawers to have maintained this performing coalition opportunity district as it was, but they chose not to do that and, instead, deliberately moved White population from Forsyth County into the district to purposely dilute the voting strength of Black, Latinx and AAPI voters in the district.

223. The Controlling Party and their mappers could have also unpacked SD-7, which has voting age population of people of color that is over 73%, and SD-5, which has a voting age population of people of color of 84.31% and a registered voting population and CVAP of people of color that is over 70%, to increase the voting strength of the burgeoning population of voters of color in this area but chose

not to that either. In short, this was a racial gerrymander of a performing coalition opportunity district.

224. The mappers could have a drawn a reasonably compact district with a combined majority of Black, Latinx, and Asian voters. Moreover. the Black, Latinx, and Asian voters in this region vote cohesively and usually as a bloc for the same political candidates. The White majority votes cohesively as a bloc for different candidates of choice and, due to racially polarized voting, the White majority bloc prevents candidates from being elected in the current SD-48.

F. Senate Districts in the East Black Belt (Allegations supporting Section 2 of VRA claims)

225. The East Black Belt has a large Black population with historical ties to the region. The Black voters in this region vote cohesively and usually as a bloc for the same political candidates. The White majority votes cohesively as a bloc for different candidates of choice and, due to racially polarized voting, the White majority bloc prevents Black candidates from being elected.

226. Given the demographics of this region, at least one additional compact majority-Black senate district could be drawn which provides the Black community with an opportunity to elect candidates of their choice.

227. But this did not occur. Instead, the Controlling Party and its map drawers drew SD-23 to crack the Black voter population, by drawing the lines for

SD-23 south all the way down to the bottom of majority-White Emanuel County, where the Black voter population is not even 34%.

228. In contrast, SD-26 was packed with a Black voting age population that is over 55%. The district achieves this result by having tendrils that reach into the center of Bibb County, while also climbing up into Hancock County to include Black voting age population to aid in the packing of this district.

Another compact majority-Black district could be drawn by moving some of the Black voting age population from packed SD-26 into the cracked SD-23 and out of the adjacent SD-22 in Richmond County into SD-23 to give Black voters an opportunity to elect candidates of their choice. Moreover, these changes would ensure that the State Senate map better preserves and respects traditional redistricting principles, including compactness, than the map that the Controlling Party and its map drawers created.

G. State Senate Districts in Chatham County area (Allegations supporting constitutional claims)

229. In yet another departure from its redistricting guidelines which advised that the Controlling Party and its mappers should avoid splitting counties, the Controlling Party and its map drawers also split Chatham County among three Senate districts (Districts 01, 02, and 04), a significant change from its two-way split in the previous Senate plan.

230. SD-02 is a packed majority people of color district in and around the City of Savannah. It is majority people of color by total population (63.60%), by people of color VAP (59.79%), and by people of color voter registration (61.11%). The total population of people of color in SD-02 is almost unchanged from the prior Senate plan and there was no apparent attempt by the Controlling Party and its map drawers to unpack this district in the new plan.

231. SD-01 and SD-04, on the other hand, were drawn as majority-White districts. SD-01 includes coastal areas south of Savannah and adjacent interior areas to the west. SD-04 includes areas to the north and west of Savannah.

232. The new three-way split of the Senate plan in this region is made more egregious because of the pairing of the population of people of color in Liberty County with the heavily White populated areas in Chatham and Bryan Counties in SD-01 in order to dilute their voting strength.

233. By adding SD-04 into the cracking of Chatham County, the Controlling Party and its map drawers sought to prevent the district from becoming more diverse and competitive for voters of color, thereby predominating racial considerations in

the drawing of these districts without a compelling justification, such as compliance with the Voting Rights Act or traditional districting principles.

234. In fact, SD-1, SD-2, and SD-4 the Controlling Party and its map drawers did not comply with traditional redistricting principles. They include jagged and uneven lines and the districting plan rips apart communities of interest.

235. All three districts enter into Chatham County. And the diverse city of Pooler in Chatham County is brought into SD-4, which includes all of Bulloch and Candler counties, but is ripped away from other Chatham County cities that have been placed instead in SD-2.

236. The Controlling Party's predominant purpose was to make these line-drawing decisions to preserve the White majority in SD-1. If traditional redistricting principles were followed, then the lines would not be drawn this way.

237. For aforementioned reasons, SD-1, SD-2, and SD-4 are unconstitutional racial gerrymanders.

VII. The State House Map

A. House Districts in Douglas and Fulton Counties (Allegations supporting constitutional and Section 2 of VRA claims)

238. Douglas County is majority-people of color, with a White population that is less than 35% of the total. This is a dramatic change from the 2010 Census, when Douglas County was majority-White. Much of the demographic change can

be attributed to an almost 10 percentage point increase in the Douglas County Black population.

239. Fulton County is also majority-people of color, with a White population that is less than 40% and a Black population that is over 40% of the total. Also, 90% of Atlanta, which has a large Black population, is located in Fulton County.

240. Historically and also in recent elections, the Black population in and around Douglas and Fulton Counties has usually voted cohesively for the same candidates and White voters have usually voted as a bloc to prevent the election of candidates preferred by Black voters.

241. At least one more reasonably compact House District can be drawn in and around Douglas and Fulton counties that provides the Black voters in this region an opportunity to elect the candidates of their choice.

242. Instead, the Controlling Party and its map drawers drew the House Districts in this area of the State with the intent and effect of diluting the political power of Black voters. HD-61 is packed with over 70% Black voters by starting in Douglas and slithering down into Fulton County. HD-65, with a Black voting age population that reaches almost 60%, is packed by starting in Douglas County and reaching down into Fulton and Coweta counties.

243. The packing of Black voters in HD-61 and HD-64 results in the dilution of the Black vote in HD-64. HD-64 has a Black voting population of less than 30%, and while it is located primarily in Douglas County, it reaches north into Paulding County and does not enter into Fulton County.

244. The districts in this region could have instead been drawn to pull Black voters out of HD-61 and HD-65 and place them into HD-64. Doing this could allow the House Districts in this region to cut across fewer counties and be drawn with greater contiguity—better preserving traditional redistricting principles than the existing House map.

B. House Districts in South Atlanta Exurbs (Allegations supporting constitutional and Section 2 of VRA claims)

245. House District 74, located in Clayton County, which is part of the South Atlanta Exurbs, has a Black voting age population that is under 25%. House Districts 75-79, also located in and around Clayton County, each have a Black voter population that is greater than 64%. HD-69 in the same region of the State also has a Black voter population that is over 60%.

246. Black voters in and around Clayton County consistently vote cohesively for candidates of their choice and White voters usually vote as a bloc to prevent Black voters from electing candidates of their choice.

247. HD-74 (previously HD-73) had been reliable seat for candidates preferred by the White majority. , with the White-preferred candidate winning election unanimously in 2018. But the district became more competitive in 2020, when the White-preferred candidate won reelection over a candidate preferred by voters of color by 54.12% to 44.03%.

248. A reasonably compact district of majority Black voters could have been created in Clayton County, in the area around HD-74, by unpacking the Black voters concentrated in the surrounding areas. Instead of creating this Black majority district in the South Atlanta Exurbs, the Controlling Party intentionally created the surrounding packed districts, thereby diluting the voting power of Black voters in HD-74.

249. Race was the predominant motive behind the drawing of these districts. The drawing of the districts in the South Atlanta Exurbs violated traditional districting principles, in particular by drawing HD-78 as a long and skinny district that reaches at its bottom to HD-74 and at its top to HD-76, and by drawing HD-74 to avoid Black voter population from Clayton County by hooking around to include portions of less diverse areas of Spalding, Henry, and Fayette.

250. None of the decisions by the Controlling Party and its map drawers to allow race to predominate the redistricting plans in these districts were justified by

compelling reasons, such as compliance with the Voting Rights Act. This was an unconstitutional racial gerrymander.

C. House Districts in Henry County (Allegations supporting constitutional and Section 2 of VRA claims)

251. Henry County, also in the Atlanta Metro area, is a majority-minority county that has a White population at around 35% and a near-majority Black population. This is a stark change from the 2010 Census, when Henry County contained a White majority. Black voters in Henry County consistently vote cohesively for candidates of their choice and White voters usually vote as a bloc so as to prevent Black voters from electing candidates of their choice.

252. Because of the growth of the Black population, at least one additional reasonably compact majority-Black House district could be drawn in Henry County.

253. Instead, the Controlling Party and its map drawers cut into Henry County with seven different House districts—HD-74, HD-78, HD-91, HD-115, HD-116, HD-117, and HD-118, cracking and packing populations of Black voters with the intent and effect of diluting the voting power of Black voters in Henry County.

254. Specifically, HD-78 and HD-91 are packed with Black Georgians, and HD-117 is cracked of Black voters, with a Black voter population at less than 35%.

255. Race was the predominant motive behind the drawing of these districts. HD-117 (previously HD-110) had been a reliable seat for the election of White-

preferred candidates, with one such candidate winning election with 100% of the vote in 2018. Another such candidate won election in 2020 with only 55.80% of the vote in 2020 to a candidate preferred by Black voters, and who is himself Black and who garnered 44.20% of the vote.

256. The existing map in this region, which cuts Henry County into seven separate House Districts, does not respect traditional redistricting principles. For example, HD-117, has the appearance of two orbs that sit on top of one another, connected by a thin line in the middle.

257. None of the decisions by the Controlling Party and its map drawers to allow race to predominate the redistricting plans in these districts were justified by compelling reasons, such as compliance with the Voting Rights Act. This was an unconstitutional racial gerrymander.

D. House Districts in Newton and Rockdale Counties (Allegations supporting Section 2 of VRA claims)

258. House Districts 91, 92, 93, and 95 cover all of Rockdale County. Each is packed with at least a Black voting population of at least 62%. HD- 113 covers a large portion of Newton County. It has a Black voting age population of over 56%.

259. The only remaining district to touch Newton County (in addition to HD-113 and HD-93) is HD-114. HD-114 dilutes the Black vote. It has a Black voter population of less than 24%, which is achieved by drawing the district to run far east

and cover all of majority-White Morgan County. The packing and cracking of the Black voting population in these districts were done by the Controlling Party with the intent and have the effect of diluting the voting power of Black voters.

260. While Black voters in this region usually vote cohesively for the same candidates of choice, due to racially polarized voting, the White majority usually votes cohesively as a bloc to prevent Black voters from electing candidates of their choice.

261. By moving voters out of the packed districts that encompass Rockdale County, the map could be redrawn to permit the Black community in this region to elect candidates of their choice in a new HD-114. And doing so could ensure that the new districts do not break apart communities of interest in and around Rockdale, Newton and Henry counties.

E. House Districts in Houston, Peach, and Bibb Counties (Allegations supporting constitutional and Section 2 of VRA claims)

262. Black voters in the Houston, Peach, and Bibb counties region vote cohesively for candidates of their choice and the White majority in this area usually votes for different candidates as a bloc, preventing Black voters from electing candidates of their choice.

263. Bibb County sits directly north of both Peach and Houston counties. Under the map drawn by the Controlling Party and its map drawers, Bibb is divided between four separate districts, HD-142, HD-143, HD-144, and HD-145. Both HD-142 and HD-143 have packed Black voting populations. House District 145, however, has a Black voting population of only 34%.

264. The Controlling Party and its map drawers could have created another reasonably compact majority Black district in and around Houston, Peach, and Bibb Instead, by packing HD-142 and HD-143, and cracking the Black voting population in HD-145, the Controlling Party and its map drawers drew districts in this area so as to dilute the voting power of Black voters.

265. The packing and cracking of the Black voting population in these districts were done by the Controlling Party with the intent and have the effect of diluting the voting power of Black voters.

266. Election contests in the area have become increasingly competitive. For example, in HD-147, the margin of victory for the White-preferred candidate over the candidate preferred by Black voters narrowed from about 8 percentage points in 2018 to about 5 percentage points in 2020.

267. Race was the predominant motive behind the drawing of these districts. The Controlling Party and its map drawers achieved this result by ignoring

traditional districting principles, drawing HD-145 to cross five county lines. It starts at the southern end of Monroe County, covers all of Crawford and a small portion of Bibb, and includes the northern-half of Peach County and a small sliver of population at the north of Houston County.

268. The highly irregular shape of HD-145 has also allowed the Controlling Party to crack HD-147. This district looks like a cul de sac with HD-145 surrounding it on three sides. And while it is surrounded by Black populations in this region of Georgia, it has under the existing map a Black voting population at less than 30%.

269. None of the decisions by the Controlling Party and its map drawers to allow race to predominate the redistricting plans in these districts were justified by compelling reasons, such as compliance with the Voting Rights Act. This was an unconstitutional racial gerrymander.

F. House Districts in Baldwin County (Allegations supporting constitutional and Section 2 of VRA claims)

270. Baldwin County shares historical and demographic ties with the East Black Belt region of Georgia. The East Black Belt has a large Black community which has consistently voted as a cohesive bloc for candidates of their choice.

271. To the immediate west of Baldwin County, however, there are counties in Georgia that do not share the historical and geographic ties to the East Black Belt. These counties have large White majority populations which usually vote cohesively

as a bloc for different preferred candidates than Black voters do and, as a result, White majority racial bloc voting usually prevents Black voters from electing candidates of their choice.

272. The Controlling Party and its map drawers divided Baldwin County between HD-133 in the west and HD-128 in the east. HD-128 is a highly competitive district for the Black community, but HD-133 provides the Black community with no opportunity to elect candidates of their choice. The Black voting population in HD-133 is less than 36% of the total. The drawing of these districts was done by the Controlling Party with the intent and has the effect of diluting the voting power of Black voters.

273. An additional majority-Black district could be drawn where HD-133 is presently located. The new district could take voters from HD-128 in Baldwin County, from portions of Hancock and Washington counties or from packed districts to the east in Augusta-Richmond County which would not weaken Black voting strength there, as HD-128 could be extended further eastward.

G. House Districts in Dougherty County (Allegations supporting constitutional and Section 2 of VRA claims)

274. In southwest Georgia, Dougherty County is divided between four separate districts—HD-151, HD-152, HD-153, and HD-154. The largest city in

Dougherty county is Albany, which has a Black population that makes up nearly 75% of all residents. All four of the districts in Dougherty County enter Albany.

275. Black voters in this region cohesively for the same candidates. Due to racially polarized voting, the White majority usually votes as a bloc to prevent Black voters from electing candidates of choice.

276. At least one additional majority-Black house district in Dougherty County could be drawn to provide the Black voters with an opportunity to elect candidates of their choice. Under the existing map, HD-153 is packed with over 66% Black voters. And while HD-151 has a competitive Black voting population, the percentages of Black voters are diluted because the map has this district reach up all the way into less diverse areas of Chattahoochee and Marion counties. These districts were drawn by the Controlling Party with the intent and have the effect of diluting the voting power of Black voters.

277. By moving Black voters out of HD-153 and redistributing the voters in HD-151 and the remaining Dougherty County districts, at least one additional majority-Black district could be drawn in this region of the State.

278. Race was the predominant motive behind the drawing of these districts. The map drawers violated traditional redistricting principles by dividing a single city into four separate House Districts. None of the decisions by the Controlling Party

and its map drawers to allow race to predominate the redistricting plans for the Dougherty County districts were justified by compelling reasons, such as compliance with the Voting Rights Act. This was an unconstitutional racial gerrymander.

H. House Districts in Hall County (Allegations supporting constitutional and Section 2 of VRA claims)

279. Hall County has gained approximately 24,000 residents since the 2010 Census, and Gainesville within Hall County has gained approximately 8,000 residents. A significant portion of the county and city's new residents are Latinx.

280. Black and Latinx voter populations in Hall County and in Gainesville individually and collectively, usually vote cohesively for the same preferred candidates, while the White majority usually votes as a bloc for different candidates. Due to racially polarized voting, White majority bloc voting usually prevents Black and Latinx voters in this region from electing candidates of their choice.

281. Hall County forms a major part of three State House Districts, one of which has to be anchored by Gainesville and its concentrated community of people of color. The previous State House District 29 just barely became majority non-White by VAP after the 2020 Census, but it was 62.8% White by CVAP and 57.6% White by registered voters.

282. Changes were made by the Controlling Party's mappers to House District 29 to make it appear more diverse at first glance by general population and voting age population, but it maintains a 58.5% White CVAP percentage and 51.5% White registered voter (RV) advantage.

283. The Controlling Party and its map drawers also intentionally cracked the Latinx and Black population in HD-30 and HD-31. The CVAP and registered voter metrics for people of color in HD-30 are 19.91% and 23.02%, respectively; and the CVAP and registered voter metrics for HD-31 are 22.29% and 22.7%, respectively.

284. The result is that every House District in this area is majority-White by CVAP and registered voters, despite the fact the Controlling Party's map drawers could have drawn a district in this region that is a compact majority-coalition district comprised of Latinx and Black voters by registered voters or CVAP to give Latinx and Black voters a meaningful opportunity to elect candidates of their choice.

285. While preserving traditional redistricting principles, areas with concentrations of Latinx and Black voters in HD 30 or 31 could be moved into HD-29 to draw a compact majority-Latinx and Black coalition district to give Latinx and Black voters a meaningful opportunity to elect candidates of their choice.

I. House Districts in Gwinnett County (Allegations supporting constitutional claims)

286. Based on the 2020 Census, Gwinnett County is one of the most diverse counties in Georgia. It has a White population around 30%, Black and Latinx populations around 25%, and an AAPI population that is steadily growing and already at around 15%. Even in the most distant parts of Gwinnett County, the electorate is diverse

287. To combat the emerging diversity in the Gwinnett County House Districts and to prevent people of color from gaining voting strength that would empower them to elect candidates of their choice, the Controlling Party and its map drawers intentionally cracked the populations of people of color in northern Gwinnett County House Districts.

288. In fact, every northern Gwinnett House District – 100, 103, 104, as well as the neighboring House Districts 111 and 30 (which grabs a single precinct) – crosses the county line in violation of the districting principles adopted by the Controlling Party, and go into the much less diverse and majority-White neighboring areas to dilute the voting strength of voters of color.

289. The changes made by the Controlling Party and its mappers were intended to limit the emerging voting strength in Gwinnett County's communities of people of color. For example, former Gwinnett-only House District 98 was 52.5%

White by VAP and 53% White by registered voters (RV) in the prior plan. Its successor, District 100 in the 2020 House plan, which includes less diverse Hall and Forsyth County precincts, increased by almost six and one half (6.5) percentage points to 59.1% White by VAP.

290. These demographic changes have led to increasingly competitive elections in the area. For example, in HD-104, the margin of victory of the White-preferred candidate over the candidate preferred by voters of color narrowed from over 6 percentage points in 2018 to a little over 2 percentage points in 2020. Additionally, the more competitive losing candidate in 2020 was a Black woman.

291. HD-104, which was 46.6% White by VAP, is now 63% White by VAP in the new plan due largely by the decision of the Controlling Party and its mappers to add less diverse Barrow County precincts in the HD-104 redistricting plan to prevent voters of color from having an opportunity to elect candidates of their choice.

292. HD-111 is mainly a majority-White Walton County District but its arm into Gwinnett reduces and pulls out diverse precincts. The old HD-114 plan had some areas of Rockdale County that were dropped in favor of the Gwinnett County cracking of populations of voters of color.

293. The Controlling Party and its map drawers used race as the predominate consideration without a compelling justification in cracking communities of voters of color in the new plan for HD-103, which retreats somewhat into Gwinnett County but still crosses the Hall County border.

294. None of the decisions by the Controlling Party and its map drawers to allow race to predominate the redistricting plans for in the cracking and packing of Gwinnett County House districts were justified by compelling reasons, such as compliance with the Voting Rights Act. Instead, race predominated in the decisions to intentionally limit the voting strength of voters in these districts and to prevent the drawing of additional compact majority-coalition districts. This was an unconstitutional racial gerrymander.

J. House Districts in North Fulton County (Allegations supporting constitutional claims)

295. The northern portion of Fulton County, outside of the Atlanta municipal lines, is represented by nine districts, HD-25 and HD-47 through HD-54. Even though this region does not include the diverse city of Atlanta, it is still a highly diverse area of Georgia. There is a large AAPI population in the eastern portion near Forsyth County. And the remainder of North Fulton has large Latinx and Black populations.

296. Given this demographic makeup, the Controlling Party and its map

drawers could have complied with traditional redistricting principles and created several districts that provide either the Black population with an opportunity to elect candidates of their choice, or coalitions of Black/Latinx and Black/Latinx/AAPI populations the opportunities to elect the candidates of their choices.

297. But the nine districts that split apart north Fulton County do not create a single majority-Black district, and only HD-50 provides a coalition of minority voters the opportunity to elect candidates of their choice.

298. This dilution of minority political power was accomplished by the intentional and surgical splitting of minority populations in this region of the State. The choice to split apart racial minorities in north Fulton County predominated the line-drawing choices and were specifically emphasized over compliance with traditional redistricting principles such as contiguity and preserving communities of interest.

299. For example, HD-48 and HD-49 have jagged edges and tentacles that stretch away from the body of each district. And HD-53 has a long and thin line that squiggles along the border of Cobb County, and which has the result of diluting the minority vote in Sandy Springs.

300. These lines fail to comply with traditional redistricting principles, and the State lacked a compelling justification, such as compliance with the Voting

Rights Act, to draw the House map in north Fulton County in this matter. This was an unconstitutional racial gerrymander.

K. House Districts in Savannah (Allegations supporting constitutional claims)

301. The House Districts in Savannah and its suburbs run from HD-161 through HD-166. Savannah's population increased by approximately 10% since the 2010 Census, and it is now a clear majority-people of color city. The White population is around 36%, the Black population is around 40%, and the Latinx population is around 6%. The suburbs of Savannah have a similar demographic distribution.

302. However, the Controlling Party and its map drawers drew lines in this region to specifically protect the White voting population's political power in HD-164. This district has a White voting population that is greater than 60% because it stretches west from the Savannah suburbs out onto the far edge of Bryan County and to the border of Evans County.

303. House District 164 also has a large hole at its eastern end where HD-162 is located. While HD-162 is heavily concentrated and has a minority population at around 60%, HD-164 is not nearly as densely populated and, as stated above, has a White voting population at nearly 60%.

304. The districts in Savannah and its suburbs, and also in the surrounding

region of Southeast Georgia, were drawn with the predominant purpose of protecting the White majority's power in HD-164. Elections in this area have become highly competitive. As recently as 2016, the White-preferred candidate ran unopposed, but in the last two elections a mere 5 percentage point has separated him from the losing candidates, in each case a Black candidate.

305. This district does not comply with traditional redistricting principles because it crosses county lines in violation of the Controlling Party's redistricting principles in order to maintain it as a majority-White district by including less diverse parts of Chatham County, majority-White areas of suburban Bryan County and portions of the largely non-voting military base areas of Liberty County. There was no compelling justification to draw the district as majority-White, such as compliance with the Voting Rights Act. The other districts in this area were drawn in order to facilitate this result.

306. As a result, the districts in Savannah and its suburbs and in the wider Southeast region of Georgia are unconstitutional racial gerrymanders. In particular, HD-164 was drawn for the predominant purpose of protecting the White majority's political power. This was an unconstitutional racial gerrymander.

L. House Districts in LaGrange (Allegations supporting constitutional claims)

307. LaGrange, which sits in Troup County and is near the western border

of Georgia, has a majority-Black population, and has a White population that is around only 35%.

308. HD-136 (previously HD-132) had traditionally been a competitive district. The last two elections were decided by three to four percentage points.

309. The new maps cut-up the city across four House Districts, HD-72, HD-136, HD-137, and HD-138. Prior to the new maps, HD-136 (then HD-132) was 48.79% WVAP. The new maps increased it to 63.9% WVAP. Prior to the new maps, HD-136 was 40.89% BVAP. The new maps decreased it to 27.8% BVAP.

310. Breaking apart the seat of Troup County into four districts violates traditional redistricting principles. And the composition of these districts is also highly irregular: HD-137 appears like a waxing crescent moon, with its northern and southern edges stretch far to the west away from its heart in Talbot County; HD-136 has a protrusion into Troup County and otherwise covers most of Meriwether County; and both HD-72 and HD-138 have protrusions that lack contiguity with the remainder of the districts as well.

311. The result of these line-drawing decisions was to create only one majority-Black district in the LaGrange area, HD-137, while the remainder of the districts are not majority-Black and do not provide the Black community in LaGrange with a reasonable opportunity to elect candidates of their choice.

312. The predominant purpose for drawing the lines that intersect LaGrange in this manner was to ensure that Black voters would have a reasonable opportunity to elect candidates of their choice in only HD-137, and not in the other House Districts in LaGrange, including HD-136. The Controlling Party and its map drawers were not required to make these map drawing decisions in order to comply with the Voting Rights Act, and there is no other compelling justification for breaking apart the LaGrange Black voting community. This was an unconstitutional racial gerrymander.

COUNT I

42 U.S.C. § 1983
Racial gerrymandering in violation of the Fourteenth and Fifteenth Amendments to the United States Constitution

(Alleged Against Defendants Governor Kemp and Secretary Raffensperger)

313. Plaintiffs repeat and re-allege each and every allegation contained in the paragraphs above, as if fully set forth here.

314. As detailed above in this Amended Complaint, race predominated over traditional redistricting principles and other lawful considerations with respect to the drawing of specific districts in the new Georgia House, Senate, and Congressional plans (SB 2EX/AP, SB 1EX/AP, and HB 1EX LC 47 1163S/AP) without a compelling state interest.

315. As such, the new Georgia House, Senate and Congressional plans are racial gerrymanders because of the drawing of the districts described heretofore. In each of these plans, the Controlling Party and its map drawers made the conscious choice of manipulating and sorting populations by race in the districts described heretofore.

316. Racial considerations predominated and traditional redistricting principles were subordinated as to the drawing of the districts described heretofore.

317. Because racial considerations predominated the map drawing of these districts, Defendants' justifications for the maps are subject to strict scrutiny.

318. The redistricting plans challenged in this Complaint cannot survive strict scrutiny.

319. By engaging in the acts and omissions alleged herein, Defendants acted and continue to act under color of law to deny the Plaintiffs rights guaranteed to them by the Fourteenth and Fifteenth Amendments to the U.S. Constitution, and will continue to violate those rights absent relief granted by this Court.

WHEREFORE, Plaintiffs pray for relief as hereinafter set forth.

COUNT II

52 U.S.C. § 10301

Vote dilution in violation of Section 2 of the Voting Rights Act

(Alleged Against All Defendants)

320. Plaintiffs repeat and re-allege each and every allegation contained in the paragraphs above, as if fully set forth herein.

321. Section 2 of the Voting Rights Act, 52 U.S.C. § 10301(a), 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[.]" 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 [minority voters] 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." 52 U.S.C. § 10301(b).

322. Section 2 of the Voting Rights Act prohibits the dilution of minority voting strength. The dilution of minority voting strength may be caused by, among other things, the dispersal of the minority population into districts where they constitute an ineffective minority—known as "cracking"—and the concentration of minority voters into districts where they constitute an excessive majority—known as "packing." *Thornburg v. Gingles*, 478 U.S. 30, 46 n.11 (1986).

323. The Controlling Party's lawmakers and their map drawers diluted the voting strength of Black, Latinx, and AAPI voters in specific regions described above in this Amended Complaint, particularly in areas that witnessed significant

growth of communities of color in the past decade, by the packing or cracking of communities of color in the districts described heretofore.

324. The districts where reasonably compact majority-minority districts, either by one race/ethnicity or a combination of racial/ethnic groups of color, could have been drawn, including, but not limited to the unpacking of districts with unnecessary large populations of people of color or by correcting the cracking of communities of color which prevent them from having an equal opportunity to elect candidates of choice as alleged heretofore in this Amended Complaint.

325. In the districts alleged heretofore in this Amended Complaint, voters of color are politically cohesive, the White majority usually vote as a bloc to defeat the preferred candidates of voters of color. In short, voting is racially polarized in these districts.

326. The totality of the circumstances, including the retrogressive effect of the plans, interact with historical and socio-economic factors to deny voters of color, including Black, Latinx and AAPI voters, the opportunity to elect preferred candidates of choice in Georgia as a whole and in these districts.

327. Georgia has a long history of official voting-related discrimination conducted by the White majority political party in power (previously Democrats, now Republicans). Georgia's long history of official voting-related discrimination

continues to impact the Congressional, State Senate and State House districts which the Controlling Party and its map drawers drew to dilute the voting strength of voters of color in order to prevent voters of color from electing candidates of their choice and to have a meaningful ability to participate in the state's elections.

328. Even today, official voting-related discrimination continues, including in the districts alleged in this Amended Complaint which violate Section 2 of the Voting Rights Act. Elections are racially polarized in Georgia; the State has used voting practices and procedures, even as recently as 2021, that tend to enhance the opportunity for discrimination against voters of color and the Controlling Party is continuing to advance bills during the 2022 legislative session which may inhibit or prevent people of color from being able to cast ballots that will count as votes if they are enacted.

329. Additionally, people of color in Georgia generally, and specifically in the districts alleged heretofore in this Amended Complaint, bear the effects of discrimination in areas such as education, employment, and health and people of color participate at lower rates than White people in elections.

330. Numerous candidates who have run for political campaigns in Georgia have used and continue to use overt and subtle racial appeals in political campaigns; and every decade, including this one, Georgia has drawn maps that have an overall

retrogressive effect in that they decrease the number of majority-minority and minority opportunity districts in the State.

331. Candidates of color rarely win elections in Georgia, and in the particular districts at issue in this case unless they constitute a majority or near majority of the voting age population.

332. The policies underlying the diluting and minimizing the voting rights of voters of color as described in this complaint are tenuous.

333. The totality of the circumstances establishes that the manner in which said districts were drawn and passed has the effect of denying voters of color an equal opportunity to participate in the political process and to elect candidates of their choice, in violation of Section 2 of the Voting Rights Act, 52 U.S.C. § 10301.

334. By engaging in the acts and omissions as alleged in this Amended Complaint, Defendants acted and continue to act under color of law to deny Plaintiffs the rights guaranteed to them by Section 2 of the Voting Rights Act, and will continue to violate those rights absent relief granted by this Court.

WHEREFORE, Plaintiffs pray for relief as hereinafter set forth.

COUNT III

52 U.S.C. § 10301 and 42 U.S.C. § 1983

Discriminatory purpose in violation of the Fourteenth Amendment to the United States Constitution and Section 2 of the Voting Rights Act

(Alleged Against All Defendants on the Section 2 Claim; Alleged Against Defendants Governor Kemp and Secretary Raffensperger on the Fourteenth Amendment Claim)

335. Plaintiffs repeat and re-allege each and every allegation contained in the paragraphs above, as if fully set forth here.

336. 42 U.S.C. § 1983 authorizes suits for the deprivation of a right secured by the Constitution or the laws of the United States caused by a person acting under the color of state law.

337. Article 1 of the Fourteenth Amendment to the United States Constitution provides:

> No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

338. Section 2 of the Voting Rights Act of 1965 prohibits the imposition of any voting standard, practice, or procedure enacted with a discriminatory purpose. 52 U.S.C. § 10301(a).

339. The new Congressional, State House and State Senate plans (SB 2EX/AP, SB 1EX/AP, and HB 1EX LC 47 1163S/AP, respectively) were adopted, at least in part, for the purpose of disadvantaging voters of color, and in particular, Black, Latinx, and AAPI voters relative to White voters across the State.

340. From the outset, the map drawers intended to reduce or limit the number

of State House, Senate, and Congressional districts in which voters of color could elect candidates of choice, thereby weakening the voting strength of voters of color over the next decade.

341. Several of the indicia of discriminatory purpose are present in this case. There is evidence of substantial disparate impact, a history of discriminatory official actions, procedural and substantive departures from the norms generally followed by the decision-maker, and the legislative and administrative history of the decision, including contemporaneous statements by decision makers.

342. The Controlling Party's legislators provided virtually no notice of the proposed changes, sought to minimize or eliminate public comment, and expedited the legislative process in ways intended to reduce input from anyone other than its main proponents. From last-minute announcements of public hearings to the complicated procedural rules that made it more difficult for members of the public to submit alternative maps or documents to legislators, to amendments introduced and adopted without any or little public notice, to the failure of legislators to even consider plans submitted by groups representing the interests of voters of color, to legislators' awareness, based on testimony from numerous civil rights groups, including Plaintiffs' organization, about the dilutive effect of these Plans —the Controlling Party's legislators moved the goal posts to make certain districts in all

three plans noncompetitive.

343. Defendants will be unable to prove that the maps would have been enacted without the discriminatory intent described above.

344. By engaging in the acts and omissions alleged herein, Defendants acted and continue to act under color of law to deny the Plaintiff the rights guaranteed to them by the Fourteenth Amendment to the U.S. Constitution and Section 2 of the Voting Rights Act, and will continue to violate those rights absent relief granted by this Court.

WHEREFORE, Plaintiffs pray for relief as hereinafter set forth.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court:

1) Convene a court of three judges pursuant to 28 U.S.C. § 2284(a);

2) Declare that the drawing of specific districts in Congressional, State Senate and State House redistricting plans (SB 2EX/AP, SB 1EX/AP, and HB 1EX LC 47 1163S/AP, respectively) as alleged heretofore in this Amended Complaint constitute racial gerrymanders in violation of the Fourteenth and Fifteenth Amendments to the United States Constitution;

3) Declare that the voting strength of voters of color was diluted with respect to specific districts drawn in the new Congressional, State Senate and State

House redistricting plans (SB 2EX/AP, SB 1EX/AP, and HB 1EX LC 47 1163S/AP, respectively) as alleged heretofore in this Amended Complaint, resulting in a denial or abridgement of the rights of Black, Latinx, and AAPI voters to vote on account of their race or color in violation of Section 2's effects test of the Voting Rights Act;

4) Declare that the Congressional, State House, and State Senate plans, in their entirety (SB 2EX/AP, SB 1EX/AP, and HB 1EX LC 47 1163S/AP, respectively) as alleged heretofore in this Amended Complaint, were enacted with an impermissible discriminatory purpose on the basis of race in violation of Article I of the Fourteenth Amendment to the United States Constitution and the intent prong of Section 2 of the Voting Rights Act;

5) Issue a permanent injunction enjoining Defendants from enforcing or giving effect to the boundaries of the violative districts, including an injunction barring Defendants from conducting any elections in the violative districts;

6) Hold hearings, consider briefing and evidence, and otherwise take actions necessary to determine and order valid plans for the Georgia House, Senate, and U.S. Congress, which include majority-minority coalition districts and minority opportunity districts, that give voters of color the ability to elect candidates of choice;

7) Make an order requiring Georgia to preclear voting changes during the

following ten-year period pursuant to 52 U.S.C. § 10302.

8) Make all further orders as are just, necessary, and proper to ensure complete relief consistent with this Court's orders; and

9) Grant such other or further relief as the Court deems to be appropriate, including but not limited to an award of Plaintiff's attorneys' fees, expenses, and reasonable costs, as authorized by 42 U.S.C. § 1988 and 52 U.S.C. § 10310(e).

Dated: March 30, 2022

Respectfully submitted,

By: */s/ Kurt Kastorf*

Georgia Bar No. 315315
KASTORF LAW LLP
1387 Iverson St., Suite 100
Atlanta, GA 30307
(404) 900-0030
kurt@kastorflaw.com

Jon Greenbaum*
Ezra D. Rosenberg*
Julie M. Houk*
jgreenbaum@lawyerscommittee.org
erosenberg@lawyerscommittee.org
jhouk@lawyerscommittee.org
LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW
1500 K Street NW, Suite 900
Washington, D.C. 20005
Telephone: (202) 662-8600
Facsimile: (202) 783-0857

*Admitted *Pro Hac Vice*

Toni Michelle Jackson*
Astor H.L. Heaven*
Keith Harrison*
tjackson@crowell.com
aheaven@crowell.com
kharrison@crowell.com
aheaven@crowell.com
CROWELL & MORING LLP
1001 Pennsylvania Avenue NW
Washington, D.C. 20004
Telephone: (202) 624-2500

*Admitted *Pro Hac Vice*

Form **990**

Department of the Treasury
Internal Revenue Service

Return of Organization Exempt From Income Tax

Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except private foundations)

▶ Do not enter social security numbers on this form as it may be made public.

▶ Go to *www.irs.gov/Form990* for instructions and the latest information.

OMB No. 1545-0047

2019

Open to Public Inspection

A For the 2019 calendar year, or tax year beginning 01-01-2019 , and ending 12-31-2019

B Check if applicable:
- ☐ Address change
- ☐ Name change
- ☐ Initial return
- ☐ Final return/terminated
- ☐ Amended return
- ☐ Application pending

C Name of organization
GALEO LATINO COMMUNITY DEVELOP
FUND INC

Doing business as

Number and street (or P.O. box if mail is not delivered to street address) | Room/suite
PO BOX 29506

City or town, state or province, country, and ZIP or foreign postal code
ATLANTA, GA 30359

D Employer identification number
20-1565775

E Telephone number
(678) 691-1086

G Gross receipts $ 576,471

F Name and address of principal officer:
GERARDO GONZALEZ
PO BOX 29506
ATLANTA, GA 30359

H(a) Is this a group return for subordinates? ☐ Yes ☑ No

H(b) Are all subordinates included? ☐ Yes ☐ No
If "No," attach a list. (see instructions)

H(c) Group exemption number ▶

I Tax-exempt status: ☑ 501(c)(3) ☐ 501(c) ( ) ◀ (insert no.) ☐ 4947(a)(1) or ☐ 527

J Website: ▶ WWW.GALEO.ORG

K Form of organization: ☑ Corporation ☐ Trust ☐ Association ☐ Other ▶

L Year of formation: 2004

M State of legal domicile: GA

Part I Summary

Activities & Governance

1 Briefly describe the organization's mission or most significant activities:
SEE SCHEDULE O

2 Check this box ▶ ☐ if the organization discontinued its operations or disposed of more than 25% of its net assets.

3	Number of voting members of the governing body (Part VI, line 1a)	3	4
4	Number of independent voting members of the governing body (Part VI, line 1b)	4	4
5	Total number of individuals employed in calendar year 2019 (Part V, line 2a)	5	5
6	Total number of volunteers (estimate if necessary)	6	45
7a	Total unrelated business revenue from Part VIII, column (C), line 12	7a	0
b	Net unrelated business taxable income from Form 990-T, line 39	7b	

			Prior Year	Current Year
Revenue	8	Contributions and grants (Part VIII, line 1h)	319,808	576,471
	9	Program service revenue (Part VIII, line 2g)		0
	10	Investment income (Part VIII, column (A), lines 3, 4, and 7d)		0
	11	Other revenue (Part VIII, column (A), lines 5, 6d, 8c, 9c, 10c, and 11e)	3,016	0
	12	Total revenue—add lines 8 through 11 (must equal Part VIII, column (A), line 12)	322,824	576,471
Expenses	13	Grants and similar amounts paid (Part IX, column (A), lines 1–3)		0
	14	Benefits paid to or for members (Part IX, column (A), line 4)		0
	15	Salaries, other compensation, employee benefits (Part IX, column (A), lines 5–10)	215,221	196,324
	16a	Professional fundraising fees (Part IX, column (A), line 11e)		0
	b	Total fundraising expenses (Part IX, column (D), line 25) ▶22,383		
	17	Other expenses (Part IX, column (A), lines 11a–11d, 11f–24e)	71,688	170,438
	18	Total expenses. Add lines 13–17 (must equal Part IX, column (A), line 25)	286,909	366,762
	19	Revenue less expenses. Subtract line 18 from line 12	35,915	209,709
			Beginning of Current Year	**End of Year**
Net Assets or Fund Balances	20	Total assets (Part X, line 16)	269,707	494,935
	21	Total liabilities (Part X, line 26)	1,998	2,517
	22	Net assets or fund balances. Subtract line 21 from line 20	267,709	492,418

Part II Signature Block

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than officer) is based on all information of which preparer has any knowledge.

Sign Here

****** 2020-10-28
Signature of officer Date

GERARDO GONZALEZ EXECUTIVE DIRECTOR
Type or print name and title

Exhibit 0008

Paid Preparer Use Only

Print/Type preparer's name	Preparer's signature	Date	Check ☐ if self-employed	PTIN
		2020-10-28		P01344521

Firm's name ▶ JJR & ASSOCIATES LLC — Firm's EIN ▶ 46-3877211

Firm's address ▶ 1572 HIGHWAY 85 N STE 322
FAYETTEVILLE, GA 30214 — Phone no. (404) 437-7748

May the IRS discuss this return with the preparer shown above? (see instructions) ☑ Yes ☐ No

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Part III **Statement of Program Service Accomplishments**

Check if Schedule O contains a response or note to any line in this Part III . . . . . ☑

1 Briefly describe the organization's mission:

SEE SCHEDULE O

2 Did the organization undertake any significant program services during the year which were not listed on the prior Form 990 or 990-EZ? . . . . . ☐ Yes ☑ No

If "Yes," describe these new services on Schedule O.

3 Did the organization cease conducting, or make significant changes in how it conducts, any program services? . . . . . ☐ Yes ☑ No

If "Yes," describe these changes on Schedule O.

4 Describe the organization's program service accomplishments for each of its three largest program services, as measured by expenses. Section 501(c)(3) and 501(c)(4) organizations are required to report the amount of grants and allocations to others, the total expenses, and revenue, if any, for each program service reported.

4a (Code:) (Expenses $ 366,763 including grants of $) (Revenue $)

See Additional Data

4b (Code:) (Expenses $ including grants of $) (Revenue $)

4c (Code:) (Expenses $ including grants of $) (Revenue $)

4d Other program services (Describe in Schedule O.)

(Expenses $ including grants of $) (Revenue $)

4e **Total program service expenses** ▶ 366,763

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Part IV Checklist of Required Schedules

			Yes	No
1	Is the organization described in section 501(c)(3) or 4947(a)(1) (other than a private foundation)? *If "Yes," complete Schedule A*	1	Yes	
2	Is the organization required to complete *Schedule B, Schedule of Contributors* (see instructions)?	2	Yes	
3	Did the organization engage in direct or indirect political campaign activities on behalf of or in opposition to candidates for public office? *If "Yes," complete Schedule C, Part I*	3		No
4	**Section 501(c)(3) organizations.** Did the organization engage in lobbying activities, or have a section 501(h) election in effect during the tax year? *If "Yes," complete Schedule C, Part II*	4		No
5	Is the organization a section 501(c)(4), 501(c)(5), or 501(c)(6) organization that receives membership dues, assessments, or similar amounts as defined in Revenue Procedure 98-19? *If "Yes," complete Schedule C, Part III*	5		No
6	Did the organization maintain any donor advised funds or any similar funds or accounts for which donors have the right to provide advice on the distribution or investment of amounts in such funds or accounts? *If "Yes," complete Schedule D,* Part I	6		No
7	Did the organization receive or hold a conservation easement, including easements to preserve open space, the environment, historic land areas, or historic structures? *If "Yes," complete Schedule D, Part II*	7		No
8	Did the organization maintain collections of works of art, historical treasures, or other similar assets? *If "Yes," complete Schedule D,* Part III	8		No
9	Did the organization report an amount in Part X, line 21 for escrow or custodial account liability; serve as a custodian for amounts not listed in Part X; or provide credit counseling, debt management, credit repair, or debt negotiation services? *If "Yes," complete Schedule D, Part IV*	9		No
10	Did the organization, directly or through a related organization, hold assets in temporarily restricted endowments, permanent endowments, or quasi endowments? *If "Yes," complete Schedule D, Part V*	10		No
11	If the organization's answer to any of the following questions is "Yes," then complete Schedule D, Parts VI, VII, VIII, IX, or X as applicable.			
a	Did the organization report an amount for land, buildings, and equipment in Part X, line 10? *If "Yes," complete Schedule D,* Part VI.	11a		No
b	Did the organization report an amount for investments—other securities in Part X, line 12 that is 5% or more of its total assets reported in Part X, line 16? *If "Yes," complete Schedule D, Part VII*	11b		No
c	Did the organization report an amount for investments—program related in Part X, line 13 that is 5% or more of its total assets reported in Part X, line 16? *If "Yes," complete Schedule D, Part VIII*	11c		No
d	Did the organization report an amount for other assets in Part X, line 15 that is 5% or more of its total assets reported in Part X, line 16? *If "Yes," complete Schedule D, Part IX*	11d		No
e	Did the organization report an amount for other liabilities in Part X, line 25? *If "Yes," complete Schedule D, Part X*	11e	Yes	
f	Did the organization's separate or consolidated financial statements for the tax year include a footnote that addresses the organization's liability for uncertain tax positions under FIN 48 (ASC 740)? *If "Yes," complete Schedule D, Part X*	11f	Yes	
12a	Did the organization obtain separate, independent audited financial statements for the tax year? *If "Yes," complete Schedule D, Parts XI and XII*	12a		No
b	Was the organization included in consolidated, independent audited financial statements for the tax year? *If "Yes," and if the organization answered "No" to line 12a, then completing Schedule D, Parts XI and XII is optional*	12b		No
13	Is the organization a school described in section 170(b)(1)(A)(ii)? *If "Yes," complete Schedule E*	13		No
14a	Did the organization maintain an office, employees, or agents outside of the United States?	14a		No
b	Did the organization have aggregate revenues or expenses of more than $10,000 from grantmaking, fundraising, business, investment, and program service activities outside the United States, or aggregate foreign investments valued at $100,000 or more? *If "Yes," complete Schedule F, Parts I and IV*	14b		No
15	Did the organization report on Part IX, column (A), line 3, more than $5,000 of grants or other assistance to or for any foreign organization? *If "Yes," complete Schedule F, Parts II and IV*	15		No
16	Did the organization report on Part IX, column (A), line 3, more than $5,000 of aggregate grants or other assistance to or for foreign individuals? *If "Yes," complete Schedule F, Parts III and IV*	16		No
17	Did the organization report a total of more than $15,000 of expenses for professional fundraising services on Part IX, column (A), lines 6 and 11e? *If "Yes," complete Schedule G, Part I*(see instructions)	17		No
18	Did the organization report more than $15,000 total of fundraising event gross income and contributions on Part VIII, lines 1c and 8a? *If "Yes," complete Schedule G, Part II*	18		No
19	Did the organization report more than $15,000 of gross income from gaming activities on Part VIII, line 9a? *If "Yes," complete Schedule G, Part III*	19		No
20a	Did the organization operate one or more hospital facilities? *If "Yes," complete Schedule H*	20a		No
b	If "Yes" to line 20a, did the organization attach a copy of its audited financial statements to this return?	20b		
21	Did the organization report more than $5,000 of grants or other assistance to any domestic organization or domestic government on Part IX, column (A), line 1? *If "Yes," complete Schedule I, Parts I and II*	21		No

Part IV **Checklist of Required Schedules** *(continued)*

			Yes	No
22	Did the organization report more than $5,000 of grants or other assistance to or for domestic individuals on Part IX, column (A), line 2? *If "Yes," complete Schedule I, Parts I and III*	22		No
23	Did the organization answer "Yes" to Part VII, Section A, line 3, 4, or 5 about compensation of the organization's current and former officers, directors, trustees, key employees, and highest compensated employees? *If "Yes," complete Schedule J*	23		No
24a	Did the organization have a tax-exempt bond issue with an outstanding principal amount of more than $100,000 as of the last day of the year, that was issued after December 31, 2002? *If "Yes," answer lines 24b through 24d and complete Schedule K. If "No," go to line 25a*	24a		No
b	Did the organization invest any proceeds of tax-exempt bonds beyond a temporary period exception?	24b		
c	Did the organization maintain an escrow account other than a refunding escrow at any time during the year to defease any tax-exempt bonds?	24c		
d	Did the organization act as an "on behalf of" issuer for bonds outstanding at any time during the year?	24d		
25a	**Section 501(c)(3), 501(c)(4), and 501(c)(29) organizations.** Did the organization engage in an excess benefit transaction with a disqualified person during the year? *If "Yes," complete Schedule L,* Part I	25a		No
b	Is the organization aware that it engaged in an excess benefit transaction with a disqualified person in a prior year, and that the transaction has not been reported on any of the organization's prior Forms 990 or 990-EZ? *If "Yes," complete Schedule L,* Part I	25b		No
26	Did the organization report any amount on Part X, line 5 or 22 for receivables from or payables to any current or former officer, director, trustee, key employee, creator or founder, substantial contributor, or 35% controlled entity or family member of any of these persons? *If "Yes," complete Schedule L, Part II*	26		No
27	Did the organization provide a grant or other assistance to any current or former officer, director, trustee, key employee, creator or founder, substantial contributor, or employee thereof, a grant selection committee member, or to a 35% controlled entity (including an employee thereof) or family member of any of these persons? *If "Yes," complete Schedule L,*Part III	27		No
28	Was the organization a party to a business transaction with one of the following parties (see Schedule L, Part IV instructions for applicable filing thresholds, conditions, and exceptions):			
a	A current or former officer, director, trustee, key employee, creator or founder, or substantial contributor? *If "Yes," complete Schedule L, Part IV*	28a		No
b	A family member of any individual described in line 28a? *If "Yes," complete Schedule L, Part IV*	28b		No
c	A 35% controlled entity of one or more individuals and/or organizations described in lines 28a or 28b? *If "Yes," complete Schedule L, Part IV*	28c		No
29	Did the organization receive more than $25,000 in non-cash contributions? *If "Yes," complete Schedule M*	29	Yes	
30	Did the organization receive contributions of art, historical treasures, or other similar assets, or qualified conservation contributions? *If "Yes," complete Schedule M*	30		No
31	Did the organization liquidate, terminate, or dissolve and cease operations? *If "Yes," complete Schedule N, Part I*	31		No
32	Did the organization sell, exchange, dispose of, or transfer more than 25% of its net assets? *If "Yes," complete Schedule N, Part II*	32		No
33	Did the organization own 100% of an entity disregarded as separate from the organization under Regulations sections 301.7701-2 and 301.7701-3? *If "Yes," complete Schedule R, Part I*	33		No
34	Was the organization related to any tax-exempt or taxable entity? *If "Yes," complete Schedule R, Part II, III, or IV, and Part V, line 1*	34		No
35a	Did the organization have a controlled entity within the meaning of section 512(b)(13)?	35a		No
b	If 'Yes' to line 35a, did the organization receive any payment from or engage in any transaction with a controlled entity within the meaning of section 512(b)(13)? *If "Yes," complete Schedule R, Part V, line 2*	35b		
36	**Section 501(c)(3) organizations.** Did the organization make any transfers to an exempt non-charitable related organization? *If "Yes," complete Schedule R, Part V, line 2*	36		No
37	Did the organization conduct more than 5% of its activities through an entity that is not a related organization and that is treated as a partnership for federal income tax purposes? *If "Yes," complete Schedule R, Part VI*	37		No
38	Did the organization complete Schedule O and provide explanations in Schedule O for Part VI, lines 11b and 19? **Note.** All Form 990 filers are required to complete Schedule O.	38	Yes	

Part V **Statements Regarding Other IRS Filings and Tax Compliance**

Check if Schedule O contains a response or note to any line in this Part V ☐

				Yes	No
1a	Enter the number reported in Box 3 of Form 1096. Enter -0- if not applicable	1a	27		
b	Enter the number of Forms W-2G included in line 1a. Enter -0- if not applicable	1b	0		
c	Did the organization comply with backup withholding rules for reportable payments to vendors and reportable gaming (gambling) winnings to prize winners?			1c Yes	

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Part V Statements Regarding Other IRS Filings and Tax Compliance *(continued)*

2a	Enter the number of employees reported on Form W-3, Transmittal of Wage and Tax Statements, filed for the calendar year ending with or within the year covered by this return **2a** 5			
b	If at least one is reported on line 2a, did the organization file all required federal employment tax returns? **Note.** If the sum of lines 1a and 2a is greater than 250, you may be required to e-file (see instructions)	**2b**	Yes	
3a	Did the organization have unrelated business gross income of $1,000 or more during the year? . . .	**3a**		No
b	If "Yes," has it filed a Form 990-T for this year? *If "No" to line 3b, provide an explanation in Schedule O* . . .	**3b**		
4a	At any time during the calendar year, did the organization have an interest in, or a signature or other authority over, a financial account in a foreign country (such as a bank account, securities account, or other financial account)? . .	**4a**		No
b	If "Yes," enter the name of the foreign country: ▶ _____ See instructions for filing requirements for FinCEN Form 114, Report of Foreign Bank and Financial Accounts (FBAR).			
5a	Was the organization a party to a prohibited tax shelter transaction at any time during the tax year? . .	**5a**		No
b	Did any taxable party notify the organization that it was or is a party to a prohibited tax shelter transaction?	**5b**		No
c	If "Yes," to line 5a or 5b, did the organization file Form 8886-T?	**5c**		
6a	Does the organization have annual gross receipts that are normally greater than $100,000, and did the organization solicit any contributions that were not tax deductible as charitable contributions? . . .	**6a**		No
b	If "Yes," did the organization include with every solicitation an express statement that such contributions or gifts were not tax deductible?	**6b**		
7	**Organizations that may receive deductible contributions under section 170(c).**			
a	Did the organization receive a payment in excess of $75 made partly as a contribution and partly for goods and services provided to the payor?	**7a**		
b	If "Yes," did the organization notify the donor of the value of the goods or services provided?	**7b**		
c	Did the organization sell, exchange, or otherwise dispose of tangible personal property for which it was required to file Form 8282?	**7c**		
d	If "Yes," indicate the number of Forms 8282 filed during the year **7d**			
e	Did the organization receive any funds, directly or indirectly, to pay premiums on a personal benefit contract?	**7e**		
f	Did the organization, during the year, pay premiums, directly or indirectly, on a personal benefit contract? . .	**7f**		
g	If the organization received a contribution of qualified intellectual property, did the organization file Form 8899 as required?	**7g**		
h	If the organization received a contribution of cars, boats, airplanes, or other vehicles, did the organization file a Form 1098-C?	**7h**		
8	**Sponsoring organizations maintaining donor advised funds.** Did a donor advised fund maintained by the sponsoring organization have excess business holdings at any time during the year?	**8**		No
9	**Sponsoring organizations maintaining donor advised funds.**			
a	Did the sponsoring organization make any taxable distributions under section 4966?	**9a**		No
b	Did the sponsoring organization make a distribution to a donor, donor advisor, or related person? . . .	**9b**		No
10	**Section 501(c)(7) organizations.** Enter:			
a	Initiation fees and capital contributions included on Part VIII, line 12 . . . **10a**			
b	Gross receipts, included on Form 990, Part VIII, line 12, for public use of club facilities **10b**			
11	**Section 501(c)(12) organizations.** Enter:			
a	Gross income from members or shareholders **11a**			
b	Gross income from other sources (Do not net amounts due or paid to other sources against amounts due or received from them.) **11b**			
12a	**Section 4947(a)(1) non-exempt charitable trusts.** Is the organization filing Form 990 in lieu of Form 1041?	**12a**		
b	If "Yes," enter the amount of tax-exempt interest received or accrued during the year. **12b**			
13	**Section 501(c)(29) qualified nonprofit health insurance issuers.**			
a	Is the organization licensed to issue qualified health plans in more than one state? . . . . . **Note.** See the instructions for additional information the organization must report on Schedule O.	**13a**		
b	Enter the amount of reserves the organization is required to maintain by the states in which the organization is licensed to issue qualified health plans **13b**			
c	Enter the amount of reserves on hand **13c**			
14a	Did the organization receive any payments for indoor tanning services during the tax year?	**14a**		No
b	If "Yes," has it filed a Form 720 to report these payments? *If "No," provide an explanation in Schedule O* . .	**14b**		
15	Is the organization subject to the section 4960 tax on payment(s) of more than $1,000,000 in remuneration or excess parachute payment(s) during the year? . . . . . If "Yes," see instructions and file Form 4720, Schedule N.	**15**		No
16	Is the organization an educational institution subject to the section 4968 excise tax on net investment income? . . If "Yes," complete Form 4720, Schedule O.	**16**		No

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Part VI **Governance, Management, and Disclosure** *For each "Yes" response to lines 2 through 7b below, and for a "No" response to lines 8a, 8b, or 10b below, describe the circumstances, processes, or changes in Schedule O. See instructions.*

Check if Schedule O contains a response or note to any line in this Part VI . . . . . ☑

Section A. Governing Body and Management

				Yes	No
1a	Enter the number of voting members of the governing body at the end of the tax year	1a	4		
	If there are material differences in voting rights among members of the governing body, or if the governing body delegated broad authority to an executive committee or similar committee, explain in Schedule O.				
b	Enter the number of voting members included in line 1a, above, who are independent	1b	4		
2	Did any officer, director, trustee, or key employee have a family relationship or a business relationship with any other officer, director, trustee, or key employee?	2			No
3	Did the organization delegate control over management duties customarily performed by or under the direct supervision of officers, directors or trustees, or key employees to a management company or other person?	3			No
4	Did the organization make any significant changes to its governing documents since the prior Form 990 was filed?	4			No
5	Did the organization become aware during the year of a significant diversion of the organization's assets?	5			No
6	Did the organization have members or stockholders?	6			No
7a	Did the organization have members, stockholders, or other persons who had the power to elect or appoint one or more members of the governing body?	7a			No
b	Are any governance decisions of the organization reserved to (or subject to approval by) members, stockholders, or persons other than the governing body?	7b			No
8	Did the organization contemporaneously document the meetings held or written actions undertaken during the year by the following:				
a	The governing body?	8a		Yes	
b	Each committee with authority to act on behalf of the governing body?	8b		Yes	
9	Is there any officer, director, trustee, or key employee listed in Part VII, Section A, who cannot be reached at the organization's mailing address? *If "Yes," provide the names and addresses in Schedule O*	9			No

Section B. Policies (*This Section B requests information about policies not required by the Internal Revenue Code.*)

			Yes	No
10a	Did the organization have local chapters, branches, or affiliates?	10a		No
b	If "Yes," did the organization have written policies and procedures governing the activities of such chapters, affiliates, and branches to ensure their operations are consistent with the organization's exempt purposes?	10b		
11a	Has the organization provided a complete copy of this Form 990 to all members of its governing body before filing the form?	11a	Yes	
b	Describe in Schedule O the process, if any, used by the organization to review this Form 990.			
12a	Did the organization have a written conflict of interest policy? *If "No," go to line 13*	12a		No
b	Were officers, directors, or trustees, and key employees required to disclose annually interests that could give rise to conflicts?	12b		
c	Did the organization regularly and consistently monitor and enforce compliance with the policy? *If "Yes," describe in Schedule O how this was done*	12c		
13	Did the organization have a written whistleblower policy?	13	Yes	
14	Did the organization have a written document retention and destruction policy?	14	Yes	
15	Did the process for determining compensation of the following persons include a review and approval by independent persons, comparability data, and contemporaneous substantiation of the deliberation and decision?			
a	The organization's CEO, Executive Director, or top management official	15a		No
b	Other officers or key employees of the organization	15b		No
	If "Yes" to line 15a or 15b, describe the process in Schedule O (see instructions).			
16a	Did the organization invest in, contribute assets to, or participate in a joint venture or similar arrangement with a taxable entity during the year?	16a		No
b	If "Yes," did the organization follow a written policy or procedure requiring the organization to evaluate its participation in joint venture arrangements under applicable federal tax law, and take steps to safeguard the organization's exempt status with respect to such arrangements?	16b		

Section C. Disclosure

17 List the states with which a copy of this Form 990 is required to be filed▶ GA

18 Section 6104 requires an organization to make its Form 1023 (or 1024-A if applicable), 990, and 990-T (501(c)(3)s only) available for public inspection. Indicate how you made these available. Check all that apply.

☐ Own website ☐ Another's website ☑ Upon request ☐ Other (explain in Schedule O)

19 Describe in Schedule O whether (and if so, how) the organization made its governing documents, conflict of interest policy, and financial statements available to the public during the tax year.

20 State the name, address, and telephone number of the person who possesses the organization's books and records:
▶GERARDO GONZALEZ PO BOX 29506 ATLANTA, GA 30359 (678) 691-1086

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Part VII **Compensation of Officers, Directors, Trustees, Key Employees, Highest Compensated Employees, and Independent Contractors**

Check if Schedule O contains a response or note to any line in this Part VII . . . . . ☐

Section A. Officers, Directors, Trustees, Key Employees, and Highest Compensated Employees

1a Complete this table for all persons required to be listed. Report compensation for the calendar year ending with or within the organization's tax year.

- List all of the organization's **current** officers, directors, trustees (whether individuals or organizations), regardless of amount of compensation. Enter -0- in columns (D), (E), and (F) if no compensation was paid.
- List all of the organization's **current** key employees, if any. See instructions for definition of "key employee."
- List the organization's five **current** highest compensated employees (other than an officer, director, trustee or key employee) who received reportable compensation (Box 5 of Form W-2 and/or Box 7 of Form 1099-MISC) of more than $100,000 from the organization and any related organizations.
- List all of the organization's **former** officers, key employees, or highest compensated employees who received more than $100,000 of reportable compensation from the organization and any related organizations.
- List all of the organization's **former directors or trustees** that received, in the capacity as a former director or trustee of the organization, more than $10,000 of reportable compensation from the organization and any related organizations.

See instructions for the order in which to list the persons above.

☐ Check this box if neither the organization nor any related organization compensated any current officer, director, or trustee.

(A) Name and title	(B) Average hours per week (list any hours for related organizations below dotted line)	(C) Position (do not check more than one box, unless person is both an officer and a director/trustee): Individual trustee or director	Institutional Trustee	Officer	Key employee	Highest compensated employee	Former	(D) Reportable compensation from the organization (W-2/1099-MISC)	(E) Reportable compensation from related organizations (W-2/1099-MISC)	(F) Estimated amount of other compensation from the organization and related organizations
(1) GERARDO GONZAL EXECUTIVE DIR	20 0	X		X				42,073	7,800	0
(2) JASON ESTEVES CHAIRMAN	2 0	X		X				0	0	0
(3) JEFFREY ELLMAN SECRETARY	2 0	X		X				0	0	0
(4) ART GAMBILL VICE CHAIR	2 0	X		X				0	0	0
(5) ADELA YELTON TREASURER	2 0	X		X				0	0	0

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Part VII **Section A. Officers, Directors, Trustees, Key Employees, and Highest Compensated Employees** *(continued)*

(A) Name and title	(B) Average hours per week (list any hours for related organizations below dotted line)	(C) Position (do not check more than one box, unless person is both an officer and a director/trustee): Individual trustee or director	Institutional Trustee	Officer	Key employee	Highest compensated employee	Former	(D) Reportable compensation from the organization (W-2/1099-MISC)	(E) Reportable compensation from related organizations (W-2/1099-MISC)	(F) Estimated amount of other compensation from the organization and related organizations

1b Sub-Total . . . . . ▶			
c Total from continuation sheets to Part VII, Section A . . . . ▶			
d Total (add lines 1b and 1c) . . . . . ▶	42,073	7,800	

2 Total number of individuals (including but not limited to those listed above) who received more than $100,000 of reportable compensation from the organization ▶

			Yes	No
3	Did the organization list any **former** officer, director or trustee, key employee, or highest compensated employee on line 1a? *If "Yes," complete Schedule J for such individual*	**3**		No
4	For any individual listed on line 1a, is the sum of reportable compensation and other compensation from the organization and related organizations greater than $150,000? *If "Yes," complete Schedule J for such individual*	**4**		No
5	Did any person listed on line 1a receive or accrue compensation from any unrelated organization or individual for services rendered to the organization? *If "Yes," complete Schedule J for such person*	**5**		No

Section B. Independent Contractors

1 Complete this table for your five highest compensated independent contractors that received more than $100,000 of compensation from the organization. Report compensation for the calendar year ending with or within the organization's tax year.

(A) Name and business address	(B) Description of services	(C) Compensation

2 Total number of independent contractors (including but not limited to those listed above) who received more than $100,000 of compensation from the organization ▶

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Part VIII Statement of Revenue

Check if Schedule O contains a response or note to any line in this Part VIII . . . . . ☐

			(A) Total revenue	(B) Related or exempt function revenue	(C) Unrelated business revenue	(D) Revenue excluded from tax under sections 512 - 514
Contributions, Gifts, Grants and Other Similar Amounts						
1a Federated campaigns	1a					
b Membership dues	1b					
c Fundraising events	1c					
d Related organizations	1d					
e Government grants (contributions)	1e					
f All other contributions, gifts, grants, and similar amounts not included above	1f	576,471				
g Noncash contributions included in lines 1a - 1f: $	1g	41,625				
h **Total.** Add lines 1a-1f ▶			576,471			
Program Service Revenue	Business Code					
2a						
b						
c						
d						
e						
f All other program service revenue.						
g **Total.** Add lines 2a–2f. ▶						
3 Investment income (including dividends, interest, and other similar amounts) ▶						
4 Income from investment of tax-exempt bond proceeds ▶						
5 Royalties ▶						

		(i) Real	(ii) Personal
6a Gross rents	6a		
b Less: rental expenses	6b		
c Rental income or (loss)	6c		

d Net rental income or (loss) ▶

		(i) Securities	(ii) Other
7a Gross amount from sales of assets other than inventory	7a		
b Less: cost or other basis and sales expenses	7b		
c Gain or (loss)	7c		

d Net gain or (loss) ▶

Other Revenue						
8a Gross income from fundraising events (not including $ _____ of contributions reported on line 1c). See Part IV, line 18	8a					
b Less: direct expenses	8b					
c Net income or (loss) from fundraising events ▶			0			
9a Gross income from gaming activities. See Part IV, line 19	9a					
b Less: direct expenses	9b					
c Net income or (loss) from gaming activities ▶						
10a Gross sales of inventory, less returns and allowances	10a					
b Less: cost of goods sold	10b					
c Net income or (loss) from sales of inventory ▶						
Miscellaneous Revenue	Business Code					
11a						
b						
c						
d All other revenue						
e **Total.** Add lines 11a–11d ▶						
12 **Total revenue.** See instructions ▶			576,471			

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Part IX Statement of Functional Expenses

Section 501(c)(3) and 501(c)(4) organizations must complete all columns. All other organizations must complete column (A).

Check if Schedule O contains a response or note to any line in this Part IX . . . . . ☐

Do not include amounts reported on lines 6b, 7b, 8b, 9b, and 10b of Part VIII.	**(A)** Total expenses	**(B)** Program service expenses	**(C)** Management and general expenses	**(D)** Fundraising expenses
1 Grants and other assistance to domestic organizations and domestic governments. See Part IV, line 21				
2 Grants and other assistance to domestic individuals. See Part IV, line 22				
3 Grants and other assistance to foreign organizations, foreign governments, and foreign individuals. See Part IV, lines 15 and 16.				
4 Benefits paid to or for members				
5 Compensation of current officers, directors, trustees, and key employees				
6 Compensation not included above, to disqualified persons (as defined under section 4958(f)(1)) and persons described in section 4958(c)(3)(B)				
7 Other salaries and wages	196,324	166,876	9,816	19,632
8 Pension plan accruals and contributions (include section 401 (k) and 403(b) employer contributions)				
9 Other employee benefits				
10 Payroll taxes				
11 Fees for services (non-employees):				
a Management				
b Legal				
c Accounting	8,525	1,961	6,564	
d Lobbying				
e Professional fundraising services. See Part IV, line 17				
f Investment management fees				
g Other (If line 11g amount exceeds 10% of line 25, column (A) amount, list line 11g expenses on Schedule O)				
12 Advertising and promotion	46,911	39,875	4,690	2,346
13 Office expenses	17,124	7,021	10,103	
14 Information technology				
15 Royalties				
16 Occupancy	8,100	6,885	810	405
17 Travel	35,163	34,987	176	
18 Payments of travel or entertainment expenses for any federal, state, or local public officials				
19 Conferences, conventions, and meetings				
20 Interest				
21 Payments to affiliates				
22 Depreciation, depletion, and amortization				
23 Insurance				
24 Other expenses. Itemize expenses not covered above (List miscellaneous expenses in line 24e. If line 24e amount exceeds 10% of line 25, column (A) amount, list line 24e expenses on Schedule O.)				
a PROGRAM OPERATIONS	54,615	54,615		
b				
c				
d				
e All other expenses				
25 **Total functional expenses.** Add lines 1 through 24e	366,762	312,220	32,159	22,383
26 **Joint costs.** Complete this line only if the organization reported in column (B) joint costs from a combined educational campaign and fundraising solicitation. Check here ▶ ☐ if following SOP 98-2 (ASC 958-720).				

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Part X Balance Sheet

Check if Schedule O contains a response or note to any line in this Part IX . . . . . ☐

			(A) Beginning of year		(B) End of year
Assets	1	Cash–non-interest-bearing	269,707	1	494,935
	2	Savings and temporary cash investments		2	
	3	Pledges and grants receivable, net		3	
	4	Accounts receivable, net		4	
	5	Loans and other payables to any current or former officer, director, trustee, key employee, creator or founder, substantial contributor, or 35% controlled entity or family member of any of these persons		5	
	6	Loans and other receivables from other disqualified persons (as defined under section 4958(f)(1)), and persons described in section 4958(c)(3)(B)		6	
	7	Notes and loans receivable, net		7	
	8	Inventories for sale or use		8	
	9	Prepaid expenses and deferred charges		9	
	10a	Land, buildings, and equipment: cost or other basis. Complete Part VI of Schedule D — 10a			
	b	Less: accumulated depreciation — 10b		10c	
	11	Investments—publicly traded securities		11	
	12	Investments—other securities. See Part IV, line 11		12	
	13	Investments—program-related. See Part IV, line 11		13	
	14	Intangible assets		14	
	15	Other assets. See Part IV, line 11		15	
	16	**Total assets.** Add lines 1 through 15 (must equal line 34)	269,707	16	494,935
Liabilities	17	Accounts payable and accrued expenses		17	
	18	Grants payable		18	
	19	Deferred revenue		19	
	20	Tax-exempt bond liabilities		20	
	21	Escrow or custodial account liability. Complete Part IV of Schedule D		21	
	22	Loans and other payables to any current or former officer, director, trustee, key employee, creator or founder, substantial contributor, or 35% controlled entity or family member of any of these persons		22	
	23	Secured mortgages and notes payable to unrelated third parties		23	
	24	Unsecured notes and loans payable to unrelated third parties		24	
	25	Other liabilities (including federal income tax, payables to related third parties, and other liabilities not included on lines 17 - 24). Complete Part X of Schedule D	1,998	25	2,517
	26	**Total liabilities.** Add lines 17 through 25	1,998	26	2,517
Net Assets or Fund Balances		**Organizations that follow FASB ASC 958, check here ▶ ☑ and complete lines 27, 28, 32, and 33.**			
	27	Net assets without donor restrictions	233,144	27	442,853
	28	Net assets with donor restrictions	34,565	28	49,565
		Organizations that do not follow FASB ASC 958, check here ▶ ☐ and complete lines 29 through 33.			
	29	Capital stock or trust principal, or current funds		29	
	30	Paid-in or capital surplus, or land, building or equipment fund		30	
	31	Retained earnings, endowment, accumulated income, or other funds		31	
	32	Total net assets or fund balances	267,709	32	492,418
	33	Total liabilities and net assets/fund balances	269,707	33	494,935

Part XI Reconciliation of Net Assets

Check if Schedule O contains a response or note to any line in this Part XI . . . . . ☑

1	Total revenue (must equal Part VIII, column (A), line 12)	1	576,471
2	Total expenses (must equal Part IX, column (A), line 25)	2	366,762
3	Revenue less expenses. Subtract line 2 from line 1	3	209,709
4	Net assets or fund balances at beginning of year (must equal Part X, line 33, column (A))	4	267,709
5	Net unrealized gains (losses) on investments	5	
6	Donated services and use of facilities	6	
7	Investment expenses	7	
8	Prior period adjustments	8	
9	Other changes in net assets or fund balances (explain in Schedule O)	9	15,000
10	Net assets or fund balances at end of year. Combine lines 3 through 9 (must equal Part X, line 33, column (B))	10	492,418

Part XII Financial Statements and Reporting

Check if Schedule O contains a response or note to any line in this Part XII . . . . . ☐

			Yes	No
1	Accounting method used to prepare the Form 990: ☑ Cash ☐ Accrual ☐ Other _____ If the organization changed its method of accounting from a prior year or checked "Other," explain in Schedule O.			
2a	Were the organization's financial statements compiled or reviewed by an independent accountant?	2a		No
	If 'Yes,' check a box below to indicate whether the financial statements for the year were compiled or reviewed on a separate basis, consolidated basis, or both: ☐ Separate basis ☐ Consolidated basis ☐ Both consolidated and separate basis			
b	Were the organization's financial statements audited by an independent accountant?	2b	Yes	
	If 'Yes,' check a box below to indicate whether the financial statements for the year were audited on a separate basis, consolidated basis, or both: ☑ Separate basis ☐ Consolidated basis ☐ Both consolidated and separate basis			
c	If "Yes," to line 2a or 2b, does the organization have a committee that assumes responsibility for oversight of the audit, review, or compilation of its financial statements and selection of an independent accountant?	2c	Yes	
	If the organization changed either its oversight process or selection process during the tax year, explain in Schedule O.			
3a	As a result of a federal award, was the organization required to undergo an audit or audits as set forth in the Single Audit Act and OMB Circular A-133?	3a		No
b	If "Yes," did the organization undergo the required audit or audits? If the organization did not undergo the required audit or audits, explain why in Schedule O and describe any steps taken to undergo such audits.	3b		

Additional Data

Software ID: 19010080

Software Version:

EIN: 20-1565775

Name: GALEO LATINO COMMUNITY DEVELOP FUND INC

Form 990 (2019)

Form 990, Part III, Line 4a:

IMMIGRATION REFORM AND VOTING RIGHTS, LEADERSHIP DEVELOPMENT AND

SCHEDULE A
(Form 990 or 990EZ)

Department of the Treasury
Internal Revenue Service

Public Charity Status and Public Support

Complete if the organization is a section 501(c)(3) organization or a section 4947(a)(1) nonexempt charitable trust.
▶ Attach to Form 990 or Form 990-EZ.
▶ Go to *www.irs.gov/Form990* for instructions and the latest information.

OMB No. 1545-0047

2019

Open to Public Inspection

Name of the organization
GALEO LATINO COMMUNITY DEVELOP FUND INC

Employer identification number
20-1565775

Part I **Reason for Public Charity Status** (All organizations must complete this part.) See instructions.

The organization is not a private foundation because it is: (For lines 1 through 12, check only one box.)

1 ☐ A church, convention of churches, or association of churches described in **section 170(b)(1)(A)(i).**

2 ☐ A school described in **section 170(b)(1)(A)(ii).** (Attach Schedule E (Form 990 or 990-EZ).)

3 ☐ A hospital or a cooperative hospital service organization described in **section 170(b)(1)(A)(iii).**

4 ☐ A medical research organization operated in conjunction with a hospital described in **section 170(b)(1)(A)(iii).** Enter the hospital's name, city, and state:

5 ☐ An organization operated for the benefit of a college or university owned or operated by a governmental unit described in **section 170 (b)(1)(A)(iv).** (Complete Part II.)

6 ☐ A federal, state, or local government or governmental unit described in **section 170(b)(1)(A)(v).**

7 ☑ An organization that normally receives a substantial part of its support from a governmental unit or from the general public described in **section 170(b)(1)(A)(vi).** (Complete Part II.)

8 ☐ A community trust described in **section 170(b)(1)(A)(vi)**. (Complete Part II.)

9 ☐ An agricultural research organization described in **170(b)(1)(A)(ix)** operated in conjunction with a land-grant college or university or a non-land grant college of agriculture. See instructions. Enter the name, city, and state of the college or university:

10 ☐ An organization that normally receives: (1) more than 33 1/3% of its support from contributions, membership fees, and gross receipts from activities related to its exempt functions—subject to certain exceptions, and (2) no more than 33 1/3% of its support from gross investment income and unrelated business taxable income (less section 511 tax) from businesses acquired by the organization after June 30, 1975. See **section 509(a)(2).** (Complete Part III.)

11 ☐ An organization organized and operated exclusively to test for public safety. See **section 509(a)(4).**

12 ☐ An organization organized and operated exclusively for the benefit of, to perform the functions of, or to carry out the purposes of one or more publicly supported organizations described in **section 509(a)(1)** or **section 509(a)(2).** See **section 509(a)(3).** Check the box in lines 12a through 12d that describes the type of supporting organization and complete lines 12e, 12f, and 12g.

a ☐ **Type I.** A supporting organization operated, supervised, or controlled by its supported organization(s), typically by giving the supported organization(s) the power to regularly appoint or elect a majority of the directors or trustees of the supporting organization. **You must complete Part IV, Sections A and B.**

b ☐ **Type II.** A supporting organization supervised or controlled in connection with its supported organization(s), by having control or management of the supporting organization vested in the same persons that control or manage the supported organization(s). **You must complete Part IV, Sections A and C.**

c ☐ **Type III functionally integrated.** A supporting organization operated in connection with, and functionally integrated with, its supported organization(s) (see instructions). **You must complete Part IV, Sections A, D, and E.**

d ☐ **Type III non-functionally integrated.** A supporting organization operated in connection with its supported organization(s) that is not functionally integrated. The organization generally must satisfy a distribution requirement and an attentiveness requirement (see instructions). **You must complete Part IV, Sections A and D, and Part V.**

e ☐ Check this box if the organization received a written determination from the IRS that it is a Type I, Type II, Type III functionally integrated, or Type III non-functionally integrated supporting organization.

f Enter the number of supported organizations . . . . . .

g Provide the following information about the supported organization(s).

(i) Name of supported organization	(ii) EIN	(iii) Type of organization (described on lines 1- 10 above (see instructions))	(iv) Is the organization listed in your governing document? Yes	(iv) No	(v) Amount of monetary support (see instructions)	(vi) Amount of other support (see instructions)
Total					0	0

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Part II Support Schedule for Organizations Described in Sections 170(b)(1)(A)(iv) and 170(b)(1)(A)(vi)

(Complete only if you checked the box on line 5, 7, or 8 of Part I or if the organization failed to qualify under Part III. If the organization failed to qualify under the tests listed below, please complete Part III.)

Section A. Public Support

Calendar year (or fiscal year beginning in) ▶	(a) 2015	(b) 2016	(c) 2017	(d) 2018	(e) 2019	(f) Total
1 Gifts, grants, contributions, and membership fees received. (Do not include any "unusual grant.")	121,850	215,916	359,871	319,808	576,471	1,593,916
2 Tax revenues levied for the organization's benefit and either paid to or expended on its behalf.						
3 The value of services or facilities furnished by a governmental unit to the organization without charge.						
4 **Total.** Add lines 1 through 3	121,850	215,916	359,871	319,808	576,471	1,593,916
5 The portion of total contributions by each person (other than a governmental unit or publicly supported organization) included on line 1 that exceeds 2% of the amount shown on line 11, column (f).						
6 **Public support.** Subtract line 5 from line 4.						1,593,916

Section B. Total Support

Calendar year (or fiscal year beginning in) ▶	(a) 2015	(b) 2016	(c) 2017	(d) 2018	(e) 2019	(f) Total
7 Amounts from line 4.	121,850	215,916	359,871	319,808	576,471	1,593,916
8 Gross income from interest, dividends, payments received on securities loans, rents, royalties and income from similar sources.						
9 Net income from unrelated business activities, whether or not the business is regularly carried on.			3,085			3,085
10 Other income. Do not include gain or loss from the sale of capital assets (Explain in Part VI.).						
11 **Total support.** Add lines 7 through 10						1,597,001

12 Gross receipts from related activities, etc. (see instructions) **12**

13 **First five years.** If the Form 990 is for the organization's first, second, third, fourth, or fifth tax year as a section 501(c)(3) organization, check this box and **stop here** . . . . . ▶ ☐

Section C. Computation of Public Support Percentage

14 Public support percentage for 2019 (line 6, column (f) divided by line 11, column (f))	**14**	99.810 %
15 Public support percentage for 2018 Schedule A, Part II, line 14	**15**	99.740 %

16a **33 1/3% support test—2019.** If the organization did not check the box on line 13, and line 14 is 33 1/3% or more, check this box and **stop here.** The organization qualifies as a publicly supported organization . . . . . ▶ ☑

b **33 1/3% support test—2018.** If the organization did not check a box on line 13 or 16a, and line 15 is 33 1/3% or more, check this box and **stop here.** The organization qualifies as a publicly supported organization . . . . . ▶ ☐

17a **10%-facts-and-circumstances test—2019.** If the organization did not check a box on line 13, 16a, or 16b, and line 14 is 10% or more, and if the organization meets the "facts-and-circumstances" test, check this box and **stop here.** Explain in Part VI how the organization meets the "facts-and-circumstances" test. The organization qualifies as a publicly supported organization . . . . . ▶ ☐

b **10%-facts-and-circumstances test—2018.** If the organization did not check a box on line 13, 16a, 16b, or 17a, and line 15 is 10% or more, and if the organization meets the "facts-and-circumstances" test, check this box and **stop here.** Explain in Part VI how the organization meets the "facts-and-circumstances" test. The organization qualifies as a publicly supported organization . . . . . ▶ ☐

18 **Private foundation.** If the organization did not check a box on line 13, 16a, 16b, 17a, or 17b, check this box and see instructions . . . . . ▶ ☐

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Part III Support Schedule for Organizations Described in Section 509(a)(2)
(Complete only if you checked the box on line 10 of Part I or if the organization failed to qualify under Part II. If the organization fails to qualify under the tests listed below, please complete Part II.)

Section A. Public Support

Calendar year (or fiscal year beginning in) ▶	(a) 2015	(b) 2016	(c) 2017	(d) 2018	(e) 2019	(f) Total
1 Gifts, grants, contributions, and membership fees received. (Do not include any "unusual grants.") .						
2 Gross receipts from admissions, merchandise sold or services performed, or facilities furnished in any activity that is related to the organization's tax-exempt purpose						
3 Gross receipts from activities that are not an unrelated trade or business under section 513						
4 Tax revenues levied for the organization's benefit and either paid to or expended on its behalf. . .						
5 The value of services or facilities furnished by a governmental unit to the organization without charge						
6 **Total.** Add lines 1 through 5						
7a Amounts included on lines 1, 2, and 3 received from disqualified persons						
b Amounts included on lines 2 and 3 received from other than disqualified persons that exceed the greater of $5,000 or 1% of the amount on line 13 for the year.						
c Add lines 7a and 7b. .						
8 **Public support.** (Subtract line 7c from line 6.)						

Section B. Total Support

Calendar year (or fiscal year beginning in) ▶	(a) 2015	(b) 2016	(c) 2017	(d) 2018	(e) 2019	(f) Total
9 Amounts from line 6. . .						
10a Gross income from interest, dividends, payments received on securities loans, rents, royalties and income from similar sources. .						
b Unrelated business taxable income (less section 511 taxes) from businesses acquired after June 30, 1975.						
c Add lines 10a and 10b.						
11 Net income from unrelated business activities not included in line 10b, whether or not the business is regularly carried on.						
12 Other income. Do not include gain or loss from the sale of capital assets (Explain in Part VI.) . .						
13 **Total support.** (Add lines 9, 10c, 11, and 12.). .						

14 **First five years.** If the Form 990 is for the organization's first, second, third, fourth, or fifth tax year as a section 501(c)(3) organization, check this box and **stop here**. . . . . ▶ ☐

Section C. Computation of Public Support Percentage

15 Public support percentage for 2019 (line 8, column (f) divided by line 13, column (f))	15	
16 Public support percentage from 2018 Schedule A, Part III, line 15	16	

Section D. Computation of Investment Income Percentage

17 Investment income percentage for **2019** (line 10c, column (f) divided by line 13, column (f))	17	
18 Investment income percentage from **2018** Schedule A, Part III, line 17	18	

19a **33 1/3% support tests—2019.** If the organization did not check the box on line 14, and line 15 is more than 33 1/3%, and line 17 is not more than 33 1/3%, check this box and **stop here.** The organization qualifies as a publicly supported organization . . . . . ▶ ☐

b **33 1/3% support tests—2018.** If the organization did not check a box on line 14 or line 19a, and line 16 is more than 33 1/3% and line 18 is not more than 33 1/3%, check this box and **stop here.** The organization qualifies as a publicly supported organization . . . . ▶ ☐

20 **Private foundation.** If the organization did not check a box on line 14, 19a, or 19b, check this box and see instructions . . . . ▶ ☐

Part IV Supporting Organizations

(Complete only if you checked a box on line 12 of Part I. If you checked 12a of Part I, complete Sections A and B. If you checked 12b of Part I, complete Sections A and C. If you checked 12c of Part I, complete Sections A, D, and E. If you checked 12d of Part I, complete Sections A and D, and complete Part V.)

Section A. All Supporting Organizations

			Yes	No
1	Are all of the organization's supported organizations listed by name in the organization's governing documents? *If "No," describe in **Part VI** how the supported organizations are designated. If designated by class or purpose, describe the designation. If historic and continuing relationship, explain.*	1		
2	Did the organization have any supported organization that does not have an IRS determination of status under section 509(a)(1) or (2)? *If "Yes," explain in **Part VI** how the organization determined that the supported organization was described in section 509(a)(1) or (2).*	2		
3a	Did the organization have a supported organization described in section 501(c)(4), (5), or (6)? *If "Yes," answer (b) and (c) below.*	3a		
b	Did the organization confirm that each supported organization qualified under section 501(c)(4), (5), or (6) and satisfied the public support tests under section 509(a)(2)? *If "Yes," describe in **Part VI** when and how the organization made the determination.*	3b		
c	Did the organization ensure that all support to such organizations was used exclusively for section 170(c)(2)(B) purposes? *If "Yes," explain in **Part VI** what controls the organization put in place to ensure such use.*	3c		
4a	Was any supported organization not organized in the United States ("foreign supported organization")? *If "Yes" and if you checked 12a or 12b in Part I, answer (b) and (c) below.*	4a		
b	Did the organization have ultimate control and discretion in deciding whether to make grants to the foreign supported organization? *If "Yes," describe in **Part VI** how the organization had such control and discretion despite being controlled or supervised by or in connection with its supported organizations.*	4b		
c	Did the organization support any foreign supported organization that does not have an IRS determination under sections 501(c)(3) and 509(a)(1) or (2)? *If "Yes," explain in **Part VI** what controls the organization used to ensure that all support to the foreign supported organization was used exclusively for section 170(c)(2)(B) purposes.*	4c		
5a	Did the organization add, substitute, or remove any supported organizations during the tax year? *If "Yes," answer (b) and (c) below (if applicable). Also, provide detail in **Part VI,** including (i) the names and EIN numbers of the supported organizations added, substituted, or removed; (ii) the reasons for each such action; (iii) the authority under the organization's organizing document authorizing such action; and (iv) how the action was accomplished (such as by amendment to the organizing document).*	5a		
b	**Type I or Type II only.** Was any added or substituted supported organization part of a class already designated in the organization's organizing document?	5b		
c	**Substitutions only.** Was the substitution the result of an event beyond the organization's control?	5c		
6	Did the organization provide support (whether in the form of grants or the provision of services or facilities) to anyone other than (i) its supported organizations, (ii) individuals that are part of the charitable class benefited by one or more of its supported organizations, or (iii) other supporting organizations that also support or benefit one or more of the filing organization's supported organizations? *If "Yes," provide detail in **Part VI.***	6		
7	Did the organization provide a grant, loan, compensation, or other similar payment to a substantial contributor (defined in section 4958(c)(3)(C)), a family member of a substantial contributor, or a 35% controlled entity with regard to a substantial contributor? *If "Yes," complete Part I of Schedule L (Form 990 or 990-EZ) .*	7		
8	Did the organization make a loan to a disqualified person (as defined in section 4958) not described in line 7? *If "Yes," complete Part I of Schedule L (Form 990 or 990-EZ).*	8		
9a	Was the organization controlled directly or indirectly at any time during the tax year by one or more disqualified persons as defined in section 4946 (other than foundation managers and organizations described in section 509(a)(1) or (2))? *If "Yes," provide detail in **Part VI.***	9a		
b	Did one or more disqualified persons (as defined in line 9a) hold a controlling interest in any entity in which the supporting organization had an interest? *If "Yes," provide detail in **Part VI.***	9b		
c	Did a disqualified person (as defined in line 9a) have an ownership interest in, or derive any personal benefit from, assets in which the supporting organization also had an interest? *If "Yes," provide detail in **Part VI.***	9c		
10a	Was the organization subject to the excess business holdings rules of section 4943 because of section 4943(f) (regarding certain Type II supporting organizations, and all Type III non-functionally integrated supporting organizations)? *If "Yes," answer line 10b below.*	10a		
b	Did the organization have any excess business holdings in the tax year? *(Use Schedule C, Form 4720, to determine whether the organization had excess business holdings).*	10b		

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Part IV **Supporting Organizations** (continued)

			Yes	No
11	Has the organization accepted a gift or contribution from any of the following persons?			
a	A person who directly or indirectly controls, either alone or together with persons described in (b) and (c) below, the governing body of a supported organization?	**11a**		
b	A family member of a person described in (a) above?	**11b**		
c	A 35% controlled entity of a person described in (a) or (b) above? *If "Yes" to a, b, or c, provide detail in* ***Part VI****.*	**11c**		

Section B. Type I Supporting Organizations

			Yes	No
1	Did the directors, trustees, or membership of one or more supported organizations have the power to regularly appoint or elect at least a majority of the organization's directors or trustees at all times during the tax year? *If "No," describe in* ***Part VI*** *how the supported organization(s) effectively operated, supervised, or controlled the organization's activities. If the organization had more than one supported organization, describe how the powers to appoint and/or remove directors or trustees were allocated among the supported organizations and what conditions or restrictions, if any, applied to such powers during the tax year.*	**1**		
2	Did the organization operate for the benefit of any supported organization other than the supported organization(s) that operated, supervised, or controlled the supporting organization? *If "Yes," explain in* ***Part VI*** *how providing such benefit carried out the purposes of the supported organization(s) that operated, supervised or controlled the supporting organization.*	**2**		

Section C. Type II Supporting Organizations

			Yes	No
1	Were a majority of the organization's directors or trustees during the tax year also a majority of the directors or trustees of each of the organization's supported organization(s)? *If "No," describe in* ***Part VI*** *how control or management of the supporting organization was vested in the same persons that controlled or managed the supported organization(s).*	**1**		

Section D. All Type III Supporting Organizations

			Yes	No
1	Did the organization provide to each of its supported organizations, by the last day of the fifth month of the organization's tax year, (i) a written notice describing the type and amount of support provided during the prior tax year, (ii) a copy of the Form 990 that was most recently filed as of the date of notification, and (iii) copies of the organization's governing documents in effect on the date of notification, to the extent not previously provided?	**1**		
2	Were any of the organization's officers, directors, or trustees either (i) appointed or elected by the supported organization (s) or (ii) serving on the governing body of a supported organization? *If "No," explain in* ***Part VI*** *how the organization maintained a close and continuous working relationship with the supported organization(s).*	**2**		
3	By reason of the relationship described in (2), did the organization's supported organizations have a significant voice in the organization's investment policies and in directing the use of the organization's income or assets at all times during the tax year? *If "Yes," describe in* ***Part VI*** *the role the organization's supported organizations played in this regard.*	**3**		

Section E. Type III Functionally-Integrated Supporting Organizations

1 Check the box next to the method that the organization used to satisfy the Integral Part Test during the year **(see instructions)**:

- **a** ☐ The organization satisfied the Activities Test. Complete **line 2** below.
- **b** ☐ The organization is the parent of each of its supported organizations. Complete **line 3** below.
- **c** ☐ The organization supported a governmental entity. Describe in **Part VI** how you supported a government entity (see instructions)

2 Activities Test. **Answer (a) and (b) below.**

			Yes	No
a	Did substantially all of the organization's activities during the tax year directly further the exempt purposes of the supported organization(s) to which the organization was responsive? *If "Yes," then in* ***Part VI identify those supported organizations and explain*** *how these activities directly furthered their exempt purposes, how the organization was responsive to those supported organizations, and how the organization determined that these activities constituted substantially all of its activities.*	**2a**		
b	Did the activities described in (a) constitute activities that, but for the organization's involvement, one or more of the organization's supported organization(s) would have been engaged in? *If "Yes," explain in* ***Part VI*** *the reasons for the organization's position that its supported organization(s) would have engaged in these activities but for the organization's involvement.*	**2b**		
3	Parent of Supported Organizations. **Answer (a) and (b) below.**			
a	Did the organization have the power to regularly appoint or elect a majority of the officers, directors, or trustees of each of the supported organizations? *Provide details in* ***Part VI.***	**3a**		
b	Did the organization exercise a substantial degree of direction over the policies, programs and activities of each of its supported organizations? *If "Yes," describe in* ***Part VI.*** *the role played by the organization in this regard.*	**3b**		

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Part V **Type III Non-Functionally Integrated 509(a)(3) Supporting Organizations**

1 ☐ Check here if the organization satisfied the Integral Part Test as a qualifying trust on Nov. 20, 1970 (explain in Part VI). **See instructions.** All other Type III non-functionally integrated supporting organizations must complete Sections A through E.

	Section A - Adjusted Net Income		(A) Prior Year	(B) Current Year (optional)
1	Net short-term capital gain	1		
2	Recoveries of prior-year distributions	2		
3	Other gross income (see instructions)	3		
4	Add lines 1 through 3	4		
5	Depreciation and depletion	5		
6	Portion of operating expenses paid or incurred for production or collection of gross income or for management, conservation, or maintenance of property held for production of income (see instructions)	6		
7	Other expenses (see instructions)	7		
8	**Adjusted Net Income** (subtract lines 5, 6 and 7 from line 4)	8		

	Section B - Minimum Asset Amount		(A) Prior Year	(B) Current Year (optional)
1	Aggregate fair market value of all non-exempt-use assets (see instructions for short tax year or assets held for part of year):	1		
a	Average monthly value of securities	1a		
b	Average monthly cash balances	1b		
c	Fair market value of other non-exempt-use assets	1c		
d	**Total** (add lines 1a, 1b, and 1c)	1d		
e	**Discount** claimed for blockage or other factors (explain in detail in Part VI):			
2	Acquisition indebtedness applicable to non-exempt use assets	2		
3	Subtract line 2 from line 1d	3		
4	Cash deemed held for exempt use. Enter 1-1/2% of line 3 (for greater amount, see instructions).	4		
5	Net value of non-exempt-use assets (subtract line 4 from line 3)	5		
6	Multiply line 5 by .035	6		
7	Recoveries of prior-year distributions	7		
8	**Minimum Asset Amount** (add line 7 to line 6)	8		

	Section C - Distributable Amount			Current Year
1	Adjusted net income for prior year (from Section A, line 8, Column A)	1		
2	Enter 85% of line 1	2		
3	Minimum asset amount for prior year (from Section B, line 8, Column A)	3		
4	Enter greater of line 2 or line 3	4		
5	Income tax imposed in prior year	5		
6	**Distributable Amount.** Subtract line 5 from line 4, unless subject to emergency temporary reduction (see instructions)	6		

7 ☐ Check here if the current year is the organization's first as a non-functionally-integrated Type III supporting organization (see instructions)

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Part V Type III Non-Functionally Integrated 509(a)(3) Supporting Organizations (continued)

Section D - Distributions	**Current Year**
1 Amounts paid to supported organizations to accomplish exempt purposes	
2 Amounts paid to perform activity that directly furthers exempt purposes of supported organizations, in excess of income from activity	
3 Administrative expenses paid to accomplish exempt purposes of supported organizations	
4 Amounts paid to acquire exempt-use assets	
5 Qualified set-aside amounts (prior IRS approval required)	
6 Other distributions (describe in **Part VI**). See instructions	
7 **Total annual distributions.** Add lines 1 through 6.	
8 Distributions to attentive supported organizations to which the organization is responsive (provide details in **Part VI**). See instructions	
9 Distributable amount for 2019 from Section C, line 6	
10 Line 8 amount divided by Line 9 amount	

Section E - Distribution Allocations (see instructions)	**(i) Excess Distributions**	**(ii) Underdistributions Pre-2019**	**(iii) Distributable Amount for 2019**
1 Distributable amount for 2019 from Section C, line 6			
2 Underdistributions, if any, for years prior to 2019 (reasonable cause required-- explain in **Part VI**). See instructions.			
3 Excess distributions carryover, if any, to 2019:			
a From 2014.			
b From 2015.			
c From 2016.			
d From 2017.			
e From 2018.			
f **Total** of lines 3a through e			
g Applied to underdistributions of prior years			
h Applied to 2019 distributable amount			
i Carryover from 2014 not applied (see instructions)			
j Remainder. Subtract lines 3g, 3h, and 3i from 3f.			
4 Distributions for 2019 from Section D, line 7: $			
a Applied to underdistributions of prior years			
b Applied to 2019 distributable amount			
c Remainder. Subtract lines 4a and 4b from 4.			
5 Remaining underdistributions for years prior to 2019, if any. Subtract lines 3g and 4a from line 2. If the amount is greater than zero, explain in **Part VI**. See instructions.			
6 Remaining underdistributions for 2019. Subtract lines 3h and 4b from line 1. If the amount is greater than zero, explain in **Part VI**. See instructions.			
7 **Excess distributions carryover to 2020.** Add lines 3j and 4c.			
8 Breakdown of line 7:			
a Excess from 2015.			
b Excess from 2016.			
c Excess from 2017.			
d Excess from 2018.			
e Excess from 2019.			

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Software Version:
EIN: 20-1565775
Name: GALEO LATINO COMMUNITY DEVELOP FUND INC

Part VI **Supplemental Information.** Provide the explanations required by Part II, line 10; Part II, line 17a or 17b; Part III, line 12; Part IV, Section A, lines 1, 2, 3b, 3c, 4b, 4c, 5a, 6, 9a, 9b, 9c, 11a, 11b, and 11c; Part IV, Section B, lines 1 and 2; Part IV, Section C, line 1; Part IV, Section D, lines 2 and 3; Part IV, Section E, lines 1c, 2a, 2b, 3a and 3b; Part V, line 1; Part V, Section B, line 1e; Part V Section D, lines 5, 6, and 8; and Part V, Section E, lines 2, 5, and 6. Also complete this part for any additional information. (See instructions).

Facts And Circumstances Test

SCHEDULE D (Form 990)

Department of the Treasury
Internal Revenue Service

Supplemental Financial Statements

▶ Complete if the organization answered "Yes," on Form 990, Part IV, line 6, 7, 8, 9, 10, 11a, 11b, 11c, 11d, 11e, 11f, 12a, or 12b.
▶ Attach to Form 990.
▶ Go to *www.irs.gov/Form990* for instructions and the latest information.

OMB No. 1545-0047

2019

Open to Public Inspection

Name of the organization
GALEO LATINO COMMUNITY DEVELOP FUND INC

Employer identification number
20-1565775

Part I Organizations Maintaining Donor Advised Funds or Other Similar Funds or Accounts.

Complete if the organization answered "Yes" on Form 990, Part IV, line 6.

		(a) Donor advised funds	(b) Funds and other accounts
1	Total number at end of year		
2	Aggregate value of contributions to (during year)		
3	Aggregate value of grants from (during year)		
4	Aggregate value at end of year		

5 Did the organization inform all donors and donor advisors in writing that the assets held in donor advised funds are the organization's property, subject to the organization's exclusive legal control? ☐ Yes ☐ No

6 Did the organization inform all grantees, donors, and donor advisors in writing that grant funds can be used only for charitable purposes and not for the benefit of the donor or donor advisor, or for any other purpose conferring impermissible private benefit? ☐ Yes ☐ No

Part II Conservation Easements.

Complete if the organization answered "Yes" on Form 990, Part IV, line 7.

1 Purpose(s) of conservation easements held by the organization (check all that apply).

☐ Preservation of land for public use (e.g., recreation or education)
☐ Preservation of an historically important land area
☐ Protection of natural habitat
☐ Preservation of a certified historic structure
☐ Preservation of open space

2 Complete lines 2a through 2d if the organization held a qualified conservation contribution in the form of a conservation easement on the last day of the tax year.

			Held at the End of the Year
a	Total number of conservation easements	2a	
b	Total acreage restricted by conservation easements	2b	
c	Number of conservation easements on a certified historic structure included in (a)	2c	
d	Number of conservation easements included in (c) acquired after 7/25/06, and not on a historic structure listed in the National Register	2d	

3 Number of conservation easements modified, transferred, released, extinguished, or terminated by the organization during the tax year ▶ _____

4 Number of states where property subject to conservation easement is located ▶ _____

5 Does the organization have a written policy regarding the periodic monitoring, inspection, handling of violations, and enforcement of the conservation easements it holds? ☐ Yes ☐ No

6 Staff and volunteer hours devoted to monitoring, inspecting, handling of violations, and enforcing conservation easements during the year ▶ _____

7 Amount of expenses incurred in monitoring, inspecting, handling of violations, and enforcing conservation easements during the year ▶ $ _____

8 Does each conservation easement reported on line 2(d) above satisfy the requirements of section 170(h)(4)(B)(i) and section 170(h)(4)(B)(ii)? ☐ Yes ☐ No

9 In Part XIII, describe how the organization reports conservation easements in its revenue and expense statement, and balance sheet, and include, if applicable, the text of the footnote to the organization's financial statements that describes the organization's accounting for conservation easements.

Part III Organizations Maintaining Collections of Art, Historical Treasures, or Other Similar Assets.

Complete if the organization answered "Yes" on Form 990, Part IV, line 8.

1a If the organization elected, as permitted under SFAS 116 (ASC 958), not to report in its revenue statement and balance sheet works of art, historical treasures, or other similar assets held for public exhibition, education, or research in furtherance of public service, provide, in Part XIII, the text of the footnote to its financial statements that describes these items.

b If the organization elected, as permitted under SFAS 116 (ASC 958), to report in its revenue statement and balance sheet works of art, historical treasures, or other similar assets held for public exhibition, education, or research in furtherance of public service, provide the following amounts relating to these items:

(i) Revenue included on Form 990, Part VIII, line 1 ▶ $ _____

(ii) Assets included in Form 990, Part X ▶ $ _____

2 If the organization received or held works of art, historical treasures, or other similar assets for financial gain, provide the following amounts required to be reported under SFAS 116 (ASC 958) relating to these items:

a Revenue included on Form 990, Part VIII, line 1 ▶ $ _____

b Assets included in Form 990, Part X ▶ $ _____

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Part III **Organizations Maintaining Collections of Art, Historical Treasures, or Other Similar Assets** *(continued)*

3 Using the organization's acquisition, accession, and other records, check any of the following that are a significant use of its collection items (check all that apply):

a ☐ Public exhibition

b ☐ Scholarly research

c ☐ Preservation for future generations

d ☐ Loan or exchange programs

e ☐ Other .....

4 Provide a description of the organization's collections and explain how they further the organization's exempt purpose in Part XIII.

5 During the year, did the organization solicit or receive donations of art, historical treasures or other similar assets to be sold to raise funds rather than to be maintained as part of the organization's collection?. . . ☐ Yes ☐ No

Part IV **Escrow and Custodial Arrangements.**
Complete if the organization answered "Yes" on Form 990, Part IV, line 9, or reported an amount on Form 990, Part X, line 21.

1a Is the organization an agent, trustee, custodian or other intermediary for contributions or other assets not included on Form 990, Part X? . . . . . ☐ Yes ☐ No

b If "Yes," explain the arrangement in Part XIII and complete the following table:

		Amount
c	Beginning balance	1c
d	Additions during the year	1d
e	Distributions during the year	1e
f	Ending balance	1f

2a Did the organization include an amount on Form 990, Part X, line 21, for escrow or custodial account liability? . . . ☐ Yes ☑ No

b If "Yes," explain the arrangement in Part XIII. Check here if the explanation has been provided in Part XIII . . . . ☐

Part V **Endowment Funds.**
Complete if the organization answered "Yes" on Form 990, Part IV, line 10.

	(a) Current year	(b) Prior year	(c) Two years back	(d) Three years back	(e) Four years back
1a Beginning of year balance					
b Contributions . . .					
c Net investment earnings, gains, and losses					
d Grants or scholarships . . .					
e Other expenditures for facilities and programs . . .					
f Administrative expenses					
g End of year balance					

2 Provide the estimated percentage of the current year end balance (line 1g, column (a)) held as:

a Board designated or quasi-endowment ▶ .....

b Permanent endowment ▶ .....

c Temporarily restricted endowment ▶ .....

The percentages on lines 2a, 2b, and 2c should equal 100%.

3a Are there endowment funds not in the possession of the organization that are held and administered for the organization by:

		Yes	No
(i) unrelated organizations	3a(i)		
(ii) related organizations	3a(ii)		
b If "Yes" on 3a(ii), are the related organizations listed as required on Schedule R?	3b		

4 Describe in Part XIII the intended uses of the organization's endowment funds.

Part VI **Land, Buildings, and Equipment.**
Complete if the organization answered "Yes" on Form 990, Part IV, line 11a. See Form 990, Part X, line 10.

Description of property	(a) Cost or other basis (investment)	(b) Cost or other basis (other)	(c) Accumulated depreciation	(d) Book value
1a Land				
b Buildings				
c Leasehold improvements				
d Equipment				
e Other				
Total. Add lines 1a through 1e. *(Column (d) must equal Form 990, Part X, column (B), line 10(c).)* . . ▶				

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Part VII **Investments—Other Securities.**
Complete if the organization answered "Yes" on Form 990, Part IV, line 11b.See Form 990, Part X, line 12.

(a) Description of security or category (including name of security)	(b) Book value	(c) Method of valuation: Cost or end-of-year market value
(1) Financial derivatives		
(2) Closely-held equity interests		
(3)Other		
(A)		
(B)		
(C)		
(D)		
(E)		
(F)		
(G)		
(H)		
Total. *(Column (b) must equal Form 990, Part X, col. (B) line 12.)* ▶		

Part VIII **Investments—Program Related.**
Complete if the organization answered 'Yes' on Form 990, Part IV, line 11c. See Form 990, Part X, line 13.

(a) Description of investment	(b) Book value	(c) Method of valuation: Cost or end-of-year market value
(1)		
(2)		
(3)		
(4)		
(5)		
(6)		
(7)		
(8)		
(9)		
Total. *(Column (b) must equal Form 990, Part X, col.(B) line 13.)* ▶		

Part IX **Other Assets.**
Complete if the organization answered 'Yes' on Form 990, Part IV, line 11d. See Form 990, Part X, line 15.

(a) Description	(b) Book value
(1)	
(2)	
(3)	
(4)	
(5)	
(6)	
(7)	
(8)	
(9)	
Total. *(Column (b) must equal Form 990, Part X, col.(B) line 15.)* ▶	

Part X **Other Liabilities.**
Complete if the organization answered 'Yes' on Form 990, Part IV, line 11e or 11f.See Form 990, Part X, line 25.

1. (a) Description of liability	(b) Book value
(1) Federal income taxes	
(2)	
(3)	
(4)	
(5)	
(6)	
(7)	
(8)	
(9)	
Total. *(Column (b) must equal Form 990, Part X, col.(B) line 25.)* ▶	2,516

2. Liability for uncertain tax positions. In Part XIII, provide the text of the footnote to the organization's financial statements that reports the organization's liability for uncertain tax positions under FIN 48 (ASC 740). Check here if the text of the footnote has been provided in Part XIII ☐

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Part XI **Reconciliation of Revenue per Audited Financial Statements With Revenue per Return.**
Complete if the organization answered 'Yes' on Form 990, Part IV, line 12a.

1	Total revenue, gains, and other support per audited financial statements			1	
2	Amounts included on line 1 but not on Form 990, Part VIII, line 12:				
a	Net unrealized gains (losses) on investments	2a			
b	Donated services and use of facilities	2b			
c	Recoveries of prior year grants	2c			
d	Other (Describe in Part XIII.)	2d			
e	Add lines **2a** through **2d**			2e	
3	Subtract line **2e** from line **1**			3	
4	Amounts included on Form 990, Part VIII, line 12, but not on line **1**:				
a	Investment expenses not included on Form 990, Part VIII, line 7b	4a			
b	Other (Describe in Part XIII.)	4b			
c	Add lines **4a** and **4b**			4c	
5	Total revenue. Add lines **3** and **4c.** (This must equal Form 990, Part I, line 12.)			5	

Part XII **Reconciliation of Expenses per Audited Financial Statements With Expenses per Return.**
Complete if the organization answered 'Yes' on Form 990, Part IV, line 12a.

1	Total expenses and losses per audited financial statements			1	
2	Amounts included on line 1 but not on Form 990, Part IX, line 25:				
a	Donated services and use of facilities	2a			
b	Prior year adjustments	2b			
c	Other losses	2c			
d	Other (Describe in Part XIII.)	2d			
e	Add lines **2a** through **2d**			2e	
3	Subtract line **2e** from line **1**			3	
4	Amounts included on Form 990, Part IX, line 25, but not on line **1:**				
a	Investment expenses not included on Form 990, Part VIII, line 7b	4a			
b	Other (Describe in Part XIII.)	4b			
c	Add lines **4a** and **4b**			4c	
5	Total expenses. Add lines **3** and **4c.** (This must equal Form 990, Part I, line 18.)			5	

Part XIII **Supplemental Information**

Provide the descriptions required for Part II, lines 3, 5, and 9; Part III, lines 1a and 4; Part IV, lines 1b and 2b; Part V, line 4; Part X, line 2; Part XI, lines 2d and 4b; and Part XII, lines 2d and 4b. Also complete this part to provide any additional information.

Return Reference	Explanation
See Additional Data Table	

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Part XIII **Supplemental Information** ***(continued)***

Return Reference	Explanation

Additional Data

Software ID: 19010080

Software Version:

EIN: 20-1565775

Name: GALEO LATINO COMMUNITY DEVELOP FUND INC

Supplemental Information

Return Reference	Explanation
PART X - FIN 48 FOOTNOTE	THE ORGANIZATION IS EXEMPT FROM INCOME TAXES UNDER SECTION 5

SCHEDULE M (Form 990)

Department of the Treasury
Internal Revenue Service

Noncash Contributions

▶Complete if the organizations answered "Yes" on Form 990, Part IV, lines 29 or 30.
▶ Attach to Form 990.
▶Go to *www.irs.gov/Form990* for the latest information.

OMB No. 1545-0047

2019

Open to Public Inspection

Name of the organization
GALEO LATINO COMMUNITY DEVELOP FUND INC

Employer identification number
20-1565775

Part I Types of Property

	(a) Check if applicable	(b) Number of contributions or items contributed	(c) Noncash contribution amounts reported on Form 990, Part VIII, line 1g	(d) Method of determining noncash contribution amounts
1 Art—Works of art				
2 Art—Historical treasures				
3 Art—Fractional interests				
4 Books and publications				
5 Clothing and household goods				
6 Cars and other vehicles				
7 Boats and planes				
8 Intellectual property				
9 Securities—Publicly traded				
10 Securities—Closely held stock				
11 Securities—Partnership, LLC, or trust interests				
12 Securities—Miscellaneous				
13 Qualified conservation contribution—Historic structures				
14 Qualified conservation contribution—Other				
15 Real estate—Residential				
16 Real estate—Commercial				
17 Real estate—Other				
18 Collectibles				
19 Food inventory				
20 Drugs and medical supplies				
21 Taxidermy				
22 Historical artifacts				
23 Scientific specimens				
24 Archeological artifacts				
25 Other ▶ (_____)				
26 Other ▶ (_____)				
27 Other ▶ (_____)				
28 Other ▶ (_____)				

29 Number of Forms 8283 received by the organization during the tax year for contributions for which the organization completed Form 8283, Part IV, Donee Acknowledgement | 29 |

		Yes	No
30a During the year, did the organization receive by contribution any property reported in Part I, lines 1 through 28, that it must hold for at least three years from the date of the initial contribution, and which isn't required to be used for exempt purposes for the entire holding period?	30a		No
b If "Yes," describe the arrangement in Part II.			
31 Does the organization have a gift acceptance policy that requires the review of any nonstandard contributions?	31		No
32a Does the organization hire or use third parties or related organizations to solicit, process, or sell noncash contributions?	32a		No
b If "Yes," describe in Part II.			
33 If the organization didn't report an amount in column (c) for a type of property for which column (a) is checked, describe in Part II.			

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Part II **Supplemental Information.** Provide the information required by Part I, lines 30b, 32, and 33, and whether the organization is reporting in Part I, column (b), the number of contributions, the number of items received, or a combination of both. Also complete this part for any additional information.

Return Reference	Explanation

SCHEDULE O
(Form 990 or 990-EZ)

Department of the Treasury
Internal Revenue Service

Supplemental Information to Form 990 or 990-EZ

Complete to provide information for responses to specific questions on Form 990 or 990-EZ or to provide any additional information.
▶ Attach to Form 990 or 990-EZ.
▶ Go to *www.irs.gov/Form990* for the latest information.

OMB No. 1545-0047

2019

Open to Public Inspection

Name of the organization
GALEO LATINO COMMUNITY DEVELOP
FUND INC

Employer identification number
20-1565775

990 Schedule O, Supplemental Information

Return Reference	Explanation
FORM 990 - ORGANIZATION MISSION OR MOST SIGNIFICANT ACTIVITI	GALEO LATINO COMMUNITY DEVELOPMENT FUND INC PROMOTES ENGAGEMENT OF THE LATINO AND IMMIGRAN T COMMUNITY IN ISSUES THAT MATTER TO THEM. OUR EFFORTS HAVE FOCUSED UPON IMMIGRATION REFOR M AND VOTING RIGHTS & LEADERSHIP.

Return Reference	Explanation
FORM 990 PART VI LINE 11B - ORGANIZATIONS PROCESS TO REVIEW	ELECTRONIC COPY OF THE RETURN IS PROVIDED TO THE BOARD MEMBERS FOR THEIR REVIEW AND COMMENT BEFORE THE RETURN IS FILED.

Return Reference	Explanation
FORM 990 PART VI LINE 19 - GOVERNING DOCUMENTS DISCLOSURE	RETURNS ARE AVAILABLE UPON REQUEST

Return Reference	Explanation
FORM 990 PAGE 12 PART XI LINE 9	THIS IS THE AMOUNT OF RESTRICTED CONTRIBUTIONS.

Return Reference	Explanation
FORM 990 - ORGANIZATION MISSION	GLCDF PROMOTES ENGAGEMENT OF THE LATINO AND IMMIGRANT COMMUNITY IN ISSUES THAT MATTER TO T HEM. OUR EFFORTS HAVE FOCUSED UPON IMMIGRATION REFORM AND VOTING RIGHTS.

G·A·L·E·O (https://galeo.org)
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News

ORGANIZATIONS REVEAL PROPOSED GEORGIA UNITY REDISTRICTING PLANS AND MAPS

October 29, 2021(https://galeo.org/2021/10/29/) Press Release (https://galeo.org/category/press-release/)

Exhibit
0009

Norcross, GA – The GALEO Latino Community Development Fund (GALEO LCDF), the Georgia State Conference of the NAACP (Georgia NAACP), Georgia Coalition for the People's Agenda (People's Agenda), and the Urban League of Greater Atlanta (ULGA) are proud to announce that we have issued proposed unity redistricting maps and data for Georgia's Congressional, State Senate, and State House districts.

All of our organizations are non-profit, non-partisan organizations. These maps reflect our goal of creating redistricting plans that are fair, reflective of the rich diversity of our state, and which take into account the significant population shifts and growth in our state as reported in the 2020 Census.

Since 2004, the white percentage of the Georgia electorate has steadily decreased while the percentage of the minority electorate has steadily increased, with the white share of the overall state population falling from 55.9 percent to 50.1 percent. As a result, people of color in Georgia now comprise almost half of the total population of the state. Our proposed maps, which adhere to the Georgia General Assembly's redistricting principles, with a particular interest in adherence to the Voting Rights Act of 1965, give Georgia's voters of color a meaningful opportunity to elect candidates of choice. Several highlights from our proposed maps include:

- 8 of 14 (57%) congressional districts are majority people of color
- 8 of 14 (57%) congressional districts are majority voting-age people of color
- 7 of 14 (50%) congressional districts are majority citizen voting-age people of color
- 7 of 14 (50%) congressional districts are majority registered voters of color
- 31 of 56 (55%) state senate districts are majority people of color
- 29 of 56 (52%) state senate districts are majority voting-age people of color
- 26 of 56 (46%) state senate districts are majority citizen voting-age people of color
- 27 of 56 (48%) state senate districts are majority registered voters of color
- 96 of 180 (53%) state house districts are majority people of color
- 94 of 180 (52%) state house districts are majority voting-age people of color
- 82 of 180 (46%) state house districts are majority citizen voting-age people of color,
- 87 of 180 (48%) state house districts are majority registered voters of color.

Our proposed maps demonstrate that the creation of redistricting plans where Georgians of color have an equal opportunity to elect candidates of choice is possible without partisan or racial gerrymandering. Moreover, our proposed maps unpack districts that are over-concentrated with voters of color, while observing traditional geographic county and city concerns, particularly in the

Atlanta region. With reference to the Georgia Senate, a new Asian-American opportunity district was created amid the meeting point of Forsyth, Gwinnett, and Fulton counties. A majority Latino/Hispanic district was also created in northern Dekalb County and western Gwinnett County.

If you like what you see on these unity maps and support our joint efforts to advocate for the drawing of fair redistricting maps which reflect the rich diversity of our state, please take a few moments to voice your support of our maps to the Georgia General Assembly's Joint Reapportionment Committee through its public comment portal at this link: https://www.legis.ga.gov/joint-office/reapportionment/public-comments?edit_requested=true (https://www.legis.ga.gov/joint-office/reapportionment/public-comments?edit_requested=true)

To see the maps and associated files, please visit: www.GeorgiaUnityMaps.org (http://www.georgiaunitymaps.org/)

To learn more about our organizations, please visit our individual websites at the following links:

Georgia State Conference of the NAACP: https://www.naacpga.org (https://www.naacpga.org)

GALEO Latino Community Development Fund: https://galeo.org (https://galeo.org)

Georgia Coalition for the People's Agenda: https://thepeoplesagenda.org (https://thepeoplesagenda.org)

Urban League of Greater Atlanta: https://ulgatl.org (https://ulgatl.org)

GALEO is a non-profit organization based in Atlanta, Georgia, founded in 2003. GALEO strives for a better Georgia where the Latinx community is engaged civically. GALEO contributions increase civic participation of the Latinx community and develop prominent Latino leaders throughout Georgia.

www.galeo.org – 888.54GALEO

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(https://www.charitynavigator.org/ein/201565775)

CHARITY NAVIGATOR 98 OUT OF 100 GIVE WITH CONFIDENCE

Platinum Transparency **2022**

Candid.

(https://www.guidestar.org/profile/20-1565775)

P.O. Box 29506
Atlanta, GA 30359

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