UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA

GEORGIA STATE CONFERENCE OF NAACP, et al.,	)	No. 1:21-CV-5338-ELB-SCJ-SDG
Plaintiff,	)	
vs.	)	
STATE OF GEORGIA, et al.,	)	
Defendant.	)	

VIDEOTAPED 30(b)(6) and 30(b)(1) DEPOSITION OF
SENATE REDISTRICTING & REAPPORTIONMENT COMMITTEE
(MR. JOHN F. KENNEDY)
January 20, 2023
9:03 a.m.
18 Capitol Square SW
Atlanta, Georgia

Reported by: Marcella Daughtry, RPR, RMR
CA CSR 14315
GA No. 6595-1471-3597-5424

I N D E X

WITNESS	PAGE
JOHN F. KENNEDY	
Examination By Mr. Genberg	10
Examination By Ms. Liu	196
Examination by Mr. Davis	245
Examination by Ms. Rutahindurwa	255

QUESTIONS INSTRUCTED NOT TO ANSWER

PAGE	LINE
84	21
100	21
110	5
193	20
253	9

INDEX TO EXHIBITS

No.	Description	Page
Exhibit 1	Notice of Deposition	17
Exhibit 2	September 27, 2021 article Lt. Governor Duncan and Chairman Kennedy Release Senate Draft Map	110
Exhibit 3	Draft - Georgia Congressional Districts map	115
Exhibit 4	E-mail chain from John Kennedy to John Kennedy 9/26/21 "Subject: Fwd: External Email"	120
Exhibit 5	Legislative and Congressional Reapportionment Office information	159
Exhibit 6	E-mail chain from Stephanie Tanner to John Kennedy 11/5/21 "Subject: Re: General Assembly Redistricting Experts"	159
Exhibit 7	Proposed Joint Congressional Districts of Georgia map	170
Exhibit 8	Prior Congressional District 6 Boundaries map	159
Exhibit 9	2021 Committee Guidelines	160
Exhibit 10	Prior Congressional District 13 Boundaries map	179
Exhibit 11	Prior Congressional District 14 Boundaries	181
Exhibit 12	Georgia Association of Voter Registrars and Election Officials Resolution No 2021-01	191
Exhibit 13	House and Senate Reapportionment Committees to Hold Statewide Town Hall Hearings	194

INDEX TO EXHIBITS, CONT'D

No.	Description	Page
Exhibit 14	Georgia Senate Press Release dated 11/5/21 LEGIS00002663 to 2664	228
Exhibit 15	E-mail from Gina Wright to John Kennedy 1/12/21 "Subject: Good afternoon!" LEGIS00002753 (Confidential)	232

VIDEOTAPED DEPOSITION OF JOHN F. KENNEDY was taken on January 20, 2023 at the Coverdell Legislative Office Building, 18 Capitol Square SW, Atlanta, Georgia, commencing at the hour of 9:03 a.m. before Marcella Daughtry, a Registered Professional Reporter and Registered Merit Reporter, in and for the State of Georgia and State of California.

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Also Present:

Shawn Marie Story, Deputy Legislative Counsel
Clair Bryan (via Zoom), Assistant Counsel
Akil Wade, videographer
Nadav Flax, paralegal, Southern Poverty Law

THE VIDEOGRAPHER: Today's date is January 20th, 2023, and the time is 9:03 a.m. This will be the videotaped deposition of Senator John Kennedy.

Would the counsel please identify themselves for the record, after which the court reporter will swear in the witness.

MR. GENBERG: Jack Genberg, Southern Poverty Law Center, representing the common cause plaintiffs.

MS. BENNETTE: Matletha Bennette, Southern Poverty Law Center, representing the common cause plaintiffs.

MR. FLAX: And Nadav Flax as a litigation paralegal at the Southern Poverty Law Center is also here.

MS. HSU: Lily Hsu from Crowell & Moring for the Georgia State Conference of the NAACP.

MR. TYSON: And good morning. I'm Bryan Tyson on behalf of the defendants.

MR. JAUGSTETTER: And I am Patrick Jaugstetter on behalf of the witness.

MS. RUTAHINDURWA: Makeba Rutahindurwa on behalf of the Grant and Pendergrass plaintiffs.

MR. DAVIS: Alex Davis on behalf of the Georgia NAACP plaintiff group.

MS. MITCHELL: Cassandra Mitchell on behalf of

the Alpha Phi Alpha plaintiffs.

MS. HOUK: Julie Houk, also on behalf of the Georgia NAACP plaintiff group.

MS. LIU: Shira Liu with Crowell & Moring on behalf of the Georgia NAACP group.

MR. STEINER: Neil Steiner from Dechert on behalf of the common cause plaintiffs.

THE COURT REPORTER: Okay. Raise your right hand.

MS. LaROSS: Diane --

THE COURT REPORTER: Oh, sorry. Go ahead, Diane.

MS. LaROSS: Sorry about that. I was having trouble getting off mute.

Diane LaRoss for the defendants.

THE COURT REPORTER: Okay. Will you please raise your right hand.

JOHN F. KENNEDY,

called as a witness herein, having been first duly sworn by the shorthand reporter to speak the truth and nothing but the truth, was examined and testified as follows:

>>>

>>>

>>>

EXAMINATION

BY MR. GENBERG:

Q Senator Kennedy, thank you for coming. My name is Jack Genberg. I'm an attorney at the Southern Poverty Law Center representing the common cause plaintiffs in this redistricting lawsuit.

Could you please state your full name for the record?

A Sure. And good morning to you.

John Flanders Kennedy.

Q Great. And now we will go over some ground rules and procedure for the deposition. So there's a court reporter transcribing. If you could make her life easier and the record clear, if you could let me finish asking a question before you respond, and then respond with words rather than nodding or shaking your head.

Is that agreeable?

A Yes.

Q Great. And if any question I ask is unclear or you don't understand it, please let me know so I can rephrase.

If at any point you can't hear me or there is any tech issue, please alert us. If you need a break, just let us know. We may have to finish an open question or a line of questioning first, but we'll do our best to

accommodate that.

If you need to talk to your attorney, please let us know.

And if your attorney objects to a question, that's fine, but once they are finished, please go ahead and answer the question unless they specifically ask you not to.

And you are under oath. Is there any reason why you can't answer my questions today fully and truthfully?

A No.

Q Have you ever been deposed before?

A Yes.

Q How many times?

A Two or three, I think.

Q How many of those depositions involved redistricting disputes?

A None.

Q What were the nature of the proceedings?

A One was a -- a matter involving a state disposition of property in my family, and there was depositions taken, and my deposition was one of the ones taken.

And I think that I've been deposed maybe one or two times involving receivership matters. I serve fairly

often as a court-appointed receiver, and in my capacity of serving the court in that regard, I think I have been deposed maybe one or two times. And I say I think because I've testified in a number of mini court hearings as a court-appointed receiver, and so, but I think a couple of those may have been actual depositions. And then the others, of course, would have been testifying in court.

Q Okay. So that was my next question, have you ever testified in court. And so how many times, approximately?

A I don't know. It would be numerous. I've done receivership work for over 20 years and have been appointed by judges all around the state, so it would be numerous. I don't know how many.

Q Any testimony other than receivership cases?

A Not that I can recall. Well, excuse me, yes. I have also served as an expert witness before in -- in a few cases.

Q What were you an expert in?

A I think maybe a couple of times serving as an expert witness on attorneys' fees, where I was hired by counsel or the court -- quite frankly, I don't remember -- on the issue of giving an opinion on the reasonableness of attorneys' fees that were being -- that

were the subject of a case that I was not involved in. I was serving as an expert witness in that regard.

And there may have been another matter in which I have served as a receiver -- excuse me, as an -- as an expert. I seem to recall perhaps a matter serving as an expert on receivership-type matters where I was asked to render an opinion as an expert in that field.

Q Were your qualifications as an expert challenged in either case?

A Not that I recall in any of them, no.

Q Did the judge -- has a judge issued any findings on your credibility?

A No, not any adverse or negative findings. There might have been some positive findings, but quite frankly, I don't even remember those.

Q And so are you aware of there being any findings of untruthfulness against you in any proceedings?

A No. I'm quite certain there have not been any.

Q Who is your counsel representing you today?

A Patrick Jaugstetter.

Q And when did the attorney-client relationship start?

A Hmm. I can't -- I don't know the exact date. It was -- it would have been about the time of being

notified that I would be serving as a witness or be subpoenaed, or maybe I had already been subpoenaed, and that I would be providing testimony in a deposition.

Q And -- and when would that have occurred?

A I think it had been a few months ago. Forgive me, I just -- I can't -- I don't recall a date or a more specific time and, you know.

Q Is this a formal engagement with Mr. Jaugstetter?

A That's my understanding.

Q And do you know who's paying for your counsel?

A I don't know for certain.

Q Do you have a guess?

A I would think it would be through the legislative services committee, I think, and through the services provided by the legislative counsel to -- and that's -- I'm sorry, you probably understand this, I don't want to be presumptuous, but the legislative counsel that is here at the Capitol that provide advice to legislators. And I believe he is a special assistant to legislative counsel.

Q Thank you.

When did you first learn about this case?

A Well, when you say "this case," could you be more specific? I understand --

Q Yes.
A -- there are multiple cases, so --
Q When did you learn that there were redistricting lawsuits generally?
A I think I learned shortly after they were filed, which I seem to recall that there were -- and again, I don't know if what -- the cases I recall being told about are the same ones we are here on today, because, again, I understand there are multiple cases. And I think I learned shortly after they were filed, which I think was shortly after the Governor signed the legislation for the maps, so whatever that time sequence is.
Q And what was your understanding of the redistricting cases when you -- when you found out about them?
A That there were challenges being made to the maps that were drawn.
Q Any -- anything more specific about the nature of the challenges?
A Not really, because I seem to recall that there were multiple cases, and I may or may not have seen the complaint. It seems like I did see one of the complaints, and I don't even remember which one. And again, I hope I am correct in assuming there were

multiple cases, different civil actions filed.

Did not study them in depth. I knew that counsel would be retained to represent the state or the defendants, and at some point if I were involved, then I would be -- would be available to be -- to give testimony or whatever was needed.

Q Who did you learn about the redistricting cases from?

A I just -- I don't remember. The first learning might have been reading it in the paper, quite frankly.

Q Do you understand today that you are being dis- -- deposed in your personal capacity and as the designated representative for the Georgia Senate Committee on Reapportionment and Redistricting?

A Yes.

Q For ease of reference, I will refer to the Georgia Senate Committee on Reapportionment and Redistricting as the Senate Committee or the Senate Redistricting Committee, and the House Committee on Legislation and Congressional Reapportionment as the House Committee or the House Redistricting Committee.

Could you open up your exhibit binder, please --

A Sure.

Q -- to tab number 1.

A Okay.

(Deposition Exhibit 1 was marked for identification.)

Q BY MR. GENBERG: So this is a subpoena for the Senate Committee to testify at deposition. Have you seen this document?

A I don't think I have, but I -- but I'm not certain. I mean, I've seen lots of...

Q Could you turn to the deposition topics. It's page number 6 of the document.

A Is that tab 6?

Q No, sorry, it's still tab 1, page 6 of that document called Deposition Topic -- Topics.

A I don't think I have a page 6.

Q I don't know if it's labeled page 6, but --

A The sixth page in.

Q -- it's labeled -- the sixth page in.

A Okay.

Q It's number 3 --

A Four --

Q -- on the bottom it says.

A -- five, six. Okay, got it.

Q Does that say "Deposition Topics" at the top?

A Yes. Yes.

Q Okay. Great.

Have you seen these deposition topics? And you can take your time to read this page and then the following page. There is nine topics.

A Okay.

Q Okay. Do you understand you're being called to testify today about the topics designated in this notice?

A Yes, sir.

Q Are you prepared to answer questions on all of these topics?

A I believe I am, yes, sir.

Q How did you prepare to discuss these topics?

A Well, my understanding is I am a fact witness, so I'm really here today to answer questions from what I recall of whatever questions you have on these topics.

Q But you also understand that you are here as a representative for the Senate Committee, right?

A Yes, sir.

Q Okay. So I guess I'll just repeat that question about, how did you prepare for the deposition?

A I looked over some of the materials briefly that I understand had been produced from the discovery of -- that you all have conducted in the case of materials, I guess, sourced from me or my office. Met with counsel, and that's about it.

Q So you reviewed documents?

A I did.
Q Do you have a sense of how many documents you have reviewed?
A No, I really don't.
Q Did you review e-mails?
A Yes. Some were e-mails.
Q Did you review text messages?
A I think some were text messages, yes.
Q Did any refresh your recollection?
A Probably so in some regard, just because it's been a while since some of those e-mails would have been generated, and, you know, a lot has gone on since then. So, yes, I would think so.
Q And how do they refresh your -- refresh your recollection?
A I -- I don't know how to answer that other than in the general sense of reviewing things that would have been generated either by me or that I perhaps received and read, it would be refreshing to see it again, just like it would be for, I guess, most anybody.
Q What did the documents that you remember say?
A What did they say?
Q Yes. What is the substance of the -- the documents?
A Mostly I think it was just e-mails that were

back and forth. Right now I'm not even sure. I don't have any specific memory. It was just documents that I understood were materials that had been produced in discovery sourced from -- from me.

Q Do you remember the topic of the e-mails?

A No, other than redistricting.

Q Do you remember who the e-mails were between, sent to, received from?

A No. I think they were -- I think some were materials that had been received in my office from outside sources that were sent in. May have been some communications to or from or amongst some committee members. I don't have -- I don't have any specific recollection of those.

Q So you don't remember which committee members?

A No. And now that I've said that, I don't know that I really remember seeing any from committee members. Again, it was materials that presumably you have that were produced by counsel through the process of -- of the discovery of materials that were sourced from me or my office.

Q Correspondence with constituents?

A It could have been.

Q Correspondence with outside advocacy groups?

A Could have been, yes.

Q Did you look at any of the complaints, any of the redistricting complaints?
A The complaints as far as the initial complaint initiating a civil action?
Q Correct.
A No, not to prepare for this.
Q Did you previously?
A That's why I answered it that way. It seems to me that I recall seeing a complaint sometime after it was one of the civil actions were initiated. I don't remember seeing -- I think there was one in which I was named as a defendant, and I think that one was sent to me, and I think I reviewed that one probably sometime shortly after it was -- it was filed or served. That's the only one I seem to recall actually reviewing the complaint. And again, I don't remember studying it but just reviewing it.
Q And did you have any impressions --
A And that would have been many months ago.
Q Sorry.
A I'm sorry.
Q That's my fault.
A That's okay.
Q Did you have any impressions of that complaint?
A What do you mean "impressions"?

Q Views, thoughts.
A I'm sure I did.
Q Do you recall what those were?
A In general terms, they were -- and again, without specific recollection, some of the allegations made against me were completely baseless and offensive.
Q Do you recall specifics of that?
A I don't.
Q Have you spoken to anyone other than counsel about redistricting lawsuits?
A If you mean have I mentioned or referenced the lawsuits having been filed or that there is pending redistricting litigation, I am sure I have, yes.
Q Do you recall who you have spoken with?
A No. You know, I'm certain I've been asked by colleagues, Senate colleagues, hey, is there a lawsuit filed or what's going on, but not a discussion of anything substantive, and nothing in preparation for today, if that's what your question is about, and other than maybe someone saying -- whether it being not a discussion but some reference to, I hear your deposition is on Friday or something like that. It would be the timing of the deposition but not the substance of it.
Q Did you speak with anyone on your staff about this deposition?

A Yes, for scheduling purposes and generally that my deposition was going to be conducted today.

Q Are you aware that other legislators have been deposed in this matter?

A Yes. I was not in on any of them, but I have been told that you all have taken other depositions, yes, sir.

Q Have you communicated with any of them?

A No, I don't think I have. In fact, I'm not -- I'm not totally sure who you all have deposed, but I don't think I have spoken with anyone who has given you all a deposition.

Q How many times did you meet with counsel?

A For purposes of today's deposition?

Q Since redistricting lawsuits were filed.

A Oh, numerous. Oh, I'm sorry, excuse me. Since these lawsuits were filed?

Q Correct.

A I'm sorry. A few times. I don't have a number for you.

Q How long was each meeting?

A I don't remember. I don't remember any of them being terribly lengthy, though.

Q Would you say under an hour?

A Some certainly were, yes.

Q When you say "a few times," would you say less than five?
A I think that's fair, yes.
Q Who did you meet with?
A I met with Patrick.
Q How long in total would you say you spent preparing for today's deposition?
A That would be hard to give a figure. I just -- I just don't know. I wasn't watching the clock, wasn't keeping up with it.
Q Fewer than ten hours?
A I think that would be fair.
Q Fewer than five hours?
A That's about as good as I can give you, I think.
Q So since this is a joint 30(b)(6) and a 30(b)(1) deposition and you prepared to speak on behalf of the committee, I will assume your answers are on behalf of the committee unless you specify otherwise. Okay?
A Okay.
Q Okay. Where did you grow up?
A I grew up in a small town in Southeast Georgia called Adrian, Georgia.
Q Where do you currently reside?

A The actual address?
Q Yes.
A Sure. It's [redacted] Macon, Georgia.
Q And how long have you lived there?
A 12 or 13 years.
Q And where did you go to school?
A I went to Adrian High School. Then for college went to Mercer University, and went to Mercer University for law school.
Q And what was your degree in at Mercer University, the college?
A I have a degree in economics, a BA in economics, and I think I have a BA in political science as well.
Q A double major?
A Yes. I think that's right. I know I have one in economics.
Q Did you work in between college and law school?
A I think I did that summer. So I went straight from college to law school, so that summer I'm sure I did. I'm trying to remember what job I had that summer. I believe I worked for a lawyer back home that was a friend of my father's.
Q Where have you worked since graduating from law school?

A My first job was as an associate at Alston & Bird here in Atlanta. I was there and then moved to Gainesville; was an associate at what was then called Whelchel, Dunlap & Genlat, and then moved to Macon and was an associate at Hall, Bloch, Garland & Meyer. I was a -- became a partner in that law firm and then moved my practice to my current firm of James-Bates-Brannan-Groover, where I have been since January 1, 2010.

Q And how would you describe your legal practice?

A Litigation based, mostly commercial litigation. I do a fair amount of receivership work, as we talked about earlier, where I get appointed by judges to serve as a court-appointed receiver. Also representing clients that are in need of a receiver, or have been on the other side, representing clients over which a receiver has been appointed.

And some general-type, fiduciary-type work.

I have also served as a bankruptcy trustee.

So I think that would cover it. And then general business advice for some clients that I have.

Q Have you ever had a redistricting case as an attorney?

A No. No.

Q Have you ever had an elections case?

A No.
Q When did you first run for office?
A 2014 would have been the primary. That would have been in May, I think, of 2014.
Q Which office did you run for?
A The 18th District for the Georgia Senate.
Q Is that the district you currently serve?
A It is.
Q And also the district -- were you elected to that same district in 2018?
A Yes.
Q I'm sorry, which elections have you run in since 2014?
A So in the Georgia Senate we run every two -- it's a two-year term, so I was elected in 2014. Ran again in 2016, 2018, 2020, and 2022.
Q Okay. Have you served any districts besides District 18?
A No.
Q Can you describe the areas of Georgia that are in your district?
A Sure, yeah. So I represent six counties, two partial and four full counties. I represent part of Bibb County, which is Macon, part of Macon. And I represent about the northern quarter or so of Houston County. And

then I represent all of Monroe County, all of Crawford County, all of Peach County and all of Upson County.

Q Have you held any offices besides Georgia Senate?

A Elective office?

Q Correct.

A No, sir.

Q Prior to the 2021 cycle, did you ever work on redistricting?

A No.

Q From 2019 until today, can you identify all committee assignments you've had?

A All committee assignments?

Q Yes.

A Okay. So I serve on the judiciary committee. I'm trying to go back and start at 2019 for you and go forward. I think they are gonna all pretty much be the same, but I'll try to be specific. Judiciary, regulated industries, banking and financial institutions, and appropriations, I believe, were my four committee assignments.

And by virtue, if you will, of being, my caucus office or position was I was the chairman of majority caucus in 2019. And by virtue of that, I served on the rules committee. And at some point, and I'm not sure

when, I don't -- I think it was maybe '21, I served on health and human services ex officio, and I may be on rules as ex officio as well.

I think that's it. And I think my committee assignments have been pretty consistent. I think maybe the same since 2019, with the addition in 2021 of being assigned to be the chair of redistricting. That would have been an added committee.

Q Sorry, what were the circumstances that led to you being chairman of the Georgia caucus?

A I was elected by my caucus members.

Q Were you chair of any of those committees?

A So I'm chairman of the caucus, but that's not a committee, I don't think, in the terms that you are asking about, and served as chair of redistricting. I think that's the only committee I have actually chaired.

Q How do you come to chair the redistricting committee in the Senate?

A So our process is there's a committee called the committee on assignments, which is chaired under our Senate rules by the Lieutenant Governor, and that committee decides all committee chairmanships and other officer positions within the committees, and that committee asked me to serve as redistricting chair. And that was one of -- that was an assignment, if you will,

along with the other committee assignments that I would have received.

Q Did you ask to chair the redistricting committee?

A No.

Q Do you have a sense of why you were selected?

A So every two years there's a reevaluation, if you will, of who ought to chair the committees that the Senate has of the various standing committees, and it was I think the collective wisdom of the committee on assignments that I would be an appropriate selection to be the chairman of that committee.

Q Do you have a sense of what qualities they were looking for?

A I think one would be, and having gone through the process I would now certainly agree with, I think having an attorney chair the redistricting committee is helpful, and that probably had something to do with my selection. I would certainly think so.

Q Why do you think it's helpful to have an attorney chair the redistricting committee?

A Because the process is just so steeped in so much -- so many legal issues, and we, of course, wanted to do it right and do it well and make sure that whatever maps were produced or that came out of this process were

legal and appropriate.

Q And how did you find your attorney training helpful?

A Probably most practically when there were discussions of principles in which would come to play in making sure that the maps being drawn were legal and appropriate; just having an understanding of a concept when it was being discussed that was part of the bigger picture of just making sure that good and appropriate maps were drawn.

Q Were there particular legal issues that you found your attorney training beneficial for?

A Well, having not litigated -- even though that's my daytime job, having not litigated any election cases or redistricting cases or things of that nature, it wouldn't stem from that. It probably was as simple as understanding the terms that were being thrown around or that might be mentioned or concepts. That would be something I would be and you would be and any lawyer would be -- have a basic understanding and a little fluency in.

Q Any specific terms?

A Not that I can recall right now.

Q When did you learn you would be chair of the Senate Redistricting Committee?

A I don't know the date. It would have been a product of the committee on assignments that would have been meeting at that time, making committee assignments for that upcoming session. So it was -- it was a product of that process, which would have been early 2021, I think.

Q When did you actually become the chair?

A By virtue of that appointment, if you will, that I just described.

Q Why were you interested in the position?

A Well, the committee assignment process is one that, as I said, is the collective wisdom of -- of the committee. And there was a need and a desire to have someone that would take us through the process that is -- is challenging. And I thought it was -- upon being asked or finding out that I'm gonna be the chair, it was one that I thought it was a way, quite frankly, that I could serve the Senate body and serve the caucus in.

Someone had to do the job. Someone needed to be redistricting chair, and, of course, it's within the context of caucus politics. It's -- in the Senate process, it's necessarily one that is, as it's done once every ten years, just can be challenging.

Q Can you describe your role and responsibilities as chair of the Senate Committee?

A Sure. So as chair, I would say the main responsibilities is really in functionally calling meeting for the committee to meet, chairing that process of committee meetings, shepherding through the introduction of legislation. That would be new maps, the consideration of and that process as it unfolds naturally as a committee process.

And then it was expected -- I think it was expected. It certainly, I think, has been the history that the chair of the committee presents the legislation to the Senate body for the passage of ultimately what would be the maps that were passed.

Q What do you mean by "shepherding through the introduction of legislation"?

A Well, maps are drawn and then they are presented. The legislation that represents the maps are filed. The bill is filed, so to speak. And then committee hearings are conducted, and so those are public. They are conducted here at the Capitol, and they are open to the public. I think they are also live-streamed for public input, comment, scrutiny, and then other members of the committee as well are there for that same process.

Q Did you have knowledge of the redistricting process prior to assuming position as chair of the Senate

Committee?

A When you say did I have knowledge?

Q Like, how would you describe your baseline level of knowledge of redistricting?

A Minimal.

Q Upon learning you would be the chair of the Senate Committee, did you take any action to learn more about redistricting?

A Yes.

Q What action did you take?

A So I attended a seminar. I think it was an RSL -- I mean an NSLC or a CSLC seminar. I seem to recall it was in Salt Lake City, that was for the purpose of educational purposes. It may have been the same group or organization that produced -- I think they called it the red book or a red book, and so I started reading that. That was actually before I went to the seminar, just trying to learn about redistricting and to educate myself.

Q This is a -- was this the National Conference of State Legislatures?

A I think that's right, yes, sir.

Q It's a red book, a general redistricting 2020 guide?

A It sounds like you may have seen it. I think

that is it, yes. I remember it being reddish in color, and I think others that were more in this world than I referred to it as "the red book," I think.

Q Did you speak to anyone to learn more about the redistricting process, such as legislators or your staff?

A Yes.

Q Who did you speak with?

A I remember speaking to the previous redistrict -- Senate redistricting chair about the process that I was about to embark on. I'm sure I had conversations with other legislators that may have wanted to offer a thought or an opinion. I don't remember who all they may have been.

Q Did you speak with the LCRO staff? The --

A I'm sorry, what is that?

Q Let me pull the exact name here. It's the -- the Reapportionment Office is a -- the joint Reapportionment Office.

A Our Reapportionment Office here at the Capitol?

Q Yes.

A I'm sure I did, yes, absolutely.

Q Do they help you get up to speed with redistricting knowledge?

A Yes, very much so. I would have relied upon Gina Wright a lot, and yes, would have met with her and

communicated with her a lot.

Q How did -- did Ms. Wright provide you with any materials to read that assisted you?

A I don't remember that. I certainly can't say she didn't. I seem to have numerous sources of materials that I was trying to read up on, not -- not reams of materials. I don't mean to suggest that. And I don't remember if she gave me anything. She attended the meeting in Salt Lake, that conference, so there were materials that would have been produced to the attendees. I don't think she gave me anything there. I just remember her being there.

Q Did she show you how to use redistricting software?

A How for me to use redistricting software? No.

Q Did she show you herself using redistricting software?

A Yeah. Over the course of the work that I did with her, yes.

Q Do you remember what redistricting software she used?

A No.

Q And what is Gina Wright's position?

A I would call her the head of the Redistricting Office. I'm sure it's got a better-sounding, more formal

name than that.

Q Is it consistent with your understanding that the Reapportionment Office provides General Assembly members and committees with redistricting services, including technical assistance, maps and data reports?

A That sounds accurate.

Q Anything else that they do?

A That sounded pretty broad. I think you probably covered the waterfront with that description.

Q Did the Reapportionment Office provide you with technical assistance, maps, and data reports?

A Oh, yes.

Q What kind of work did they provide you with?

A Well, you know, in interfacing with her and meeting with Gina, and occasionally maybe there was some other staff, but it was most of my interactions were with Gina. And it really was her -- it was her work in drafting and redrafting the maps, or various drafts or versions of the maps, including what ultimately became the map that was the core of the bill that was dropped and passed.

Q How many drafts did Gina Wright share with you?

A So when you say share, let me -- I'm gonna try to give you a complete answer of that. So I think of that in two terms. I think of that in a paper rollout

map draft, and then one in terms of if I were in her office and she had on the television screen a map or a district or while she was there using the software.

So I would have seen her work on both of those fronts, producing different -- I guess, technically each one of those could have been a different version, so to speak, even though it might have been something on the screen for a few minutes, and then she makes some change and then there's another one.

So that's why I want to make sure I'm being accurate and complete with you. That may be more than you wanted to know or asked about, but I think the way you asked it, that's what came to my mind. You could have those -- sort of those two different versions of her work product, if you will.

Q How many times were you in her office to review maps in real time?

A I was in her office -- in and out of her office a lot. When you say "in real time," can you explain that in context?

Q The process you described where she has a map on the screen and she can edit it as you are there.

A Some, but I would say not as much as the time she would have spent without me there doing her work as the head of that office to create a map or a draft or a

revised draft.

Q Do you know if other members of the General Assembly went into her office and had similar interactions with her with real time editing of draft maps?

A I believe they did.

Q Do you know --

A And let me -- I believe that others, yes, other legislators did go see her to talk about the maps, to talk about perhaps their districts. And I'm answering it that way because I don't want to imply that it was those conversations that produced the ultimate map, because from a timing sense standpoint, I don't know what all happened in the interim.

But your question was, did other legislators go to her office to talk about the maps and look at the maps or look at one of Gina's versions that she maybe had produced for consideration? Yes, other legislators did.

Q When did you first meet with Gina Wright about draft maps?

A About what?

Q Draft maps.

A I -- I couldn't give you a date. I don't remember generally the first time that we met.

Q Did you meet with her about draft maps before

the census data came out?

A I don't remember.

Q If I represent that the census data came out on August 12th, would that help?

A Maybe some, but I still don't remember when I first met with her, but I -- thinking about that timing that you've just given me, I don't recall meeting with her before that time frame for drawing maps.

Q Did any other members of the Senate take a lead role in redistricting?

A As a lead role, I would say no. I mean, I was chair of a committee. Bill Cowsert, Senator Bill Cowsert, was the vice chair, and but I wouldn't call it a lead role. It was as the way chairman -- as the way committees generally here work, regardless of what kind. It's the, whomever is the chair has responsibility and most -- most aspects of things.

Q What was Senator Cowsert's role?

A He was vice chair.

Q What were his duties?

A Technically, I think his duties would be to chair a meeting in the event that I could not or was unable to attend.

Q Did you hire outside counsel to assist with the redistricting process?

A Did I personally hire counsel, no.
Q Did you as chair of the Senate Committee?
A Did I specifically retain counsel as chair of the committee, no.
Q Was outside counsel retained?
A Yes.
Q And on behalf of which entity?
A Well, your -- your question contemplates multiple entities, so I thought I was here just representing the redistricting committee. So what would be the other --
Q That's correct, but --
A -- entity you are referring to? I'm just trying to make sure I'm understanding you.
Q Well, to the extent you know if -- and has the General Assembly retained counsel, you know, the Republican Caucus? I'm just trying to -- the Georgia Senate? What -- to the extent you know.
A Okay. Gotcha.
And that's a good way to put it, because I don't have much in the way of details of how counsel was retained, and it wasn't something that I headed up or, quite frankly, remember being involved in.
Q Do you know who was retained as -- as counsel?
A Bryan Tyson was retained as counsel.

Q What was Bryan Tyson's role during the redistricting process?

A To give general advice and counsel to those of us that were going through the process or had responsibilities of going through the process of redistricting that would ultimately result in legis- -- in legislation being offered and hopefully passed in the form of new maps.

Q Did Bryan Tyson have a role in drafting maps?

A I don't know that I would call it that he had a role or say that he had a role in drafting maps. I think he was there to provide advice and counsel along the way for the process in aiding those of us that were -- all of us -- well, those of us that were responsible for going through it.

Q Without getting into the specific advice, what topics did he discuss with you?

MR. JAUGSTETTER: You can answer topics, you know, generally answer topics, but not disclose any of the advice you were given. So if there are broad topics that he provided advice on, you're -- it's okay to address those topics but not the substance of any of those topics.

THE WITNESS: Okay.

MR. JAUGSTETTER: Or any of your questions.

THE WITNESS: Okay. I think I would say he would provide counsel and advice as to trying to help us ensure that the maps that were being drawn or considered were legal and appropriate and proper in all regards.

Q BY MR. GENBERG: Does that include compliance with the Voting Rights Act?

A Yes.

Q Does that include compliance with the U.S. Constitution?

A Yes.

Q Does that -- does that include compliance with the Georgia Constitution?

A Yes.

Q Was Bryan Tyson present at any meetings with Gina Wright where Ms. Wright was showing you maps in this real time way of where she was editing them?

A I don't remember.

Q Did you have one-on-one meetings with Bryan Tyson?

A Probably did at some point there in the course of all of that.

Q Were those meetings that you requested?

A It could have been. I don't remember who initiated the meetings, but probably were, yes.

Q Do you know if any Georgia congressional

delegation has ever hired outside counsel for this purpose in a prior redistricting cycle?

A If I understand your question, I don't think I would have any knowledge. I'm pretty sure I don't have any knowledge or experience of any group's activities regarding redistricting before the 2021 cycle.

Does that answer your question?

Q Yes.

A Okay.

Q Thank you.

Did you hire any outside consultants to assist with the redistricting process?

A Beyond the reference of counsel that which, again, I -- that wasn't me, my hiring. I don't -- no. I think the answer is no.

Q Did anyone at the Reapportionment Office have involvement with drafting maps other than Gina Wright?

A I would assume so. I would assume that Gina's -- the other people in the office probably assisted in some way. But as I think back on the meetings, I don't recall others -- I don't recall interacting, excuse me, with others other than Gina, so I can't really speak to that.

Q Did you have correspondence with any other staff at the Reapportionment Office?

A Not that I can think of.
Q I'm just going back to the training briefly. Did you -- besides this NCSL training, were there any additional trainings that you took part in?
A I don't remember traveling to any other seminars, and I'm trying to now think if we had any sorts of -- or if I had interactions here at the Capitol with anyone to help get me up to speed. And, I'm sorry, I just don't remember any specifics of that, but I -- I can't say that we -- you know, that I didn't.
Q The NCSL training, that was in Salt Lake?
A Yes, sir.
Q Do you recall the timing of that?
A I want to say it was the summer of '21. Maybe July of 2021.
Q Do you recall how many days the training was?
A I think it was two or three.
Q Do you recall what the topics discussed were at the training?
A I don't remember the specific names of any, but it was -- it was about the process. They had -- different people spoke. Actually, Gina Wright was one of the speakers, as I recall, at the seminar. And there were speakers that were there to speak to the issues and topics sort of in nonlegal legalese.

And then I remember, I think, one of the -- one or two of the sessions were more geared toward probably the lawyers or litigation-type issues, more legalese steeped issues.

Of course, a lot of discussion and information imparted about compliance -- what I would call compliance requirements that were, I think, geared toward -- one of the reasons I was there was trying to learn how is it that we go about this process, create and offer new maps that are legal and appropriate.

Q Do you recall the substance of any of these seminars on compliance requirements?

A I'm sorry, I don't.

Q Do you recall the topics of any of those seminars?

A You know, I -- sort of as you mentioned earlier, I would assume that -- I remember some of the topics referencing some particular case law and cases, Supreme Court cases and other cases that I think were being discussed that provided the formation of the framework for which and how redistricting is done in the U.S. It was not Georgia specific. There may have been some Georgia references, but it was not geared at, this is what you need to do in Georgia. It was -- my impression was that we had folks from all over the

country that were there for that seminar.

Q Do you remember any specific legal requirements that were discussed?

A Again, I think there was discussion of the Voting Rights Act. There was discussion of constitutional provisions and principles. There were certain cases that were referenced. There was a discussion of the political aspects, if you will, of redistricting, and people giving opinions about what the current state of the law was of the political aspects of redistricting.

Of course, the word "gerrymandering" coming up, and what's -- again, generally, what's permissible and what's not permissible. And I think there, to try to aid folks that were in my situation and others to help in drawing maps that were legal and appropriate.

Q What was your understanding of the Voting Rights Act requirements at the time of taking this training, upon completing the training?

A After completing? You mean after the seminar?

Q Yeah. Yes.

A That would be -- I don't know that I can answer that. I mean, I listened and tried to soak up as much as I could. In my work life, I have -- I would not consider myself a constitutional expert by any means or having

1 litigated in the area of constitutional law. So I was
2 there to learn as much as I could, but -- and, of course,
3 it helped build a base. But at the same time, I also had
4 counsel. So it was giving me a very baseline of
5 information, but I had counsel to help. And then, of
6 course, necessarily relied upon the expertise of --
7 really, of Gina Wright, who would be doing what she would
8 do.
9 Q Do you recall there being a training on
10 constitutional law, U.S. constitutional law with respect
11 to race?
12 A I believe that was -- yes, I believe that was
13 one of the topics, many topics that were covered.
14 Q Do you recall what the -- the nature of the
15 advice or information that was communicated to you?
16 A Not specifically in a way that I can start
17 giving you details or anything that I would want to be --
18 would want construed as rendering any sort of legal
19 advice or opinion of what the current state of law was or
20 is. I had good counsel guiding us for that purpose.
21 Q And you mentioned also there was a discussion
22 about political aspects of redistricting. Do you recall
23 what the information communicated to you on that topic
24 was?
25 A Again, it was generally what -- how the law

applied to and dealt with involving challenges based on alleged gerrymandering of districts and certain parameters of whether that was being done for political purposes or other purposes.

Q Do you recall what those parameters were of determining if the gerrymandering or alleged gerrymandering was for political purposes or for other purposes?

A Again, not to the level that I would want to start rendering or saying anything that would be construed as a legal opinion or any sort of legal advice.

Q Did you receive -- sorry, strike that.

Did you -- you testified that you can't recall any trainings besides the NCSL training?

A What I said was, I don't recall going to any seminars that I traveled to.

Q Okay.

A I don't remember traveling to any others.

Q Okay.

A That's not to say that there might not have been some sort of -- I don't remember formal, but maybe any informal gatherings of things that might have been here locally or at the Capitol. I don't know that I would call it training, but it might be something that would kind of fall into that category of a gathering of,

let's talk about this process or what to expect.

It was probably some of that because, I assume like most, or at least for me, I have not done this job before, and so the House member chairman had not done this job before. So, you know, we're starting at a -- I actually was starting at a pretty low baseline of information about what was before me, and so certainly there could have been conversations and communications about the most basics of the road that I was about to walk and -- and serve in that capacity in the Senate chamber.

Q Do you recall who led the discussion at these more informal trainings?

A That's what I'm saying, I don't. I don't even remember specific meetings, but I just feel like I'm sure we had what could have been a casual conversation or something more. I just don't -- I don't remember those gatherings.

Q Do you recall the participants?

A No, because I don't have a specific recollection of having any, but I just know that there was a whole lot that went on into trying to prepare a guy like me who had not done this job before, and I had a desire to be as prepared as I could to do the job. But again, I had excellent counsel, and to guide us through

the process.

Q Do you recall the topic of the seminar led by Gina Wright at the NCSL training?

A I'm sorry, I don't.

Q Do you have knowledge of the term "racially polarized voting"?

A Do I have knowledge of the term? I've heard the term, yes.

Q What do you understand it to mean?

A I don't know that I can give you a legal definition of that, but I know that that term or that terminology was discussed with counsel, and I heard it through the process of all that -- all that was the process of -- not that all as in it was at every part. I'm saying just as somewhere along the way that term, yes, sir.

Q Without giving a formal legal definition, what's -- to the best of your knowledge, what does it mean?

A I believe it is based on an assumption that certain races vote a certain way, solely, uniquely or largely based upon race, and that it's done so in blocks based on race.

Q Is it your understanding that racially polarized voting is present in Georgia?

A When you say is it an understanding, I mean, I think that's necessarily some sort of legal opinion. And I don't know that I've got the expertise to give you an answer to that. I understood I was a fact witness here today.

Q Did the existence or absence of racially polarized voting inform the Senate Committee's work?

A I know that that term was discussed with counsel, and now I'm kind of -- I don't know how to answer that question without really revealing discussions with counsel.

MR. JAUGSTETTER: Then I think you've answered it.

THE WITNESS: Okay.

Q BY MR. GENBERG: Were you a part of communications when that term was used outside the giving or receiving of -- of legal advice?

A I don't think I was.

Q Did members of the Senate Committee ask your opinion about racially polarized voting?

A I don't remember that.

Q Did you perform a racially polarized voting analysis?

A Did I do one?

Q Did the Senate. Did the Senate Committee

perform a racially polarized voting analysis?

A When you say "the Senate," I think given that I'm here answering the questions, that would have to be a question I can answer or that I answer on behalf of in my capacity representing the committee. And I would say that, no, it's not something we undertook.

Now, would counsel have advised through the process and that been a part of it or Gina Wright's work, I can't really speak to that.

Q So are you aware of if a racially polarized voting analysis was done by anyone affiliated with the redistricting process?

A Because of my recollection of hearing that term, I think that concept, I would put it that way, was a part of the process in a general sense. I don't have enough specific information, either about the term or any involvement with that, to be able to say how it was employed or deployed in the process of the maps being drawn.

Q Would it surprise you if you had said at a Senate Committee, Senate Committee public hearing, that racially polarized voting is present in Georgia?

A I wouldn't say I'd be surprised. I'm trying to remember if I remember saying that, and that's sort of difficult under the circumstances. If you can

contextualize it, but then I don't know that that would help me any more either, so...

Q I don't know if I can give you a full context, but I believe at a early Senate Committee public hearing, shortly after the special session began, you announced that there was -- that there is racially polarized voting in Georgia.

Does that refresh your recollection?

A You're saying at a committee hearing --

Q I believe.

A -- of the actual -- one of the actual committee hearings?

Q A public hearing, I believe, November 4th, 2021.

A Again, I'm sorry. If there were -- if I saw the transcript or the context in which that you are saying that I said that, the context what I said before it and what I said after it. Was I saying someone told me that? Was I quoting someone else? Was I saying I had been advised that's the case? You know, without that, I'm sorry, I can't really comment further -- or answer further, rather.

Q Do you know which racial groups were included in -- in RPV -- or RPV for racially polarized voting, an RPV analysis conducted during the redistricting process?

A Specifically, no.

Q Do you know whether any RPV analysis assessed the percentage of black voters necessary to elect candidates of choice in a particular district?

A I'm not sure how to answer that, but I would say, notwithstanding my previous answer, that I think the discussion of the con- -- of this issue, if you will, this would have -- as I recall, would have been in the context of African-American voting blocks, as I recall. What I was trying to think of was that to the exclusion of other blocks, and I just don't -- I just don't remember, or other racial groups of race.

When you get to a moment for a bathroom break, it might serve me well.

Q We can take a break now.

A It might improve my level of concentration. I'll put it that way.

THE VIDEOGRAPHER: The time is 10:28 a.m. We are now off the record.

(The deposition was at recess from 10:28 a.m. to 10:44 a.m.)

THE VIDEOGRAPHER: The time is 10:44 a.m., and we are back on the record.

Q BY MR. GENBERG: All right. At any time did the Senate Committee analyze whether districts would

perform for black voters, in other words, whether black voters would be able to elect preferred candidates in those districts?

A Can you -- can you ask me that again, please?

Q Yes. Did the Senate Committee perform any assessment of whether districts would allow black voters to elect their preferred candidates?

A I guess, first, when you say did the committee do this, that would be -- I don't know that I can answer that because I don't remember what each and every member of the committee may have said during committee meetings or on the floor or otherwise. So I wouldn't be able to tell you yes or no that anyone did or did not say that.

I guess the other answer is, I think your question, when you say allows black voters to do -- to elect their candidate, the way you phrase that, which is why I asked you to restate it, seems to suggest that people aren't free to go to the polls and vote for whom they want to vote for. So that threw me a little bit.

So I would answer your question those two ways.

Q Okay. Did the Reapportionment Office perform an assessment of whether districts would usually elect a candidate preferred by black voters?

A Well, first, you would need to ask Gina that. That would be a question for Gina Wright.

Second -- well, I'll just leave it at that.

Q Do you know whether S.B. 2EX or S.B. 2EX analysis was done of which districts would usually elect candidates preferred by black voters?

A Okay. Forgive me, but which one was 2EX? Which --

Q The congressional --

A -- map was that?

Q -- map.

A That was the congressional map?

Q Correct.

A Okay. Thank you. So the question is, was an analysis done of whether or not the congressional map would --

Q Whether certain districts within the congressional map would usually elect black-preferred candidates.

A Again, I think that would be a question for Gina or counsel.

Q Is it your understanding that such an analysis was performed?

A I believe through the process and with the end result, there were -- there are districts that are majority-minority districts. So in that context, I guess I would say yes. But for further details or specifics,

that's, again, I would say left to the expertise of -- of Gina.

Q What is your understanding of what a majority-minority district is?

A One in which the African-American population is above 50 percent or something close to that.

Q Is it your understanding that contained within the definition of majority-minority district, there is a analysis of whether that district will usually elect a minority-preferred candidate?

A That's probably part of the process, which I assume is based upon a historical look back of prior elections and prior voting.

Q Did you see the results of any racially polarized voting analysis?

A I saw so much material over the course of the many months and the work that we did, and I'm trying to remember if I saw -- I'm sorry, I just don't -- I can't say one way or the other as I sit here right now.

Again, that would have -- you're kind of getting into the level of detail that really would have fallen more into the expertise of counsel or Gina's work, I think.

Q Do you have an understanding of why it may have been important to perform racially polarized voting

analysis?

A In the general -- in the sense of the general work of trying to make sure that the maps that we drew were -- met legal requirements, were constitutional and were otherwise appropriate, it would be a part of that process.

Beyond that, I don't know that I am in a position to start getting into legal analysis, application of legal principles to facts that we were involved with. You know, we had -- we had counsel and expertise and expertise in Gina Wright.

Q Did Gina Wright provide analysis of whether draft maps were compliant with the Voting Rights Act?

A Can you ask -- ask that again, please? Did Gina?

Q Did Gina Wright provide analysis of whether draft maps were compliant with the Voting Rights Act?

A When you said "provide analysis," that's what I'm trying to make sure I'm accurately focusing on. I feel sure, I'm sure she did incorporate that into her process. But were there in-depth discussions of her explaining, when you say provide analysis, as in communicate to me or anyone her specific analysis on that point, no.

It was more our reliance, my reliance, and I

assume others, that that was one of the things that she was considering as she did her work in drafting and drawings lines, making sure that it was compliant with, again, Voting Rights Act, constitutional, and all the other requirements that are part of sort of that world that she lives in, if you will, in having the role that she has and has had for a long time.

Q When you and her met and she would do real time editing of draft maps, did she confirm that certain changes would -- would not make a draft map noncompliant with the Voting Rights Act?

A Okay, you had a double negative there. Would not make it not compliant. Can you help me with that, please?

Q Yes. When -- when you and her met for one-on-one meetings where there was real time editing of draft maps, was she able to ensure and communicate to you that the draft maps were still compliant with the Voting Rights Act, including the changes?

A I would say yes, but I need to further say that it was more an implicit assumption on my part that that was a necessary part of what she was doing, rather than her saying if this is done or that is done, it specifically complies or doesn't comply, quite frankly, with any of the principles that we discussed that would

be necessary in the totality of making sure that the maps ultimately arrived at are legal and otherwise appropriate.

Q When you met with her for these one-on-one real time editing meetings, did she provide racial data or data on the demographics of the districts?

A Well, first, your question is worded as this one-on-one real time editing, and so that's not typically how we met. It's not that we spent time together and she was moving things in real time. I assume you mean as we were there in the room together. It was more general discussions of the work that we were doing and then her actually drawing the lines, if you will, to create the map that we were then using or considering or utilizing.

Q I guess I understood you -- your prior testimony to be that you had met with her multiple times where she had a map up and you could talk about potential changes, and she could make changes and show them to you while you were meeting. Did that happen?

A Yes, that did happen some, but it was -- my meetings with her would have been a small percentage of the time, and that's what I'm trying to convey to you and make sure you've got a fair and accurate understanding of my meeting time with her.

Q So the small percentage of -- of your overall

time spent with her? Or what do you mean by a small percentage of what overall time?

A Of my time with her.

Q What was the majority of your time spent with her?

A Probably was as much as anything, the administrative process of what all we had to do and accomplish to do the work of the redistricting committee. You know, her establishing deadlines of certain things need to be done by certain times, because she -- she had a very good picture, if you will, of the landscape that was ahead of us and the time frames, which, as I'm sure you are aware, were, I am told, compressed relative to years past of redistricting. And, you know, just sort of I would call it the overall management of what had to happen and the deadlines and what needed to -- what needed to happen, what the committee needed to do. Just all of that process of her advising of. So there was a lot of just administrative work, if you will, and working with her on things like that.

Q Are you familiar with the term "packing" in the context of redistricting?

A I have heard that term, yes, sir.

Q And what's your understanding of it?

A I think it is a term that is used to refer to

grouping minorities in a -- within one district to pack or put a higher number -- higher relative to what, I don't know -- but a higher number or a concentrated amount of people from a particular race within one district.

Q Do you have an understanding of what the consequence of packing would be?

A I think I have a general idea of maybe why I have some familiarity within that term. The specifics of the consequences I think would necessarily have to include looking at what's around that district as well.

Q And in what way?

A If you are drawing the lines in a way that a minority group are all placed within one district and viewing that relative to the districts and how they are drawn around that district, it's my understanding that would be what is referred to as packing.

Q Did anyone in the General Assembly make allegations of packing in any of the redistricting maps?

A If they did, it would have been, by my memory, within the context of the redistricting committee meetings, in which the maps were there for the committee to see and the public to see.

And as I recall, the Democrats offered -- and again, I'm -- forgive me, I'm sort of lumping all the

maps together, or for my purposes maybe to -- I'm not distinguishing, so let me know if you -- if in your mind you're distinguishing between the Congressional or the Senate map, so...

Q Either for the purposes of this question.

A Okay. And I assumed that to be the case, yeah.

That there were discussions, and I remember there were objections and concerns from the Democrats about the maps that were being presented. I don't remember if one of those specifically was packing. It may have been.

At some point during the process there seemed to have been just a litany of general objections to the maps that we were presented that really sort of were perceived as just the laundry list of anything that anyone might could possibly come up with as a potential complaint, rather than being fact based upon the maps that were actually on the board in front of everyone. And even to the point that some of the arguments that were being made about the impropriety of the maps we were offering, as I recall, were close to or equally found in the maps being offered by the Democrats.

So that's a long answer, but I wanted to try to give you a complete answer that, yes, that concept, that issue may have been one that was the subject of general

complaints within the committee work process during the hearings that we held.

Q Do you have an understanding of the term "cracking" in redistricting?

A Yes, sir, I think I do.

Q And what's your understanding?

A It would be taking areas where groups of a particular race or a minority race are concentrated in an area, but drawing the line such that districts are created where the total number within the created districts are of a lower concentration than what would be generally thought to exist for that geographic area.

Q Do you have an understanding of how cracking could affect the voting strength of a group that was cracked?

A I think I do.

Q And what -- what is your understanding?

A It would be the argument that there's a dilution of the group's ultimate representation if the -- if the districts created have a smaller number, such that, I think as the argument would go, it's more difficult to elect someone that that block, if you assume that block votes as a block, might be the preferred or their preferred candidate.

Q What's your understanding of the intent of the

Voting Rights Act?

A Again, I -- that's an extremely broad question. Based on a -- one of our laws has had a long history of interpretation by the Supreme Court, and I -- you are kind of getting into legal analysis, and I don't consider myself the kind of expert to give you any opinions of what the -- of what those -- what those laws or these applicable laws, how they are employed or any specifics of any legal opinions.

Q What's your understanding of the history of that law being enacted?

A Again, that it -- well, again, that it was -- I will provide you that first answer, but it was for the purpose of ensuring fairness in our voting and election process in our country for -- not our whole country, but specifically there to ensure fairness in the voting process for minorities.

Q What is your understanding of the connection between the Voting Rights Act and redistricting?

A That the Voting Rights Act was enacted for the purpose of trying to make sure that the redistricting process is such that at the end of that process there are fair maps where the principles of -- set forth of fairness in elections and in voting and people having access to polls and votes counting are one that that's

not impaired by the map drawing process.

Q To your understanding, does the Voting Rights Act allow a state legislature to consider race in determining the boundaries of voting districts?

A I know that -- it's my understanding that in drawing the boundaries for districts in the redistricting process, that it cannot be done in a way that unfairly affects minorities.

Q How would the drawing be done in a way that unfairly affects minorities?

A Well, we talked about packing and cracking, and I understand and think that those are two concepts in which the process -- and I guess it's -- it's somewhat the process, but I guess it's more ultimately what the actual map looks like at the end that someone would be asked to meet or how the electoral votes, that that -- that ultimate map that's utilized needs to be fair. It needs to be constitutional. It needs to be compliant with the Voting Rights Act, and again, as I've said, is otherwise appropriate.

Q To your understanding, does the Voting Rights Act require a state legislature to consider race in determining the boundaries of voting districts?

A When you say consider race, yes, I think it -- I think it's one of the aspects that's a part of the

process that has to be, I would say, observed and respected.

Q And what consideration specifically is required of race?

A See, now you are pulling me in to try to give you a legal opinion about the statutes and -- and all of that, and that's -- I'm not -- I don't think that's why I'm here today. I think I'm here as a fact witness.

Q Okay. So do you have -- so you don't have any independent understanding of the legal requirements of the Voting Rights Act not informed by counsel?

A No, I didn't say that, but I think I'm here to give you answers to your factual questions, not render legal opinions about how I think certain United States or Georgia laws apply or don't apply.

Q You don't think the application of those laws is important to the Senate Committee's work in redistricting?

A What I said was how they are applied, not whether they are applied. So there's no question but that they do apply. Your questions have now trended off into how they apply, and you are asking for me to give you legal opinions or answer questions about my knowledge of specific laws, and I don't think that's why I am here, am I?

Q What is your understanding of what the Voting Rights Act required for the congressional map?

A Again, that -- let me answer that by saying, those requirements, as we understood them and as they would have been a necessary part of making sure that we drew legal and appropriate maps, would have necessarily relied upon the advice of counsel and -- and Gina Wright's expertise, not mine.

Q So I'll quote you from one of the hearings. This is November 17th, about the congressional map. You said, "We have a total of four Voting Rights Act districts, the 2nd, the 13th, the 5th and the 4th, that are all maintained. In addition to that, we've got the 7th which is a minority opportunity district."

Do you recall saying that?

A It sounds like I probably did say that. The date of that, was that -- you said at a committee hearing?

Q Correct.

A Okay.

Q The November 17th hearing, the same day that the congressional map was introduced.

A Okay.

Q S.B. 2EX.

A Okay. So, I'm sorry, your question?

Q My question is: How did you acquire that understanding, that there were four Voting Rights Act districts and which ones they were?

A That would have been through the advice and expertise of counsel leading us through the process.

Q Are you aware that until 2013, the state of Georgia was required to seek preclearance before enacting any redistricting legislation?

A I had a general sense of that, and I know and probably have learned more about that over the last couple of years, but would not tell you that I'm steeped in the history of that. But yes, that is my understanding.

Q Are you aware that preclearance requirement was based on the Voting Rights Act?

A Yes, sir, I think so.

Q Did the fact that the state of Georgia was no longer required to preclear redistricting plans with the Department of Justice impact your approach in 2021?

A If I understand your question, then the answer would be no. I think your question seems to suggest or maybe that being beyond the scrutiny of the preclearance process, did that mean that we approached the work of the redistricting committee differently, thinking that that scrutiny being absent would then change our approach.

And if that is your question, the answer is no.

Q During your time on the Senate Committee, did anyone reference that the state of Georgia was no longer required to seek preclearance?

A I don't remember that ever being a topic of conversation, but it certainly might have been something someone mentioned in a committee hearing when the public was there or the other committee members were there. I just -- my memory is not good enough to tell you that nobody referenced 2013 or preclearance. It may have come up.

Q So you don't recall if it were -- it was a committee member who might have referenced it or a member of the general public?

A As I said, I don't remember. I have no specific recollection of anyone saying anything particularly about that, or generally, but it certainly could have been referenced as part of a discussion of what we were there to discuss and do during that committee process. And it might have been a part of some commentary made or comments made by anyone, maybe giving some historical reference or contextualizing where we were in 2021 relative to the history of the redistricting process generally or in Georgia. You know, I could have seen it being discussed or referenced in that -- in that

context.

Q Did anyone mention anything to you about how the 2021 redistricting process was different than the prior cycle after the 2010 release of census data?

A Yes, I think so.

Q Do you recall who that was?

A I don't recall who it was, but I remember there being -- I hope I've got my years right. I may be -- I may be one cycle off. I remember there being discussions of -- I guess it would have been the 20 -- the 2000 redistricting, and then the 2010, and then the 2020, and that there being a reference to, if I'm -- remember correctly, that in that 2010/'11 cycle, that those maps were not challenged by the Justice Department, and they were drawn by this Republican legislature; and that in 2000 they were challenged, and I think even set aside or impaired in some way, and those were drawn by the Democrats.

And so that was a part of the discussion and the narrative within the committee context and otherwise with regard to some of the comments that were being made by the Democrats on the committee and elsewhere about our maps being drawn.

And comparatively looking at the maps that I will say we drew this cycle compared to when the

Democrats were in control in 2000, you could look at the maps very easily and see very quickly and see which looked to be more fair and more appropriate. And the ones that the Democrats drew in 2000 were clearly not, were challenged, and I believe set aside and were impaired in some way.

That's kind of a long answer, but it is within that context that I just described that answers your question about the discussion of previous redistricting processes.

Q Are you aware of any differences with the 2010 process, just talking about the process itself, not the rule, differences between the 2010 process and the 2021 process?

A I'm not aware of any specific differences in processes. I think probably the beginning point in comparing the two would be the -- I don't remember the exact title, if you will, but it was the principles upon which the committee would operate or the principles for the redistricting committee to consider in moving forward with the process. And if I'm not mistaken, I think the ones that we adopted in 2021 were the same principles that were adopted in 2010/2011, the previous cycle.

So in answering your question, that's what comes to mind with regard to process. I think we -- you

would -- one would look to the principles that were voted on by the committee and -- and passed. I seem to recall they were unanimous or at least bipartisan support for the principles that we agreed to on the front end that we would utilize for the purpose of governing ourselves in this redistricting process that we are about to embark on; that they were either identical or substantially -- substantially similar to those that were used in the previous cycle.

Q Do you know what a community of interest is?

A Yes, sir, I think I do.

Q How would you define that?

A It's a geographic area where folks have things in common, of interest or principles, that unify them in a way that they can be identified or referred to as a community of interest.

Q And how did you come to this understanding?

A Probably listening to counsel talk about one of the things that we needed to consider as we go down this road of redistricting, and it was one of the things that we would consider and respect.

Q And how would you respect the community of interest?

A By trying to keep communities of interest -- by having that as one of the considerations when lines were

drawn for creating districts.

Q Was there a particular way you can respect communities of interest when drawing lines?

A I guess what comes to mind is by trying not to divide a community of interest.

Q Would you agree that some communities of interest in Georgia share interests based on their geography?

A Yes, I would.

Q Do you have any examples?

A Yes. I can -- I am thinking of Northwest Georgia, for example. There's a mountain range that runs if not due north and south, but it divides Northwest Georgia from North Central Georgia. And just for transportation purposes, I remember comments being made of the folks in that area sort of viewed that area as their area. And they probably didn't call it a community of interest, but that there were reasons to try to keep -- and this is obviously along sort of a macroscale, because I'm speaking of a large geographic area, but that for transportation purposes, for work purposes, that if you were over to the east, it was more difficult, really for travel times and things like that.

And so does that answer your question of an example of a geographic interest?

Q It does.
A Okay.
Q And so in that -- in that example you gave, there could be -- you were saying there is a similarity in interests between the folks in Northwest Georgia related to transportation, correct?
A Yes. Uh-huh. Based upon geographic limitations, which is the -- what you asked about.
Q Would you agree that some communities of interest in Georgia share an interest based on race or ethnicity?
A Yes.
Q Why would -- why do you agree?
A Just the common interest, commonality of culture, commonality of history. I think those factors and -- and others could create and does create communities of interest.
Q Would you say that communities of interest seek similar policy objectives?
A I would think they certainly can. I don't -- I don't know that I would agree that any kind of community of interest therefore de facto always have the same principles or the same values. You know, so I wouldn't take it to an extreme. But to some degree and in some regards, yes, I think that would be correct.

Q What about specifically related to policy goals?

A It could be.

Q Which communities of interest were you focused on protecting during the 2021 cycle?

A I think the committee focused -- or not focused. I think the committee considered probably anything that was brought before us as being referenced as a community of interest.

Q And how were -- how was that communicated to you?

A One way would have been through the town hall meetings that we had. That's what I called them. They were open town hall style meetings where we identified multiple places around the state and had an open public forum meeting, and they were joint House, joint Senate Committee meetings.

And then there would be Chairman Bonnie Rich and I would be there, along with at most, I think, all, a number of other committee members. And then we had, if I'm not mistaken, some or several of the meetings where legislators would come, even though maybe not on the redistricting committee itself, but they would come, maybe if they were particularly from the area.

And so we would hold the town hall meetings,

and we would receive whatever information or input that those constituents wanted us to hear about.

And so that I would say in two ways sometimes spoke somewhat directly about communities of interest, and then somewhat indirectly about what were probably communities of interest-type concerns for their -- their home area.

Q How important was protecting communities of interest to the Senate Committee's redistricting work?

A I would say it was -- it was important.

Q When communities of interest, narratives conflicted, say, one person A thought this was a community of interest, person B thought something else was a community of interest, and it wouldn't be possible to preserve both, how would it be decided which community of interest was prioritized?

A Well, in fairness, I don't think anyone can answer or could answer that question. You are talking about unidentified -- your question is referencing unidentified communities of interest in unspecified geographic areas and unidentified types or groups of people and unnamed interests or principles. So I don't think the question is really capable of being answered.

I will say, though, that at the town hall meetings, were there differing opinions about -- about

1 politics and how things ought to be handled, sure. I
2 don't specifically remember, as your question
3 contemplates, sort of a group A saying, we are a
4 community of interest and -- and someone else, or a group
5 B saying, no, group A, you are not a community of
6 interest. I don't remember that dynamic at any of our
7 town hall meetings.
8 Q Do you recall specific communities of interest
9 identified other than the Northwest Georgia example?
10 A Yes. There were certainly some identified on
11 racial bases. There were -- I seem to recall in
12 Southeast Georgia there was a community of interest based
13 on a shared water system between a city and a county, or
14 it might have been two adjacent counties that had a
15 unique situation where they shared a water system, and,
16 you know, please don't split us up because we have this.
17 There were some identified based on
18 agricultural communities of interest and some that were
19 crop-specific agricultural communities, what I think
20 might not comply with what you think of as a community of
21 interest, but it was a group of folks that said, hey, you
22 know, this county and that county, we grow the same crop,
23 and it's important to our local economy, and we'd like to
24 have representatives that understand that that's
25 important to us, even though we are in two different

counties, that kind of thing.

There was a county that specifically, that had been a smaller county that had been divided, I think by a congressional line. It might have been a Senate, but I think it was a congressional line under the old map, and they said, please don't split our little county. We'd like to have one congress person represent our little county. Put us in one district or the other.

I'm sure there were others, but those are some that come immediately to mind.

Q How did you identify the communities of interest that were more important to the committee's consideration?

A I don't know that we identified those that are more important. It's a part of the broader process of trying to understand what the constituents of each group that we were hearing from thought was important to them, and we then were trying to be respectful of that; and then that with the input of counsel, making sure that in the process of trying to be respectful, it wound up with a product that was legal and appropriate. And then with the overlay and expertise of Gina Wright and in production, that was one that was good and fair.

Q Did you compile a list of communities of interest that should be considered?

A No, I don't remember doing that. I mean, I might have had a developing mental list if we went around the state, but I don't remember an exercise where we said, let's list -- let's identify communities of interest, as your question was.

Q How did you ensure that communities of interest were considered when Gina Wright was drafting maps?

A I think it would have been in the discussion of identifying those and communicating those. But also understand that Gina has a long -- she knows Georgia well. She knows our geography. She knows the mapping. She's done it for, I think, 20 years or so here, maybe longer. So I -- I wonder how much, if I was really terribly informative to her of the process or of what we had -- we had learned.

And then on the congressional maps, it wouldn't have been just me and Chairman Bonnie Rich. It was very much a joint effort, and she worked hard and was -- was there right along the process. So I don't mean to suggest it was me doing the congressional maps; that was joint. I hosted the Senate, if you will. I chaired the Senate, and she chaired the House, and so our Senate maps were a product of the Senate's work with Gina's expertise, oversight, and her hand. And I presume that's kind of how it worked on the -- on the House side for the

House map.

Q Do you recall a communication with Gina Wright where you identified a community of interest?

A Could have. I don't have a specific recollection of saying, here's a community of interest, you know, and naming it. That certainly could have happened. I just don't remember.

Q Prior to the 2020 census data being released, did you have communications with other members of the Senate about the redistricting process?

A Did you say prior to the data being released?

Q Correct, prior to the August 12th, 2021 release.

A Okay. Yes, yes.

Q Did you have conversations with members of the Senate about what they would like to see in a redistricting map?

A With what individual members would like to see, did I have conversations with other Senate members where we discussed or they shared with me what they would like to see in the map?

Q Correct.

THE WITNESS: Is that a --

MR. JAUGSTETTER: You can answer generally. If you are going to reveal what any particular member said

to you, we need to discuss that first and make sure that we don't waive any legislative privilege as to those members.

THE WITNESS: Okay.

MR. GENBERG: Just for the record, are you making a legislative privilege objection to specific conversations with members?

MR. JAUGSTETTER: If that question is asked, I will make that objection, yes, but I don't think that question was asked. I think you asked generally if he had discussions.

MR. GENBERG: Okay.

MR. JAUGSTETTER: Which I -- it seems like he -- he will either answer yes or no, and I expect you will follow up, and at that point I will probably make some objections.

MR. GENBERG: Okay.

THE WITNESS: Yes, I did have those communications specifically with Senate colleagues, members.

Q BY MR. GENBERG: Okay. And did you have conversations with Senate members where they informed you of specific -- specific features of the maps that they wanted to see?

A Yes.

Q And what -- what were those features that they requested?

A I guess I would answer that twofold. One -- I don't know how to answer that because I don't want -- okay.

Q Can you give me an example of a member of the Senate you had a conversation with about what specifically they would like in a redistricting map?

A Can I identify one; is that what you said?

Q Yes, a senator that you spoke with.

A I'm sorry, I'm going through my head. I met with several and offered myself to meet with them. I'm sure Senator Bill Cowsert, we had a discussion, I think.

Q And what did Senator Cowsert convey to you that he, like, wanted to see in any of the redistricting maps?

MR. JAUGSTETTER: I am going to assert an objection based upon legislative privilege. That senator has not waived his privilege, and in order to answer that question, it will require the witness to waive that privilege on his behalf, which he cannot do, and I will instruct him not to answer.

MR. GENBERG: And I understand that you would make the same objection for any other member -- any other legislator that made a specific request under a redistricting map to Senator Kennedy?

MR. JAUGSTETTER: That is correct.

MR. GENBERG: Okay.

Q BY MR. GENBERG: Did you talk with constituents about redistricting before the census data was released, outside of the town halls?

A Constituents of the 18th District? So when you say constituents, you mean uniquely my constituents?

Q Let's start with that.

A Okay. I don't remember any, but I probably did. I probably received input, you know. And it could have been passing somebody on the sidewalk. It could have been a mayor or county commissioner calling or making some comment. But I don't have any specifics that I can tell you who called or when or what was discussed of my constituents in the 18th.

Q Do you recall or did you have communications with any Georgia resident about what they wanted to see in the redistricting process, not including the town halls?

A Yes. Again, it would have been those types of communications and encounters. It was, you know, widely known that I was chairing the redistricting for the Senate side. It was something that I think garnered a little bit of press. There were the town hall meetings and so some discussion around that. So that would have

been a fertile environment for folks to say something to me, whether it was insignificant like, you know, thanks for doing it, to I wish my county -- you know, and I did hear from constituents, I hope the district kind of looks -- ends up looking like the way it does now because I hope you will still be my senator. I hope I wind up remaining in the 18th. You know, comments like that.

Q Did you talk to any third parties other than counsel about redistricting, other than counsel and other than Georgia residents?

A So your question would be non-Georgian, nonlawyers or those --

Q Let me rephrase. Did you have --

A Okay.

Q Did you talk to any lobbyists about the redistricting process?

A I don't remember that.

Q Did you talk to any special interest groups about the redistricting process?

A Yes. For example, there was a group that came -- came to some of the town hall meetings, I think maybe at least a couple, maybe more, and they wanted to meet with me about presenting some opinions and information about how the redistricting process ought to be conducted and the type of data that ought to be used,

if you will. Not the type of data, but the -- just the process. I think they were called the Princeton Project. I think Princeton was in the word, was in the name of the group.

Q Is that the Princeton Gerrymandering Project?

A That sounds right, yeah. Yes, sir.

And so they talked to me and Bonnie at some of the hearings and then wanted some specific time to meet with us. And then Bonnie was not able to meet, but I remember at one of the locations meeting with them for some time. I think before the -- I went to the location early as a courtesy to meet with them. I think that would be a special interest group. Well, I'm thinking of that in terms of trying to give you a complete answer to your question.

Q Understood.

A Yeah, so them.

And there probably were others, but I don't remember any others by name or by experience of -- of meeting with them. Those are the only ones that come to mind as I sit here right now.

Q Do you recall the substance of --

A I was afraid you were going to ask me that.

Q -- what the Princeton Gerrymandering Project was?

A You know, they had a specific process, and I really don't. I don't want to try to recount or describe for you what their philosophical drivers were and how those were seen in the work of a redistricting committee because it clearly wasn't. As I understand, it was general principles that would be used, not just in Georgia, but my sense was they probably went around the country. So I don't remember the specific. I have some notions, but that's not enough to get into that.

Q Do you recall any other general principles?

A See, there you go again.

With enough time I could sit here and probably recall some of them, but I don't -- I don't at the moment, no. It obviously had to do with their principles impacting how the lines were drawn, and I could probably recall it if I thought on it, but I just at the moment would rather not get into it because I certainly wouldn't want to impute to them some sort of process that belongs to some other group or some other special interest group.

Q But at least at the time you understood what they were asking for?

A I understood what they were sharing with me. I recall in thinking of the process, that I did not agree with some of the fundamental tenets or their rationale in how they came to the conclusory advice on how it ought to

be done.

And I remember some very good and enjoyable discussions. These were really nice people and really good, enjoyable discussions, you know, sort of intellectual discussions about how, and they were good and conversant in the back and forth. But I have this -- without remembering the specifics, I have this notion that at the end of it there were -- there were some underpinnings upon which their opinions relied that were -- they weren't ever -- they weren't able to explain to me to a level that I was comfortable with them. It didn't mean that I disagreed with everything they were saying. That's not what I am saying. But I extended the courtesy of time to them for us to have those discussions.

Q Did you speak with any business groups regarding the redistricting process?

A No, I don't, except for as part of the duties of being a state senator, speaking at the Rotary Club and speaking at the Kiwanis Club and different groups like that, that I would have -- there might have been some.

I don't remember. There probably were a couple that I was speaking to the group about redistricting, but it was in the sense of what was going on. It was more in the vein of, tell us what you are doing as a senator.

And because that occupied a lot of my time and a big chunk of my life, you know, I would say, well, we are in the process. Here we are. You know, this is something we do every ten years, and here we are, and we are at X point in the process sort of thing. Just telling constituents what redistricting involves.

Q Do you talk to the Chamber of Commerce during the redistricting process regarding the redistricting process?

A If I did, it would have been no more than in the context of what I described of being -- of speaking to a chamber or chamber-type based group of, hey, what's going on at the Capitol this year, but not to speak to them about redistricting. And I don't remember them approaching me saying, can we have a meeting with you about what you are doing in redistricting.

Q Did you talk with any nonprofit groups about the redistricting process?

A Not that I can recall beyond the answers I have already given of a lot of the folks we speak to are, you know, civic groups, civic-minded groups and organizations that are -- most of which are nonprofit, or at least nonprofit in their commission.

Q Did any advocacy groups speak to the Senate Committee about what they would like to see during the

redistricting process? And in particular, would it refresh your recollection if I used the term "community education day" -- sorry, "Committee Education Day"?

A I will break that question into two. The first is yes, we did hear from -- did you say citizen advocacy groups or community advocacy groups? I do remember several coming before us, both in the town hall meetings and in the committee hearings that we had at the Capitol.

As to the second part about -- give me the --

Q Committee Education Day, I believe you used the -- that phrase --

A I used that?

Q -- at a hearing.

Yes.

A Committee Education Day?

Q Was there one day where several groups came to --

A You know, now that you say that, I think we did have -- I think we did have a -- maybe a meeting at the beginning of this process for the benefit of the committee to get us all oriented around, basically, the work that we were about to embark on for the next few weeks or months. I'm sorry, I don't remember who came to that or the topics of what was presented, but I do seem to remember that we had a -- yeah, of trying to get us up

to speed on generally what do we need to know to walk this path we are about to go down.

Q Prior to the 2020 census data release on August 12th, 2021, did you take any action with respect to the redistricting process other than communications with various people and entities?

A Yes, I think the main answer to that, maybe the total answer, but certainly the main answer to that would be the work that we did for the town hall meetings. We scheduled the town hall meetings, conducted the town hall meetings, yes.

Q Did -- were you involved in the drawing of any maps prior to the census data release?

A No, I don't remember that.

Q Did you request any data prior to the census release?

A I'm not sure what you mean by that. I mean, during -- during the -- during the course of the town hall meetings, we would invite people, the public to come and attend and make presentations. In that process, I may have asked someone, a member of the public, if they -- and I don't remember doing this, but they could have said something and I said, can you please follow up or provide us some information on this point you are just making or something you want to supplement.

And then secondarily, there was a general outstanding request and availability to the people in the different areas where we went and to the state as a whole to send information to, I guess I would say the committees, where any of that type of information was then housed, if you will. For example, at the end of the meeting, I think that Bonnie and I as the chairs would announce, if you have anything else you want the committee to consider or that you want to submit, if you will send it in and upload it to -- I don't remember what the system was called or how it was done; it was explained to the public -- then, you know, you are welcome to do that.

I think all of that probably fits in as an answer to your question of requesting information.

Q Well, what's your understanding of how the public could submit data prior to the census release?

A I didn't manage that. I wasn't in charge of that. We had, you know, staff members that were -- that were dealing with that. You'd need to ask them on how that worked.

Q When did the map drawing begin for the 2021 redistricting process?

A I'm assuming you mean actual creating lines on a map, so to speak, if that's what you mean. If you mean

that more in the broad sense of anything that was done toward the goal of being able to draw a map or maps or versions of maps, then, of course, that would have begun as the committee began its work even, say the committee, all the things that we had to do like setting up the first town hall meeting.

Q Let's stick to just drawing the lines on the map.

A Okay. I can't give you a date, but I would think it would have been -- when would that be -- early fall.

Q My understanding is August 12th, 2021 is when the census data was released.

A Okay. It would have been after that date. I don't recall being involved in any map drawing before that time.

Q Uh-huh.

MR. JAUGSTETTER: Before you move on, I want to make a suggestion. It's five until 12:00. If we want to take a lunch break, which I will leave to the collective wisdom, now is a good time to do it because the close-by lunch place is going to close at 1:30, and that's the cafeteria downstairs. So in the interest of time, if you are near a stopping point and want to take a break, whatever everybody wants.

MR. GENBERG: Maybe go a little bit longer and then we can.

MR. JAUGSTETTER: Okay. Keep in mind they will kick us out, so I don't want to -- I don't want to deprive anybody of a nearby lunch.

MR. GENBERG: Fair enough. We'll make sure everyone gets a lunch.

Q BY MR. GENBERG: Did you have any communications with members of the Senate Redistricting Committee as how -- as to how the map drawing process would work?

A Yes.

Q Who did you speak with?

A That would have been communications with caucus members. There would have been communications both individually and as a caucus. And then I'm sure there were communications that I sent out as redistricting chair to all senators, all 56 or other 55 of us, about -- it would have been probably on the front end about sort of time frames and some anticipated schedulings, and we're gonna be having upcoming town hall meetings, things like that.

Q What did you inform members of the Senate Committee about how their input could be considered in -- in the draft maps?

A I told all senators that I would be available to meet with them one-on-one or however they wanted to, so that they could share anything with me that they wanted me to know about the maps and the process we were about to go through, and specifically anything that they might want to communicate to me about their district, I call it their district, and what was upcoming, which was going to be -- necessarily involve moving the lines for all 56 districts because of population shifts and all of that that goes into that, that the lines are going to have to move. And anything you want to share with me, I'm happy to meet with you on.

Q Did you inform members of the Senate Committee that they could speak with Gina Wright directly to give their input about what they wanted to see in the redistricting maps?

A I don't remember. I very easily could have told them that or put that in a -- in a communication. They -- I think everyone understood that, that they could go meet with Gina, because there was -- everyone from members of the Senate that wanted to go visit with her specifically and ask questions, or if they wanted to go in and as an individual senator and say, Gina, help -- help me -- and I'm speculating here because I didn't attend those meetings -- but help me understand what

1 happens if I move this line here or this line here, and
2 that would have been sort of a one-on-one.
3 And then I had -- I think I had some
4 constituency groups from home or some area, that it would
5 have been maybe local legislators that wanted to --
6 excuse me, not legislators, local elected folks, you
7 know, county commissioners or whatever that -- and I
8 would say, schedule a time to go see Gina and go sit down
9 with her. And if you wanna -- if you wanna play with the
10 maps and figure out collectively how you county
11 commissioners want to move the lines, she's available to
12 you, you know. And sometimes I would help facilitate
13 that and just say, Gina, County X wants to come see you.
14 Is that okay? Sure. Tell them to schedule a time and
15 they could come up.
16 So I think all of that sort of, hopefully,
17 encompasses a full answer to your question.
18 Q Keeping this just confined to the congressional
19 and the State House and the State Senate maps, did Gina
20 Wright ever tell you that a request you made for a
21 particular feature of a map was in conflict with what
22 another member of the General Assembly had requested?
23 A I don't remember those specifics, but that's
24 not to say that it might not have happened.
25 Q When did you first see a draft map for

Congress, State House, or State Senate?

A I can't give you a specific date, but I think it was in mid to late September, I think.

Q And who drew that draft map?

A Who drew it?

Q Uh-huh.

A Gina.

Q Did you provide any input into that draft?

A Maybe in that first one, but it would have been very generic and very nonspecific. I say very nonspecific; it would have been general. It was -- if I had had communications with her that -- with her at that time about whatever the next draft or the first draft that came out, it wouldn't have involved me in the map room, so to speak, saying, here's where the line needs to be.

Q What input did you provide to her about what you wanted to see in that first draft?

A As I recall, it was -- if my date is right, if -- my memory about the first map would have been mid to late September, would have been the product, but at that point the data is out, right, after the August 12 date that you referenced, so she would have had the benefit of -- of that population data.

And then I probably communicated to her sort of

some general ideas that maybe would have been a distillation of thoughts from what we had done or I had done in the previous weeks, which would mainly be a product of the town hall meetings and any input that senators maybe had given me. And, again, that would have been at a very high level, general ideas at that time. And then my memory is, and then her creating a -- a map.

Q So prior to speaking with her, you took part in the town halls, and you spoke with individual members of the General Assembly about what they hoped to see in a draft map. Is there anything else?

A No, you -- let me -- you phrased the question as if I did all of that prior to speaking with her, and so I'm sure I had conversations with Gina probably shortly after I got appointed.

Q I'm just --

A And would have come over and met with her, you know, through the whole process.

Q Prior to -- prior to giving input on what you wanted to see in the first draft map, you had -- what you did was you spoke with individual members about what they wanted to see, and you had the town halls, right?

Was there anything else?

A Well, of course, I would have had consultations with counsel. There's a whole lot that went on, but I'm

trying to think of the -- the bigger picture issues. And I think that's probably the bigger picture issues, yes, would be the town hall meetings to get input from the public, meeting with senators to get input from senators, meeting with counsel about, as we are gonna go through this process, these are the considerations that need to be a part of the thinking, to make sure that we wind up with good, legal, and appropriate maps at the end of this process.

And, of course, working with Gina along the way and then getting it to a point where she drew a map that is the one I think you're -- you're asking about that began this line of questioning, that if my memory is correct was she gave to us I think in mid to late September.

Q What did individual members tell you that they wanted to see in that first draft map?

MR. JAUGSTETTER: I am going to assert an objection as to what members told him on the same legislative privilege that I articulated before, and I will instruct him not to answer.

Q BY MR. GENBERG: What did you tell Gina Wright that you wanted to see in that first draft map?

A As I sit here today, I can't tell you verbatim what I said to her or even generally. And to make sure

we're talking about the first map, it would have been the first iteration or the first draft, rough draft of the congressional map, right?

Q Was that the first draft map of -- between Congress, State House, and State Senate?

A That's my memory. I think that's right, yes.

Now, you know, it's certainly possible that she drew the Senate maps, and I bet she did draw Senate maps, and doing the work that she had to do, probably drew numerous versions that I never saw as a part of her -- now, did anybody see them? I don't know. So I want to make sure we're clear that I -- it's not like I was in the office every day and knew everything that she did.

You understand what I am saying?

Q Yeah.

A Yeah. Okay.

Q Well, did -- did Gina Wright start drafting State Senate maps without prior to getting input from you on what you wanted to see in State Senate maps?

A That's what I am telling you. I don't know what she did. She ran the map drawing office. She runs that department, and she ultimately drew the maps. So I'm just -- I would have had to have been with her every day along the process, right, to have known when she first started. So that's why I'm just -- I don't want

to -- I don't want to speak as though I know everything she did. That's the only point I am trying to make.

And that becomes important when you ask about the first time a map was -- was drawn. I can tell you about --

Q I see.

A -- the ones I know about or that -- that I have some recollection of.

Q But you had conversations with Gina Wright at some point about what you wanted to see in the State Senate map?

A You said the State Senate map. Yes, we would have had conversations about some general principles for the State Senate map, which would have been largely derived from a distillation of thoughts that I was sharing with you earlier of things I had learned at the town hall meeting -- town hall meetings, plural.

Q In the -- returning to the first draft congressional map, did you communicate to Gina Wright that it was important that districts be compact?

A I don't know that I can tell you I communicated that. I would tell you as a general sense, that it would be Gina -- or Gina guiding me as to what the maps needed to look like or the characteristics of the map so that they would be legal and appropriate.

Q Did -- did Gina Wright provide any other guidance to you on what the maps should look like other than being legal -- legally compliant?

A Well, on a -- on a microscale it would be, for example, on the congressional maps, because there can't be any population deviation. Yeah, she would have had a hand in -- or, you know, in saying -- it gets a little difficult when you literally have to have the exact same population number, so you have to -- you may have to move a line squiggly through a neighborhood and capture one house to try to get three people to make the numbers right.

So that would have been her -- her work and through the advisory process of getting to the right number so that at the end all 14 districts have the same.

Q Did she give you guidance on anything besides maintaining equal population among districts and other legal requirements?

A She did, and I'm sure she did, but it would be more in the vein of her being explanatory of why this district looks like this. It is because of, you know, we moved it over here because we wanted to protect this community of interest, or -- and so she would talk about those principles, those bases, those notions, if you will.

It was more in the vein of her explaining that to me, rather than me saying, you know, here, we've got to do this or we've got to do that. And again, she's the expert. She's done this for 20-plus years, and she knows Georgia factually.

Q Did you explain to her that it was important to maintain communities of interest in the first draft of the congressional map?

A I'm sure that was a part of the conversation, because by the time we got around to that, communities of interest is something that was a -- was a common theme that we were wanting to be respectful of, just as was we worked very hard to try to not -- to try to keep counties whole and not divide counties.

And I think we -- I think this map is an improvement, maybe a substantial improvement on at least the last map. I think we have fewer split counties in this map than in the past or generally.

And that was a product of the work, and I would attribute the credit to Gina of working hard and figuring out the numbers right, and how do you include counties to get to within the numbers while at the same time trying to be respectful and observant of communities of interest and the other principles that we've talked about.

Q Did you tell Ms. Wright that it was important

that the cores of the prior districts be preserved as much as possible?

A I don't remember me telling her that. I do remember there being -- that being a consideration of what we were doing. You know, I probably knew enough by that time to know that that wasn't -- that was a principle that we wanted to respect. Being a little more candid, it probably was her telling me more about it than me telling her about it, from a -- from a expertise information base. But yes, I do remember a discussion of that.

Q Did you ask her to consider partisan data in creating the first draft congressional map?

A I don't remember if it was in the first draft, but partisan consideration was a -- at times a part of the process.

Q And how was it part of the process?

A In looking at her work on forming certain districts, the proposed district or district area of what would be the partisan split or presumed partisan split or assumptions about that.

Q Did -- do you know what data she was reviewing when she told you how a district would tend to -- to vote from a partisan perspective?

A I believe she was relying on historical voting

data that she had, but I -- I can't tell you the software she was using or, you know, that level of detail of what she -- what she sourced her information from.

Q Okay. Was it -- did you tell Gina Wright that it was important that she try to protect incumbents in the first draft of the congressional map?

A We certainly may have. I'm just trying to recall. I don't recall the specifics of any conversation about -- about that issue. I don't think anybody got drawn out of their district, so to speak, though, so that's why I'm telling you that, yeah.

Q Did you tell Gina Wright that she should consider demographic data when drafting the first congressional map?

A What do you mean "demographic data"?

Q Let's start with racial demographic data.

A Again, your -- your question presupposes. It kind of puts the cart before the horse in the sense of as though I walked in and said, here's what I want you to do and here is the consideration. She was the expert. She knew that. She -- she was steeped in the requirements of what one would have to do to do this correctly, legally, and be compliant going forward.

And I would say it was something that was just inherent in her process as she went forward. She knew

all of that and knew how to fashion things so that they would be compliant.

Q Did she present you with any draft proposal prior to you giving her input on what you wanted to see in the draft?

A I don't remember.

MR. GENBERG: Okay. I think this is a good time for a break for lunch.

MR. JAUGSTETTER: Okay.

THE VIDEOGRAPHER: The time is 12:18 p.m. We are now off the record.

(The deposition was at recess from 12:18 p.m. to 1:32 p.m.)

THE VIDEOGRAPHER: The time is 1:32 p.m., and we are back on the record.

MR. GENBERG: Mr. Jaugstetter, do you have something you want to say?

MR. JAUGSTETTER: Yes, thank you, before you begin questioning.

During lunch we were able to confirm that I made a bit of a premature objection as to legislative privilege. You were questioning the senator about any conversations he may have had. The specific senator was Senator Cowsert, about the redistricting maps. I asserted an objection based on legislative privilege, but

we confirmed since then that Senator Cowsert has authorized Senator Kennedy to disclose any communications or conversations they may have had.

So I want to make that clear on the record and give you the opportunity to ask that question again if you'd like.

MR. GENBERG: Thank you.

Q BY MR. GENBERG: Senator Kennedy, did you have a conversation with Senator Cowsert about what he wanted to see in the redistricting maps?

A Yes.

Q What did he tell you he wanted to see in the redistricting maps?

A The conversation I recall was about his district and certain areas he wanted his district to encompass or not, or how it would need to be moved around relative to the impact it would have on everything that's around it.

And I don't remember the specifics of what he said, but I think I recommended that he just go over to see Gina and look at the map and work with Gina, and it's my understanding that's what he did.

Q This is for the Senate map?

A Yes.

Q Did he explain the reason that he wanted

certain areas in this district?

A Not that I recall.

Q Do you have any understanding of why he wanted certain areas in this district?

A From things he said to me, no; or otherwise, no.

Q Do you recall if the areas he asked to be in his district had a particular -- strike that.

Do you -- do you recall if the areas he asked to be in his district had a high percentage of white population?

A No, I don't recall. I don't recall that being a part of it, no.

Q Did you have conversations with any other legislators about what they wanted to see in either -- on any of the -- any of the draft maps?

A Yes.

Q Who else did you have a conversation with?

A I had conversations, connections with, and as I told you this morning, that I had offered to meet with anyone who wanted to. So in trying to remember who actually took me up on that, Senator Lindsey Tippins, I had a meeting with him.

Q And what was -- what was discussed at that meeting?

MR. JAUGSTETTER: I do have to assert an objection as to the contents of that discussion with respect to Senator Tippins. I do not have -- or that would invoke -- invade upon his legislative privilege, and I'm going to instruct the witness not to answer that.

Q BY MR. GENBERG: Okay. We can move on to tab 2 in the binder.

A Okay.

Q So this will be marked as Exhibit 2.

(Deposition Exhibit 2 was marked for identification.)

Q BY MR. GENBERG: Take time to read it.

A Okay.

Q And do you agree this shows that on September 27th of 2021, the Reapportionment Office released the congressional redistricting plan from the Senate Committee?

A Can you repeat the last part of that question? I'm sorry.

Q That the Reapportionment Office released the congressional redistricting plan from the Senate Committee?

A Yes.

Q This was released --

A Excuse me. Let me -- this was a press release

of a map that had been worked on that was released by me and the Lieutenant Governor.

Q Do you know who drafted this press release?

A I -- I'm not certain.

Q I'll direct you to your statement at the bottom -- starting at the bottom of page 1, beginning with, "Even given the delay of official Census numbers," and ending on the next page, "Looking at this map, it is obvious that Georgians have been heard, and will continue to be heard."

Do you see that?

A Yes.

Q What did you mean by, "Looking at this map, it is obvious that Georgians have been heard"?

A Because you can look at the map that was offered, that was the subject of that press release, and it looks fair, and I think the districts are balanced in general. And for those -- and what I meant by that were those that -- maybe beyond just the general public, but thinking about the principles that should drive redistricting and reapportionment, that this map meets those principles.

Q And what are those principles?

A The same things we've talked about earlier today.

Q Could you just repeat one more time?
A Sure. That it's legal, that it's fair, that it's appropriate, meets the legal requirements that we've discussed earlier today, principles of compactness. And in general terms, you look at it and there's no weird or goofy-shaped districts.
Q Okay. Thank you.
Can you cite any examples of public input that informed this map?
A It would be the same that we talked about this morning. It would be principally from the town hall meetings.
Q Uh-huh. Okay. But nothing specific at the time that you can recall?
A Not the way you asked the question, no.
Q An example of public input that informed the map, is that -- is that -- how is that -- is that unclear to you?
A Repeat the question.
Q Can you cite an example of public input that informed this map?
A I believe one of the things we talked about this morning was, there was a county in Northeast Georgia called Pickens County, I think I gave you the example of had been previously divided, I think in the congressional

map, not the Senate map. That's one of the things that I can think of that we attempted to draw and keep Pickens whole.

Q Do you see at the bottom of the first paragraph of the press release, it says that the map is "being provided to the public for further review and discussion"?

A Uh-huh.

Q To your knowledge, was there ever a town hall held to discuss this plan?

A We held public hearings when the maps were presented as the committee convened, yes, which are open to the public and live streamed.

Q Was this map, the September 27th map, was that the subject of any conversation at the public hearings in November?

A If this map is the one that was ultimately presented in one of the bills, then, yes. But I just don't remember whether or not the map that was attached to this press release was the same one that was presented in one of the bills that was dropped. So if it was, then yes, it was public input.

Q So okay. So you don't recall whether this plan you released on September 27th was the plan that was introduced during the special session and enacted?

A No, that's what I just said. I don't remember.
Q Okay. Did you receive any public comments on this map?
A Yes.
Q Did you review those comments?
A So some of the comments that I received were oral comments that people would make about the map that had seen it in the newspaper or with the press, and so I would have received those. I think there was some responses, perhaps, in what I am going to call the portal that was set up to receive information. I think we had some comments through that as well. I don't have a specific recollection of what -- what was reviewed -- what was offered or what I would have reviewed at the time.
Q So you don't have a memory of reviewing any comments on -- from the online portal?
A What I said was, I don't have a specific recollection of what I would have reviewed or not reviewed from the portal about this map.
Q Do you recall reviewing any comments at all?
A Yes.
Q Okay.
A But what I can't distinguish for you is was it about this map or was it about other maps, because we

were doing lots of work over the course of time.

Q Do you have a sense of how many comments you reviewed from the portal?

A No, couldn't give you a number.

Q More than a hundred?

A Can't give you a number.

Q Okay. More than a few?

A I can't give you a number.

Q It could be less than three?

A I don't know how more plainly to answer your question than --

Q All right.

A -- I can't give you a number. I don't remember how many were reviewed.

Q Okay. If you can turn to tab 3, please.

A Okay.

MR. GENBERG: And this will be marked as Exhibit 3.

(Deposition Exhibit 3 was marked for identification.)

THE WITNESS: Okay.

Q BY MR. GENBERG: What does this appear to be?

A It is entitled "Draft - Georgia Congressional Districts."

Q Does -- does the map look familiar?

A Yes.
Q Do you think it is the map, the September 27th map, the draft map?
A I -- I don't know. I mean, at this point I have seen so many, I don't know if this is the one that was attached to the press release. It is a map of the state of Georgia with 14 congressional districts.
Q I'll represent to you that this is the map that accompanied the press release --
A Okay.
Q -- that we just reviewed.
Did you have any role in drawing any part of this map?
A If this is the map that attached to the September 27th press release --
Q It is.
A -- then we would have had, I believe, all the town hall meetings completed by then, and I could have had some general input with Gina about the exercise she was undertaking to specifically draw a map to be proposed or shown to us. But beyond that general-type input, no.
Q How was this decision reached to -- to draw this map and release it to the public?
A The decision to draw the map was the product of Gina Wright and her work, after what I just described as

may have been some input from me and what -- and whatever else other input she received and she decided to draw it.

The second part of your question was and to release it, I think you asked.

Q Yes.

A Was a decision based on a conversation with the Lieutenant Governor that we wanted to release a congressional map that reflected generally what our thoughts were about how a congressional map perhaps should look or should be considered for comment and further conversation.

Q Do you recall whose idea that was?

A To do what?

Q To release it. Was it your idea or the Lieutenant Governor's idea?

A I don't specifically remember, no.

Q Do you recall the reasoning for the decision?

A Part of the reasoning was -- and the one driver that I remember was, the Lieutenant Governor and I thought it would be good for the Senate to be the first to set forth a map that reflected some of the work of our committee and the Senate body and place it out for consideration and begin the narrative around or the discussion around what a congressional map ought to look like. And I believe we were the first to release such a

map for consideration.

Q You wanted to be first in front of who specifically?

A Not necessarily anyone specifically, but we had gotten to the point that we were comfortable, I think, with the thoughts around this and the discussion needed to begin. At this point in September, the clock is ticking, and they all thought it might make some sense for the Senate to make the first move ahead of the House.

Q So my understanding is you conferred with members of the Senate Redistricting Committee, Lieutenant Governor Duncan, and Gina Wright for this map. Is that correct?

Is there anybody else?

A No, I don't think I said the Senate Redistricting Committee. You phrased your question that way earlier --

Q Okay.

A -- and I answered it by saying, no, this was the product of me and the Lieutenant Governor and Gina and our work. Because we had not had a committee meeting as of September. Now, that's not to say that other committee members didn't have input, but I want to be clear that it wasn't the product or didn't come after a committee meeting.

Q I understand. So individual senators?
A Yes.
Q Okay. So besides individual senators, Lieutenant Governor Duncan and Gina Wright, is there anyone else you discussed this map with before it was published?
A No, I don't think so.
Q What role did the Lieutenant Governor have in providing input into this map?
A I don't really know. You need to ask him.
Q Did you have any meetings with Gina Wright in connection with this map where you were able to see her make changes in real time on the screen?
A I don't think so.
Q Do you form a view of whether the September 27th plan presented suitable congressional district lines?
A Yes.
Q What was your view?
A That it did present suitable congressional lines.
Q Was there anything that concerned you about the September 27th plan?
A Not that I recall.
Q If we turn to tab 4, please.

A Okay.

MR. GENBERG: We will mark this as Exhibit 4.

(Deposition Exhibit 4 was marked for identification.)

Q BY MR. GENBERG: Take your time reviewing this.

A I've got six pages; is that correct? Is that what -- is that what's supposed to be there? It's an e-mail and some other stuff?

Q Yes.

A Okay.

Q E-mail and attachments.

A Okay.

Q Mine is five pages. It's five pages.

A Okay. I've got six. I have, it looks to be a two-page e-mail. My third page is completely blank.

Q Oh, okay.

A So maybe --

Q I guess that's the one that's an extra one. Yeah.

A Okay. Sorry, I just realized that. Okay.

Q Okay. This appears to be an e-mail chain?

A Yes.

Q Starting with the bottom e-mail beginning at the page -- bottom of page 1 of the document --

A Okay.

Q -- and continuing to page 2, what does the "Sent" line of that e-mail say?

A Beginning with the "Sent" line, Thursday, September 23rd, 2021.

Q Oh, sorry, the "From" line.

A Okay. From Jamie Shaw, jshaw@jamesbatesllp.com on behalf of John F. Kennedy, sent Thursday, September 23rd, 2021, 1:55 p.m. to Wright, Gina, and then her e-mail address, cc'ing John F. Kennedy at my e-mail address at my law firm. The subject just says in brackets "External Email."

Q Who is Jamie Shaw?

A Jamie is or was my legal assistant at my law firm.

Q Did she send this e-mail to Gina Wright on your behalf?

A It appears so.

Q What communication did you have with Jamie Shaw prior to this e-mail being sent?

A Well, Jamie was my legal assistant for a few years, so I talked with her all the time, every day.

Q Sorry. About the -- the e-mail itself --

A Okay.

Q -- and the contents of the e-mail.

A I don't remember.

Q Did you communicate with any members of your law firm about the redistricting process?

A Not other than perhaps a partner or a associate or someone saying, how is it going, how is redistricting going?

Q So this e-mail from Jamie Shaw sent September 23rd, prior -- so that's prior to the release of the September 27th map, correct?

A Yes. Uh-huh.

Q Do you have an understanding of which draft of the congressional map this e-mail pertains to?

A I would think it would be for the one that is attached to -- as Exhibit 3, that's part of the September 27th press release. And I would think that because of the dates and the close proximity in time, not because of specific recollections about information.

Q Does -- I think the fifth page of your exhibit, the map, does that appear to be the published September 27th map?

A It appears to be. If not, it's very similar.

Q Let's look at the e-mail from Jamie Shaw to Gina Wright. There's a series of districts listed, and it appears to be instructions about changes to the map for those districts; is that correct?

A It appears to be.

Q Does -- do the instructions listed in this e-mail, did those instructions come from you?
A I believe so.
Q Are these directions to modify a prior draft version of the September 27 map?
A I don't think so. I think it would be to modify the existing maps at the time.
Q How many drafts of the September 27 map were generated before it was published?
A I don't know.
Q Does this e-mail reflect your final input into the creation of the September 27 map?
A Probably. I don't remember anything beyond that.
Q Reviewing the words beginning with "District Six" --
A Okay.
Q -- what did you mean by "District Six: East Cobb/North Fulton/all of Forsyth"?
A Probably a recommendation or a suggestion of what should be in the district or part of what should be in the district.
Q Did someone propose to you that Forsyth County be added to District 6?
A I don't remember.

Q Why did you propose adding Forsyth County to District 6?

A It was one piece in a much larger puzzle of what was anticipated of trying to create districts that would ultimately balance out population-wise.

Q What redistricting criteria were considered other than balancing population?

A All of the other things that we talked about all day.

Q Compactness?

A Pardon?

Q Compactness?

A Yes. And let me add to that answer or change it a little bit. Those would have been part of the considerations, but again, these are recommendations and suggestions, understanding that they were going to Gina for Gina; understanding she would actually do the drawing and would do so with all of the considerations that were necessary as a part of the process that she would undertake.

Q Did Gina Wright, indeed, include East Cobb, North Fulton, and all of Forsyth in the September 27 map?

A It looks close to that, but there's some of Gwinnett County in 06 as well, and that's not reflected in the e-mail.

Q Did -- do you believe that your intention was to limit District 6 only to East Cobb, North Fulton, and all of Forsyth?

A I don't know what my intention was at that time with the communication we are looking at, beyond what I can read that was actually typed on the page.

Q Were you aware that the inclusion of Forsyth County in District 6 reduced the black voting age population percentage in that district?

A I don't know that I was.

Q Were you aware that Forsyth County has a 4.8 percent black voting age population?

A I don't know what the number is or was.

Q Did you assess whether the inclusion of Forsyth would affect whether the black preferred candidate could win District 6 in the September 27 plan?

A In the e-mail that is sent?

Q Prior to -- prior to asking Gina Wright to include all of Forsyth in District 6, did you assess whether the black preferred candidate could win District 6 if Forsyth County was in District 6?

A Again, I don't remember the list of all the considerations that were undertaken at the time.

Q Would it have concerned you if you had known that including Forsyth County would have made it very

unlikely for black preferred candidates to win in District 6?

A I would have relied upon Gina's expertise and the counsel of my counsel if that were an issue or problem.

Q So --

A Yeah, in the overall picture of redistricting. And I say that, overall, because you can't take one district out without informing yourself of what's around it.

Q Did you have a concern or would you have been concerned independently of any legal requirements if you had known that including Forsyth County would have made it very unlikely for black preferred candidates to win in District 6?

A I wouldn't have wanted to do anything that made it difficult, as you've described, for black candidates to win. But your question is asked in the isolation and to the exclusion of what does that, the formation of any district, have to do in the impact of districts around it.

Q Did you understand that it was necessary to include Forsyth County in District 6 in order to comply with legal requirements?

A Ask that again.

Q Did you understand that it was necessary to include Forsyth County in District 6 in order to comply with legal requirements?

A I don't think that question can be answered. There's too many variables in the equation. You can't ask it that way, or it can't be answered the way you've asked, rather.

Q Was there a way to have legal compliance other than including Forsyth County in District 6? Was it necessary to include Forsyth County in District 6 in order to comply with all legal requirements?

A I can't answer that question because that assumes that Forsyth County was the only way to -- only county to add to 6 when you got areas around it.

Q I don't think it assumes that.

A I think it does. Your question is, did Forsyth have to be included in 6 to be a legal district? And that assumes that you couldn't have included any other areas --

Q It doesn't --

A -- and made it legal.

Q I'm sorry. It doesn't assume that. I'm just asking if it was possible.

A Okay. Is it possible that Forsyth County had to be added to 06, but Forsyth County is a large chunk of

06. So are you asking me to disregard the balance of 06 excluding Forsyth?

Q I'm saying, was it possible -- okay. Let's take it from equal population perspective. Would it have been possible to create a District 6 with a -- that complied with the population equality requirements of the U.S. Constitution without including Forsyth County in District 6? Was there another way to do it?

A So if you are asking if there's another way to do it population-wise, I assume, sure, you could have gone in different directions as long as you encaptured enough people to get to the population number that was required. Then, yes, that could be -- that could and would be the case for the creation of each one of these districts.

Q Dawson County is not included in District 6 of the September 27th map; is that correct?

A It is not.

Q Did someone propose to you that Dawson County should be added to District 6?

A They could have. I don't remember.

Q Why was Dawson County not included in District 6?

A Well, to have included Dawson in 6, you mean 6 looking like it does now and include Dawson? You would

be over the population number.

Q Well, so why was Dawson County not included in District 6, granted that you would have to remove something for -- take a -- take an assumption that you would have to remove something from District 6 in order to meet the population requirements, but why was Dawson County not included while removing some other population?

A I don't know that there was a reason to exclude or not include Dawson County.

Q So you can't cite any redistricting criteria that would have been -- informed your thinking to not recommend Dawson County be included in District 6?

A Well, again, if you include Dawson, now you've gone over the population limits for District 6 as we look at it on this map, which is how I have to assume, which is what I am supposed to look at based on your questions and the map that's in front of me. So Dawson would have taken the population number too high.

If you're asking if you add Dawson and then remove some other area, you haven't identified that area. So what -- do you give up some Cobb? Do you add Cherokee? Do you go more into Gwinnett? Your question assumes that you can create a district in a vacuum without understanding and being informed about what it does to the areas around it.

So it's not a one-for-one consideration, is what I am trying to say, and the way you've asked the question, it's a population-driven number. And I can answer that one, which is, add Dawson and now you are over the population.

Q Let's assume you could consider removing some population from Cobb County or Fulton County in order to add Dawson County to District 6. What would be the consideration for not doing that?

A Because now you've taken the 11th District and you've taken population away from it, and now it's too low.

Q So your answer for why not to include Dawson County is based purely on population?

A No, because you asked me one of the reasons. Sure, there were other factors. I don't know what all those other factors are.

Q You can't --

A But they would have been informed, and we would have been guided by Gina Wright and counsel as to the creation of 6 and all the districts around it in the process that we were undertaking.

Q So you can't cite any redistricting criteria other than equal population for not including Dawson County in District 6?

A For what?

Q For not including Dawson County in District 6.

A I can tell you that the creation of 6, the creation of 9, in which Dawson County is located, the creation of 11, which is the county that you gave as an -- or the district that you gave as a county in which you wanted to move population out of Cobb, the creation of 7, which is all within Gwinnett, all of those districts, all of those districts included the formation, trying our best to incorporate the considerations of all the principles we have talked about this morning. Understanding I wasn't driving that train; that I was relying upon the advice of counsel to do so in a way that was -- would ultimately create maps that were legally correct and appropriate and with the advice of Gina, who was actually in the map-drawing process, trying to do the same thing with the same objective.

Q Let's say some of Fulton County was removed in order to include Dawson County and balance out District 6. Do you think that would be --

A I'm sorry, repeat that again. Restate what you just said.

Q Assume we remove some population from Fulton County, add Dawson County, instead of what you see here on the September 27 map. Would that alternative, in your

opinion, be more compact or less compact than the September 27th map?

A It depends on where you -- from -- where from Fulton County you move.

Q Let's assume you remove some of the southernmost portion of Fulton County that's in District 6 in order to include Dawson County.

A And if that were done, the question is?

Q Would -- would that be a more compact map than the one you see in the September 27 version?

A I don't know that it would, because now that you are adding -- and again, you're getting into -- you are outstripping my knowledge of certain things that would be required to inform me to answer the question.

I believe that if you pull -- that the density of Fulton is greater than Dawson, so with what you're suggesting doing would be less compact.

Q So just to be clear, the adding of Dawson County and removal of a portion of Fulton County would create a less compact district than the September 27th one?

A Again, I told you I'm -- I don't know what the population numbers are, and so if you had a specific example, and even if you showed me a specific example of redrawing lines, since I don't know what the population

numbers are of the area you are talking about, obviously, that has -- I think has something to do with the notion of compactness.

Q Well, like you said, Fulton County has more population density, so would it be true that a smaller land mass area of Fulton County would be removed than the size of Dawson County in order to balance population?

A I would assume that. Again, not knowing the population numbers but just thinking Atlanta and population, assume population densities. But you are increasing a geographic area greater with your move to adding Dawson County than leaving it the way it is. So is that more compact or less compact? I guess if that's how you define compactness in the context of the discussion we are having right now.

Q How would you define it?

A I think of compactness as areas where the geographical area inside the boundary is as close to one another as possible, if that makes any sense. That's what I think of as compactness, versus crazy gerrymandering lines. But again, you can't look at that in a -- in a vacuum either, because as is obvious from this, we're trying to be respectful of other things, such as county lines.

Q And then, in your opinion, would this

hypothetical of adding Dawson County, removing the portion of Fulton that's the southernmost portion in the September 27th plan, would that preserve the core of the prior District 6 more than the September 27 plan?

A You would have to show me the old map for me to know that.

Q If you could turn to tab 8, please.

A Okay.

Q Looking at the left side of the document labeled "Prior Congressional District 6 Boundaries."

A Okay.

Q Then considering the hypothetical of removing a portion of the southernmost part of Fulton County, District 6 in the September 27th plan, adding Fulton County -- adding -- sorry, adding Dawson County, is that move to add Dawson County and remove a portion of North Fulton, would that be more consistent with preserving the core of the prior District 6 than the September 27th plan?

A Okay. You've got to help me out here. The map on the left of -- of page 8?

Q That is --

A Is that the September 27 map or is it the one on the right?

Q The one on the left is the prior District 6

boundaries for the 2010 cycle.

A Okay. So the previous maps that were in place and utilized for previous elections?

Q Yes.

A Okay.

Q The one on the right is the enacted map.

A Okay.

Q But I'm not talking about that right now. I'm just talking about looking at the prior map on the left of tab 8.

A Okay.

Q Looking at the September 27th map and then comparing the hypothetical of the September 27th map, so comparing the September 27th map to the hypothetical of adding Dawson and removing a portion of Fulton County.

A Okay. So to be clear, we are talking about three different maps?

Q Yes.

A Okay. You've got the old map that was in -- utilized in place. We've got the September 27 map, and then we've got S.B. 2EX.

Q Yeah. We are not talking about S.B. 2EX right now. We are just comparing two maps to the prior map.

A Which two? If this is the prior map --

Q We're comparing --

A -- which two?
Q We are comparing the September 27 map.
A This one, correct (indicating)?
Q Yes, my hypothetical, which is not --
A Which is not on the page or drawn anywhere.
Q Which is not on the page or drawn anywhere.
A Okay.
Q And the prior boundaries.
All right. Why don't we just -- why don't we do this. Why don't we compare the September 27th map and the enacted map to the prior districts, which is closer to -- which preserves the core of the prior districts more, the September -- of the prior District 6, the September 27 map or the enacted map, S.B. 2EX?
A If I understand your question, you're asking me to compare a September 27 map, which is page 3 of your exhibit book, to S.B. 2EX, which is the right side of the page behind Exhibit 8?
Q Yes. I'm saying which of those two preserves the core of the prior District 6 more?
A I don't know that I can answer that.
Q Which one -- does the September 27th plan or does the S.B. 2EX plan look more similar to the prior District 6 boundary?
A In some ways the September one does. In some

ways it does; in some ways it doesn't to me.

Q In what ways does it and in what ways doesn't it?

A Well, part of what's confusing is there is no aspect of population shifts included in your question. So you are assuming that one can draw something like a CD 6 from the previous map, that if you took that and drew it, I don't know what that does -- I don't know if that meets the population numbers or not. So I don't know if it would be -- if it were possible to draw a CD 6 like the old one.

Q I can represent --

A But this is --

Q Sorry. I can represent to you that the prior CD 6 only needed to be adjusted by about 700 people in order to comply with equal population requirements after the 2020 Census data was released.

MR. JAUGSTETTER: I'm going to -- I'm going to assert an objection to form, and I'm just going to tell you what my concern is. You are asking this lay witness to undertake an in-depth analysis of three different maps on the fly without any underlying data, and he's already acknowledged that he's not -- he's neither familiar with the underlying data, nor is he qualified to render one.

He is a fact witness. He's not an opinion

witness. If you're asking him a question about what he did or what the committee did, that's fair game, but I think you're -- I think you're departing far and afield away from what's proper questioning for a lay witness.

MR. GENBERG: I am asking him whether he preserved or intended to preserve the cores of the prior districts and whether --

MR. JAUGSTETTER: But that's not what you asked him. You asked him to look at three different maps and render his opinion about a real map, an undefined hypothetical map, and another map, as compared to a third map and to render his opinion about which one appeared more compact.

That's not -- that's not the question you just represented you asked him. You have asked him an opinion question.

MR. GENBERG: His opinion as the chair of a Senate Committee isn't relevant here?

MR. JAUGSTETTER: No, I don't think his opinion is. He's a fact witness. He -- I don't think -- I don't see his opinion on -- you all listed the topics of examination, and his -- the chair's opinion as to compactness of any particular district is not listed within the deposition topics.

If you want to ask this fact witness fact

questions, you can ask this fact witness fact questions. But the question you're asking, first of all, I don't think an expert could answer it sitting here the way you have phrased your hypothetical.

Second of all, he's -- he's neither an expert, nor is he being provided the information that an expert would need to answer that question.

Q BY MR. GENBERG: So -- so you have no opinion whether the September 27th plan or the enacted plan more closely preserves the boundaries of the prior District 6?

A With everything that counsel just said, my frustrations, my attempts to answer your question, I don't know. I cannot form an opinion to the question you've asked the way you've asked it.

MR. GENBERG: I'd ask counsel to refrain from speaking objections.

MR. JAUGSTETTER: I would ask counsel to ask appropriate questions of this witness within the guidelines of the deposition that you provided.

Q BY MR. GENBERG: If you will go back to tab 4.

A Okay.

Q Do you see a -- the word starting with "District 13"?

A On page 2?

Q Correct.

A Yes. Got it. Yes.
Q Did someone propose to you that part of Clayton County be moved from District 5 to District 13?
A I don't know if someone proposed that to me or where that idea is sourced from.
Q Why did you propose moving part of Clayton County to District 13?
A I don't know, except it's one of the pieces of the larger puzzle of everything going on.
Q What redistricting criteria were part of moving Clayton County or part of Clayton County to District 13?
A Specific redistricting criteria, I can't answer that question. Generally speaking, with the help of counsel and Gina Wright, trying to be compliant with all of what needed to be complied with.
Q You proposed that part of Clayton be added from District 5 to District 13, correct?
A That is an idea expressed in the e-mail, yes.
Q Why did you make that request?
A The same answer as I've told you. I don't remember what the reasoning was behind that.
Q Why did you propose that some of Douglas be removed from District 13 to District 3?
A Specifically, I don't remember.
Q Please read the words beginning with "District

14" on page 2.

A "Add population from Bartow to balance out."

Q Yes. What did you mean by that?

A Well, it's referencing District 14, so I think I would have been referencing that, "add population from Bartow County to balance out," balance out to me means get to the population number that you need to get to.

Q Why did you propose adding the population from Bartow County to District 14?

A It would have been -- I don't know. I don't have a specific memory, but it would have been to get to whatever population requirement there was for CD 14.

Q Why was part of Bartow County added to balance out population numbers as opposed to all or part of Gilmer County?

A Again, if you are -- well, specifically, I can't tell you because you are picking that one move, that one piece of the puzzle out, and looking at it in a vacuum without looking at what's around it.

If you were to take Gilmer County and put it in 14, I don't know that the numbers work. But 9 looks more like a better-looking district, if you will, meaning its shape, compactness, contiguity, keeping counties whole, all of those reasons looks better with Gilmer being in 9.

I think, as I explained to you this morning

about geographic communities of interest, if I recall correctly, Gilmer would be on the east side of that mountain range versus as you see it's divided. That kind of follows what I think was described for us as the mountain range dividing Northwest Georgia, and the area to the east of it for the transportation issues and communities of interest.

So what you are doing would, I think, if I am remembering my facts correctly, would offend that notion of trying to keep those communities of interest as best intact as we could.

Q Why was part of Bartow County added to balance out population numbers as opposed to part of Cobb County?

A Again, you're -- you're picking specific questions out when there was a lot of moving pieces to the puzzle. I don't think you can or it's fair to go and say, well, why not this one, why not that one? Because if you are gonna do that, then you're gonna have to further explain to me how do you make up Cobb? And if you take it out of Cobb, then what are you gonna do with DeKalb? What are you gonna do with Douglas?

There's an accordion effect that occurs when you move the lines, and it impacts all of the districts -- can impact all of the districts that's contiguous to the one you happen to be looking at at the

moment.

Q Are you aware that on September 23rd, 2021, Governor Kemp signed a proclamation order in a special legislative session of the Georgia General Assembly in order to draw new redistricting maps?

A I am aware of the proclamation. I am -- I'll assume you are giving me the correct date of September 23rd.

Q The special -- the special legislative session was set to begin on November 3rd, 2021?

A That sounds right, yes.

Q Did you have any communications with Chair Rich about the strategy for the special legislative session?

A About the strategy for the session, not that I recall.

Q Did you have communications with anyone else about the strategy for the special legislative session?

A Tell me what you mean by strategy. I mean, if you are encompassing that, should we have meetings in the morning or afternoon, is that part of strategy? Or, you know, I can --

Q Did you --

A -- try to give you answers. I don't think that's what you want, but so it depends on what you mean by "strategy."

Q Did you have communications with any members of the General Assembly about when to propose certain redistricting bills?

A I'm sure we did with regard to the timing of getting bills filed in connection with holding the committee hearings that we needed to hold as a logistical matter.

Q Who did you have those communications with?

A I don't remember who all.

Q Turn to tab 5 of the binder.

A Okay.

Q Page 2 at the bottom, do you see where it says, "Congressional Districts - November 17, 2021, Senate and House Committee Chairs - Senate Bill 2EX"?

A Uh-huh. I see that.

Q Was November 17th, 2021 the day that S.B. 2EX was released publicly?

A I don't remember.

Q S.B. 2EX was the congressional redistricting plan?

A I -- as I asked you this morning to tell me if that was the bill number for which map, so I don't know. I'm assuming you are telling me --

Q I will represent yes.

A -- honestly that 2EX was the congressional

plan.

Q Okay.

A And that -- go ahead.

Q Was the congressional redistricting plan first considered on November 17th, 2021?

A I don't remember what dates.

Q What did the Georgia legislature do in order to consider Senate Bill 2EX during the special legislative session?

A Well, once the bill is filed, it's then a matter of public record. And the committee would have convened. We would have held a hearing, public hearing, taken input. Members of the committee would have participated in that process. And at some point, the bill would have voted out of committee and then gone to the floor.

Q Do you recall how long after Senate Bill 2EX was first introduced that the Senate Committee voted on it?

A No.

Q If I represented that it was the next day, would you -- would that surprise you?

A I don't know -- I don't know that those dates are right. They may be. Would it surprise me? Not necessarily, because I don't know what all was going on

in the context around the work of -- 2EX; is that right? Is that what we are talking about?

Q Yes.

Assuming that the congressional map was introduced to the public on November 17th and the Senate Committee passed the congressional map on November 18th, do you believe there was sufficient time for Georgians to review the map and comment on it to the Senate Committee?

A Yes.

Q Why do you believe that?

A Because we had released a map in September, some, what, almost two months earlier, that although not identical, was substantially similar, I believe. The comment was being received. The public had time to have input. We had a public hearing, and that was presented and voted on, and also because no one presented any sort of compelling argument as to why that map was incorrect or inefficient or deficient or illegal or didn't meet the standards that were required.

Q Were you receptive to hearing those kind of arguments?

A Sure.

Q Would you say it's unusual for a bill to be passed out of the Senate Committee the day after it was introduced?

A I can't answer that because this was my first redistricting rodeo.

Q How about generally, not limited to redistricting? Would you say it's unusual for a bill to be passed out of the Senate Committee the day after it's introduced?

A Not necessarily, but I don't think that's a fair question or I can fairly answer it because the redistricting process is very different than the normal bill passage process.

Q Do you think that the redistricting -- it makes sense for the redistricting process to move quicker than a normal bill passage process?

A It depend -- depends upon what the circumstances are. If you are proposing a map that, in fact, no one is presenting objections to, that have any -- or any legal objections to and we're called into special session for just a prescribed period of time, that's why I am saying, it's totally different dynamics in a special session and with redistricting.

Q Were you willing to consider public comments from the public hearings on S.B. 2EX and make changes appropriate with those comments?

A I believe we did, didn't we?

Q Were there changes made from S.B. 2EX when it

was introduced on November 17th and when it was passed on November 18th?

A I don't remember, but I don't think so.

Q I'll -- do you remember members of the public speaking at public hearings on November 17th and 18th?

A I remember people came and spoke. Do I remember what they said now, some year, year and a half later, no, I don't remember the specifics.

Q Do you remember that some Georgia residents had complaints about S.B. 2EX?

A I don't remember specifically, but I -- there may have been people that came and complained or had questions or concerns, I think may be a better way to put it.

Q Which complaint -- what type of complaints would have caused you to slow down the process and reconsider the bill?

A I don't know that I can answer that. You are asking me for -- about a hypothetical to put me back at a point in time, doing a exercise that had a lot of moving pieces to it.

Q Would you say it's unusual for a bill to be passed out of the Senate Committee the day after it's introduced when it was unanimously opposed by the minority party?

A Would it be unusual? Repeat the question.
Q Would it be unusual for a bill to be passed out of the Senate Committee the day after it was introduced when it was unanimously opposed by the minority party?
A Your question asks me to disregard that we're in a special session, that this is redistricting, which makes this different. Is it unusual for the Senate majority party to pass a bill when all the minority parties are against it, no, that's not unusual.
Q Would it be unusual to do it the day after it was introduced?
A In the general context or in a special session with redistricting?
Q In the general context.
A No, depending upon -- again, you are asking me a hypothetical without enough information for me to really make a comparison, so I can't answer the question the way you have asked it.
Q I'm just asking based on your experience in multiple committees over years of experience.
A And I am just telling you I can't answer your question based upon the way you have asked it.
Q If you turn to tab 6.
A Okay.
Q Would you review those two e-mails, starting

with the one on the bottom.

A Okay.

Q Does this appear to be an e-mail from Stephanie Tanner to yourself on November 4th, 2021?

A It appears to be an e-mail sent to my e-mail, my Senate e-mail address, yes.

Q And does it say that Senator Parent asked the sender to send the e-mail below on Senator Parent's behalf?

A Yes.

Q And then could you read the e-mail after that starting with, "I heard your statement."

A Okay. On the -- the bottom one, the November 4 --

Q Yes.

A -- e-mail?

Q Uh-huh.

A "I heard your statement," that one?

Q Yes.

A "I heard your statement during the hearing on the proposed State Senate map that we have hired a special subject matter counsel who is representing and available to all members. I would like to avail myself of that expertise. Can you please connect me with -- connect me or send me the name of the contact information

of any such experts or counsel? Also, will you provide me with all written advice or written materials you have received from these individuals concerning redistricting, your proposed map, and compliance with the Voting Rights Act."

Q Do you recall receiving this e-mail?

A No, I don't.

Q Do you have any reason to doubt that you did receive this e-mail?

A Well, when you say receive, if you are asking do I doubt that it came to my Senate inbox, I can't speak to that. It appears to have, just based on the e-mail chain data that's there. When you say receive, if you are asking if I saw it, I don't remember seeing this.

Q Do you have a habit of reviewing the e-mails sent to your Senate e-mail address?

A I do, but it's mainly done -- it is far more done by my assistant, Capitol assistant.

Q Would your Capitol assistant inform you of requests coming from other State Senators?

A Yeah. She's supposed to.

Q Does it appear that Senator Parent is asking to be connected with redistricting experts and counsel who have been hired?

A Well, I read it into the record, so I think it

speaks for itself.

Q Who were you referring to when you stated during the referenced hearing on the proposed State Senate map that, "subject matter counsel who is representing and available to all members"?

A I'm trying to remember. I don't recall right now.

Q Could it have been Bryan Tyson?

A I don't remember if Mr. Tyson was -- was in the role to have been available to all senators. That's what I don't know.

Q Did you respond to these e-mails?

A I don't know if my assistant did or not.

Q Would your assistant have responded to the e-mail with -- without talking to you first?

A She could have.

Q Did you or your assistant provide the contact information of the subject matter counsel to Senator Parent?

A You would have to -- I assume you have all the e-mails. You would know that. I don't know if it was or not.

Q Is it common in the General Assembly to not grant access to the -- minority parties access to routine counsel?

A You would have to ask counsel or other people that have been around here longer than that or other people that have gone through the redistricting process in different capacities.

Q After the creation of the September 27 map, prior to the creation of the S.B. 2EX map, were any draft maps created?

A I don't know.

Q So you think it's possible that the September 27th map was the only map -- the only congressional map created prior to the S.B. 2EX map?

A I think it is just what I told you, which is, I don't know if there were other maps created or not.

Q How many draft congressional maps were shown to the Senate Committee?

A I don't know. I don't remember if there were drafts shown or other iterations or if it was the one that was being proposed that was calling the committee to be convened for the purpose of the hearing of that specific bill. I just don't remember.

I do remember the discussion, of course, about that bill and that map, because that's why we were there. I don't remember if in that process or surrounding that process other drafts were shown. I just -- I don't remember.

Q Do you recall after the 27 -- September 27th map was produced, having communication with Gina Wright about additional drafts of the congressional map?

A Do I remember if we had a conver- -- if Gina and I had communications like that? I just don't remember.

Q You don't recall if you had any communication with Gina Wright in between September 27th and November 17th when the S.B. 2EX was introduced?

A That wasn't your question.

Q Well, do you have any recollection of any conversations between September 27th, 2021 and November 17th, 2021 with Gina Wright?

A I'm sure I had conversations with her, multiple conversations during that time frame. Do I have recollections about the sub -- substance, no.

Q Did you have conversations with her during that time frame about draft maps?

A The third time, I don't know.

Q Could we return to tab 1?

A Okay.

Q Could you read tab 1 -- or deposition topic 1 out loud.

A Okay. I am reading from tab 1, six pages in. The page is numbered number 3. Deposition topic number

1, "The development and creation of the CONGRESSIONAL MAP, including all factors considered when developing and creating the CONGRESSIONAL MAP, all persons who have made requests relating to the CONGRESSIONAL MAP, and all persons that provide direct -- provided directions, data, statistics, feedback, map drawing expertise, or other input relating to the CONGRESSIONAL MAP."

Q What did you do to prepare to testify on this topic specifically?

A Again, as I said this morning, reviewed some of the materials that were sourced from my e-mail or text messages that I understood have been produced to y'all through the course of discovery.

Q Did you review draft maps that were created for the congressional map?

A I may have seen the September map. That might have been part of -- excuse me -- what I saw. So that would have been a draft map in advance of one that came before SB2 -- 2EX.

Q Did you review e-mails with Gina Wright?

A There may have been some e-mails with Gina Wright in those materials.

Q Were there any e-mails with Gina Wright about draft maps between September 27, 2021 and November 17, 2021?

A I don't remember.

Q You previously testified that you were able to at least at some point review Gina Wright making edits to a draft map on a screen?

A I was able to review her making?

Q You were witnessing her live making edits to a draft map?

A Yes. But to be clear, you're saying "to make a draft map," to me sounds like that the end result is it produced a map that was printed off and that folks could look at. What I remember, being with Gina and watching her move lines, for example. And as I recall, the software she could move lines, and it would give you a real time readout of population.

And so I say that to say, sir, if you consider that a draft, then yes, but it -- I don't remember it resulting in a document, you know, that would be draft number whatever.

Q Do you know when Gina Wright would save her progress on a draft?

A You'd have to ask her.

Q Were you able to view any information in addition to the population of the various districts?

A I don't remember. What I do remember is seeing the population variable number.

Q You don't recall if there was racial data that was available to view?
A I don't.
Q You don't recall if there was partisan data that was available to review?
A I just don't remember.
Q What input did you give in this real time process to Gina Wright as far as changes to a draft map?
A I remember looking at my district, 18, and I had to pick up, I think, about 10,500 people to add to my district to get it to the necessary population number. And I remember her moving the line and there being some input maybe about, okay, you gotta get bigger somehow, or you've got to shrink somewhere and add more. That -- I remember that conversation with her about my district.
Q Do you recall which areas you asked her to consider adding?
A Yes.
Q And which areas were those?
A So my district largely moved further into Houston County. I had part of Houston County. The rest of my district pretty much remained the same, the same counties. No counties were added. No counties were dropped. I just wound up getting more of Houston County. And I had the northern tip of Houston County, so we moved

the line further south until we got to whatever the population number was that we needed for my district.

Q Do you recall if that change made your district have a higher white population?

A I don't. I think the numbers stayed about the same.

Q Do you have a -- do you know how that change affected -- had an effect with respect to any traditional redistricting criteria?

A I don't think any of the -- when you say traditional redistricting criteria, you mean those things that need to be met to be legal and appropriate? Is that what you are alluding to when you say that?

Q What do you mean by "appropriate"?

A That it complies with all that which is deemed to be necessary to be legal and otherwise appropriate.

Q So I'm referring to -- when I say "traditional redistricting criteria," I'm referring to --

A I'm sorry, say that again.

Q When I say "traditional redistricting criteria" --

A Okay.

Q -- I'm referring to criteria that are generally considered good things for redistrictors to consider, not just the legal requirements, but things like compactness,

not splitting counties, like you said, preserving, of course, prior districts, general principles that are not legal requirements are generally considered good things to -- to follow.

A Okay.

Q So do you -- let me ask the question. Do you recall if the change in your district had any effect on any of those traditional redistricting criteria?

A I believe that it did not. Not in a negative way.

MR. GENBERG: This would be a good time for a break.

MR. JAUGSTETTER: Okay. 3 o'clock.

THE VIDEOGRAPHER: The time is now 2:59 p.m. We are now going off the record.

(The deposition was at recess from 2:59 p.m. to 3:25 p.m.)

THE VIDEOGRAPHER: The time is 3:25 p.m., and we are back on the record.

MR. GENBERG: I will say first for the record, to the extent exhibits weren't marked, please mark tab 1 as Exhibit 1, tab 2 as Exhibit 2, tab 3 as Exhibit 3, tab 4 as Exhibit 4, tab 5 as Exhibit 5, tab 6 as Exhibit 6, and tab 8 as Exhibit 8.

(Deposition Exhibit Nos. 5, 6 and 8 were marked

for identification.)

MR. GENBERG: Could we turn to tab 13, please, and please mark that as Exhibit 9.

THE COURT REPORTER: Tab 13 is Exhibit 9?

THE WITNESS: Is Exhibit 9?

MR. GENBERG: It's tab 13.

MR. JAUGSTETTER: Oh, we are going to mark it as Exhibit 9?

MR. GENBERG: Yeah.

MR. JAUGSTETTER: Okay.

THE WITNESS: Okay.

(Deposition Exhibit 9 was marked for identification.)

Q BY MR. GENBERG: Do you want to review it?

I will confine my questions to the second page of the general principles for drafting plans.

A Okay.

Q Have you reviewed that?

A Just briefly, yes.

Q Does this appear to be the Senate Committee redistricting guidelines?

A It looks like it, yes.

Q Have you seen these before?

A If they are the redistricting guidelines that we voted on and used, yes, I have.

Q Were the Senate Committee guidelines approved on August 30, 2021?

A I don't remember the date, but that sounds about right.

Q What role did you have in creating the redistricting guidelines?

A If I remember correctly, these are the same principles that were utilized in the last redistricting cycle. So I would have lifted them, if you will, from that and utilized them and placed them with our materials for presentation to the committee for consideration of what the plans, or the principles for drafting plans should be for our current cycle.

Q What is your understanding of -- sorry, could you read the principle number 3, please?

A "All plans adopted by the Committee will comply with Section 2 of the Voting Rights Act of 1965, as amended."

Q And what is your understanding of this principle?

A I would have relied upon counsel to advise us as to what, one, we should do to make sure we're in compliance.

Q How did you ensure the Senate Committee complied with this principle?

A Again, advice of counsel and the input and expertise of Gina Wright.

Q Could you read principle number 4.

A "All plans adopted by the Committee will comply with the United States and Georgia Constitutions."

Q What is your understanding of this principle?

A That the plans adopted, meaning the maps being offered, will comply with constitutional provisions of the U.S. Constitution and the Georgia Constitution.

Q What is your understanding of what the U.S. Constitution requires in redistricting?

A I relied upon and would have relied upon the advice of counsel and the expertise of Gina Wright.

Q So sitting here today, you have no understanding?

A That's not what I said.

Q I'm asking what your understanding is sitting here today.

A Are you asking me to give you a legal opinion about the Voting Rights Act of 1965 --

Q I'm just asking what your understanding is.

A -- of the United States Constitution?

I think we have a United States Constitution that has provisions, that some of which apply to elections and voting rights processes, and that we did

what we could to try to be compliant with the United States Constitution. And the same would be for the Georgia Constitution.

Q What is the specific provision that guided your work of the U.S. Constitution?

A I can't hear you.

Q What is the specific provision of the United States Constitution that guided your work?

A We would have relied upon the advice of counsel for that.

Q What is your understanding of what the Georgia Constitution requires in redistricting?

A The same; we relied upon the advice of counsel.

Q So you are not prepared to say what your understanding of -- that your constitutional requirements were in drafting the congressional State House and State Senate maps?

A I'm not prepared to answer a law school exam on what all provisions of the Georgia Constitution are applicable to the redistricting process, no.

Q So you -- you didn't have --

A Your question as worded requires just that.

Q I'm just asking for what your understanding was.

A Okay. No, that's -- you're not. You are

asking me far more in the way your question was worded.

Q What was your understanding of what was required?

A That we comply with the United States Constitution, the Georgia Constitution, the Voting Rights Act, and the other provisions that we've talked about today, which were guided by, and largely we followed, the advice of counsel and the expertise that Gina Wright provided us during the process.

Q How was principle number 4, compliance with the U.S. and Georgia constitutions, followed throughout the redistricting process?

A The same answer I gave you just a minute ago.

Q Which is?

A Which is that we followed the advice of counsel to direct us to make sure that the process we went through and the end result that we came to complied with the Georgia Constitution and the United States Constitution, and with the advice and direction of Gina Wright about the end product and the process.

Q So you can't explain how those carried out in practice?

A How what was carried out?

Q Compliance with the U.S. Constitution.

A Yeah, the way it was carried out is that we

gathered as a committee, with me as chair, and we did the work of the committee, in trying to draw maps and drawing maps that were legally compliant, which necessarily include -- necessarily included the advice of counsel along the way, to make sure that what we were doing and the end result were compliant with federal law, state law, and otherwise proper.

Q Could you read principle number 7, please.

A "The Committee should consider: The boundaries of counties and precincts." That's A. B is "Compactness." C is "Communities of interest."

Q What is your understanding of what it means that the Senate Committee should -- should, quote, should consider -- quote, should consider? I'll rephrase.

What is your understanding of what it means that the Senate Committee, quote, should consider, closed quote?

A That the committee in doing the work and process of what we generically call redrawing the maps and reaching a conclusion of a map that's to be offered and be voted on by the legislative body, should consider the boundaries of counties and precincts, should consider compactness, and should consider communities of interest as aspects that are important and should be respected.

Q How did the Senate Committee consider counting

boundaries?

A We considered it with regard to looking at the drafts that were being presented in the process of trying to basically not split counties, and that is that the end result have as many whole counties as possible in the end result.

Q Which drafts presented are you referring to?

A That would have been a consideration at each stage along the way.

Q How did the Senate Committee consider precinct boundaries?

A Similar to the -- to the question and answer about counties. But this one's a little different, in that we would have very much relied upon Gina's expertise. Counties are a little easier than -- whether you are a lawyer or a nonlawyer or you have Gina Wright's expertise or not, anyone can look at a Georgia map that has county boundaries on it and look and see whether or not you are splitting counties or not.

That's not really the case with precincts. That information is not on typical mapping, and so we very largely relied upon Gina Wright for that expertise and compliance with that principle.

Q How did the Senate Committee consider compactness?

A Again, I think trying to draw districts that were compact and the shape of them were simple and straightforward and made sense and didn't appear to be gerrymandered, respecting the principles we have been talking about, such as whole counties, for example.

Q How did the Senate Committee consider communities of interest?

A I think it would be the same answer as to how we considered some of these other principles, except we would have been including and trying to incorporate the information that we had received during the process leading up to looking at maps and considering final maps, again, with the expertise and advice of counsel and that of Gina Wright.

Q Between these four considerations, county boundaries, precinct boundaries, compactness, and communities of interest, which did the Senate Committee consider the most important throughout the redistricting process?

A I don't know that I can answer that we considered one over the other. They were all considered and were all -- we attempted to respect all of them.

Q To the extent there was a conflict between adherence to all of these principles at once, which principle would you consider to be the least willing to

be compromised?
A Okay, you have to --
Q Which --
A I don't understand that question.
Q Of all these four -- of all these four considerations, in the event that there was a conflict, which consideration was least likely to be compromised?
A I don't think I can answer that question the way you asked it.
Q Would you review or read general principle number 8.
A Okay. Oh, I'm sorry, you want me to read it out loud?
Q Please.
A Okay, I'm sorry. "Efforts should be made to avoid the unnecessary pairing of incumbents."
Q What's your understanding of that principle?
A It is that you try not to put two incumbent senators under the old map, who obviously were by definition in two different districts, in the same district of a newly-drawn map or proposed map.
Q Could you read out loud principle number 9.
A "The identifying of these criteria is not intended to limit the consideration of any other principles or factors that the Committee deems

appropriate."

Q Did the Senate Committee deem the consideration of any other principles or factors to be appropriate?

A There may have been, but these are the written principles.

Q Can you name any principle or factor that was considered that wasn't written down?

A Can I give you one of those as I sit here today, if there were any? No.

Q Did the Senate Committee consider preserving the cores of the prior districts, in other words, minimizing changes from the prior districts to the new districts?

A I think we did.

Q Do you think there is a benefit in preserving the cores of prior districts?

A Yes.

Q And what is that?

A If you're not going to pair incumbent senators and you assume that the senator is going to run again, then you -- by keeping the core, you keep the area that the senator has the most familiarity with and the constituents have the most familiarity with their senator can be helpful.

Q Are there any changes you would have made to

the guidelines?

A I don't know how to answer that.

Q Are there any additions or subtractions you would have made to the general principles for drafting maps?

A At the time these were implemented, no. They seemed sensible. They seemed to touch upon what needed to be addressed. And if I am not mistaken, I think the committee voted unanimously to, in essence, adopt and employ the same principles that were used ten years ago.

Q If we can turn to tab 7 of the binder.

A Okay.

Q And we'll mark that as Exhibit 7.

A Okay.

(Deposition Exhibit 7 was marked for identification.)

Q BY MR. GENBERG: What does this appear to be?

A It's entitled "Joint" -- excuse me, "Proposed Joint Congressional Districts of Georgia."

Q What does it look like to you?

A It's a map of the state of Georgia with 14 congressional maps.

Q Does this appear to show the enacted congressional redistricting plan?

A It's not dated, and I don't have that memory

passed -- excuse me. I don't have the map that was passed committed to memory, so I can't answer that.

Q When did you first see -- let's just assume that this is S.B. 2EX, which was enacted.

A Okay.

Q When did you first see this proposed map?

A I don't remember.

Q To your knowledge, who drew this map?

A I believe it would be Gina Wright.

Q Do you know whether this map took into account submission -- into account public feedback?

A I couldn't --

Q Do you know whether this map took into account public feedback?

A The mapping process included a lot of feedback from the public, including the town hall meetings, the receipt of information, the committee hearings which were public in which the public was invited to. All of that process fed into what was ultimately this map, so I would answer your question that way.

Q Did you have any role in drawing any part of this map?

A And by way of reminder, this is the one that we passed?

Q Correct.

A This is -- when you say "drawing," I interpret that to mean physically drawing where the lines are, and the answer would be no. That would have been Gina Wright.

Q Did you provide any input into this map?

A I'm sure I did.

Q What input did you provide?

A As I sit here, I can't tell you that, other than I would adopt my comments earlier, I think, of the general input that -- that we discussed and that you went over with me.

Q Who did you confer with about map drawing in connection with your role as Senate Committee chair?

A Who did I confer with?

Q Yes.

A Well, we had counsel. I had a vice chair. I have committee members. I have caucus members. I have constituents. We had, I think what you called third-party folks like you asked about.

Q Did you review S.B. 2EX prior to its introduction?

A I'm sure I did.

Q Did you use any particular software to review the districts?

A I would not have used any in my review. I

don't -- I didn't have that software or those programs.

Q Did you consider any data when you reviewed the districts?

A Sure.

Q What data did you review?

A Principally, it would have been population data. And when I say yes to your question of did I review, I should probably further explain, via and through Gina Wright, who she's the one that had the data. She had the software. She had the mapping that had that kind of data.

So while I don't have any specifics or specific recollection, I'm sure in my meeting with Gina, that there would have been some discussion of the data, such as population and maybe other data that would have been instructive as to why this map was believed to be legal and appropriate and met the requirements for redistricting.

Q I'll represent to you that this exhibit, Exhibit 7, was published on the LCRO website by the LCRO, or the Reapportionment Office.

If you can turn to page 4.

A Okay.

Q Could you read the headings, starting with "District," going "District, Population, Deviation,"

could you read those out loud.

A Across the line? Across the way, horizontal?

Q Uh-huh.

A Okay. So this is a document entitled "Population Summary" with "Summary Statistics," all about population, and then there's a middle portion that says -- of column headings, "District, Population, Deviation." I believe that would be Percent Deviation, D-e-v-n, and then bracketed is [18+_Pop].

And the next column is [% 18+_Pop] and [% NH_Wht]. The next column is [% NH_Blk]. The next column is [% Hispanic Origin]. The next column is [% NH_Asn]. The next column is [% NH_Ind]. The next column is [% NH_Hwn]. The next column is [% NH_Oth]. And, finally, the right-hand column is [% NH_2+Races].

Q Did you review this data prior to the enactment of S.B. 2EX?

A I don't remember.

Q What is your understanding of what the "% NH_Wht" stands for?

A Is that the one about the middle -- middle way of the page?

Q It is.

A I would assume "Wht" is an abbreviation for white. I don't know what W -- or "NH" is.

Q If I represented --
A Or if I knew it at some point, I don't remember now.
Q If I represented it was non-Hispanic --
A Okay.
Q -- would that make sense?
A Okay. Yes, sir.
Q Did you review any data similar to this prior to the enactment of S.B. 2EX that gave percentages for races by district?
A I may have. I just don't know. I don't remember.
Q Did you form a view on why the S.B. -- whether -- sorry.
Did you form a view on whether S.B. 2EX presented suitable congressional district lines?
A Did I perform a review of whether or not --
Q Did you form a view?
A Yes. I believed it to, yes, appropriately form congressional district lines.
Q And why did you form that view?
A The advice of counsel that the maps that we had drawn, that Gina Wright had drawn were legal and otherwise appropriate.
Q Aside from what we've already discussed, did

you provide any input on S.B. 2EX?

A Not that I can recall.

Q Can we return back to tab 8, which we marked as Exhibit 8.

How would you -- so I'll represent that the map on the left is a map of prior congressional District 6 boundaries and the map on the right is a map of the S.B. 2EX congressional district boundaries.

Do you have any reason to believe that that is inaccurate?

A No, sir. I assume you're -- I don't have a memory that informs me that it's accurate, but I will assume that you are being truthful with me.

Q How would you characterize the difference between the prior boundaries and S.B. 2EX boundaries?

A The boundary of S.B. 2EX takes the district further north and encompasses part of Cherokee and Forsyth and Dawson counties, which if I am reading where the county line between Fulton and Forsyth would be, if I am looking at that correctly, don't exist in the prior.

Q Are you aware that approximately 360,000 people were added to District 6 in S.B. 2EX that weren't in the district in the prior boundaries?

A Not that number, but I thought you said earlier it was just a much smaller number. Did you not?

Q So --
A That was not the figure you gave me earlier.
Q So --
A Hold on a minute, please.
Q Okay.
A That was not the figure you gave me earlier when you embedded it in your question, when we were doing -- we were trying to compare the two.
Q So what I said earlier was that the district, the prior district boundaries did not have to change based on the Census results. So the prior district with the Census data was almost identical to a -- to the number -- amount of population it needed to be.
Does that make sense?
A Maybe I'm just confused. I thought you just told me that the new 6 had to add 300 and something thousand to get to the right number.
Q What I was saying -- what I was --
A How can they both be true?
Q My question was, was the -- did the District 6 add people and subtract people, not whether it was required to to comply with equal population.
A Are you saying did it add different people?
Q Correct.
A Or different numbers?

Q It added people and subtracted people. So it -- it was close to the population it needed to, and then added approximately 360,000 people and subtracted 360,000 people that used to be in the district. So the net-net was essentially bringing it back to population equality, which it would have been if no changes were made.

Does that make sense?

A I think I follow you.

Q How does the S.B. 2EX District 6 boundaries respect communities of interest?

A Well, again, specifically, Gina Wright and counsel would have advised on this, but you can look and see, if I'm reading this correctly, S.B. 2EX includes the county of Dawson as a whole, which in some ways I think is recognized as a community of interest. It appears to have all or most of Forsyth County, which would be, I think a community of interest. Maybe I'm not looking at this correctly, but it appears to have a substantial portion of the core of North Fulton, which was there previously. I don't know if North Fulton would be deemed a community of interest. But it, I think, also would have respected it, in that S.B. 2EX put DeKalb County back as a whole county, which it was split on the old map, so there again, respecting the community of interest

driven by county lines.

Q Do you believe there are similar -- similarities between the residents of Dawson County and the residents of East Cobb?

A I'm sure there are.

Q Do you believe they have similar policy interests?

A I'm sure they do in some regards.

Q Can you name any similar policy interests that the residents of Dawson County and the residents of East Cobb have?

A I don't think on the level you're looking for, no. I don't have that level of expertise or specificity.

Q If you turn to tab 9.

MR. GENBERG: And mark that as Exhibit 9.

THE WITNESS: Okay.

MR. JAUGSTETTER: You already marked Exhibit 9 to be tab 13.

MR. GENBERG: Oh, can we mark it -- sorry. Thank you. Can we mark it as Exhibit 10.

(Deposition Exhibit 10 was marked for identification.)

THE WITNESS: So tab 9 is Exhibit 10?

MR. GENBERG: Yes.

THE WITNESS: Okay.

Q BY MR. GENBERG: What does this appear to be?
A It's a document turned side landscape that has a map on the left, a partial map on the left entitled "Prior Congressional District 13 Boundaries." And then on the right, a partial map that says, "S.B. 2EX Congressional District 13 Boundaries."
Q Looking at the S.B. 2EX boundaries on the right, which counties would you say are included in the District 13 boundaries?
A The one on the right?
Q Yes.
A It looks like parts of Douglas, parts of Fulton. It appears to go in parts of Cobb, parts of Clayton, Henry, and Fayette.
Q Does this district appear to contain any whole counties?
A It -- I don't think so. It doesn't look like either one did.
Q Does the prior boundaries appear to include all of Douglas County?
A I can't answer that. I can't see enough of Douglas County to know if that's all of Douglas or not.
Q Did the committee prioritize preserving whole counties in the creation of District 13 in S.B. 2EX?
A We prioritized it -- I don't want to use the

word "prioritize" as in made it the sole or most important issue of all the considerations. It was an important -- as I have said earlier, an important consideration of what we were doing, as seen in the application of the importance of that to all the districts, all 14 of the districts that were formed.

Q Which criteria were prioritized for District 13?

A I think I just said that the criteria that we talked about were -- I don't want to use the word "prioritize." They were all deemed to be important in the work the committee was doing. When you say prioritize, that suggests to me that there's one that was placed above all others.

Q Do you believe that the residents of Cobb County share a community of interest?

A Yes, I would think they do. Some do in some ways.

Q Do you believe that the residents of Henry County share a community of interest?

A I would think some do in some ways.

Q If we can turn to tab 10.

MR. GENBERG: Mark it as Exhibit 11, please.

(Deposition Exhibit 11 was marked for identification.)

THE WITNESS: Okay.

Q BY MR. GENBERG: What does Exhibit 11 appear to be?

A It is identified or entitled "Prior Congressional District 14 Boundaries," and a partial map on the left, and then on the right half of the page is "S.B. 2EX Congressional District 14 Boundaries," and a partial map below it.

Q Does this appear to -- to you to be the prior congressional District 14 boundaries on the left and the S.B. 2EX congressional district boundaries on the right?

A I don't remember what the prior congressional District 14 looked like. And I'm assuming you have accurately copied the current, or the 2EX District 14 on the right.

Q How would you characterize District 14? How would you characterize --

A One above 13, I mean.

Q Yeah. How would you --

A I don't know what you mean by that.

Q How would you characterize the race of the citizens in District 14?

A I don't know if you've got some numbers for me to look at. I'm happy to. I would -- I don't know the actual numbers.

Q Would it surprise you if I told you it was predominantly white?

A No, that would not surprise me.

Q Are you aware of the primary industries of the residents of District 14?

A The "primary industries of the residents"?

Q Yes.

A Are you asking me what kind of jobs they work at? What do you mean "primary industries"? I don't understand that.

Q Yes, the jobs.

A Well, I-75 comes down through here somewhere, so you've got things that would be related to the transportation aspect of that. And there are -- and you also have a large carpet mill industry in Northwest Georgia that is something we're proud of to have. I think some of the largest flooring manufacturers in the country that are located in Northwest Georgia.

Q How would you --

A Among other industries. I don't want to -- but that's the one that we're probably just commonly most known for for Northwest Georgia.

Q How about agriculture?

A Maybe, but I don't -- I can't give you any details of that.

Q How would you compare the prior District 14 boundaries and the S.B. 2EX boundaries of District 14?

A Well, I guess first what jumps out at me is the comment I made earlier that was sourced from a town hall meeting, that there were residents of Pickens County, Georgia that asked that their little county not be split and divided. You remember those comments? That is -- it is that to which I was referring.

And I think you see that on this map, that we chose to keep Pickens whole. And it's in the -- whatever the district to the right is. I guess the 9th? Yes. And it looks like there is a little bit of Cobb added to it.

Unless I am missing something, it looks like those may be the only two differences from the old 14th District to the new 14th District.

Q Are you aware that that portion of Cobb that was added to District 14 is a heavily black population area?

A No.

Q Would you have been aware of that at the time of the enactment of S.B. 2EX?

A I don't know if I would have or not.

Q Would you say that that section of Cobb County, which I will represent includes the cities of Austell and

Powder Springs, if that portion of Cobb County shares a community of interest with any area within congressional District 14 boundaries?

A Are you asking if I think the portion of Cobb that's in the D 14 shares communities of interest with other areas of 14?

Q Yes.

A I really don't have specific information or knowledge about that area of Cobb or, for that matter, Cobb County in general. It's not where I live, but it's contiguous to and immediately next to Paulding County. I would think there would be some similarities of the people that are right -- or the geographic area that's right adjacent to it.

Q Can we return to tab 4 --

A Okay.

Q -- which will be Exhibit 4, and to page -- I think it's 5 of your binder, which is entitled "Draft - Georgia Congressional Districts." It's the --

A Is it this (indicating)?

Q Oh, I think you are on -- no, it's the page before that. Yes.

A Okay.

Q And this is the September 27th plan, correct?

A Okay. I don't know. I can't look at it.

I'll -- this is your exhibit binder, so I'm going to assume when you make a statement like that, Counselor, that I'm going to rely upon you and that you are being truthful with me and accurate, so I will go forward with that assumption.

Q Okay. You know what, actually, let's -- let's just go to Exhibit 3, sorry, because this one is kind of hard to read.

A Okay.

Q So looking at Exhibit 3.

A Okay. Is that the same one we were just looking at?

Q It is the same September 27th map but in color.

A Okay. Okay. Thank you.

Q Does District 14 in the September 27th map include part of Cobb County?

A No.

Q Does District 14 in the September 27 plan include part of Bartow County?

A Yes.

Q And then going back again to tab 4, Exhibit 4, again, refer you to the words that say "District 14: Add population from Bartow to balance out."

A Okay.

Q Do you have an understanding of why a portion

of Cobb County was added to District 14 in the enacted S.B. 2EX plan as opposed to a portion of Bartow County or any portion of Bartow County?

A Is tab 7, Exhibit 7, the --

Q Tab 7.

A -- congressional map --

Q That's --

A -- that was passed? 2EX --

Q It is.

A -- that is passed?

Q Yes.

A Okay. So I think in answering your question, I would answer it by saying what was passed kept Bartow County whole and intact, as opposed to what was being -- as what -- as opposed to what's in the September 27 draft, which is behind tab 3 for CD 14.

Q If you compare -- strike that.

Well, actually, how many county splits -- how many times has Cobb County split in S.B. 2EX, the Exhibit 7?

A And that's behind tab 3, right?

No, behind tab 7. Sorry.

It looks like four.

Q How many times has Cobb County split in that September 27th plan on tab 3?

A It looks like three.
Q Would you say it's better to have fewer county splits than more?
A I can't answer that in a vacuum. If you can do that without impacting other counties, fewer splits are better; but if more splits in one county enable you to keep other counties or more counties intact, then there's a benefit to doing that.
Q If we can return to tab 9, which is Exhibit 10.
A Okay. Got it.
Q Before the redistricting process in 2021, was the black population in District 13 able to elect candidates of choice in District 13?
A I don't know what the boundaries looked like back then, but I would further answer by saying, every voter is free to go to the polls and elect whomever they -- vote for whomever they want to.
Q Okay. So do you know if District 13 usually elected the black candidate of choice?
A I don't know.
Q Would you have known that at the time of redistricting?
A This is CD 13?
Q Yes. So on the left is the old boundaries.
A No, I would have not -- I don't think I would

have had knowledge about the voting propensities of that part of the state of Georgia, no.

Q Would it surprise you to learn that prior to redistricting, the black voting age population percentage of this district was 62.6 percent?

A Would it surprise me?

Q Yes.

A I don't know what you mean by "would it surprise me." Can you restate your question?

Q Does 62.6 percent seem to be a high black voting age population?

A I don't know because I don't have a reference point. When you say does it seem to be high, high relative to what?

Q Would you have expected it to be higher or lower than 62.6 percent?

A I didn't -- I don't have a basis upon which to have an expectation to begin with.

Q Were you aware at the time that the black voting age population of the district was 62.6 percent?

A At what time?

Q At the time of redistricting.

A Okay. I thought you were asking me about the old --

Q The prior district --

A -- 13. Yeah.
Q The prior district boundaries --
A No, I don't --
Q -- at the time.
A I don't remember knowing what those numbers were before. Again, you're -- you're drifting into some specifics of or about information and the relevance of that in the bigger picture, of which we would have relied upon counsel and Gina Wright for advice in making -- or in them advising what the maps ought to look like to be compliant and legal and appropriate.
Q Would you have been aware that the black voting age population of S.B. 2EX District 13 was 66.7 percent?
A Would I have been aware of it when?
Q At the time of redistricting.
A I -- I don't know. That's a -- that's a question for Gina or counsel.
Q Did you have an understanding at the time of what black voting age population percentage was necessary to elect a candidate of choice in District 13?
A Your question presupposes that people can't go to the polls and vote for whomever they want to.
Q At the time, did you have an understanding whether 66.7 percent black voting age population usually would allow black voters to elect candidates of choice?

A Again, you say "allow."
Q Okay. Do you have --
A Everyone regardless of race goes to the polls and votes for whomever they want to.
Q Do you have an understanding of whether a 66.7 percent black voting age population will usually lead to a result that the black preferred candidate will win that district?
A Now you are into the weeds of data at a level that I -- is beyond my expertise and knowledge.
(Deposition Exhibit 12 was marked for identification.)
Q BY MR. GENBERG: Let me know when you're --
A Okay. You can go ahead. I think I've read most of it, skimmed it.
Q Does this appear to be a resolution by the Georgia Association of Voter Registrars and Election Officials?
A That's what it is entitled, yes, sir.
Q Does this appear to be signed by Paulding County co-president, the Athens-Clarke County co-president, Screven County president-elect, Forsyth County vice president, Clayton County treasurer, and the Richmond County treasurer?
A It appears to, yes, sir.

Q Does this appear to be a resolution requesting that election dates be moved back in 2022 to accommodate the late release of the 2020 decennial Census data?

A I see that language. It appears to be referenced in here, yes, sir.

Q Do you recall this resolution?

A I don't remember seeing this, but I think I -- but I do have a recollection of someone or some groups advocating for changing the dates on some things, so if they were the only one that advocated for that, then I guess that's the group. If there were multiples, then I don't have a memory good enough to say yes, it was this group that I remember advocating for this.

Q Do you recall this resolution being considered by the Georgia General Assembly?

A I don't remember one way or the other.

Q Do you recall concerns about the late release of Census data?

A Yes.

Q And what were those concerns about?

A Just that it was gonna squeeze the work that the redistricting committee had to do, that we were getting, not just Georgia but nationally, right, we are all getting data late. And so we would not this cycle have the luxury of doing the work of the redistricting

process that predecessors in other years had typically enjoyed.

Q Why was it necessary to move quickly? Was there any constraint on the time? Was there any -- what was the necessity in finishing the work quickly?

A Well, we had to have new maps that reflected the population changes so that when we went to the elections, upcoming election cycles, we have good legal maps that were being relied upon.

Q Given the need to have redistricting maps in place prior to elections being run, why was there no consideration of moving the election dates backwards?

MR. JAUGSTETTER: I'm gonna -- I'm gonna object on the basis of legislative privilege. I think what you are asking the senator is why either he or the General Assembly did not take other legislative action beyond the redistricting bills. The senator has waived his legislative privilege and appeared today to testify only as to the redistricting bills, and I'm going to instruct him not to answer any questions regarding any other legislative acts, actions, or considerations by the General Assembly.

Q BY MR. GENBERG: Okay. One more question in that line of questioning. If you can turn to tab 11. I believe this will be marked as Exhibit 12 -- 13. Sorry.

(Deposition Exhibit 13 was marked for identification.)

THE WITNESS: So tab 11, Exhibit 13?

Q BY MR. GENBERG: Yes.

A Okay.

Q What does this appear to be after you read it?

A It appears to be a press release sent out on behalf of or, presumably, at the request of myself as chair of the Senate Redistricting Committee and Representative Bonnie Rich, chair of the House Redistricting Committee, identifying the dates and locations of town hall meetings and that we would have such meetings for the public for the purpose of receiving public input on the redistricting process.

And my exhibit behind tab 11 is two pages, but the second page is -- is blank except for just some small print text at the top, so I don't know if I'm supposed to have more on that page or not.

Q Do you see that the date, Monday, August 30, 2021, is crossed out for the Augusta hearing, and then in parentheses it says, "Rescheduled to an earlier date - August 11th"?

A Yes.

Q Do you have an understanding why that town hall was changed from August 30th to August 11th?

A No, except I do remember one of the -- the hearing dates and the town hall meetings were impacted, I believe by a storm that came through and necessitated the cancellation of one of our town hall meetings, and that may have had -- have impacted, caused in whole or in part this reshuffling that you are seeing on that. I just don't remember enough about the specific dates.

That's the only thing that comes to mind as to why some things had to be rescheduled. It could have been other reasons, though.

Q Okay. We can take a break.

A Okay.

THE VIDEOGRAPHER: The time is 4:28 p.m. We are now off the record.

(The deposition was at recess from 4:28 p.m. to 4:49 p.m.)

THE VIDEOGRAPHER: The time is 4:49 p.m., and we are back on the record.

Q BY MR. GENBERG: Senator Kennedy, do you have anything else to say that bears on the topics noticed in the Senate Committee subpoena that we have not discussed?

A Well, I think I came here to answer your questions, is how I would answer that, and nothing comes to mind. I'm happy to answer questions that you pose. I think that's the only way I can answer that. I'm happy

to answer whatever questions you pose and do the best that I can.

MR. GENBERG: So I'd -- I'd like to close for the common cause plaintiffs by noting that we intend to hold this deposition open pending a ruling by the court on legislative privilege.

MR. JAUGSTETTER: And I will assert the same objection that I have asserted repeatedly, that we object on leaving this deposition open for any purpose whatsoever.

MR. GENBERG: And then I understand the Georgia NAACP plaintiffs have questions.

EXAMINATION

BY MS. LIU:

Q Yeah. Good afternoon, Senator Kennedy. Can you hear me?

A Yes, I can.

Q Okay. Nice to meet you. My name is Shira Liu with the law firm of Crowell & Moring. I'm here on behalf of the Georgia NAACP plaintiff group, and I'm going to ask you some questions, as well.

I'll continue to assume that you are testifying on behalf of the Senate Redistricting and Reapportionment Committee unless you or I specify otherwise.

Does that sound good?

A Yes, that does. And assuming that the only other capacity I could be here in, you would be asking me in my individual capacity, correct?

Q Exactly.

A Yes, ma'am.

Q Exactly.

A Okay.

Q Okay. Great.

Senator, I heard you say a little bit earlier that in response to a question that everyone, regardless of race, goes to the polls and votes for whomever they want to. Is it your understanding that anyone who can go to the polls and vote for whomever they want to is allowed to elect a candidate of their choice?

A I think what I said and what I would -- the way I would answer that question is to say that when we go -- whomever we are, when we go to the poll, we are free to choose of those that are on the ballot who we want to vote for.

Q Sure. So if we can do that, if a person can go to the polls and vote for whomever they would like among the ballot, would you say that person is allowed to elect the candidate of their choice?

A No. Clearly, one has to vote with others

sufficient to get 50 percent plus 1 for -- for what you are calling their candidate of choice to be elected, but that applies to any of us, right, regardless of party or whatever the office may be or whatever the election may be.

Q So there is a group of people who tend to vote cohesively, and anyone in that group can go to the poll and vote for the candidate -- for whomever they want to. Would you say that group can -- is allowed to elect the candidate of their choice?

A Well, you're changing what I had said. You are now asking about who they can elect. My comment was about who they can vote for.

Q Uh-huh. Yeah, I'm asking you a new question.

A Okay. Can you repeat the question again, please?

Q Sure.

MS. LIU: Can the court reporter please repeat that question.

(The requested portion of the record was read by the court reporter.)

THE WITNESS: Not necessarily. The -- the obligation still is present, I assume, if I understand your question correctly, that whatever that group is has to get the 50 percent plus 1 of the votes.

Q BY MS. LIU: And is that how you determine whether a candidate can -- or sorry. I'll restart.

Is asking whether a group can get to 50 percent plus 1 of the votes how you determine whether that group can elect a candidate of their choice?

A Are we talking about a hypothetical group and a hypothetical election?

Q I am asking you how you would determine whether a group can elect a candidate of their choice.

A I think it's the same as any group that wants to be cohesive or together or however they're voting. You have to get 50 percent plus 1.

Q Okay. We now have a video to play for you. My colleague will be playing you a video in the room. This is excerpts from the Senate Committee on Reapportionment and Redistricting from November 4th, 2021, starting at 8 minutes and 55 seconds.

(Court reporter clarification.)

Playing video:

"We heard from the NCSL. We heard from the Georgia Democratic Party. We heard from the Georgia NAACP. We heard from other groups that came and addressed us that day.

"Fifth, we laid out our guidelines on August the 30th when most of the members came and met

here that would govern the drawing of the maps. Those guidelines focused on the constitutional requirements of equal protection, compliance with the Voting Rights Act, including a recognition of racially polarized voting, and then the importance of jurisdictional boundaries prioritizing communities of interest, compactness, and contiguity.

"Sixth, we saw the Democratic Senate plan and appreciated the input provided by the minority party.

"Seventh, we combined all of this in the form of our input, including some of the districts on the Democratic plan, and with the staff of the Reapportionment Office to come up with the draft that is what we have in your folders and what we're gonna be presenting today.

"We released a draft of this map on Tuesday, two days ago, to allow time for some comment, and we've made a few basic adjustments based on the input that I have received from various committee members.

"So, let's talk about what's here. Well, first of all, the responsibility and the respect for our constitution to make sure that our first responsibility is to balance the population pursuant to the direction of the U.S. Constitution. While a lot of people think this process is all political driven, the truth is, and the

beginning point for all of this is, the population numbers of the state that are collected, calculated every ten years, which necessitate a redrawing of the lines.

"Districts have to be substantially the same size, and we have generally drawn the districts for the Senate districts with the deviation of plus or minus of no more than 1 percent on the draft plan that you have before you. We have also endeavored and ensured that we have complied with the Voting Rights Act, creating majority-minority districts and new minority opportunity districts.

"This map has 14 districts that are majority black VAP districts. It has 20 districts that are majority nonwhite VAP, voting age population. So we have six minority opportunity districts in addition to the majority black districts.

"We have also been very respectful of and considerate of communities of interest and trying to not divide counties. 20 years ago, the 2021 Senate districts that were drawn by the Democrats that were in power at the time and were in charge of the map drawing process split 81 of our counties into 56 districts."

(End of video.)

Q BY MS. LIU: Senator Kennedy, was that you speaking in the video?

A Yes.
Q And do you agree that was from the Senate Committee on Reapportionment and Redistricting, November 4th, 2021 hearing?
A It certainly appeared to be our -- the video from one of our committee hearings. I don't remember the date, but I'll -- I'm sure you are representing that correctly.
Q So I -- I heard you say in that video that the proposed map complies with the Voting Rights Act; is that right? What was the basis for your understanding that the map complies with the Voting Rights Act?
A That would come principally from the advice of counsel who had guided us through the process, as well as Gina Wright's expertise, in her active hand in drawing the maps in a way that was -- we were told was compliant, legal, and otherwise appropriate.
Q And by "counsel," are you referring to Mr. Tyson?
A Yes.
Q And I heard you say principally advice of counsel, also Gina Wright. Any other basis?
A That's primarily what comes to mind, to answer -- in answering your question.
Q Did the Senate Committee on Reapportionment and

Redistricting do any of its own analysis or investigation to determine whether the proposed map complied with the Voting Rights Act?

A What do you mean did it do any independent? Do you mean outside or apart from -- well, let me just ask. What do you mean by that?

Q I mean anything apart from advice of Mr. Tyson and advice or information from Gina Wright.

A Well, it could and would have included necessarily, for example, as I talked about earlier in the deposition, one of the principles we were trying to respect was keeping counties whole. So in the process, I as chair and all of the committee members could look at maps and see that which -- which divides counties the least number of times or the least ways.

So, you know, that's something that we could have had input on that, you know, doesn't really require any expertise. It's just a principle that we can all look at as laymen, whether you are a lawyer or not or you have experience in redistricting or not. So there would have been some input along those lines.

Q Do you know whether the Voting Rights Act takes a position on dividing counties in the redistricting process?

A I don't have a -- I don't know if that's one of

the principles or if that's part of the Voting Rights Act necessarily. I know that it's something that we all agreed we should honor in the redistricting process.

Q So sitting here today, can you identify any aspect of the Senate Committee on Reapportionment and Redistricting's work to comply with what you know to be required by the Voting Rights Act, other than advice of Mr. Tyson and information or advice from Ms. Wright?

A Well, I think there are other aspects, but, you know, what you are really asking me to do is give you a legal opinion or give you an opinion based on my assumptions about what the Voting Rights Act says or its applicability here, and that's really not why I am here.

Q I -- respectfully, I am trying to understand from you what factors went into the development of the maps. So if there is anything else, can you let us know?

A Well, I would refer you to the principles. I assume you've been in today's deposition, so forgive me if you haven't, but there were questions about -- in one of the exhibits was a document entitled -- I think it was "Principles of Redistricting." It was principles that were adopted by the committee that would guide our process and our work and in trying to produce the maps. And so I would refer you to -- I think that's Exhibit 9.

Q Yeah.

A General Principles and Drafting Plans, which is on page 2 of Exhibit 9, that has nine different identified -- it has nine different identified principles that we tried to -- we as a committee tried to comply with in our process and the production of the maps that we voted on.

Q Yep. And, Senator Kennedy, I'm definitely not asking you to repeat any of your testimony during your deposition. I'm referring to deposition topic 1, "All factors" -- part of which is, "All factors considered when developing and creating the CONGRESSIONAL MAP."

So what I am trying to understand is which factors related to compliance with the Voting Rights Act were considered?

A Well, again, you're -- you're trying to pull me into a legal discussion about the Voting Rights Act, what those factors are, how they applied or did not apply, how we applied them or did not apply them. I don't know of any way to have that conversation without getting into a discussion and, ultimately, well, rather directly, you are asking me to give you a legal opinion. And I did not play that role in this process. We had legal counsel that guided us, and we had Gina Wright who was experienced in redistricting and reapportionment.

Q Senator Kennedy, I'm definitely -- I am not

intending to ask you for a legal opinion. My question is -- listen carefully -- sitting here today, can you identify any basis for the Senate Committee on Reapportionment and Redistricting's determination, your statement, that the proposed map complied with the Voting Rights Act other than, one, advice of Mr. Tyson, and two, information from Ms. Wright? Can you identify anything else today?

A That would be the primary source, but the way you framed the question seemed to suggest -- well, the advice of counsel would have covered what was believed and understood by us to be sufficient when our counsel tells us that this complies with the Voting Rights Act.

Q I also heard you say in the video that the proposed map created majority and minority districts and a new minority opportunity district.

Does that sound right?

A Yes, I think so.

Q What data did you rely on to -- as a basis for those statements?

A That would have come from information, probably most principally, from Gina Wright. And you can ask her those questions.

Q So do you know what data were used to create majority black districts and majority non-white

districts?

A We would have relied upon the committee, and I would have relied upon, again, the expertise of Gina, who had the data. I didn't have independent access to that data, nor the expertise to understand, if you will, and apply that data. So that's a -- we would have relied upon Gina Wright's assistance, as -- as well as that of -- of counsel.

Q You said you didn't have access to that data. I understand that to mean that you never -- you never accessed that data; is that right?

A Well, I didn't have a -- I didn't have -- what I meant by that is I didn't have map drawing software, and, otherwise, the data that Gina's office seemed to have that was needed to do the work that she was doing.

Q If you had wanted to access the data or use the software, is there any reason to believe that you wouldn't have been able to?

A Yeah, I don't know how to work it.

Q But you did go through some data in real time with Ms. Wright; is that right? And you were able to ask her questions while she used the software?

A In some of the time that I spent with her, yes, in looking at the maps and in -- as I testified to earlier, to that extent, yes.

Q Now, do you know how the determination was made that the proposed map created majority-minority and a new minority opportunity district?

A That really would call upon the expertise and opinions of Gina and counsel, but I was informed and during the time that that was the end product, if you will, of the maps that were being offered. Excuse me.

Q Do you know whether the data used -- the data that she used was based on voting age population or citizen voting age population or something else?

A You would need to ask her that.

Q Did you ever ask her that?

A I don't remember if I asked her those questions or not. You're -- you're delving into the details of which really was her business.

Q So Senator Kennedy, you testified that you met with Ms. Wright in the LCRO numerous times; is that correct --

A Yes.

Q -- in this process?

Did the subject of which -- what percentage of black voting age population would be needed for black voters to have an opportunity to elect candidates of their choice come up during these meetings?

A I remember that there were -- there were

discussions and references to black voting age population and some numbers based on race, and it was always in the context of doing what was necessary to make sure that we were in compliance with all applicable rules, regulations, be they constitutional, Voting Rights Act, or other provisions that Gina and counsel were advising us, to make sure that our process and our end product was, as I have said, legal and otherwise appropriate.

Q Got it.

So you said the discussions were in the context of making sure that the committee was doing what was necessary to comply with the Voting Rights Act; is that right?

A Well, making sure that when the maps were drawn or there was a proposed district or districts, making sure that it -- we complied with all the obligations. And again, that's why we had professionals to advise us through the process.

Q And did you come to an understanding during this process as to what was needed to comply, in terms of what measure of voting age population and what numerical threshold needed to be reached?

A You know, at the time, I probably had -- could have been more conversant about it, about some of these principles and some of these details, but this has been

many, many months ago. It's not my area that I work in, and we're past the redistricting process. So at this point, I really don't have a recollection that's good enough to be able to answer those type of questions.

Q But you -- you do understand that you are here as a 30(b)(6) witness for factors considered when developing the congressional Senate maps; is that right?

A Yes.

Q And can you -- I believe you testified earlier that to prepare for that, you've reviewed some e-mails and text messages?

A Yes, ma'am.

Q Was there anything else that you did to prepare?

A Met with counsel.

Q Do you -- do you remember approximately how many e-mails you reviewed to prepare for deposition topics 1 and 2?

A I don't.

Q Do you remember who the text messages that you reviewed were with?

A I don't.

Q You don't remember anyone?

A You know, at 5:15 and six hours into this deposition, no, I'm sorry, I don't remember the names

of -- of those materials or names that were on any of those text messages.

Q Were they all texts between yourself and someone else?

A I don't remember, but they are a part of the production from the discovery process that presumably you have and that you've seen and you've reviewed.

Q Okay. Now, going back to that video that was played, you stated that there is racially -- you recognized racially polarized voting; is that right?

A I think I was speaking -- not me, but I think I was speaking that the process that we undertook and the work of the committee with my leadership as chair, again, which necessarily involved significant input from Gina Wright and counsel, did recognize that principle, yes.

Q What principle of racially polarized voting was recognized during this process?

A I think what I said was that there is racially polarized voting in Georgia.

Q How did you come to that conclusion?

A Quite frankly, it would have been on the advice of counsel. Understand, I am not -- I am not an elections expert. I am not a redistricting expert. I was chairing this process, and at the time that was made was on the front end of the committee process, but it was

my understanding from the advice of trusted counsel that those statements were made, and identifying the principles upon which we relied to move forward to do the work of the committee.

Q Okay. I want to ask you a few more questions about your communications with Ms. Wright during the redistricting process. Did Ms. Wright ever tell you what the -- she had heard from the minority party during her meetings with them?

A I'm sorry, did you say did she ever --

Q Did she ever tell you that she met with the minority party during the redistricting process?

A She probably did. And the reason I answer it that way, I feel certain that the minority party did meet with her. They're -- she is as equally accessible to them as she is and was to the majority party. And so my knowledge of them meeting with her may have been from them telling me they were meeting with her, not so much or more so than her telling me she was meeting with them. So that's a long answer to a short question, but I was trying to be complete.

Q Sure. I appreciate that.

And what's your understanding -- what's the basis for your understanding that Ms. Wright was equally accessible to the minority party?

A That's her position. That's her role. She's equally accessible, yes.

Q That it's her job role requires her to be equally accessible to members of both parties?

A Well, it is my understanding that her office and that she was available to meet with them if they had questions. I didn't ask her about that. She didn't talk to me about that. I don't remember any of the minority party coming to me and saying, hey, John, I met last week or yesterday with Gina and we did this or that. So, you know, I'm not going to have any information about those meetings, if they occurred, when they occurred or what was discussed, but -- but I'm giving you my -- my impressions.

Q But your understanding is that her job role requires her to be equally accessible to members of both parties?

A It would be my understanding that if whomever wanted to meet with her, she was exceedingly accessible, whether it was legislators or local elected officials from whatever county to everybody in between.

Q And -- and is that because she's just like a super nice person, or is that because that's her responsibility and her role?

A You -- you really need to ask her that

question. I don't know what her job description is, and I don't know if there are rules or regs or there's an employee handbook that sets out what her -- the scope of her duties are. You should ask her that.

Q Yeah. I'm trying to understand what your understanding is.

A And I have given you my total understanding and maybe then some of actually what my understanding is.

Q Got it.

Did you ever hear from Ms. Wright what the minority party had told her about the redistricting process or requests that they made?

A No. As I said just a moment ago, no, I don't recall her telling me about any meetings that she had with others.

Q I'd like for you to turn to Exhibit 4 that was marked earlier in your deposition.

A Okay.

Q The Bates stamp is 3224. If you could turn to page -- do you have that in front of you?

A Yeah. You said Exhibit -- you said tab 4 of the deposition notebook?

Q Yeah, Exhibit 4.

A Yes.

Q Exactly.

A I have it.
Q This is an e-mail -- page 2 is an e-mail you wrote to Ms. Wright; is that right?
A Yes.
Q And I know -- I know you have already talked -- testified about this page, and I -- I just wanted to ask you, here I -- I read this as a set of instructions or requests to Ms. Wright in drawing maps; is that right?
A I wouldn't call them instructions. I would call them suggestions or recommendations that would have been --
Q Is it fair --
A -- that would have been communicated about that particular map at the time.
Q Got it.
And is it fair to say that you don't remember the basis for any of these instructions?
A I think what I testified to, and my understanding is, that this is probably a general distillation of information that had been presented to me and that I had collected, and by memory, from the town hall meetings that we had conducted over the course of the -- of the summer and the previous few months.
Q So you think this is only information gleaned from the town hall meetings, or could it have come from

other requests as well?

A It could -- it could be the product of other sources of information.

Q Could those sources include other legislators?

A That's possible.

Q Do you remember any -- is there anything in here that you can, sitting here today, identify the source for that suggestion?

A I can. If you'll look at District 9 on page 2. It says, "Make Pickens whole."

Q Yeah.

A So we had a town hall meeting that I think was in Dalton, Georgia, and a constituent, or maybe more than one, came to the podium and spoke. And as I recall, one said -- the lady or gentleman said, "Our little county of Pickens County is currently divided by the congressional district line, and can you please keep our little county whole?"

Q Yep, understood. Anything else?

A Of anything else of all that's on this list giving you a source, is that your question?

Q Can you remember the source for anything else other than the "Make Pickens whole thing"?

A Yeah, I would have to go through all of this. Again, understanding this is many, many months ago.

Nothing jumps out at me that I am recalling a source of information like the one I already gave you.

Q Had you been speaking with other legislators about the redistricting process before September 26th, 2021?

A Yes, I believe so.

Q Did any of those legislators make requests to you concerning the redistricting results --

A Yes.

Q -- that they wanted?

A Yes.

Q Is it possible that some of those are reflected in here?

A It's possible, yes.

Q How often did you meet with Gina Wright or her staff leading up to the passage of the map, the enacted maps?

A I have no way of knowing. I met with her often but have no way of knowing. I don't know how to give you a frequency or a number, I'm sorry.

Q Is it possible it was more than ten times?

A Ten times in total over the whole process?

Q Yes.

A Yes, I would think so. Yes.

Q Is it possible it was more than 20 times?

A I'm going to have to stop there because I just don't -- I just don't remember. And a lot of this, quite frankly, kind of runs together over time.

Q Now, when you created the Senate maps with Ms. Wright, was Bryan Tyson or others from his firm ever present?

A I don't remember Mr. Tyson being with us on some of the memories that I think I have of being with Gina working on the maps. I don't remember him being in there.

Q Do you remember others being in there?

A Yes.

Q Who -- who do you recall being in the room?

A I can remember being there with a couple of other senators at different times.

Q Which -- which senators?

A I remember being there with Senator Larry Walker. I remember on a different occasion being in Gina's office with Senator -- I think Senator Max Burns, and there certainly may have been others. Those are the ones that come to mind at the moment.

Q Do you remember other members of the LCRO staff being in the room?

A Not -- if they were, I don't remember it being often or typical. It was usually Gina.

Q Do you remember Brian Knight being in the room?
A I really don't.
Q Do you remember Dan O'Connor being in the room?
A No.
Q Do you remember Rob Strangia -- I may be mispronouncing that -- being in the room?
A I'm -- I'm kind of bad with names, so I'm struggling from the outset because I don't recognize the name, and that's not to say that if he walked in, I might not recognize his face. So I'm sorry, but I don't.
Q Yeah, we are just trying to get what you can remember. That's fine.
During these meetings, did Ms. Wright have her -- were you looking at her computer screen?
A Sometimes, yes. But sometimes I was in her office and we were talking about the scheduling of things and administrative matters.
Q When you were looking at a screen, was it on Ms. Wright's computer?
A No.
Q Which computer were you looking at?
A It was projected on a big screen television that was on the wall.
Q And whose -- what was -- where was the projection source?

A I'm assuming it came from a computer. I don't remember. I'm assuming she had a laptop, but I don't remember if it was a desktop or a laptop or just -- or maybe she just -- I really don't know. I don't remember.

Q It wasn't your -- it wasn't your computer?

A It wasn't my computer, and I was looking at the wall which is at the end of a rectangular room, so I -- you know --

Q Yeah.

A -- she's kind of to my back, so I wasn't looking at what she was doing to create the image that we may have been looking at.

Q And you just said what she was doing, and you kind of moved your fingers like someone typing. Can I -- does that imply that Ms. Wright was typing and using the mouse during these computer projections?

A Are you asking me did she do it by keyboard versus mouse; is that what you're asking me?

Q No. Was it -- was it her that was controlling the computer, is my question?

A I believe it was, because I -- I don't remember anyone else typically being in the room, other than what we've talked about. Well, let me put it this way. I don't remember her having other staff in the room.

Q Uh-huh.

A I can't -- I'm not going to testify that there was never any other staff. I'm just telling you from my recollection it was Gina. It was -- it was not Gina telling a staff person what to do. I believe it was Gina doing the work of whatever she was doing.

Q Got it. And you testified that during these meetings, sometimes information would be projected onto the -- I guess the wall or a projection screen?

A Well, let me --

Q At what -- uh-huh.

A I'm sorry. If I said projected, I didn't mean in the sense of old-school projector --

Q Yeah.

A -- where it's projecting something up. It was -- it was a big screen, flat screen television that I --

Q Got it.

A -- assume was Wi-Fi or cabled up with a computer or something.

Q Okay.

A So yeah.

Q So you were looking at a screen together, and what was on the screen during these meetings?

A Typically it would be a map of the state of Georgia or portions of it.

Q And was that map divided up or colored or shaded in any way?

A I think that there were -- as she would do whatever she was doing, I seem to recall that there might be some different colors on the map, but nothing that I can tell you or associate certain colors represented certain things. I'm sure they meant things at the moment, but again, we are talking about something that was months ago and that I was not in charge of or doing anything --

Q Do you know --

A -- to manipulate.

Q Do you know whether any of that information on the map was depicting racial or other demographic data?

A I don't -- I don't -- sorry. We had a phone going off over here.

Q Okay.

A I don't remember that. What I remember were population data and moving lines based upon population data to get districts that complied with what I sort of consider is the primary driver of creating a map, is that based on population, and for Georgia, population growth, and then the shifting population within the state that drives the necessity to redraw the maps, with the primary driver being, at the end of the congressional maps,

they've all got to be within one percent. And at the end of our Senate maps, I think we tried to do those within a degree of 1 percent population deviation.

Q Was there anything depicted, any data depicted other than just the number of people?

A There probably was from time to time in the consideration of whatever data was needed to be a part of the consideration of the work that she was doing. But again, that -- that would fall to sort of her expertise and advice of making sure that whatever was being drawn and looked at or considered in the moment, even if the population number was correct, that it was otherwise compliant.

Q Do you remember looking at any partisanship data from the screen in Ms. Wright's office?

A I don't know that I remember looking at -- well, yes, there was some partisanship data, because I remember there -- that being in some of the conversations with her or moments, that would be something of consideration, yes.

Q What was the partisan consideration?

A Just the Republican-Democrat split of a proposed district or a hypothetical district, I should maybe call it, not a proposed, but a hypothetical district.

Q And what was the committee's goal with respect to partisanship?

A What was the committee's goal with respect to partisanship? I don't know how to answer that question.

Q In the redistricting process?

A I don't know how to answer that question.

Q What was the source of the partisan data that you were viewing?

A As I recall, there were different sources of Republican and Democratic numbers, if you will, or presumed Republicans that would be in an area or Democrats that would be in an era -- area. I don't remember what source Gina was using for that to arrive, if you will, at a number that was being used or considered at the moment. But she did have that data, and it was on there. That was a part of the discussion.

Q So you don't know what the source was for presuming certain people would vote Democrat and others vote Republican?

A Right now, I don't -- I don't remember which, no, ma'am -- or what, rather.

Q But that data came from her, is that right, or she had control of that data?

A I don't know where it came from, and I don't know that she had control of it, but it was some source

that she was going to to have it. It wasn't anything that I brought to the room or the process, if you will.

Q Do you remember if you reviewed data at the precinct level?

A I do, because when we were drawing the lines or as Gina drew hypothetical or proposed lines, again, for the population purposes, I remember her saying, we need to try to not split precincts. And -- and maybe there were instances where that was necessary to get to the -- the population requirements of -- of parity.

So that's what I think of in terms of how precincts sort of came on the radar screen, if you will, and were considered.

Q Did the projections include Census block data?

A I'm just not sure. I remember that term being used, and, quite frankly, there were times that Gina would use terms that maybe I didn't understand and appreciate, because this is what she lives, eats, sleeps, you know, and has for years. And so I was -- I didn't want to -- it was -- yeah. Sometimes she'd talk above my head, which doesn't take much.

Q So I assume, then, that you don't know what type of Census block level data she used?

A No, I don't. No, I don't.

Q Do you know whether voters in Georgia register

to vote by political party?

A We don't, I don't think.

Q So when you were reviewing the partisanship data, was the presumption that black voters usually vote for democratic candidates?

A I -- I don't -- again, that's something you would need to ask Gina.

Q So you -- did you ever ask her, like, how is it we are looking at this partisanship data when voters don't register by political party?

A I think it was looking at past -- if you looked at an area, looking at past elections and what the vote tallies were, how much, what percentage of the people that voted in a certain geographic or a defined area voted Republican versus voted Democrat. That's -- I think that's my recollection.

Q When you were meeting with Ms. Wright, did you suggest changes to the maps that she then implemented on the maps?

A Yes.

Q Do you know if any of those changes became enacted?

A I believe so, yes.

Q What changes are you aware of?

A When I was meeting with her about my Senate

district, Senate District 18, and it was a matter of I had to gain about, I think, 10,000, 10,500 people to get my district numbers up to what was required, and in her asking did I want to make a suggestion of which way to move to increase the population size, which for me also included increasing the geographic area of Senate District 18.

Q So what did you suggest?

A I suggest -- so my district -- I suggested moving or increasing the amount of Houston County that I represent, or that's a part of District 18.

Q Why did you make that suggestion?

A Well, if you look at SD 18, it comprised -- it's comprised of six counties; four full counties and two partial counties. And so the least -- the easiest change to make seemed to be keep the four counties that I had the same. Bibb maybe made a few little -- the two partial counties there were minor changes, but the easiest and most logical thing to do was, since I represented the northern quarter or so of Houston County, was to take the southern boundary of that line and simply go south until you get to a point where you are picking up about 10,000 people.

MS. LIU: I'd like to mark -- what's the next exhibit number?

THE COURT REPORTER: It will be 13 (sic).

MS. LIU: Can we mark the document that ends in 2663. It's a Georgia Senate Press Office.

(Deposition Exhibit 14 was marked for identification.)

Q BY MS. LIU: Do you have that, Senator Kennedy?

A No, ma'am. I think someone is getting it for you.

Q Okay.

A Okay.

Q Does this look familiar to you?

A We are going to mark this Exhibit 14; is that right?

Q Yes.

A Okay. Exhibit 14 is a Georgia Senate Press Office.

Q Yeah.

A Dated November 5, 2021, and it's two pages with Bates stamp number ending in 2663 and 2664.

Okay. I'll --

Q Correct.

A -- take a look at it now.

Q So I wanted to draw your attention to paragraph 3. It says, "The Senate will continue reviewing public input until the redistricting process is complete."

This is dated November 5th, right?
A Okay.
Q Do you see where -- do you see where that says that?
A Yes, I do.
Q Are you aware of any public input between November 5th, 2021 and the enactment of the maps that changed the maps that were enacted -- or changed between the proposal on November 5th and the enacted maps?
A I'm not sure I understand your question.
Q Well, on November 5th, this press release said that the Senate will continue reviewing public input, correct?
A Yes, until the --
Q Are you --
A Yeah. Okay.
Q Can you identify any public input between November 5th, 2021 and the enactment of the maps that changed the maps between the November 5th proposal and the November 21st -- or sorry, and the enactment?
A No, but I think I'm -- your question is a little confusing or maybe I'm confused, in that I believe this press release, Exhibit 14, is specific to and only referencing Senate Bill 1EX, and your question asked me about the maps, plural, as if --

Q Okay.
A -- I think you were asking about all of the maps that we considered and voted on. And so does that make sense? I think --
Q Yeah.
A -- you were asking me about something more broadly than I think this press release addresses.
Q Okay. Well, that's fair. Can you identify anything that changed between Senate Bill 1EX and the corresponding enacted map?
A Well, I -- if -- if I am remembering correctly, and if I am reading this press release correctly, and assuming the press release is correct, too, I think this is saying that we passed 1EX.
Q Uh-huh.
A So at that point, that bill represented the map that was passed by the Senate. The House would not have changed it, and assuming the Governor did not change it and the Governor didn't make any changes, that map would have been done as of November 5, 2021. So 1EX was complete.
I think what is referenced -- is being referenced in paragraph 3, that we'll continue to review public input until the redistricting process is complete, that's speaking, I believe, to the macro aspect of the

redistricting process for whatever was left to be done, be it congressional maps or otherwise.

Q Are you aware of any other public input after that time that changed the ultimate product of the redistricting process?

A I think you broke up. Can you ask that again, please?

Q Sure. Are you aware of any other input after that time that changed the ultimate product of the redistricting process?

A Of input that changed the redistricting process, no, I don't think so. I mean, our principles that we had voted on bipartisanly as a committee did not change. The process was set forth early on. We followed that process. The normal process of dropping the bill, committee hearings, taking the bill to the floor, passage, discussion, debate on the bills, all of that occurred in the normal process that the -- of how the Georgia Senate body acts, and then ultimate signage of the bill by the Governor. So I -- as I walked through that process, no, it was -- it was normal and as expected.

MS. LIU: Okay. Next I'd like to mark as Exhibit 15 a document that ends with Bates number 2753. It's a January 12th, 2021 e-mail from Ms. Wright to

yourself.

(Deposition Exhibit 15 was marked for identification.)

THE WITNESS: This is 15, ma'am?

Q BY MS. LIU: Uh-huh. Yes. Was this your first contact with Ms. Wright?

A Would you give me that date again to make sure I'm looking --

Q January 12th, 2021.

A Yes, I have it. 10:00 a.m. Yes, ma'am.

Q Was this your first contact with Ms. Wright?

A Let me read it. It probably was. I don't think I knew Ms. Wright before becoming redistricting chair.

Q She said that she would put together a packet of maps to make it easier for you and to go over those and share them with you, right?

A Yes, that's what it says.

Q Did she, in fact, put together a packet for you?

A I've got to believe she probably did. She was -- you know, she is very professional and efficient and followed up. I don't remember what it was. There was so much information that ultimately came my way as -- as chairman of the committee. So I'm not trying to

anticipate your next question, but I don't have any specific memory of what she may have or what I'm sure she sent over.

Q That was my next question.

Do you remember approximately how many times you met with Ms. Wright between January 12, 2021 and August of 2021?

A No.

Q Would it be, you know, more than ten?

A I really can't. I would not want to venture a guess on that. I just don't remember.

MS. LIU: Okay. I'd next like to mark a series of e-mails sent from Ms. Wright to yourself on December 14th, 2021. There are five of them.

If you could, please, mark those five, as my colleague has them. So these are e-mails that end with Bates stamps 2771, 2790, 2800, 2821, 2812.

I think they are still being gathered so --

A Yes, ma'am. I don't have them yet.

Q Okay. In the meantime, I will ask you some other questions.

A Okay.

Q Senator Kennedy, did you ever investigate whether it would be possible to create more minority opportunity districts?

A Investigate whether or not it would be possible to create -- again, what?

Q More minority opportunity districts?

A That could have been part of the discussion with Gina and counsel, as we were looking at what -- what the maps were, but I -- I don't have any recollections or memory of those communications.

Q Was that something that you were trying to do?

A You know, we were following --

THE WITNESS: Counsel, is this a -- can I speak to what counsel advised me on?

MS. LIU: I -- oh, he's asking you.

MR. JAUGSTETTER: You are under no obligation to disclose the contents of advice, but you can certainly share the fact that you received advice.

THE WITNESS: Okay.

Yeah, I think, as I have been pretty consistent during my whole deposition, is that we sought, received, and relied upon the advice of counsel throughout this process guiding us as to what we ought to do, both process and end product-wise, regarding the maps.

Q BY MS. LIU: Right. So here I'm not asking about advice of counsel, and if the answer is this is all advice of counsel, that's fine. I mean, it's within your knowledge.

So I'm asking whether you as the Senate Committee investigated whether it would be possible to create more minority opportunity districts?

A I think -- yeah, I think discussions along those lines would have necessarily been with counsel.

Q Got it. So you testified that sometimes you met with Ms. Wright without counsel present. Did you ever say something like, you know, Ms. Wright, would it be possible for us to create more minority opportunity districts?

A Again, I can't remember if we did or we didn't.

Q Do you remember when the last town hall was that was held regarding the redistricting process?

A I'm trying to remember. We -- we held a virtual town hall, and I don't remember if that was at the beginning or the end of the process. But you may be asking about location-wise, and I'm sorry, but what I am also processing is that we -- if I remember correctly, we had a town hall meeting that was set that had to be rescheduled because we had storms that came through, and I think the Governor declared a state of emergency in the area where we were supposed to be meeting that night.

So I -- I'm sorry, I'm babbling on you a little bit. I don't remember the location. Things got jockeyed around there at the end, so I'm sorry, I don't remember.

Q Earlier you testified about whether there was -- sorry. Withdraw.

Earlier you testified about a September 27th plan. Do you recall that testimony? A draft plan?

A Yes. Your co-counsel asked --

Q Yes.

A -- questions about a map that was attached to and released as part of a press release on September, I think 27, yes.

Q Do you remember holding any town hall meetings after that release?

A No, I think they were before.

Q Do you know why you didn't hold any after the release of the draft?

A Because we had successfully gone to and held all of the town hall meetings that had been scheduled.

Q Can you identify any public input that you received after September 27th that altered the draft, between the draft and the enacted map?

A Not specifically to tell you, but I think as we saw through the exercise earlier, that there was -- there is a difference between the September 27 draft, as I recall from the course of the day, and the one that was finally -- that was passed. And that very well -- some of those changes very well may have been a product of

input that could have come from the public. It could have come from constituents. It could have come from different sources.

Q But can you identify any sitting here today?

A No. As I sit here right now, no, I can't refer that -- that to you. But if I'm not mistaken, the public portal that we had that was established for people to upload information that they wanted to be considered and wanted to have logged in and documented, I believe that remained open through the process.

Q Can you identify any changes between September 27th and enactment that were at the request of a legislator?

A As I sit here right now, no.

Q Are you a member of a political party?

A Yes.

Q Which one?

A Republican.

Q How long have you identified as a Republican?

A You mean personally or professionally?

Q Either one. Both.

A Well, it -- when I ran for office and registered in 2014, that was the first time I had run for public office, so that, I believe, would be the first time I would have registered, if you will,

professionally, if you can call it that, as a Republican.

But going back to times in college and forward, I would say I identified as a -- as a conservative and typically as a Republican voter.

Q I'd like to turn you to Exhibit 9, which may be tab 13.

MR. JAUGSTETTER: Tab 13.

THE WITNESS: Okay. I've got it.

Q BY MS. LIU: Now, if you could look at page 3 of that exhibit.

A Okay.

Q Could you read B(2)?

A Okay. It's Exhibit 9, page 3, B(2). "Census data and redistricting work maps will be available to all members of the General Assembly upon request, provided that (a) the map was created by the requesting member, (b) the map is publicly available, or (c) the Legislative and Congressional Reapportionment Office has been granted permission by the author of the map to share a copy with the requesting member."

Q Did the majority ever give the minority access to the Census data and redistricting work maps that they used to draft the maps?

A You would need to ask them.

Q Ask who?

A Ask the minority.

Q Okay. You were a member of the majority, right?

A Yes.

Q Do you know whether the majority granted the referenced permission?

A So to put this in context, these are 2021 committee guidelines that, as I recall, were voted on by the committee bipartisanly, maybe unanimously. I don't remember.

Let me read this again.

So I would answer the question by saying you would -- you should ask Gina Wright that question, as far as what her office allowed to be available. But it says, "Census data and redistricting work maps will be available to all members of the General Assembly upon request, provided," and then there is the (a), (b), and (c).

Q Yeah, I'm asking if you know. If you don't know, that's okay.

A Well, and your question was, did I or did the majority party allow something, and I am telling you I think that's -- that's a misplaced question, given that this is part of something that we all voted on and understood, and that your specific question would require

Gina Wright to answer with regard to how and what was made available.

Q Earlier you testified that you didn't remember whether Bryan Tyson was in a role that was to be available to all senators. Do you remember that?

A I'm sorry, I lost you. Bryan Tyson what?

Q Was in the -- the role to have been available to all senators?

A Was in the?

Q In a role to have been available to all senators; do you remember that?

A Are you saying in a role to be available, is that what you are -- okay.

Q Yeah, to all senators. Do you remember that?

A Yes. I think -- I think Bryan Tyson's role would have been to advise those of us through the legislative process, which necessarily is being -- was being managed and run by the majority party, so...

Q Do you know whether -- oh, yeah.

Do you know whether there was additional counsel who was available to all senators or to the minority party?

A I know that the minority party showed up from time to time with counsel, so yes, they did have counsel.

Q Do you know who paid for that counsel?

A No.
Q Do you know who paid for Bryan Tyson's representation?
A No.
Q Do you know whether it was taxpayer funded?
A No.
Q Did you sign a retainer agreement with Bryan Tyson?
A Did I personally sign one, no, I do not recall doing that.
Q Do you know who did sign an agreement to retain Bryan Tyson?
A No. It was not -- no.
Q Have you seen a retainer agreement with Bryan Tyson?
A Not to my recollection.
Q Did you ever ask who was paying him?
A I don't know that I asked that, but to try to give you a full answer, it would be my assumption -- this relates to a previous question you asked me. It would be my assumption that the -- whatever committee is responsible for providing counsel to those that are working in the redistricting process, which necessarily involves the chair and others, that they made those arrangements. And I believe that would be sourced from

taxpayer funds, yes.

Q Going back to the previous exhibit, did you authorize LCRO to give the minority party access to the draft maps in accordance with the guidelines in Exhibit 9?

A Can you repeat? You were a little quick with some of the words. Can you...

Q Sure. Did you authorize the LCRO to give the minority party access to the draft maps in accordance with the guidelines you read from Exhibit 9?

A It would not have been up to me to authorize that. That is part of the agreed-upon plans, and the minority party could have, would have, should have, probably did go and ask Gina Wright or her office for the information that this document says they are entitled to.

Q Topic 5 of this exhibit -- I'm sorry, of this deposition concerns money spent or received in relation to the maps. Do you see that?

A Did you say tab 5?

Q Topic 5 in tab 1.

A Oh, topic 5, okay.

Q Yeah.

A So, sorry.

Q The deposition --

A Okay. Tab 1.

Q I know I'm sending you around on a wild --
A No, that's okay. No, that's okay. No problem. I'm with you now. Tab 1.
Q Topic 5.
A Deposition topic 5, okay.
Q What did you do to prepare for your testimony on topic 5?
A Again, nothing more than what I've stated earlier today.
Q Do you know when -- whether Bryan Tyson currently represents the committee or the LCRO?
A You should ask him that question.
Q I'm asking if you know.
A Ask the question again, please.
Q Do you know whether Brian Tyson currently represents the committee or the LCRO?
A The answer would be no, I don't know for certain, no.
Q Do you know when his representation ended, if it ended?
A I don't. I understand he's representing the defendant, which is the State or -- in the litigation. But you are asking about other parties or potential clients or former clients, and I really can't speak to that, no.

Q Okay. Let's -- I'm going to ask you a little bit about -- if we could look at the topic -- at the document that ends with 8454.

A Is that one of the previous exhibits?

Q No, that's something Lily has.

A Okay.

Q And while she's grabbing it, can I ask you if you know who represented SD 48 before the redistricting?

A Your question is who represented SD 48 before the redistricting?

Q Yeah.

A No, I'm -- I'm trying to call from memory which of my --

Q Well --

A -- colleagues had -- had 48.

Q -- are you familiar with Senator Michelle Oh -- Au?

A Michelle Au, yes.

Q Au?

A Yes.

Q Is she an Asian woman?

A Yes.

Q Is it your understanding that she was the candidate of choice among people of color in her district?

A I wouldn't know who the candidate of choice were -- was of that district.

MS. LIU: Okay. We're going to take a quick break, if you don't mind. Just a quick --

THE WITNESS: Okay.

MS. LIU: -- break.

THE VIDEOGRAPHER: The time is 6:07 p.m. We are now off the record.

(The deposition was at recess from 6:07 p.m. to 6:16 p.m.)

THE VIDEOGRAPHER: The time is 6:16 p.m. We are back on the record.

EXAMINATION

BY MR. DAVIS:

Q Thank you, Senator Kennedy. I am Alex Davis from the Lawyers' Committee. I know it's been a long day. I'm the last face you want to see at the end of a long day, so I will try to keep this short.

I think we have one more video clip. We have a video clip to play you.

Lily, is that ready?

MS. HSU: Yes.

MR. DAVIS: This is from the same November 4th Senate Committee hearing.

(Video playing.)

"It includes eight whole counties and only one split, and that's Coffee County. Senator Harper is not running for the Senate, as I said before, and even though he lives in the district, it's not appearing because he's not seeking to run again.

"Senate District 14 is moved from Cherokee County down to Fulton County in the Sandy Springs and Roswell area. This is another new district effectively because of Senator Thompson's run for statewide office and in a heavily minority-influenced district, but it is an open seat.

"Senate District 15, Senator Harbison, a colleague on this committee, in Columbus has a district that's protected by the Voting Rights Act, and this map maintains that. It is also almost identical to what our Democratic colleagues proposed that they would like to see what Senate District 15 looked like on their map. They had good ideas and we incorporated those.

"Senate District 8 -- excuse me, 16 is next. Not a lot of change here with three whole counties. Only Fayette County split. Communities of interest south of Atlanta and existing district core are protected.

"Senate District 17, protecting the current district cores because Senate District 17 already

includes Henry and Newton County. It added population in Walton and Morgan, which share a lot of commonality with Newton and Henry around the ring of Atlanta.

"Senate District 18, at least from my perspective, the most important district."

(End of video.)

Q BY MR. DAVIS: Yeah, so at the end of that video, you talked about Senate District 17, right?

A Yes, I -- yes, I think so.

Q And you represented -- yeah, it's been a long day. And you represented that the changes to Senate District 17 were made to keep the core of the district. Isn't that right?

A I think that's what I said, yes, sir.

Q Does keeping the core of a district intact take precedence over compliance with the Voting Rights Act in the view of the committee?

A I don't know that I can answer that question with regard to setting or establishing priorities. And if you've been all day -- on all day, there was some questions earlier where that same sort of concept was established. And again, we would have relied upon the advice of counsel and the guidance of counsel with regard to what not only was required but what was important.

And I would only further add that, I don't

think we would have considered or had a principle or a concept that would have been given priority over the Voting Rights Act.

Q So just to be clear, it's your testimony that you think, sitting here now, that nothing would take priority over complying with the Voting Rights Act?

A Well, see, now you are dragging me down the road where you're -- you're eliciting or trying to elicit a legal opinion and the application of the Voting Rights Act and other principles of election and redistricting, and that was not my role. It wasn't my job. I don't have that expertise. We relied upon the advice of counsel to help guide us through that process, to draw maps that were legal and otherwise appropriate.

Q So it's your testimony that as chairman of the Senate Redistricting Committee, you had no say or preference about -- about the priorities that your -- the redistricting process you were leading?

A No. That is not what I just said. You completely mischaracterized what I just stated.

Q Okay. So did you have any say over -- over the priorities that would guide the redistricting process that you led?

A So those -- that answer would begin with looking at the principles that were agreed to, which I

think is tab 13 in the deposition exhibit notebook, which has as part of it general principles or drafting plans in the nine points there, that, as I said, were agreed to by the members of the committee in a bipartisan fashion, and I think even unanimously.

So that would have begin the -- would have been the beginning point, I think, of establishing what would be the guidelines or principles, as they are delineated, that would guide the work of the committee.

Furthermore, we would have had, and did have, the advice of legal counsel to make sure that what we did both process-wise and substantively with where we would land with a proposed map would be in compliance with the Voting Rights Act, the United States Constitution, the Georgia Constitution.

And finally, the assistance of Gina Wright in helping make sure that the maps that were drawn and produced and utilized in some fashion were otherwise appropriate as best we could make them.

Q Let me try one more time. Maybe I'm not asking this in a -- in a clear way, so I apologize for that if I'm not.

Isn't it true that you could not subordinate compliance with the Voting Rights Act to keeping cores of districts intact?

A Again, you're -- you're asking me for a legal opinion and how that opinion would have been deployed through the process that we went through. And again, that would have been guided -- we would have been guided and were guided by counsel.

You're -- as I understand the question, Mr. Davis, you are specifically setting forth two principles and saying what happens when those compete, and what is the legal outcome of which prevails and in what way and in -- you know, and that's the kind of thing you need good lawyers for to help guide you down that process to make sure, A, you are doing the job correctly and properly as you are doing it, and B, you wind up substantively with a good work product that is legal and proper and appropriate.

Q Okay. I'm -- I'm gonna move on. I had a few questions about Senate District 17. Are you aware that the final map reduced the black voting age population in Senate District 17 by approximately 10 percent?

A As I sit here today, I don't -- I don't have those numbers, you know, at hand, if you will.

Q Would you have any basis to dispute that the black voting age population in District 17 was reduced by approximately 10 percent sitting here today?

A You know, Mr. Davis, since I don't have those

numbers or any data or any information in front of me, I wouldn't -- I wouldn't be able to comment one way or the other. Assuming -- I assume that if we are talking about something that's purely factual, that you would not represent that information to me.

Q Okay. So then, is it also true that you -- you wouldn't have any knowledge sitting here today about why that was done?

A When you say "why that was done," that your question is couched in a way seemingly to imply that that was the sole reason that that district was drawn, and that's -- that's not the case. I think -- I know you all are tired of hearing me talk and explain that this is a complex process that involves lots of moving parts, lots of variables in the equation, from population to geographies, all those other reasons that go into what is ultimately seen as a formed district that has a number on it.

Q Sitting here today, do you remember any reason why the black voting age population in Senate District 17 wasn't used?

A No, except to say that anytime you take any district and ask why it looks the way it does for any purpose or for any data point you want, you -- I don't mean you, sir, but anyone that wants to describe or

discuss it, you cannot do it in a vacuum without consideration of and recognizing the districts that are around it and why were the -- you know, the simple approach, why were the contiguous districts around it formed the way they were and what were the drivers? Because that naturally and inexplicably impacts what the district you are looking at wound up looking like.

Q But you don't remember anything specific about Senate District 17 and why black population had to be reduced?

A No. When you -- when you said the question why it had to be reduced, no, I don't remember.

Q Let me rephrase that.

A Thank you.

Q Do you remember any reason, specific reason sitting here today, why the black voting age population in Senate District 17 was reduced?

A No, other than 17 is a product of all those around it, just like 18 is a product of all those around it. 19 is a product of all those around it.

Q Do you know Senator Brian Strickland?

A Yes, sir, I do.

Q Did you ever speak to Senator Strickland about his district?

A Probably so. And I'm -- I'm thinking, because

as I had testified earlier, I had offered to meet with all 55 other senators, some of whom took me up on it. I -- I think Mr. Strickland and I did meet, yes, sir.

Q Did he request any change to his district?

MR. JAUGSTETTER: I'm going to object to that question on the basis of legislative privilege. Senator Strickland has not waived his privilege. The question you are asking necessarily requires Senator Kennedy to do so, and I will instruct him not to answer.

Q BY MR. DAVIS: Okay. I'm going to move on. I just have one more question.

Are you aware of a history of voting-related discrimination in Georgia?

A I think I would say yes. You mean just from a macro historical perspective?

Q Yes, let me clarify. Are you aware of a history of voting-related discrimination in Georgia against black voters?

A Yes.

Q What about Hispanic voters?

A I don't consider myself an expert in history, and this is not my area, so, you know, I think I'll say yes to the -- to black voters. I can't give you any details really beyond that.

Q Actually, just to go back to -- to the Senate

District 17 for -- for one second. Your -- your district is Senate District 18, right? Is that right?

A Correct.

Q Are you aware of whether any black voting age population or black voters were moved from Senate District 17 into Senate District 18, your district?

A I'm pretty sure that didn't happen because his district is north of mine, and the northern boundaries of my district were largely unchanged. So I think -- if I'm understanding your question, I think the answer would have to be no.

Q Okay. And then sorry for jumping around.

A That's okay.

Q Just going back to the history for a second.

A Okay.

Q I just have a few more questions.

Can you think of any instances of voting-related discrimination in Georgia in the last 20 years?

A I'm trying to think of things of which I have become aware through reading or what have you, and I don't know that I'm recalling any.

Q Have you personally witnessed any voting-related discrimination?

A No.

Q In the last 20 years?
A No.
MR. DAVIS: Okay. I think I'm going to pass the witness. I don't know if we have any time left, but if we do, I will pass the witness.
Thank you for your time. I know it's been a long day.
THE WITNESS: Yeah. Thank you, Mr. Davis.
MR. DAVIS: Sorry you had to see me at the end.
THE WITNESS: Yes, sir.
MS. RUTAHINDURWA: Hi. Can we -- can you tell me how much time is left?
MR. JAUGSTETTER: You have about two minutes to go.
MS. RUTAHINDURWA: Okay. Great.

EXAMINATION

BY MS. RUTAHINDURWA:
Q Hi, Senator. My name is Makeba. I represent the Grant and Pendergrass plaintiffs. I just have a couple of questions because I only have two minutes.
A Okay.
Q In your experience as a senator, do the views of members of the Democratic party in Georgia generally defer from the views of the Republican party in Georgia?

A Do they generally defer?
Q Yes.
A You mean are they different? Is that -- is that what you are asking?
Q Correct. Are the views of the Republican party generally different than that of the Democratic party?
A It depends on the issue or --
Q Okay. How about when it comes to removing Confederate monuments from public spaces?
A Yes, I think they're -- they're -- I think there's a whole spectrum of opinion on those issues, probably across the whole spectrum of all people, all senators that serve.
Q And you voted for Senate Bill 377, right?
A I'm sorry, which one was that?
Q It's called, "Prevent the Use of Curricula or Training Programs Which Act Upon, Promote or Encourage Certain Concepts with Exceptions."
Does that familiarize yourself with Senate Bill 377?
A What -- what year was that, ma'am?
Q It was in the last session, 2021.
A '21 or '22?
Q Or 2022, sorry.
A Okay. All right. And give me the title again.

And I'm sorry, after being here a while, the SB numbers run together.

Q It's okay, and I think I'm rushing because I know --

A Sure.

Q -- we don't have much time.

A Okay.

Q But the title starts with, "To Prevent the Use of Curricula or Training Programs Which Act Upon, Promote or Encourage Certain Concepts with Exceptions." And it's related to education and certain topics of education that were to be prevented in being taught in schools.

A Okay. If it's -- if it's the legislation that I am -- I think you are referring to, yes, I voted for that.

Q Okay. And --

MR. JAUGSTETTER: I'm going to -- I'm going to intervene. I think our time is up. We have been here long enough today.

MS. RUTAHINDURWA: Can I please just finish my last line of questioning? It pertains exactly to that previous statement.

MR. JAUGSTETTER: No, ma'am. We're gonna -- we are going to go ahead and end today.

MS. RUTAHINDURWA: Okay. Thank you so much for

your time.

MR. JAUGSTETTER: Thank you.

MS. MITCHELL: Hi. Sorry. Cassandra Mitchell here for the Alpha Phi Alpha plaintiffs. We just want to go on the record as saying we reserve the right to seek time that was provided for by our subpoena. We can follow up with that later if need be.

MR. JAUGSTETTER: Understand.

MS. RUTAHINDURWA: I am going to go ahead and take the wise wisdom of Cassie Mitchell there and also reserve the time on behalf of the Grant and Pendergrass plaintiffs and seek that from the court if need be.

MR. JAUGSTETTER: I understand. We'll be -- we'll be objecting to same.

THE VIDEOGRAPHER: The time is 6:33 p.m. This leaves the deposition open. We are now going off the record.

THE COURT REPORTER: Does anybody need a rough draft of the transcript?

MR. JAUGSTETTER: I will take one.

MR. GENBERG: I will go ahead and take one.

MS. HSU: I would also like to order a transcript.

>>>

>>>

MR. TYSON: I would also like to order a transcript.

(The deposition concluded at 6:33 p.m.)

The following reporter and firm disclosures were presented at this proceeding for review by counsel:

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- Transcripts: The transcript of this proceeding as produced will be a true, correct, and complete record of the colloquies, questions, and answers as submitted by the certified court reporter.
- Exhibits: No changes will be made to the exhibits as submitted by the reporter, attorneys, or witnesses.
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C E R T I F I C A T E

STATE OF GEORGIA)
) ss:
COUNTY OF DEKALB)

I HEREBY CERTIFY that the foregoing transcript was taken before me; that I was then and there a Registered Professional Reporter and Registered Merit Reporter, License No. 6595-1471-3597-5424 for the State of Georgia, and License No. 14315 in the State of California; that the witness before testifying was duly sworn by me to testify to the whole truth; that the questions propounded by counsel and the answers of the witness thereto were taken down by me in shorthand and thereafter transcribed under my direction; and that the foregoing pages contain a full, true, and accurate transcript of all deposition testimony and proceedings had, all done to the best of my skill and ability.

I FURTHER CERTIFY that I am in no way related to, nor employed by any of the parties hereto, nor am I in any way interested in the outcome.

I have no direct contract with any party in this action and my compensation is based solely on the terms of my subcontractor agreement.

Nothing in the arrangements made for this proceeding impacts my absolute commitment to serve all parties as an impartial officer of the court.

DATED at Dunwoody, Georgia, this 2nd day of February, 2023.

MARCELLA L. DAUGHTRY, RPR, RMR
GA License No. 6595-1471-3597-5424
CA CSR 14315

To: Patrick D. Jaugstetter, Esq.
Re: Signature of Deponent JOHN F. KENNEDY
Date Errata due back to our offices: 30 days
Greetings:
This deposition has been requested for read and sign by the deponent. It is the deponent's responsibility to review the transcript, noting any changes or corrections on the attached PDF Errata. The deponent may fill out the Errata electronically or print and fill out manually.

Once the Errata is signed by the deponent and notarized, please mail it to the offices of Veritext (below). When the signed Errata is returned to us, we will seal and forward to the taking attorney to file with the original transcript. We will also send copies of the Errata to all ordering parties.

If the signed Errata is not returned within the time above, the original transcript may be filed with the court without the signature of the deponent.

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ERRATA for Assignment #5667914

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

There are no changes noted.

The following changes are noted:

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

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DEPONENT'S SIGNATURE

Sworn to and subscribed before me, this_____day of

_____, 20_____.

Notary Public

My commission expires:

&

& 1:14 6:2,7 7:12 8:15 9:4 26:1,4,5 196:20

0

06 124:24 127:25 128:1,1

1

1 1:14 3:3 16:25 17:2,12 24:17 26:9 111:6 120:24 154:20,22,22 154:24 155:1 159:21,22 198:1,25 199:4 199:12 201:7 205:9 210:18 223:3 242:20 242:25 243:3
1/12/21 4:5
10 2:4 3:17 7:3 179:20,21,23 181:22 188:9 250:19,24 260:4
10,000 227:2,23
10,500 157:10 227:2
100 2:12
10007 6:19
1001 6:4
10036 5:19
1095 5:18
10:00 232:10
10:28 55:18,20
10:44 55:21,22
11 3:19 72:13 131:5 181:23 181:24 182:2 193:24 194:3 194:15
11/5/21 3:11 4:3
110 2:12 3:4
115 3:6
11th 130:10 194:22,25
12 3:20 25:5 98:22 191:11 193:25 233:6
120 3:7
12:00 94:19
12:18 107:10 107:12
12th 40:4 82:12 92:4 94:12 231:25 232:9
13 3:18,22 25:5 139:23 140:3,7 140:11,17,23 160:2,4,6 179:18 180:4,6 180:9,24 181:8 182:18 188:12 188:13,18,23 190:1,13,20 193:25 194:1,3 228:1 238:6,7 249:1
13th 69:12
14 3:19 4:3 103:15 116:7 141:1,4,9,12,21 170:21 181:6 182:5,7,10,13 182:14,16,22 183:5 184:1,2 184:18 185:3,5 185:6 186:15 186:18,22 187:1,16 201:12 228:4 228:12,15 229:23 246:7
14018 261:22
14315 1:24 261:7,23
14th 184:15,16 233:14
15 4:5 231:24 232:2,4 246:13 246:18
15-14-37 260:6 260:17
1500 6:13
159 3:9,11,15
16 246:20
160 3:16
1600 7:8
17 3:3 144:13 155:24 246:24 246:25 247:8 247:12 250:17 250:19,23 251:20 252:9 252:17,18 254:1,6
170 3:13
179 3:17
17th 69:10,21 144:16 145:5 146:5 148:1,5 154:9,13
18 1:17 5:3 27:18 157:9 174:9,10 227:1 227:7,11,13 247:4 252:19 254:2,6
181 3:19
18th 27:6 85:6 85:15 86:7 146:6 148:2,5
19 252:20
191 3:20
193 2:13
194 3:22
196 2:4
1965 161:17 162:20
1:21 1:4
1:30 94:22
1:32 107:13,14
1:55 121:8
1ex 229:24 230:9,14,20

2

2 3:4 110:6,9 110:10 121:1 139:24 141:1 144:12 159:22 159:22 161:17 174:15 205:2 210:18 215:2 216:9 238:12 238:13
20 1:16 2:13 5:2 12:13 72:10 81:12 104:4 201:13 201:19 217:25 254:18 255:1 262:14 264:20
200 7:8
2000 6:8 72:10 72:16 73:1,4
20002 7:3
20004 6:4
20005 6:14
2010 26:9 72:4 72:11,13 73:11 73:13 135:1
2010/2011 73:23
2013 70:6 71:10
2014 27:3,4,13 27:15 237:23
2016 27:16
2018 27:10,16
2019 28:11,16 28:24 29:6
202.624.2500 6:5
202.662.8329 6:14
202.968.4490 7:4
2020 27:16 34:23 72:11 82:8 92:3 137:17 192:3
2021 3:4,16 28:8 29:6 32:5 44:6 45:15 54:14 70:19 71:23 72:3 73:13,22 77:5 82:12 92:4 93:22 94:12 110:15 121:4,8 143:2,10 144:13,16 145:5 150:4 154:12,13 155:24,25 161:2 188:11 194:20 199:16 201:19 202:4 217:5 228:18 229:7,18 230:20 231:25 232:9 233:6,7 233:14 239:7 256:22
2021-01 3:21
2022 27:16 192:2 256:24
2023 1:16 5:2 8:2 261:18
20th 8:2
21 2:11,12 29:1 45:14 256:23
212.230.8800 6:20
212.698.3822 5:19
213.443.5300 6:24
21st 229:20
22 256:23
222 7:13
228 4:3
232 4:5
23rd 121:4,8 122:7 143:2,8
2400 6:23
245 2:5
250 6:19
253 2:13
255 2:5
2663 228:3,19
2664 4:4 228:19
26th 217:4
27 3:4 123:5,8 123:12 124:22 125:16 131:25 132:10 134:4 134:23 135:20 136:2,14,16 153:5 154:1 155:24 186:18 187:15 236:9 236:22
2753 231:24
2771 233:17
2790 233:17
27th 110:15 113:14,24 116:2,15 119:16,23 122:8,14,19 128:17 132:2 132:20 134:3 134:14,19 135:12,13,14 136:10,22 139:9 153:10 154:1,8,12 185:24 186:13 186:15 187:25 236:3,18 237:12
2800 233:17
2812 233:17
2821 233:17
2:59 159:14,16
2ex 57:2,2,5 69:24 135:21 135:22 136:14 136:17,23 144:14,16,19 144:25 145:8 145:17 146:1

147:22,25 148:10 153:6 153:11 154:9 155:19 171:4 172:20 174:17 175:9,15 176:1 176:8,15,16,22 178:10,14,23 180:5,7,24 182:7,11,14 184:2,22 187:2 187:8,19 190:13
2nd 69:12 261:18

3

3 3:6 6:8 17:19 115:15,18,19 122:13 136:16 140:23 154:25 159:13,22,22 161:15 186:7 186:10 187:16 187:21,25 228:24 230:23 238:9,13
30 1:14,14 24:16,17 161:2 194:19 210:6 262:2 263:4
300 177:16 262:14
30040 7:14
30076 262:14
30339 7:9
30th 194:25 199:25
3224 214:19
334.956.8200 5:14
343-9696 262:15
350 6:23
360,000 176:21 178:3,4
36104 5:14
377 256:14,20
3:25 159:17,18
3rd 143:10

4

4 3:7 119:25 120:2,3 139:20 150:14 159:23 159:23 162:3 164:10 173:22 185:15,17 186:21,21 214:16,21,23
4.8 125:11
400 5:13
45th 6:19
48 244:8,9,15
4:28 195:13,15
4:49 195:16,17
4th 54:13 69:12 150:4 199:16 202:4 245:24

5

5 2:12 3:9 25:3 140:3,17 144:10 159:23 159:23,25 185:18 228:18 230:20 242:16 242:19,20,21 243:4,5,7
50 58:6 198:1 198:25 199:3 199:12
5338 1:4
55 95:18 199:17 253:2
56 95:18 96:9 201:22
5667914 263:1
5:15 210:24
5th 69:12 229:1 229:7,9,11,18 229:19

6

6 1:14 3:11,15 17:10,11,12,14 17:15 24:16 123:24 124:2 125:2,8,16,19 125:21,21 126:2,15,23 127:2,9,10,14 127:17 128:5,8 128:16,20,23 128:24,24 129:3,5,12,14 130:8,21,25 131:2,3,20 132:7 134:4,10 134:14,18,25 136:13,20,24 137:7,10,15 139:10 149:23 159:23,23,25 176:6,22 177:16,20 178:10 210:6
62.6 189:5,10 189:16,20
6595-1471-3... 1:25 261:6,23
66.7 190:13,24 191:5
678.455.7150 7:14
6:07 245:7,9
6:16 245:10,11
6:33 258:15 259:3

7

7 3:13 131:8 165:8 170:11 170:13,15 173:20 187:4,4 187:5,20,22 263:4
700 137:15
75 183:12
770 262:15
7th 69:14

8

8 3:15 134:7,21 135:10 136:18 159:24,24,25 168:11 176:3,4 199:16 246:20
81 201:22
84 2:11
8454 244:3

9

9 2:13 3:16 131:4 141:21 141:24 160:3,4 160:5,8,12 168:22 179:14 179:15,17,23 188:9 204:24 205:2 216:9 238:5,13 242:5 242:10
9-11-28 260:5
9-11-30 263:4
9/26/21 3:8
900 6:13
90071 6:23
92614 6:8
949.263.8400 6:9
9:03 1:16 5:4 8:2
9th 184:11

a

a.m. 1:16 5:4 8:2 55:18,20 55:21,22 232:10
abbreviation 174:24
ability 261:11
able 53:17 56:2 56:12 60:17 87:9 89:10 94:2 107:20 119:12 156:2,5 156:22 188:12 207:18,21 210:4 251:2
above 58:6 181:14 182:18 225:20 262:11
absence 52:6
absent 70:25
absolute 261:16
absolutely 35:21
access 66:25 152:24,24 207:4,9,16 238:21 242:3,9 260:21,23
accessed 207:11
accessible 212:15,25 213:2,4,16,19
accommodate 11:1 192:2
accompanied 116:9
accomplish 62:8
accordance 242:4,9
accordion 142:22
account 171:10 171:11,13
accurate 37:6 38:11 61:23 176:12 186:4 260:9 261:10
accurately 59:19 182:14
acknowledged 137:23
acquire 70:1
act 43:6 47:5 47:18 59:13,17 60:4,11,19 66:1,19,20 67:3,19,22 68:11 69:2,11 70:2,15 151:5 161:17 162:20 164:6 200:3 201:9 202:10 202:12 203:3 203:22 204:1,7 204:12 205:13 205:16 206:6 206:13 209:5 209:12 246:15 247:16 248:3,6 248:10 249:14 249:24 256:17 257:9
action 21:4 34:7,10 92:4 193:16 260:12 261:14
actions 16:1 21:10 193:21
active 202:15
activities 44:5
acts 193:21 231:19
actual 12:6 25:1 54:11,11 67:15 93:24 182:25
actually 21:15 29:16 32:7 34:17 45:22 50:6 61:13 64:18 109:22 124:17 125:6 131:16 186:6 187:18 214:8 253:25
adavis 6:15
add 124:13 127:14 129:19 129:21 130:4,8 131:24 134:16 141:2,5 157:10 157:14 177:16 177:21,23

186:22 247:25
added 29:8 123:24 127:25 128:20 140:16 141:13 142:12 157:23 176:22 178:1,3 184:12 184:18 187:1 247:1
adding 124:1 132:12,18 133:12 134:1 134:14,15,15 135:15 141:8 157:17
addition 29:6 69:13 156:23 201:15
additional 45:4 154:3 240:20 263:7
additions 170:3
address 25:1 42:22 121:9,10 150:6 151:16
addressed 170:8 199:23
addresses 230:7
adherence 167:24
adjacent 79:14 185:14
adjusted 137:15
adjustments 200:18
administrative 62:7,19 219:17
adopt 170:9 172:9
adopted 73:22 73:23 161:16 162:4,7 204:22
adrian 24:24 25:7
advance 155:18
adverse 13:13
advice 14:19 26:21 42:3,12 42:16,20,21 43:2 48:15,19 49:11 52:17 69:7 70:4 88:25 131:13 131:15 151:2 162:1,13 163:9 163:13 164:8 164:15,19 165:4 167:13 175:22 190:9 202:13,21 203:7,8 204:7 204:8 206:6,11 211:21 212:1 223:10 234:14 234:15,19,23 234:24 247:23 248:12 249:11
advise 161:21 209:17 240:16
advised 53:7 54:20 178:13 234:11
advising 62:18 190:10 209:6
advisory 103:14
advocacy 20:24 90:24 91:5,6
advocated 192:10
advocating 192:9,13
affect 65:14 125:15
affected 158:8
affects 67:8,10
affiliated 53:11
afield 138:3
afraid 87:23
african 55:9 58:5
afternoon 4:6 143:20 196:16
age 125:8,12 189:4,11,20 190:13,19,24 191:6 201:14 208:9,10,22 209:1,21 250:18,23 251:20 252:16 254:4
ago 14:5 21:19 164:13 170:10 200:17 201:19 210:1 214:13 216:25 222:9
agree 30:16 75:6 76:9,13 76:21 88:23 110:14 202:2
agreeable 10:17
agreed 74:4 204:3 242:12 248:25 249:3
agreement 241:7,11,14 260:13,16 261:15
agricultural 79:18,19
agriculture 183:23
ahead 9:11 11:5 62:12 118:9 145:3 191:14 257:24 258:9,21
aid 47:14
aiding 42:13
akil 7:18
al 1:4,7
alabama 5:14
alert 10:23
alex 6:12 8:23 245:16

allegations 22:5 63:19
alleged 49:2,6
allow 56:6 67:3 190:25 191:1 200:17 239:22
allowed 197:15 197:23 198:9 239:14
allows 56:15
alluding 158:13
alpha 6:17,17 9:1,1 258:4,4
alston 26:1
altered 236:18
alternative 131:25
amellman 6:6
amended 161:18
american 55:9 58:5
americas 5:18
amount 26:12 63:4 177:13 227:10
analysis 52:23 53:1,11 54:25 55:2 57:3,13 57:20 58:9,15 59:1,8,12,16,18 59:22,23 66:5 137:21 203:1
analyze 55:25
angeles 6:23
announce 93:8
announced 54:5
answer 2:9 11:6,9 18:8,13 19:16 37:24 42:18,19 44:7 44:15 47:22 52:4,10 53:4,4 54:21 55:5,6 56:9,14,20 64:23,24 66:13 68:23 69:3 70:20 71:1 73:7 75:24 78:18,18 82:24 83:14 84:3,4 84:18,21 87:14 92:7,8,8 93:15 97:17 100:21 110:5 115:10 124:13 127:12 130:4,13 132:14 136:21 139:3,7,12 140:12,20 147:1,8 148:18 149:17,21 163:18 164:13 166:12 167:8 167:20 168:8 170:2 171:2,20 172:3 180:21 187:13 188:4 188:15 193:20 195:22,23,24 195:25 196:1 197:17 202:24 210:4 212:13 212:20 224:4,6 234:23 239:12 240:1 241:19 243:17 247:18 248:24 253:9 254:10
answered 21:8 52:12 78:23 118:19 127:4,6
answering 39:10 53:3 73:24 187:12 202:24
answers 24:18 68:13 73:8 90:19 143:23 260:19 261:8
anticipate 233:1
anticipated 95:20 124:4
anuj 6:22
anuj.dixit 6:24
anybody 19:20 95:5 101:11 106:9 118:14 258:18
anytime 251:22
apart 203:5,7
apologize 249:21
appear 115:22 122:18 150:3 151:22 160:20 167:3 170:17 170:23 180:1 180:15,19 182:2,9 191:16 191:20 192:1 194:6
appearances 5:9
appeared 138:12 193:18 202:5
appearing 246:5
appears 120:21 121:17 122:20 122:23,25 150:5 151:12 178:16,19 180:13 191:25 192:4 194:7
applicability 204:13
applicable 66:8 163:20 209:4
application 59:9 68:16 181:5 248:9
applied 49:1 68:19,20 205:17,18

260:17
applies 198:3
apply 68:15,15 68:21,22 162:24 205:17 205:18 207:6
appointed 12:1 12:5,14 26:13 26:14,17 99:15
appointment 32:8
appreciate 212:22 225:18
appreciated 200:9
approach 70:19,25 252:4
approached 70:23
approaching 90:15
appropriate 30:11 31:1,7,9 43:4 46:10 47:16 59:5 61:3 67:20 69:6 73:3 80:21 100:8 102:25 112:3 131:15 139:18 147:23 158:12 158:14,16 169:1,3 173:17 175:24 190:11 202:17 209:8 248:14 249:19 250:15
appropriately 175:19
appropriations 28:20
approved 161:1
approximately 12:11 176:21 178:3 210:16 233:5 250:19 250:24
area 48:1 65:9 65:12 74:13 75:16,16,17,20 77:24 78:7 97:4 105:19 129:20,20 133:1,6,11,18 142:5 169:21 184:19 185:2,9 185:13 210:1 224:11,12 226:12,14 227:6 235:22 246:9 253:22
areas 27:20 65:7 78:21 93:3 108:15 109:1,4,7,9 127:14,19 129:25 133:17 157:16,19 185:6
argument 65:18,21 146:17
arguments 64:19 146:21
arrangements 241:25 261:16
arrive 224:13
arrived 61:2
article 3:4 260:4
articulated 100:20
aryeh 6:3
asian 244:21
aside 72:16 73:5 175:25
asked 13:6 22:15 29:24 32:15 38:12,13 56:17 67:16 76:8 83:8,10 83:10 92:21 109:7,9 112:15 117:4 126:18 127:7 130:2,15 138:8,9,15,15 139:14,14 144:21 149:18 149:22 150:7 157:16 168:9 172:19 184:6 208:13 229:24 236:5 241:18 241:20
asking 10:15 29:15 68:22 88:21 100:12 125:18 127:23 128:1,9 129:19 136:15 137:20 138:1,5 139:2 148:19 149:15 149:19 151:10 151:14,22 162:17,19,21 163:23 164:1 183:8 185:4 189:23 193:15 197:3 198:12 198:14 199:3,8 204:10 205:8 205:21 220:17 220:18 227:4 230:2,6 234:12 234:22 235:1 235:17 239:19 243:13,23 249:20 250:1 253:8 256:4
asks 149:5
asn 174:13
aspect 137:5 183:14 204:5 230:25
aspects 40:17 47:8,10 48:22 67:25 165:24 204:9

assembly 3:12 37:3 39:3 41:16 63:18 97:22 99:10 143:4 144:2 152:23 192:15 193:16,22 238:15 239:16
assert 84:16 100:18 110:1 137:19 196:7
asserted 107:25 196:8
assess 125:14 125:19
assessed 55:2
assessment 56:6,22
assigned 29:7 260:9
assignment 29:25 32:11 263:1
assignments 28:12,13,21 29:5,20 30:1 30:11 32:2,3
assist 40:24 44:11 263:6
assistance 37:5 37:11 207:7 249:16
assistant 7:18 14:20 121:13 121:20 151:18 151:18,19 152:13,14,17
assisted 36:3 44:20
associate 26:1,3 26:5 122:3 222:6
association 3:20 191:17
assume 24:18 44:18,18 46:17 50:2 58:12 60:1 61:10 65:22 127:22 128:10 129:15 130:6 131:23 132:5 133:8,10 143:7 152:20 169:20 171:3 174:24 176:11 176:13 186:2 196:23 198:23 204:18 221:18 225:22 251:3
assumed 64:6
assumes 127:13 127:15,18 129:23
assuming 15:25 33:25 93:24 137:6 144:23 146:4 182:13 197:2 220:1,2 230:13,18 251:3
assumption 51:20 60:21 129:4 186:5 241:19,21
assumptions 105:21 204:12
athens 191:21
atlanta 1:17 5:4 7:9 26:2 133:9 246:23 247:3
attach 263:7
attached 113:19 116:6 116:14 122:13 236:7 262:5
attachments 120:11
attempted 113:2 167:22
attempts 139:12
attend 40:23 92:20 96:25
attended 34:11 36:8
attendees 36:10
attention 228:23
attorney 10:4 11:2,4 13:22 26:23 30:17,21 31:2,12 260:15 262:8
attorneys 12:22 12:25 260:21
attribute 104:20
au 244:17,18 244:19
august 40:4 82:12 92:4 94:12 98:22 161:2 194:19 194:22,25,25 199:25 233:7
augusta 194:20
austell 184:25
author 238:19
authorize 242:3,8,11
authorized 108:2
automatically 260:17
avail 150:23
availability 93:2
available 16:5 96:1 97:11 150:23 152:5 152:10 157:2,5 213:6 238:14 238:17 239:14 239:16 240:2,5 240:7,10,12,21
avenue 5:13,18 6:4,23

[avoid - believe]

avoid 168:16
aware 13:16 23:3 53:10 62:13 70:6,14 73:11,15 125:7 125:11 143:2,6 176:21 183:4 184:17,21 189:19 190:12 190:14 226:24 229:6 231:3,8 250:17 253:12 253:16 254:4 254:21

b

b 1:14,14 24:16 24:17 78:13 79:5 165:10 210:6 238:12 238:13,17 239:17 250:13 260:4,6,17
ba 25:12,13
babbling 235:23
back 20:1 25:22 28:16 44:20 45:2 55:23 58:12 89:6 107:15 139:20 148:19 159:19 176:3 178:5,24 186:21 188:15 192:2 195:18 211:8 220:10 238:2 242:2 245:12 253:25 254:14 262:2
backwards 193:12
bad 219:7
balance 124:5 128:1 131:19 133:7 141:2,6 141:6,13 142:12 186:23 200:23
balanced 111:17
balancing 124:7
ballot 197:19 197:23
banking 28:19
bankruptcy 26:19
bartow 141:2,6 141:9,13 142:12 186:19 186:23 187:2,3 187:13
base 48:3 105:10
based 26:11 49:1 51:20,22 51:23 58:12 64:17 66:3 70:15 75:7 76:7,10 79:12 79:17 84:17 90:12 107:25 117:6 129:16 130:14 149:19 149:22 151:12 177:11 200:18 204:11 208:9 209:2 222:19 222:22 261:14
baseless 22:6
baseline 34:3 48:4 50:6
bases 79:11 103:24
basic 31:20 200:18
basically 91:21 166:4
basics 50:9
basis 189:17 193:14 202:11 202:22 206:3 206:19 212:24 215:17 250:22 253:6 260:7
bates 26:8 214:19 228:19 231:24 233:17
bathroom 55:13
bears 195:20
becoming 232:13
began 54:5 94:4 100:13
beginning 73:16 91:20 111:6 120:23 121:3 123:15 140:25 201:1 235:16 249:7
begun 94:3
behalf 8:18,20 8:22,23,25 9:2 9:5,7 24:17,19 41:7 53:4 84:20 121:7,16 150:9 194:8 196:21,24 258:11
believe 14:20 18:10 25:22 28:20 39:6,8 48:12,12 51:20 54:4,10,13 57:22 73:5 91:10 105:25 112:22 116:17 117:25 123:3 125:1 132:15 146:7,10,13 147:24 159:9 171:9 174:8 176:9 179:2,6 181:15,19 193:25 195:3 207:17 210:9 217:6 220:21 221:4 226:23 229:22 230:25

232:21 237:9 237:24 241:25
believed 173:16 175:19 206:11
belongs 88:18
beneficial 31:12
benefit 91:20 98:24 169:15 188:8
bennette 5:13 8:9,9
best 10:25 51:18 131:10 142:10 196:1 249:19 261:11
bet 101:8
better 36:25 141:22,24 148:13 188:2,6
beyond 44:13 59:7 70:22 90:19 111:19 116:21 123:13 125:5 191:10 193:16 253:24
bibb 27:23 227:17
big 90:1 219:22 221:15
bigger 31:8 100:1,2 157:13 190:8
bill 33:17 37:20 40:12,12 84:13 144:14,22 145:8,10,15,17 146:23 147:4 147:10,13 148:17,22 149:2,8 153:20 153:22 229:24 230:9,16 231:15,16,20 256:14,19
bills 113:18,21 144:3,5 193:17 193:19 231:17
binder 16:22 110:7 144:10 170:11 185:18 186:1
bipartisan 74:3 249:4
bipartisanly 231:13 239:9
bird 26:2
bit 56:19 85:24 95:1 107:21 124:14 184:12 197:10 235:24 244:2
black 55:3 56:1 56:1,6,15,23 57:4,16 125:8 125:12,15,20 126:1,14,17 184:18 188:12 188:19 189:4 189:10,19 190:12,19,24 190:25 191:6,7 201:13,16 206:25 208:22 208:22 209:1 226:4 250:18 250:23 251:20 252:9,16 253:18,23 254:4,5
blank 120:15 194:16
blk 174:11
bloch 26:5
block 65:22,23 65:23 225:14 225:23
blocks 51:22 55:9,11
board 64:18 260:4
body 32:18 33:11 117:22 165:21 231:19
bonnie 77:18 81:17 87:7,9 93:7 194:10
book 34:16,16 34:23 35:3 136:17
bottom 17:21 111:6,6 113:4 120:23,24 144:12 150:1 150:13
boundaries 3:15,18,19 67:4,6,23 134:10 135:1 136:8 139:10 165:9,22 166:1 166:11,18 167:16,16 176:7,8,15,15 176:23 177:10 178:10 180:4,6 180:7,9,19 182:5,7,10,11 184:2,2 185:3 188:14,24 190:2 200:5 254:8
boundary 133:18 136:24 176:16 227:21
boyd 6:13
bracketed 174:9
brackets 121:11
brannan 26:8
break 10:23 55:13,15 91:4 94:20,24 107:8 159:12 195:11 245:4,6
brian 219:1 243:15 252:21
briefly 18:20 45:2 160:19

bringing 178:5
broad 37:8 42:20 66:2 94:1
broader 80:15
broadly 230:7
broke 231:6
brought 77:8 225:2
bryan 7:7,18 8:17 41:25 42:1,9 43:14 43:18 152:8 218:5 240:4,6 240:15 241:2,7 241:12,14 243:10
bryant 5:18
btyson 7:9
build 48:3
building 5:3
burns 218:19
business 26:21 89:16 208:15

c

c 165:11 238:17 239:18 260:5 261:1,1
ca 1:24 261:23
cabled 221:18
cafeteria 94:23
calculated 201:2
california 5:7 6:8,22,23 261:7
call 36:24 40:13 42:10 46:6 49:24 62:15 75:17 96:7 114:10 165:19 208:4 215:9,10 223:24 238:1 244:12
called 9:20 17:13 18:5 24:24 26:3 29:19 34:15 77:13 85:14 87:2 93:11 112:24 147:17 172:18 256:16
calling 33:2 85:12 153:18 198:2
cancellation 195:4
candid 105:8
candidate 56:16,23 58:10 65:24 125:15 125:20 188:19 190:20 191:7 197:15,24 198:2,8,10 199:2,5,9 244:24 245:1
candidates 55:4 56:2,7 57:4,17 126:1 126:14,17 188:13 190:25 208:23 226:5
capable 78:23
capacities 153:4
capacity 12:1 16:12 50:10 53:5 197:3,4
capitol 1:17 5:3 14:19 33:19 35:19 45:7 49:23 90:13 91:8 151:18,19
capture 103:10
carefully 206:2
carpet 183:15
carried 164:21 164:23,25
cart 106:18
case 13:1,9 14:23,24 18:22 26:22,25 46:18 54:20 64:6 128:14 166:20 251:12 260:7,7 260:17
cases 12:16,19 15:2,7,9,15,22 16:1,7 31:15 31:15 46:18,19 46:19 47:7
cassandra 8:25 258:3
cassie 6:18 258:10
cassie.mitchell 6:20
casual 50:16
category 49:25
caucus 28:22 28:24 29:10,11 29:13 32:18,21 41:17 95:14,16 172:17
cause 5:11 8:8 8:10 9:7 10:5 196:4
caused 148:16 195:5
cc'ing 121:9
cd 137:7,10,15 141:12 187:16 188:23
census 40:1,3 72:4 82:8 85:4 92:3,13,15 93:17 94:13 111:7 137:17 177:11,12 192:3,18 225:14,23 238:13,22 239:15
center 5:12 8:8 8:10,13 10:5
central 75:14
certain 13:19 14:12 17:8

22:15 47:7 49:2 51:21,21 57:15 60:9 62:9,10 68:14 105:18 108:15 109:1,4 111:4 132:13 144:2 212:14 222:6,7 224:18 226:14 243:18 256:18 257:10,11
certainly 23:25 30:16,19 33:9 36:4 50:7 71:6 71:17 76:20 79:10 82:6 88:17 92:8 101:7 106:7 202:5 218:20 234:14
certified 260:8 260:20
certify 261:5,12 263:1
chain 3:7,11 120:21 151:13
chair 29:7,12 29:15,17,24 30:3,8,17,21 31:24 32:7,16 32:20,25 33:1 33:10,25 34:6 35:9 40:12,13 40:16,19,22 41:2,3 95:18 138:17 143:12 165:1 172:13 172:16 194:9 194:10 203:13 211:13 232:14 241:24
chair's 138:22
chaired 29:16 29:20 81:21,22
chairing 33:3 85:22 211:24
chairman 3:4 28:23 29:10,13 30:12 40:14 50:4 77:18 81:17 232:25 248:15
chairmanships 29:22
chairs 93:7 144:14
challenged 13:9 72:14,16 73:5
challenges 15:17,20 49:1
challenging 32:15,23
chamber 50:11 90:7,12,12
change 38:8 70:25 124:13 158:3,7 159:7 177:10 227:16 230:18 231:14 246:21 253:4 263:9,11,13,15 263:17,19,21 263:23 264:1,3 264:5,7,9,11,13
changed 194:25 229:8,8 229:19 230:9 230:18 231:4,9 231:11
changes 60:10 60:19 61:18,18 119:13 122:23 147:22,25 157:8 169:12 169:25 178:6 193:7 226:18 226:21,24 227:18 230:19 236:25 237:11 247:11 260:20 262:4 263:3,3 263:4
changing 192:9 198:11
characteristics 102:24
characterize 176:14 182:16 182:17,21
charge 93:18 201:21 222:9
cherokee 129:22 176:17 246:7
choice 55:4 188:13,19 190:20,25 197:15,24 198:2,10 199:5 199:9 208:24 244:24 245:1
choose 197:19
chose 184:10
chunk 90:2 127:25
circle 7:8
circumstances 29:9 53:25 147:15
cite 112:8,20 129:10 130:23
cities 184:25
citizen 91:5 208:10
citizens 182:22
city 34:13 79:13
civic 90:21,21
civil 6:11 16:1 21:4,10 263:4
clair 7:18
clarification 199:18
clarify 253:16
clarke 191:21
clayton 140:2,6 140:11,11,16 180:14 191:23

[clear - committee]

clear 10:14 101:12 108:4 118:24 132:18 135:16 156:8 248:4 249:21
clearly 73:4 88:5 197:25
client 13:22
clients 26:14,16 26:21 243:24 243:24
clip 245:20,21
clock 24:9 118:7
close 58:6 64:21 94:21,22 122:15 124:23 133:18 178:2 196:3
closed 165:16
closely 139:10
closer 136:11
club 89:19,20
cobb 123:19 124:21 125:2 129:21 130:7 131:7 142:13 142:19,20 179:4,11 180:13 181:15 184:12,17,24 185:1,4,9,10 186:16 187:1 187:19,24
code 260:11
coffee 246:3
cohesive 199:11
cohesively 198:7
colleague 199:14 233:16 246:14
colleagues 22:16,16 83:19 244:15 246:17
collected 201:2 215:21
collective 30:10 32:12 94:20
collectively 97:10
college 25:7,11 25:18,20 238:2
colloquies 260:19
color 35:1 186:13 244:24
colored 222:1
colors 222:5,6
columbus 246:14
column 174:7 174:10,11,12 174:12,13,14 174:14,15
combined 200:10
come 29:17 31:5 64:16 71:10 74:17 77:22,23 80:10 87:20 92:19 97:13,15 99:17 118:24 123:2 200:13 202:13 206:21 208:24 209:19 211:20 215:25 218:21 237:1,2,2
comes 73:25 75:4 183:12 195:8,23 202:23 256:8
comfortable 89:11 118:5
coming 10:3 47:12 91:7 151:20 213:9
commencing 5:4
comment 33:21 54:21 85:13 117:10 146:8 146:14 184:4 198:12 200:17 251:2
commentary 71:21
comments 71:21 72:21 75:15 86:7 114:2,5,6,7,12 114:17,21 115:2 147:21 147:23 172:9 184:7
commerce 90:7
commercial 26:11
commission 90:23 264:24
commissioner 85:12
commissioners 97:7,11
commitment 261:16
committed 171:2
committee 1:14 3:16 6:11 14:15 16:14,17 16:18,19,19,21 16:21 17:5 18:16 20:12,15 20:17 24:18,19 28:12,13,15,20 28:25 29:4,8 29:14,16,18,19 29:20,22,22,24 30:1,4,10,12,17 30:21 31:25 32:2,3,11,13,25 33:3,4,7,10,18 33:22 34:1,7 40:12 41:2,4 41:10 52:19,25

53:5,21,21 54:4,9,11 55:25 56:5,8 56:11,11 62:8 62:17 63:21,22 65:1 69:17 70:24 71:2,7,8 71:13,20 72:20 72:22 73:19,20 74:2 77:6,7,17 77:20,23 88:4 90:25 91:3,8 91:10,15,21 93:9 94:4,4 95:10,24 96:13 110:17,22 113:12 117:22 118:11,16,21 118:23,25 138:2,18 144:6 144:14 145:11 145:13,15,18 146:6,8,24 147:5 148:23 149:3 153:15 153:18 160:20 161:1,11,16,24 162:4 165:1,2 165:9,13,16,18 165:25 166:10 166:24 167:6 167:17 168:25 169:2,10 170:9 171:17 172:13 172:17 180:23 181:12 192:22 194:9,11 195:21 196:25 199:15 200:19 202:3,6,25 203:13 204:5 204:22 205:4 206:3 207:2 209:11 211:13 211:25 212:4 231:13,16 232:25 235:2 239:8,9 241:21 243:11,16 245:17,25 246:14 247:17 248:16 249:4,9

committee's 52:7 68:17 78:9 80:12 224:1,3

committees 3:23 29:12,23 30:8,9 37:4 40:15 93:5 149:20

common 5:11 8:8,10 9:7 10:5 74:14 76:14 104:11 152:23 196:4

commonality 76:14,15 247:2

commonly 183:21

communicate 59:23 60:17 96:6 102:19 122:1

communicated 23:8 36:1 48:15,23 77:10 98:25 102:21 215:13

communicating 81:9

communication 82:2 96:18 121:18 125:5 154:2,7

communicati... 20:12 50:8 52:16 82:9 83:19 85:16,21 92:5 95:9,14 95:15,17 98:12 108:2 143:12 143:16 144:1,8 154:5 212:6 234:7

communities 74:24 75:3,6 76:9,17,18 77:4 78:4,6,8 78:11,20 79:8 79:18,19 80:11 80:24 81:4,6 104:7,10,23 142:1,7,10 165:11,23 167:7,17 178:11 185:5 200:6 201:18 246:22

community 74:10,16,22 75:5,17 76:21 77:9 78:13,14 78:15 79:4,5 79:12,20 82:3 82:5 91:2,6 103:23 178:16 178:18,22,25 181:16,20 185:2

compact 102:20 132:1,1 132:9,17,20 133:13,13 138:13 167:2

compactness 112:4 124:10 124:12 133:3 133:14,17,20 138:23 141:23 158:25 165:11 165:23 166:25 167:16 200:6

comparatively 72:24

compare 136:10,16 177:8 184:1 187:17

compared 72:25 138:11
comparing 73:17 135:13 135:14,23,25 136:2
comparison 149:17
compelling 146:17
compensation 260:13 261:14
compete 250:8
compile 80:24
complained 148:12
complaint 15:23 21:3,9 21:16,24 64:17 148:15
complaints 15:24 21:1,2,3 65:1 148:10,15
complete 37:24 38:11 64:24 87:14 212:21 228:25 230:21 230:24 260:9 260:19
completed 116:18 262:12
completely 22:6 120:15 248:20
completing 47:19,20
complex 251:14
compliance 43:5,8,11 46:6 46:6,12 127:8 151:4 161:23 164:10,24 166:23 200:3 205:13 209:4 247:16 249:13 249:24 260:3 260:11
compliant 59:13,17 60:3 60:13,18 67:18 103:3 106:23 107:2 140:14 163:1 165:3,6 190:11 202:16 223:13
complied 128:6 140:15 161:25 164:17 201:9 203:2 206:5 209:16 222:20
complies 60:24 158:15 202:10 202:12 206:13
comply 60:24 79:20 126:23 127:2,11 137:16 161:16 162:4,8 164:4 177:22 204:6 205:4 209:12 209:20
complying 248:6
compressed 62:13
comprised 227:13,14
compromised 168:1,7
computer 219:14,19,21 220:1,5,6,16,20 221:19
con 55:7
concentrated 63:3 65:8
concentration 55:16 65:11
concept 31:7 53:14 64:24 247:21 248:2
concepts 31:18 67:12 256:18 257:10
concern 126:11 137:20
concerned 119:22 125:24 126:12
concerning 151:3 217:8
concerns 64:8 78:6 148:13 192:17,20 242:17
concluded 259:3
conclusion 165:20 211:20
conclusory 88:25
conducted 18:22 23:2 33:18,19 54:25 86:25 92:10 215:22
confederate 256:9
confer 172:12 172:14
conference 1:4 6:1 8:16 34:20 36:9
conferred 118:10
confidential 4:7
confine 160:15
confined 97:18
confirm 60:9 107:20
confirmed 108:1
conflict 97:21 167:23 168:6
conflicted 78:12

confused 177:15 229:22
confusing 137:4 229:22
congress 80:7 98:1 101:5
congressional 3:6,9,13,15,17 3:19 16:20 43:25 57:7,10 57:13,16 64:3 69:2,10,22 80:4,5 81:16 81:20 97:18 101:3 102:19 103:5 104:8 105:13 106:6 106:14 110:16 110:21 112:25 115:23 116:7 117:8,9,24 119:16,20 122:11 134:10 144:13,19,25 145:4 146:4,6 153:11,14 154:3 155:1,3 155:4,7,15 163:16 170:19 170:22,24 175:16,20 176:6,8 180:4 180:6 182:5,7 182:10,11,12 185:2,19 187:6 205:11 210:7 216:16 222:25 231:2 238:18
connect 150:24 150:25
connected 151:23
connection 66:18 119:12 144:5 172:13
connections 109:19
consequence 63:7
consequences 63:10
conservative 238:3
consider 47:24 66:5 67:3,22 67:24 73:20 74:19,21 93:9 105:12 106:13 130:6 145:8 147:21 156:15 157:17 158:24 165:9,14,14,16 165:21,22,23 165:25 166:10 166:24 167:6 167:18,25 169:10 173:2 222:21 253:21
considerate 201:18
consideration 33:6 39:18 68:3 80:13 105:4,15 106:20 117:23 118:1 130:1,9 161:11 166:8 168:7,24 169:2 181:4 193:12 223:7,8,20,21 252:2
considerations 74:25 100:6 124:15,18 125:23 131:10 167:15 168:6 181:2 193:21
considered 43:3 77:7 80:25 81:7 95:24 117:10 124:6 145:5 155:2 158:24 159:3 166:2 167:9,21,21 169:7 192:14 205:10,14 210:6 223:11 224:15 225:13 230:3 237:8 248:1
considering 60:2 61:14 134:12 167:12
consistent 29:5 37:2 134:17 234:17
constituency 97:4
constituent 216:13
constituents 20:22 78:2 80:16 85:3,6,7 85:7,15 86:4 90:6 169:23 172:18 237:2
constitution 43:9,12 128:7 162:9,9,11,22 162:23 163:2,3 163:5,8,12,19 164:5,5,18,19 164:24 200:22 200:24 249:14 249:15
constitutional 47:6,25 48:1 48:10,10 59:4 60:4 67:18 162:8 163:15 200:2 209:5
constitutions 162:5 164:11
constraint 193:4
construed 48:18 49:11

consultants 44:11
consultations 99:24
cont'd 4:1
contact 150:25 152:17 232:6 232:11
contacted 260:15
contain 180:15 261:10
contained 58:7
contemplates 41:8 79:3
contents 110:2 121:24 234:14
context 32:21 38:20 54:3,16 54:17 55:9 57:24 62:22 63:21 72:1,20 73:8 90:11 133:14 146:1 149:12,14 209:3,10 239:7
contextualize 54:1
contextualizing 71:22
contiguity 141:23 200:7
contiguous 142:25 185:11 252:4
continue 111:9 196:23 228:24 229:12 230:23
continuing 121:1
contract 260:12 261:14
contracts 260:6
control 73:1 224:23,25
controlling 220:19
convened 113:12 145:12 153:19
conver 154:4
conversant 89:6 209:24
conversation 50:16 71:6 84:7 104:9 106:8 108:9,14 109:18 113:15 117:6,11 157:15 205:19
conversations 35:11 39:12 50:8 82:15,19 83:7,22 99:14 102:9,13 107:23 108:3 109:14,19 154:12,14,15 154:17 223:18
convey 61:22 84:14
copied 182:14
copies 262:9
copy 238:19
core 37:20 134:3,18 136:12,20 169:21 178:20 246:23 247:12 247:15
cores 105:1 138:6 169:11 169:16 246:25 249:24
correct 15:25 21:5 23:18 28:6 41:12 57:11 69:19 76:6,25 82:12 82:22 85:1 100:14 118:13 120:6 122:8,24 128:17 131:15 136:3 139:25 140:17 143:7 171:25 177:24 185:24 197:4 208:18 223:12 228:21 229:13 230:13 254:3 256:5 260:19
corrections 262:4 263:6
correctly 72:13 106:22 142:2,9 161:7 176:20 178:14,19 198:24 202:8 230:11,12 235:18 250:12
corresponden... 20:22,24 44:24
corresponding 230:10
couched 251:10
counsel 7:17,18 8:4 12:23 13:20 14:11,16 14:19,21 16:3 18:24 20:19 22:9 23:13 40:24 41:1,3,5 41:16,21,24,25 42:3,12 43:2 44:1,13 48:4,5 48:20 50:25 51:12 52:9,11 53:7 57:19 58:22 59:10 68:11 69:7 70:5 74:18 80:19 86:9,9 99:25 100:5 126:4,4 130:20 131:13 139:11 139:15,17 140:14 150:22 151:1,23 152:4

152:18,25 153:1 161:21 162:1,13 163:9 163:13 164:8 164:15 165:4 167:13 172:16 175:22 178:13 190:9,17 202:14,18,22 205:22 206:11 206:12 207:8 208:5 209:6 210:15 211:15 211:22 212:1 234:5,10,11,19 234:23,24 235:5,7 236:5 240:21,24,24 240:25 241:22 247:23,23 248:13 249:11 250:5 260:1 261:8
counselor 186:2
counties 27:22 27:23 79:14 80:1 104:13,14 104:17,21 141:23 157:23 157:23,23 159:1 165:10 165:22 166:4,5 166:13,15,19 167:5 176:18 180:8,16,24 188:5,7,7 201:19,22 203:12,14,23 227:14,14,15 227:16,18 246:2,21
counting 66:25 165:25
country 47:1 66:15,15 88:8 183:18
county 27:24 27:25 28:1,2,2 28:2 79:13,22 79:22 80:2,3,6 80:8 85:12 86:3 97:7,10 97:13 112:23 112:24 123:23 124:1,24 125:8 125:11,21,25 126:13,23 127:2,9,10,13 127:14,24,25 128:7,16,19,22 129:2,7,9,12 130:7,7,8,14,25 131:2,4,5,6,18 131:19,24,24 132:4,6,7,19,19 133:4,6,7,12,24 134:1,13,15,15 134:16 135:15 140:3,7,11,11 141:6,9,13,15 141:20 142:12 142:13 157:21 157:21,24,25 166:18 167:15 176:19 178:15 178:17,23,24 179:1,3,10 180:20,22 181:16,20 184:5,6,24 185:1,10,11 186:16,19 187:1,2,3,14,18 187:19,24 188:2,6 191:21 191:21,22,23 191:23,24 213:21 216:15 216:16,17 227:10,20 246:3,8,8,22 247:1 261:3
couple 12:6,21 70:11 86:22 89:22 218:14 255:21
course 12:7 30:23 32:20 36:18 43:20 46:5 47:12 48:2,6 58:16 92:18 94:3 99:24 100:10 115:1 153:21 155:13 159:2 215:22 236:23
court 1:1 8:5 9:8,11,16 10:13 12:1,2,4 12:5,8,10,23 25:3 26:14 46:19 66:4 160:4 196:5 198:18,21 199:18 228:1 258:12,18 260:5,20 261:17 262:11 262:14
courtesy 87:12 89:14
cover 26:20
coverdell 5:2
covered 37:9 48:13 206:11
cowsert 40:12 40:13 84:13,14 107:24 108:1,9
cowsert's 40:18
cracked 65:15
cracking 65:4 65:13 67:11
crawford 28:1
crazy 133:20
create 38:25 46:9 61:13 76:16,16 124:4 128:5 129:23 131:14 132:20

206:24 220:11 233:24 234:2 235:3,9
created 65:10 65:10,20 153:7 153:11,13 155:14 206:15 208:2 218:4 238:16
creating 75:1 93:24 99:7 105:13 155:3 161:5 201:9 205:11 222:21
creation 123:12 128:14 130:21 131:3,4,5,7 153:5,6 155:1 180:24
credibility 13:12
credit 104:20
criteria 124:6 129:10 130:23 140:10,12 158:9,11,18,21 158:23 159:8 168:23 181:7,9
crop 79:19,22
crossed 194:20
crowell 6:2,7 8:15 9:4 196:20
crowell.com 6:5,6,9
cslc 34:12
csr 1:24 261:23
culture 76:15
cumming 7:14
current 26:7 47:10 48:19 161:13 182:14 246:24
currently 24:25 27:7 216:16 243:11,15
curricula 256:16 257:9
cv 1:4
cycle 28:8 44:2 44:6 72:4,9,13 72:25 73:23 74:9 77:5 135:1 161:9,13 192:24
cycles 193:8

d

d 2:1 7:13 174:9 185:5 262:1
d.c. 6:4,14 7:3
dalton 216:13
dan 219:3
data 37:5,11 40:1,3 61:5,6 72:4 82:8,11 85:4 86:25 87:1 92:3,13 92:15 93:17 94:13 98:22,24 105:12,22 106:1,13,15,16 137:17,22,24 151:13 155:5 157:1,4 173:2 173:5,7,9,11,14 173:15 174:16 175:8 177:12 191:9 192:3,18 192:24 206:19 206:24 207:4,5 207:6,9,11,14 207:16,20 208:8,8 222:14 222:19,20 223:4,7,15,17 224:7,15,22,23 225:3,14,23 226:4,9 238:14 238:22 239:15 251:1,24
date 8:1 13:24 14:6 32:1 39:23 69:17 94:9,14 98:2 98:19,23 143:7 161:3 194:19 194:21 202:7 232:7 262:2
dated 4:3 170:25 228:18 229:1 261:18
dates 122:15 145:6,23 192:2 192:9 193:12 194:11 195:2,7
daughtry 1:23 5:5 261:22
david 6:13
davis 2:5 6:12 7:12 8:23,23 245:15,16,24 247:7 250:7,25 253:10 255:3,8 255:9
davis.com 7:15
dawson 128:16 128:19,22,24 128:25 129:2,6 129:9,12,13,17 129:19 130:4,8 130:13,24 131:2,4,19,24 132:7,16,18 133:7,12 134:1 134:15,16 135:15 176:18 178:15 179:3 179:10
day 69:21 91:3 91:3,10,15,16 101:13,24 121:21 124:9 144:16 145:21 146:24 147:5 148:23 149:3 149:10 199:23 236:23 245:18 245:19 247:11 247:20,20

255:7 261:18 264:19
days 45:16 200:17 262:2
daytime 31:14
de 76:22
deadlines 62:9 62:16
dealing 93:20
dealt 49:1
debate 231:17
december 233:14
decennial 192:3
dechert 5:17 9:6
dechert.com 5:20
decided 78:15 117:2
decides 29:22
decision 116:22 116:24 117:6 117:17
declared 235:21
deem 169:2
deemed 158:15 178:21 181:11
deems 168:25
defendant 1:8 7:6 21:12 243:22
defendants 8:18 9:15 16:4
defer 255:25 256:1
deficient 146:18
define 74:12 133:14,16
defined 226:14
definitely 205:7 205:25
definition 51:11,17 58:8 168:20
degree 25:10 25:12 76:24 223:3
dekalb 142:21 178:23 261:3
delay 111:7
delegation 44:1
delineated 249:8
delving 208:14
democrat 223:22 224:18 226:15
democratic 199:21 200:8 200:12 224:10 226:5 246:17 255:24 256:6
democrats 63:24 64:8,22 72:18,22 73:1 73:4 201:20 224:12
demographic 106:13,15,16 222:14
demographics 61:6
densities 133:10
density 132:15 133:5
departing 138:3
department 70:19 72:14 101:22
depend 147:14
depending 149:15
depends 132:3 143:24 147:14 256:7
depicted 223:4 223:4
depicting 222:14
deployed 53:18 250:2
deponent 262:1 262:4,5,6,11
deponent's 262:4 264:18
deposed 11:12 11:24 12:3 16:12 23:4,10
deposition 1:14 3:3 5:1 8:3 10:12 11:22 14:3 17:2,5,9 17:13,23 18:1 18:19 22:21,23 22:25 23:2,12 23:14 24:7,17 55:20 107:12 110:10 115:19 120:3 138:24 139:19 154:22 154:25 159:16 159:25 160:12 170:15 179:21 181:24 191:11 194:1 195:15 196:5,9 203:11 204:18 205:9,9 210:17,25 214:17,22 228:4 232:2 234:18 242:17 242:24 243:5 245:9 249:1 258:16 259:3 261:10 262:3 263:5
depositions 11:16,22 12:6 23:6
deprive 95:5
depth 16:2 59:21 137:21

deputy 7:17
derived 102:15
describe 26:10 27:20 32:24 34:3 88:2 251:25
described 32:9 38:21 73:8 90:11 116:25 126:17 142:4
description 3:2 4:2 37:9 214:1
designated 16:13 18:6
desire 32:13 50:24 263:5
desktop 220:3
detail 58:21 106:2
details 41:21 48:17 57:25 183:25 208:14 209:25 253:24
determination 206:4 208:1
determine 199:1,4,8 203:2
determined 260:13
determining 49:6 67:4,23
developing 81:2 155:2 205:11 210:7
development 155:1 204:15
deviation 103:6 173:25 174:8,8 201:6 223:3
diane 7:8 9:10 9:12,15
difference 176:14 236:22
differences 73:11,13,15 184:15
different 16:1 38:5,6,14 45:22 72:3 79:25 89:20 93:3 128:11 135:17 137:21 138:9 147:9,19 149:7 153:4 166:13 168:20 177:23,25 205:2,3 218:15 218:18 222:5 224:9 237:3 256:3,6
differently 70:24
differing 78:25
difficult 53:25 65:22 75:22 103:8 126:17
dilution 65:19
direct 111:5 155:5 164:16 260:12 261:14
direction 164:19 200:23 261:9
directions 123:4 128:11 155:5
directly 78:4 96:14 205:20
dis 16:12
disagreed 89:12
disclose 42:19 108:2 234:14
disclosure 260:5
disclosures 260:1,2,3,14
discount 260:18
discounts 260:17
discovery 18:21 20:4,20 155:13 211:6
discrimination 253:13,17 254:18,24
discuss 18:11 42:17 71:19 83:1 113:10 252:1
discussed 31:8 45:18 46:20 47:3 51:12 52:8 60:25 71:25 82:20 85:14 109:24 112:4 119:5 172:10 175:25 195:21 213:13
discussion 22:17,21 46:5 47:4,5,8 48:21 50:12 55:7 71:18 72:19 73:9 81:8 84:13 85:25 105:10 110:2 113:7 117:24 118:6 133:15 153:21 173:14 205:16,20 224:16 231:17 234:4
discussions 31:5 52:10 59:21 61:12 64:7 72:9 83:11 89:3,4,5 89:15 209:1,10 235:4
disposition 11:21
dispute 250:22
disputes 11:17
disqualificati... 260:5
disqualify 260:10

disregard 128:1 149:5
distillation 99:2 102:15 215:20
distinguish 114:24
distinguishing 64:2,3
district 1:1,2 3:15,17,19 27:6,7,9,10,18 27:21 38:3 55:4 58:4,8,9 63:1,5,11,14,16 69:14 80:8 85:6 86:4 96:6 96:7 103:21 105:19,19,23 106:10 108:15 108:15 109:1,4 109:8,10 119:17 123:15 123:18,21,22 123:24 124:2 125:2,8,9,16,19 125:20,21 126:2,9,15,20 126:23 127:2,9 127:10,17 128:5,8,16,20 128:22 129:3,5 129:12,14,23 130:8,10,25 131:2,6,19 132:6,20 134:4 134:10,14,18 134:25 136:13 136:20,24 138:23 139:10 139:23 140:3,3 140:7,11,17,17 140:23,23,25 141:4,9,22 157:9,11,15,20 157:22 158:2,3 159:7 168:21 173:25,25 174:7 175:10 175:16,20 176:6,8,16,22 176:23 177:9 177:10,11,20 178:4,10 180:4 180:6,9,15,24 181:7 182:5,7 182:10,11,13 182:14,16,22 183:5 184:1,2 184:11,16,16 184:18 185:3 186:15,18,22 187:1 188:12 188:13,18 189:5,20,25 190:2,13,20 191:8 206:16 208:3 209:15 216:9,17 223:23,23,25 227:1,1,3,7,9 227:11 244:25 245:2 246:5,7 246:9,11,13,14 246:18,20,23 246:24,25,25 247:4,5,8,12,12 247:15 250:17 250:19,23 251:11,17,20 251:23 252:7,9 252:17,24 253:4 254:1,1 254:2,6,6,6,8,9
districts 3:6,14 27:17 39:10 49:2 55:25 56:3,6,22 57:3 57:15,23,24 61:6 63:15 65:9,11,20 67:4,6,23 69:12 70:3 75:1 96:9 102:20 103:15 103:17 105:1 105:19 111:17 112:6 115:24 116:7 122:22 122:24 124:4 126:20 128:15 130:21 131:9,9 136:11,12 138:7 142:24 142:24 144:13 156:23 159:2 167:1 168:20 169:11,12,13 169:16 170:19 172:24 173:3 181:6,6 185:19 200:11 201:4,5 201:6,10,11,12 201:13,13,15 201:16,19,22 206:15,25 207:1 209:15 222:20 233:25 234:3 235:3,10 249:25 252:2,4
divide 75:5 104:14 201:19
divided 80:3 112:25 142:3 184:7 216:16 222:1
divides 75:13 203:14
dividing 142:5 203:23
dixit 6:22
dlaross 7:10
document 17:6 17:10,13 120:24 134:9 156:17 174:4 180:2 204:20 228:2 231:24 242:15 244:3

documented 237:9
documents 18:25 19:2,21 19:24 20:2
doing 38:24 48:7 60:22 61:12 81:1,20 86:3 89:25 90:16 92:22 101:9 105:5 115:1 130:9 132:17 142:8 148:20 165:5 165:18 177:8 181:4,12 188:8 192:25 207:15 209:3,11 220:11,13 221:5,5 222:4 222:9 223:8 241:10 250:12 250:13
double 25:15 60:12
doubt 151:8,11
douglas 140:22 142:21 180:12 180:20,22,22
downstairs 94:23
draft 3:5,6 38:1 38:25 39:1,4 39:20,22,25 59:13,17 60:9 60:10,17,18 95:25 97:25 98:4,8,13,13,18 99:11,20 100:17,23 101:2,2,4 102:18 104:7 105:13,14 106:6 107:3,5 109:16 115:23 116:3 122:10 123:4 153:6,14 154:18 155:14 155:18,24 156:4,7,9,16,17 156:20 157:8 185:18 187:16 200:13,16 201:7 236:4,14 236:18,19,22 238:23 242:4,9 258:19
drafted 111:3
drafting 37:18 42:9,11 44:17 60:2 81:7 101:17 106:13 160:16 161:12 163:16 170:4 205:1 249:2
drafts 37:18,22 123:8 153:17 153:24 154:3 166:3,7
dragging 248:7
draw 94:2 101:8 113:2 116:20,22,24 117:2 137:6,10 143:5 165:2 167:1 228:23 248:13
drawing 40:8 47:16 61:13 63:13 65:9 67:1,6,9 75:3 92:12 93:22 94:7,15 95:10 101:21 116:12 124:17 131:16 155:6 165:2 171:21 172:1,2 172:12 200:1 201:21 202:15 207:13 215:8 225:5
drawings 60:3
drawn 15:18 31:6,10 33:15 43:3 53:19 63:16 72:15,17 72:23 75:1 88:15 102:4 106:10 136:5,6 168:21 175:23 175:23 201:5 201:20 209:14 223:10 249:17 251:11
drew 59:3 69:6 72:25 73:4 98:4,5 100:11 101:8,9,22 137:8 171:8 225:6
drifting 190:6
drive 111:20
driven 130:3 179:1 200:25
driver 117:18 222:21,25
drivers 88:3 252:5
drives 222:24
driving 131:12
dropped 37:20 113:21 157:24
dropping 231:15
due 75:13 262:2
duly 9:20 261:7
duma 7:7
duncan 3:4 118:12 119:4
dunedin 25:3
dunlap 26:4
dunwoody 261:18
duties 40:20,21 89:18 214:4
dynamic 79:6
dynamics 147:19

e

e 2:1 3:7,11 4:5 19:5,6,11,25 20:5,7 120:8 120:11,15,21 120:23 121:2,9 121:9,15,19,22 121:24 122:6 122:11,21 123:2,11 124:25 125:17 140:18 149:25 150:3,5,5,6,8 150:11,16 151:6,9,12,15 151:16 152:12 152:15,21 155:11,20,21 155:23 174:9 210:10,17 215:2,2 231:25 233:13,16 261:1,1 263:4 263:4
earlier 26:13 46:17 102:16 111:24 112:4 118:17 146:12 172:9 176:24 177:2,6,9 181:3 184:4 194:21 197:10 203:10 207:25 210:9 214:17 236:1,3,21 240:3 243:9 247:21 253:1
early 32:5 54:4 87:12 94:10 231:14
ease 16:16
easier 10:14 166:15 232:16
easiest 227:15 227:19
easily 73:2 96:17
east 75:22 123:18 124:21 125:2 142:2,6 179:4,10
eats 225:18
economics 25:12,13,17
economy 79:23
edit 38:22
editing 39:4 43:16 60:9,16 61:5,8
edits 156:3,6
educate 34:18
education 91:3 91:3,10,15 257:11,11
educational 34:14
effect 142:22 158:8 159:7
effecting 263:6
effectively 246:9
efficient 232:22
effort 81:18
efforts 168:15
eight 246:2
either 13:9 19:18 53:16 54:2 64:5 74:7 83:14 109:15 133:22 180:18 193:15 237:21
elb 1:4
elect 55:3 56:2 56:7,16,22 57:3,16 58:9 65:22 188:12 188:16 190:20 190:25 191:22 197:15,23 198:9,12 199:5 199:9 208:23
elected 27:9,15 29:11 97:6 188:19 198:2 213:20
election 3:21 31:14 66:14 191:17 192:2 193:8,12 198:4 199:7 248:10
elections 26:25 27:12 58:13 66:24 135:3 162:25 193:8 193:11 211:23 226:12
elective 28:5
electoral 67:16
electronically 262:5
elias 7:2
elias.law 7:4
elicit 248:8
eliciting 248:8
email 3:8 121:11
embark 35:10 74:6 91:22
embedded 177:7
emergency 235:21
employ 170:10
employed 53:18 66:8 261:12
employee 214:3
enable 188:6
enacted 66:11 66:20 113:25 135:6 136:11 136:14 139:9 170:23 171:4 187:1 217:16 226:22 229:8,9 230:10 236:19
enacting 70:7
enactment 174:16 175:9

184:22 229:7 229:18,20 237:12
encaptured 128:11
encompass 108:16
encompasses 97:17 176:17
encompassing 143:19
encounters 85:21
encourage 256:17 257:10
endeavored 201:8
ended 243:19 243:20
ends 86:5 228:2 231:24 244:3
engagement 14:8
english 7:7
enjoyable 89:2 89:4
enjoyed 193:2
ensure 43:3 60:17 66:16 81:6 161:24
ensured 201:8
ensuring 66:14
entered 263:5
entities 41:9 92:6
entitled 115:23 170:18 174:4 180:3 182:4 185:18 191:19 204:20 242:15
entity 41:7,13
environment 86:1
equal 103:17 128:4 130:24 137:16 177:22 200:3
equality 128:6 178:6
equally 64:21 212:15,24 213:2,4,16
equation 127:5 251:15
era 224:12
errata 262:2,5 262:5,6,8,9,10 262:12 263:1
esq 262:1
essence 170:9
essentially 178:5
established 237:7 247:22
establishing 62:9 247:19 249:7
et 1:4,7
ethics 260:12
ethnicity 76:11
event 40:22 168:6
everybody 94:25 213:21
ex 29:2,3
exact 13:24 35:16 73:18 103:8
exactly 197:5,7 214:25 257:21
exam 163:18
examination 2:4,4,5,5 10:1 138:22 196:14 245:14 255:17
examined 9:22
example 75:12 75:25 76:3 79:9 84:6 86:20 93:6 103:5 112:16 112:20,24 132:24,24 156:12 167:5 203:10
examples 75:10 112:8
exceedingly 213:19
excellent 50:25
except 89:18 140:8 167:9 194:16 195:1 251:22 260:7
exceptions 256:18 257:10
excerpts 199:15
exclude 129:8
excluding 128:2
exclusion 55:10 126:19
excuse 12:17 13:4 23:16 44:22 97:6 110:25 155:17 170:18 171:1 208:7 246:20
exercise 81:3 116:19 148:20 236:21
exhibit 3:3,4,6 3:7,9,11,13,15 3:16,17,19,20 3:22 4:3,5 16:22 17:2 110:9,10 115:18,19 120:2,3 122:13 122:17 136:17 136:18 159:22 159:22,22,23 159:23,23,24 159:25 160:3,4 160:5,8,12 170:13,15 173:19,20 176:4 179:15

179:17,20,21 179:23 181:23 181:24 182:2 185:17 186:1,7 186:10,21 187:4,19 188:9 191:11 193:25 194:1,3,15 204:24 205:2 214:16,21,23 227:25 228:4 228:12,15 229:23 231:24 232:2 238:5,10 238:13 242:2,4 242:10,16 249:1
exhibits 3:1 4:1 159:21 204:20 244:4 260:20 260:20,21
exist 65:12 176:20
existence 52:6
existing 123:7 246:23
expect 50:1 83:14
expectation 189:18
expected 33:8,9 189:15 231:22
experience 44:5 87:19 149:19 149:20 203:20 255:23
experienced 205:24
expert 12:18,20 12:22 13:2,5,6 13:7,8 47:25 66:6 104:4 106:20 139:3,5 139:6 211:23 211:23 253:21
expertise 48:6 52:3 58:1,22 59:11,11 69:8 70:5 80:22 81:24 105:9 126:3 150:24 155:6 162:2,13 164:8 166:15 166:17,22 167:13 179:13 191:10 202:15 203:18 207:3,5 208:4 223:9 248:12
experts 3:12 151:1,23
expires 264:24
explain 38:19 89:10 104:6 108:25 142:19 164:21 173:8 251:13
explained 93:12 141:25
explaining 59:22 104:1
explanatory 103:20
expressed 140:18
extended 89:13
extent 41:15,18 159:21 167:23 207:25
external 3:8 121:11
extra 120:18
extreme 76:24
extremely 66:2

f

f 1:15 2:3 5:1 9:19 121:7,9 261:1 262:1
face 219:10 245:18
facilitate 97:12
facility 262:13
fact 18:12 23:9 52:4 64:17 68:8 70:17 137:25 138:20 138:25,25 139:1,1 147:16 232:19 234:15
facto 76:22
factor 169:6
factors 76:15 130:16,17 155:2 168:25 169:3 204:15 205:10,10,13 205:17 210:6
facts 59:9 142:9
factual 68:13 251:4
factually 104:5
fair 24:3,12 26:12 61:23 66:23 67:17 73:3 80:23 95:6 111:17 112:2 138:2 142:16 147:8 215:12,16 230:8
fairly 11:25 147:8
fairness 66:14 66:16,24 78:17
fall 49:25 94:11 223:9
fallen 58:22
familiar 62:21 115:25 137:23 228:11 244:16
familiarity 63:9 169:22,23
familiarize 256:19
family 11:21
far 21:3 138:3 151:17 157:8 164:1 239:13

[fashion - forming]

fashion 107:1 249:4,18
father's 25:23
fault 21:22
fayette 180:14 246:22
feature 97:21
features 83:23 84:1
february 261:18
fed 171:19
federal 165:6 263:4
feedback 155:6 171:11,14,15
feel 50:15 59:20 212:14
fees 12:22,25
fertile 86:1
festin 7:8
fewer 24:11,13 104:17 188:2,5
fi 221:18
fiduciary 26:18
field 13:7
fifth 122:17 199:24
figure 24:8 97:10 177:2,6
figuring 104:20
file 262:8
filed 15:6,10 16:1 21:14 22:12,17 23:15 23:17 33:17,17 144:5 145:10 262:11
fill 262:5,5
final 123:11 167:12 250:18
finally 174:15 236:24 249:16
financial 28:19 260:6
find 31:2
finding 32:16
findings 13:12 13:13,14,17
fine 11:5 219:12 234:24
fingers 220:14
finish 10:14,24 257:20
finished 11:5
finishing 193:5
firm 26:6,7 121:10,14 122:2 196:20 218:5 260:1,14
first 9:20 10:25 14:23 16:9 26:1 27:2 39:19,24 40:6 56:8,24 61:7 66:13 83:1 91:4 94:6 97:25 98:9,13 98:18,20 99:20 100:17,23 101:1,2,2,4,25 102:4,18 104:7 105:13,14 106:6,13 113:4 117:20,25 118:2,9 139:2 145:4,18 147:1 152:15 159:20 171:3,6 184:3 200:20,22 232:5,11 237:23,24
fits 93:14
five 17:22 24:2 24:13 94:19 120:13,13 233:14,15
flanders 10:10
flat 221:15
flax 7:19 8:12 8:12
floor 6:19 56:12 145:16 231:16
flooring 183:17
fluency 31:21
fly 137:22
focused 77:4,6 77:7 200:2
focusing 59:19
folders 200:14
folks 46:25 47:15 74:13 75:16 76:5 79:21 86:1 90:20 97:6 156:10 172:19
follow 83:15 92:23 159:4 178:9 258:7
followed 164:7 164:11,15 231:14 232:23
following 18:3 234:9 260:1,3 263:3
follows 9:22 142:4
foregoing 261:5,10
forgive 14:5 57:5 63:25 204:18
form 42:8 119:15 137:19 139:13 175:13 175:15,18,19 175:21 200:10 263:4,6
formal 14:8 36:25 49:21 51:17
formation 46:20 126:19 131:9
formed 181:6 251:17 252:5
former 243:24
forming 105:18

forms 260:5
forsyth 123:19 123:23 124:1 124:22 125:3,7 125:11,14,19 125:21,25 126:13,23 127:2,9,10,13 127:16,24,25 128:2,7 176:18 176:19 178:17 191:22
forth 20:1 66:23 89:6 117:21 231:14 250:7
forum 77:16
forward 28:17 73:20 106:23 106:25 186:4 212:3 238:2 262:8
found 15:15 31:12 64:21
four 17:20 27:23 28:20 69:11 70:2 167:15 168:5,5 187:23 227:14 227:16
frame 40:8 154:15,18
framed 206:10
frames 62:12 95:20
framework 46:21
frankly 12:23 13:15 16:10 32:17 41:23 60:24 211:21 218:3 225:16
free 56:18 188:16 197:18
frequency 217:20
friday 22:22
friend 25:23
front 64:18 74:4 95:19 118:2 129:17 211:25 214:20 251:1
fronts 38:5
frustrations 139:12
full 10:7 27:23 54:3 97:17 227:14 241:19 261:10
fully 11:9
fulton 123:19 124:22 125:2 130:7 131:18 131:23 132:4,6 132:16,19 133:4,6 134:2 134:13,15,17 135:15 176:19 178:20,21 180:13 246:8
functionally 33:2
fundamental 88:24
funded 241:5
funds 242:1
furnish 263:7
further 54:21 54:22 57:25 60:20 113:6 117:11 142:19 157:20 158:1 173:8 176:17 188:15 247:25 261:12
furthermore 249:10
fwd 3:8

g

g 7:3
ga 1:25 261:23
gain 227:2
gainesville 26:3
game 138:2
garland 26:5
garnered 85:23
gathered 165:1 233:18
gathering 49:25
gatherings 49:22 50:18
geared 46:2,7 46:23
genberg 2:4 5:12 8:7,7 10:2 10:4 17:4 43:5 52:15 55:24 83:5,12,17,21 84:22 85:2,3 95:1,6,8 100:22 107:7 107:16 108:7,8 110:6,12 115:17,22 120:2,5 138:5 138:17 139:8 139:15,20 159:11,20 160:2,6,9,14 170:17 179:15 179:19,24 180:1 181:23 182:2 191:13 193:23 194:4 195:19 196:3 196:11 258:21
general 3:12 19:17 22:4 26:18,21 34:23 37:3 39:2 41:16 42:3 53:15 59:2,2 61:11 63:8,18 64:13,25 70:9 71:14 88:6,10 93:1 97:22 98:11 99:1,6 99:10 102:13

102:22 111:18 111:19 112:5 116:19,21 143:4 144:2 149:12,14 152:23 159:2 160:16 168:10 170:4 172:10 185:10 192:15 193:15,22 205:1 215:19 238:15 239:16 249:2
generally 15:4 23:1 39:24 40:15 42:19 47:13 48:25 65:12 71:17,24 82:24 83:10 92:1 100:25 104:18 117:8 140:13 147:3 158:23 159:3 201:5 255:24 256:1,6
generated 19:12,18 123:9
generic 98:10
generically 165:19
genlat 26:4
gentleman 216:15
geographic 65:12 74:13 75:20,25 76:7 78:21 133:11 142:1 185:13 226:14 227:6
geographical 133:18
geographies 251:16
geography 75:8 81:11
georgia 1:2,4,7 1:17 3:6,14,20 4:3 5:4,7 6:1 7:6,9,14 8:16 8:23 9:3,5 16:13,17 24:23 24:24 25:3 27:6,14,20 28:3 29:10 41:17 43:12,25 46:22,23,24 51:25 53:22 54:7 68:15 70:7,17 71:3 71:24 75:7,12 75:14,14 76:5 76:10 79:9,12 81:10 85:17 86:10 88:7 104:5 112:23 115:23 116:7 142:5 143:4 145:7 148:9 162:5,9 163:3 163:11,19 164:5,11,18 166:17 170:19 170:21 183:16 183:18,22 184:6 185:19 189:2 191:17 192:15,23 196:11,21 199:21,21 211:19 216:13 221:25 222:22 225:25 228:3 228:15 231:19 249:15 253:13 253:17 254:18 255:24,25 260:3,8 261:2 261:7,18 262:14
georgian 86:11
georgians 111:9,14 146:7
gerrymandered 167:4
gerrymanderi... 47:12 49:2,6,7 87:5,24 133:21
getting 9:14 42:16 58:21 59:8 66:5 100:11 101:18 103:14 132:12 144:5 157:24 192:23,24 205:19 228:7
gilmer 141:15 141:20,24 142:2
gina 4:5 35:25 36:23 37:15,17 37:22 39:19 43:15 44:17,22 45:22 48:7 51:3 53:8 56:24,25 57:19 58:2 59:11,12 59:15,16 69:7 80:22 81:7,10 82:2 96:14,20 96:23 97:8,13 97:19 98:7 99:14 100:10 100:22 101:17 102:9,19,23,23 103:1 104:20 106:4,12 108:21,21 116:19,25 118:12,20 119:4,11 121:8 121:15 122:22 124:16,17,21 125:18 130:20 131:15 140:14 154:2,4,8,13 155:20,21,23 156:3,11,19 157:8 162:2,13 164:8,19 166:16,22

167:14 171:9 172:3 173:9,13 175:23 178:12 190:9,17 202:15,22 203:8 205:23 206:22 207:3,7 208:5 209:6 211:14 213:10 217:15 218:9 218:25 221:3,3 221:4 224:13 225:6,16 226:7 234:5 239:13 240:1 242:14 249:16

gina's 39:17 44:19 58:22 81:23 126:3 166:14 207:14 218:19

give 16:5 24:8 24:14 37:24 39:23 42:3 51:10 52:3 54:3 64:24 66:6 68:5,13 68:22 84:6 87:14 91:9 94:9 96:14 98:2 103:16 108:5 115:4,6 115:8,13 129:21 143:23 156:13 157:7 162:19 169:8 183:24 204:10 204:11 205:21 217:19 232:7 238:21 241:19 242:3,8 253:23 256:25

given 23:11 40:7 42:20 53:2 90:20 99:5 111:7 193:10 214:7 239:23 248:2 263:6

giving 12:24 47:9 48:4,17 51:17 52:16 71:21 99:19 107:4 143:7 213:13 216:21

gleaned 215:24

go 9:11 10:11 11:5 25:6 28:16,16 39:9 39:15 46:9 56:18 65:21 74:19 88:11 92:2 95:1 96:5 96:20,21,22 97:8,8 100:5 108:20 129:22 139:20 142:16 145:3 180:13 186:4,7 188:16 190:21 191:14 197:13,17,18 197:21 198:7 207:20 216:24 227:22 232:16 242:14 251:16 253:25 255:14 257:24 258:5,9 258:21

goal 94:2 224:1 224:3

goals 77:2

goes 96:10 191:3 197:12

going 22:17 23:2 42:4,5,14 45:2 49:15 82:25 84:11,16 87:23 89:24 90:13 94:22 96:8,10 100:18 106:23 110:5 114:10 122:4,5 124:16 137:18 137:18,19 140:9 145:25 159:15 160:7 169:19,20 173:25 186:1,3 186:21 193:19 196:22 211:8 213:11 218:1 221:1 222:16 225:1 228:12 238:2 242:2 244:1 245:3 253:5,10 254:14 255:3 257:17,17,24 258:9,16

gonna 28:17 32:16 37:23 95:21 100:5 142:18,18,20 142:21 192:21 193:13,13 200:14 250:16 257:23

good 4:6 8:17 10:9 24:14 31:9 41:20 48:20 62:11 71:9 80:23 89:2,4,5 94:21 100:8 107:7 117:20 158:24 159:3,11 192:12 193:8 196:16 197:1 210:3 246:19 250:11,14

goofy 112:6

gotcha 41:19

gotta 157:13

gotten 118:5

govern 200:1

governing 74:5

governor 3:4 15:11 29:21 111:2 117:7,19 118:12,20

119:4,8 143:3 230:18,19 231:20 235:21
governor's 117:15
grabbing 244:7
graduating 25:24
grand 6:23
grant 7:1 8:22 152:24 255:20 258:11
granted 129:3 238:18 239:5
great 10:11,19 17:25 197:9 255:15
greater 132:16 133:11
greenwich 6:19
greetings 262:3
grew 24:23
groover 26:8
ground 10:11
group 7:2 8:24 9:3,5 34:14 63:14 65:14 79:3,4,5,21 80:16 86:20 87:4,13 88:19 88:19 89:23 90:12 192:11 192:13 196:21 198:6,7,9,24 199:3,4,6,9,10
group's 44:5 65:19
grouping 63:1
groups 20:24 54:23 55:12 65:7 78:21 86:18 89:16,20 90:17,21,21,24 91:6,6,16 97:4 192:8 199:22
grow 24:22 79:22
growth 222:22
guess 14:13 18:18,23 19:20 38:5 56:8,14 57:24 61:15 67:13,14 72:10 75:4 84:3 93:4 120:18 133:13 184:3,11 192:11 221:8 233:11
guidance 103:2 103:16 247:23
guide 34:24 50:25 204:22 248:13,22 249:9 250:11
guided 130:20 163:4,8 164:7 202:14 205:23 250:4,4,5
guidelines 3:16 139:19 160:21 160:24 161:1,6 170:1 199:24 200:2 239:8 242:4,10 249:8
guiding 48:20 102:23 234:20
guy 50:22
gwinnett 124:24 129:22 131:8

h

habit 151:15
half 148:7 182:6
hall 3:23 26:5 77:12,14,25 78:24 79:7 85:24 86:21 91:7 92:9,10 92:10,19 94:6 95:21 99:4 100:3 102:17 102:17 112:11 113:9 116:18 171:16 184:4 194:12,24 195:2,4 215:22 215:25 216:12 235:12,15,19 236:10,16
halls 85:5,19 99:9,22
hand 9:9,17 81:24 103:7 174:15 202:15 250:21
handbook 214:3
handled 79:1
happen 61:19 61:20 62:16,17 142:25 254:7
happened 39:14 82:7 97:24
happens 97:1 250:8
happy 96:12 182:24 195:24 195:25
harbison 246:13
hard 24:8 81:18 104:13 104:20 186:8
harper 246:3
head 10:16 36:24 38:25 84:11 225:21
headed 41:22
headings 173:24 174:7
health 29:2
hear 10:22 22:21 78:2 86:4 91:5 163:6 196:17 214:10
heard 51:7,12 62:23 111:9,10

111:14 150:12 150:18,20 197:10 199:20 199:20,21,22 202:9,21 206:14 212:8
hearing 53:13 53:21 54:4,9 54:13 69:18,21 71:7 80:17 91:13 145:12 145:12 146:15 146:20 150:20 152:3 153:19 194:20 195:2 202:4 245:25 251:13
hearings 3:23 12:4 33:18 54:12 65:2 69:9 87:8 91:8 113:11,15 144:6 147:22 148:5 171:17 202:6 231:16
heavily 184:18 246:11
held 28:3 65:2 113:10,11 145:12 235:13 235:14 236:15
help 35:22 40:4 43:2 45:8 47:15 48:5 54:2 60:13 96:23,24,25 97:12 134:20 140:13 248:13 250:11
helped 48:3
helpful 30:18 30:20 31:3 169:24
helping 249:17
henry 180:14 181:19 247:1,3
hereto 261:12
hey 22:16 79:21 90:12 213:9
hi 255:11,19 258:3
high 25:7 99:6 109:10 129:18 189:10,13,13
higher 63:2,2,3 158:4 189:15
hire 40:24 41:1 44:11
hired 12:22 44:1 150:21 151:24
hiring 44:14
hispanic 174:12 175:4 253:20
historical 58:12 71:22 105:25 253:15
history 33:9 66:3,10 70:12 71:23 76:15 253:12,17,21 254:14
hmm 13:24
hold 3:23 77:25 144:6 177:4 196:5 236:13
holding 144:5 236:10
home 25:22 78:7 97:4
honestly 144:25
honor 204:3
hope 15:25 72:8 86:4,6,6
hoped 99:10
hopefully 42:7 97:16
horizontal 174:2
horse 106:18
hosted 81:21
houk 6:12 9:2,2
hour 5:4 23:24
hours 24:11,13 210:24
house 3:22 16:19,21,21 50:4 77:16 81:22,25 82:1 97:19 98:1 101:5 103:11 118:9 144:14 163:16 194:10 230:17
housed 93:6
houston 27:25 157:21,21,24 157:25 227:10 227:20
hsu 6:3 8:15,15 245:23 258:22
huh 76:7 94:17 98:6 112:13 113:8 122:9 144:15 150:17 174:3 198:14 220:25 221:10 230:15 232:5
human 29:2
hundred 115:5
hwn 174:14
hypothetical 134:1,12 135:13,14 136:4 138:11 139:4 148:19 149:16 199:6,7 223:23,24 225:6

i

idea 63:8 117:12,14,15 140:5,18
ideas 99:1,6 246:19

identical 74:7 146:13 177:12 246:16
identification 17:3 110:11 115:20 120:4 160:1,13 170:16 179:22 181:25 191:12 194:2 228:5 232:3
identified 74:15 77:14 79:9,10,17 80:14 82:3 129:20 182:4 205:3,3 237:19 238:3
identify 8:4 28:11 80:11 81:4 84:9 204:4 206:3,7 216:7 229:17 230:8 236:17 237:4,11
identifying 81:9 168:23 194:11 212:2
illegal 146:18
image 220:11
immediately 80:10 185:11
impact 70:19 108:17 126:20 142:24
impacted 195:2 195:5
impacting 88:15 188:5
impacts 142:23 252:6 261:16
impaired 67:1 72:17 73:6
imparted 46:6
impartial 261:17
impartiality 260:11
implemented 170:6 226:18
implicit 60:21
imply 39:11 220:15 251:10
importance 181:5 200:5
important 58:25 68:17 78:8,10 79:23 79:25 80:12,15 80:17 102:3,20 104:6,25 106:5 165:24 167:18 181:2,3,3,11 247:5,24
impression 46:25
impressions 21:18,24,25 213:14
impropriety 64:20
improve 55:16
improvement 104:16,16
impute 88:18
inaccurate 176:10
inbox 151:11
include 43:5,8 43:11 63:11 104:21 124:21 125:19 126:23 127:2,10 128:25 129:9 129:13 130:13 131:19 132:7 165:4 180:19 186:16,19 216:4 225:14
included 54:23 127:17,18 128:16,22,24 129:2,7,12 131:9 137:5 165:4 171:15 180:8 203:9 227:6
includes 178:14 184:25 246:2 247:1
including 37:5 37:19 60:19 85:18 125:25 126:13 127:9 128:7 130:24 131:2 155:2 167:10 171:16 200:4,11
inclusion 125:7 125:14
incorporate 59:20 131:10 167:10
incorporated 246:19
incorrect 146:17
increase 227:5
increasing 133:11 227:6 227:10
incumbent 168:18 169:19
incumbents 106:5 168:16
ind 174:13
independent 68:10 203:4 207:4
independently 126:12
index 3:1 4:1
indicating 136:3 185:20
indirectly 78:5
individual 82:18 96:23 99:9,21 100:16 119:1,3 197:4

individually 95:16
individuals 151:3
industries 28:19 183:4,6 183:9,20
industry 183:15
inefficient 146:18
inexplicably 252:6
influenced 246:11
inform 52:7 95:23 96:13 132:14 151:19
informal 49:22 50:13
information 3:10 46:5 48:5 48:15,23 50:7 53:16 78:1 86:24 92:24 93:4,5,15 105:10 106:3 114:11 122:16 139:6 149:16 150:25 152:18 156:22 166:21 167:11 171:17 185:8 190:7 203:8 204:8 206:7,21 213:11 215:20 215:24 216:3 217:2 221:7 222:13 232:24 237:8 242:15 251:1,5
informative 81:14
informed 68:11 83:22 112:9,16 112:21 129:11 129:24 130:19 208:5
informing 126:9
informs 176:12
inherent 106:25
initial 21:3
initiated 21:10 43:24
initiating 21:4
input 33:21 78:1 80:19 85:10 95:24 96:15 98:8,17 99:4,19 100:3 100:4 101:18 107:4 112:8,16 112:20 113:22 116:19,21 117:1,2 118:23 119:9 123:11 145:13 146:15 155:7 157:7,13 162:1 172:5,7 172:10 176:1 194:14 200:9 200:11,18 203:17,21 211:14 228:25 229:6,12,17 230:24 231:3,8 231:11 236:17 237:1
inside 133:18
insignificant 86:2
instances 225:9 254:17
institutions 28:19
instruct 84:21 100:21 110:5 193:19 253:9
instructed 2:9
instructions 122:23 123:1,2 215:7,9,17
instructive 173:16
intact 142:11 187:14 188:7 247:15 249:25
intellectual 89:5
intend 196:4
intended 138:6 168:24
intending 206:1
intent 65:25
intention 125:1 125:4
interacting 44:22
interactions 37:16 39:4 45:7
interest 74:10 74:14,16,23,24 75:3,5,7,18,25 76:10,10,14,17 76:18,22 77:4 77:9 78:4,6,9 78:11,13,14,16 78:20 79:4,6,8 79:12,18,21 80:12,25 81:5 81:6 82:3,5 86:18 87:13 88:19 94:23 103:23 104:7 104:11,23 142:1,7,10 165:11,23 167:7,17 178:11,16,18 178:22,25 181:16,20 185:2,5 200:6 201:18 246:22 260:6,10

interested 32:10 261:13
interests 75:7 76:5 78:22 179:7,9
interfacing 37:14
interim 39:14
interpret 172:1
interpretation 66:4
intervene 257:18
introduced 69:22 113:25 145:18 146:5 146:25 147:6 148:1,24 149:3 149:11 154:9
introduction 33:5,14 172:21
invade 110:4
investigate 233:23 234:1
investigated 235:2
investigation 203:1
invite 92:19
invited 171:18
invoke 110:4
involve 96:8
involved 11:16 13:1 16:4 41:23 59:10 92:12 94:15 98:14 211:14
involvement 44:17 53:17
involves 90:6 241:24 251:14
involving 11:20 11:25 49:1
irvine 6:8
isolation 126:18
issue 10:23 12:24 55:7 64:25 106:9 126:4 181:2 256:7
issued 13:11
issues 30:23 31:11 45:24 46:3,4 100:1,2 142:6 256:11
iteration 101:2
iterations 153:17

j

jack 5:12 8:7 10:4
jack.genberg 5:15
james 26:8
jamesbatesllp... 121:6
jamie 121:6,12 121:13,18,20 122:6,21
january 1:16 5:2 8:2 26:9 231:25 232:9 233:6
jarrard 7:12,15
jaugstetter 7:13 8:19,19 13:21 14:9 42:18,25 52:12 82:24 83:8,13 84:16 85:1 94:18 95:3 100:18 107:9 107:16,18 110:1 137:18 138:8,19 139:17 159:13 160:7,10 179:17 193:13 196:7 234:13 238:7 253:5 255:13 257:17 257:23 258:2,8 258:13,20 262:1
jhouk 6:15
job 25:21 26:1 31:14 32:19 50:3,5,23,24 213:3,15 214:1 248:11 250:12
jobs 183:8,11
jockeyed 235:24
john 1:15 2:3 3:7,8,11 4:5 5:1 8:3 9:19 10:10 121:7,9 213:9 262:1
joint 3:13 24:16 35:17 77:16,16 81:18 81:21 170:18 170:19
jshaw 121:6
judge 13:11,11
judges 12:14 26:13
judiciary 28:15 28:18
julie 6:12 9:2
july 45:15
jumping 254:12
jumps 184:3 217:1
jurisdictional 200:5
justice 70:19 72:14

k

k 6:13
keep 74:24 75:19 95:3 104:13 113:2 142:10 169:21 184:10 188:7 216:17 227:16 245:19 247:12

keeping 24:10 97:18 141:23 169:21 203:12 247:15 249:24
kemp 143:3
kennedy 1:15 2:3 3:5,7,8,11 4:5 5:1 8:3 9:19 10:3,10 84:25 108:2,8 121:7,9 195:19 196:16 201:24 205:7,25 208:16 228:6 233:23 245:16 253:8 262:1
kept 187:13
keyboard 220:17
kick 95:4
kind 37:13 40:15 49:25 52:9 58:20 66:5,6 73:7 76:21 80:1 81:25 86:4 106:18 142:3 146:20 173:11 183:8 186:7 218:3 219:7 220:10,14 250:10
kiwanis 89:20
knew 16:2 101:13 105:5 106:21,25 107:1 175:2 232:13
knight 219:1
know 10:20,24 11:3 12:12,15 13:24 14:7,11 14:12 15:7 17:15 19:12,16 20:16 22:15 24:9 25:16 32:1 37:14 38:12 39:2,7 39:13 41:15,16 41:18,24 42:10 42:19 43:25 45:10 46:16 47:22 49:23 50:5,21 51:10 51:11 52:3,8,9 54:1,3,20,23 55:2 56:9 57:2 59:7,10 62:9 62:14 63:3 64:2 67:5 70:9 71:24 74:10 76:21,23 79:16 79:22 80:14 82:6 84:4 85:10,21 86:2 86:3,7 88:1 89:4 90:2,3,21 91:18 92:1 93:12,19 96:4 97:7,12 99:18 101:7,11,20 102:1,7,21 103:7,21 104:2 105:5,6,22 106:2 111:3 115:10 116:4,5 119:10 123:10 125:4,10,13 129:8 130:16 132:11,22,25 134:6 136:21 137:8,8,10 139:13 140:4,8 141:10,21 143:21 144:22 145:23,23,25 148:18 152:11 152:13,21,21 153:8,13,16 154:19 156:17 156:19 158:7 167:20 170:2 171:10,13 174:25 175:11 178:21 180:22 182:20,23,24 184:23 185:25 186:6 188:14 188:18,20 189:8,12 190:16 191:13 194:17 203:16 203:17,22,25 204:2,6,10,16 205:18 206:24 207:19 208:1,8 209:23 210:24 213:11 214:1,2 215:5,5 217:19 220:4,8 222:11 222:13 223:16 224:4,6,17,24 224:25 225:19 225:22,25 226:21 232:22 233:9 234:9 235:8 236:13 239:5,19,20 240:19,20,23 240:25 241:2,5 241:11,18 243:1,10,13,15 243:17,19 244:8 245:1,17 247:18 250:10 250:21,25 251:12 252:3 252:21 253:22 254:22 255:4,6 257:4
knowing 133:8 190:5 217:18 217:19
knowledge 33:24 34:2,4 35:23 44:4,5 51:5,7,18 68:23 113:9 132:13 171:8 185:9 189:1

191:10 212:17 234:25 251:7
known 85:22 101:24 125:24 126:13 183:22 188:21
knows 81:10,11 81:11 104:4

l

l 261:22
labeled 17:15 17:17 134:10
lady 216:15
laid 199:24
lake 34:13 36:9 45:11
land 133:6 249:13
landscape 62:11 180:2
language 192:4
laptop 220:2,3
large 75:20 127:25 183:15
largely 51:22 102:14 157:20 164:7 166:22 254:9
larger 124:3 140:9
largest 183:17
laross 7:8 9:10 9:13,15
larry 218:17
late 98:3,21 100:14 192:3 192:17,24
laundry 64:15
law 5:12 6:11 7:2,19 8:8,10 8:13 10:5 25:9 25:18,20,24 26:6 46:18 47:10 48:1,10 48:10,19,25 66:11 121:10 121:13 122:2 163:18 165:6,7 196:20 260:3
laws 66:3,7,8 68:15,16,24
lawsuit 10:6 22:16
lawsuits 15:4 22:10,12 23:15 23:17
lawyer 25:22 31:19 166:16 203:19
lawyers 6:11 46:3 245:17 250:11
lawyerscom... 6:15,15
lay 137:20 138:4
laymen 203:19
lcro 35:14 173:20,20 208:17 218:22 242:3,8 243:11 243:16
lead 40:9,11,14 191:6
leadership 211:13
leading 70:5 167:12 217:16 248:18
learn 14:23 15:3 16:7 31:24 34:7,18 35:4 46:8 48:2 189:3
learned 15:5,10 70:10 81:15 102:16
learning 16:9 34:6
leave 57:1 94:20
leaves 258:16
leaving 133:12 196:9
led 29:9 50:12 51:2 248:23
left 58:1 134:9 134:21,25 135:9 176:6 180:3,3 182:6 182:10 188:24 231:1 255:4,12
legal 26:10 30:23 31:1,6 31:11 43:4 46:10 47:2,16 48:18 49:11,11 51:10,17 52:2 52:17 59:4,8,9 61:2 66:5,9 68:6,10,14,23 69:6 80:21 100:8 102:25 103:3,18 112:2 112:3 121:13 121:20 126:12 126:24 127:3,8 127:11,17,21 147:17 158:12 158:16,25 159:3 162:19 173:16 175:23 190:11 193:8 202:17 204:11 205:16,21,22 206:1 209:8 248:9,14 249:11 250:1,9 250:14 260:8 260:15
legalese 45:25 46:3
legally 103:3 106:22 131:14 165:3
legis 42:6
legis00002663 4:4

legis00002753 4:6
legislation 15:12 16:20 33:5,10,14,16 42:7 70:8 257:13
legislative 3:9 5:3 7:17 14:15 14:16,18,21 83:2,6 84:17 100:20 107:21 107:25 110:4 143:4,9,13,17 145:8 165:21 193:14,16,18 193:21 196:6 238:17 240:17 253:6
legislator 84:24 237:13
legislators 14:20 23:3 35:5,11 39:9 39:15,18 77:22 97:5,6 109:15 213:20 216:4 217:3,7
legislature 67:3 67:22 72:15 145:7
legislatures 34:21
lengthy 23:23
level 34:4 49:9 55:16 58:21 89:11 99:6 106:2 179:12 179:13 191:9 225:4,23
lhsu 6:5
license 261:6,7 261:23
lieutenant 29:21 111:2 117:7,15,19 118:11,20 119:4,8
life 10:13 47:24 90:2
lifted 161:9
likely 168:7
lily 6:3 8:15 244:5 245:22
limit 125:2 168:24
limitations 76:8
limited 147:3
limits 129:14
lindsey 109:22
line 2:10 10:25 65:9 80:4,5 97:1,1 98:15 100:13 103:10 121:2,3,5 157:12 158:1 174:2 176:19 193:24 216:17 227:21 257:21 263:9,11,13,15 263:17,19,21 263:23 264:1,3 264:5,7,9,11,13
lines 60:3 61:13 63:13 74:25 75:3 88:15 93:24 94:7 96:8,10 97:11 119:17,21 132:25 133:21 133:24 142:23 156:12,13 172:2 175:16 175:20 179:1 201:3 203:21 222:19 225:5,6 235:5
list 64:15 80:24 81:2,4 125:22 216:20
listed 122:22 123:1 138:21 138:23
listen 206:2
listened 47:23
listening 74:18
litany 64:13
literally 103:8
litigated 31:13 31:14 48:1
litigation 8:12 22:13 26:11,11 46:3 243:22
little 31:20 56:19 80:6,7 85:24 95:1 103:7 105:7 124:14 166:13 166:15 184:6 184:12 197:10 216:15,17 227:17 229:22 235:23 242:6 244:1
liu 2:4 6:7 9:4,4 196:15,19 198:18 199:1 201:24 227:24 228:2,6 231:23 232:5 233:12 234:12,22 238:9 245:3,6
live 33:21 113:13 156:6 185:10
lived 25:4
lives 60:6 225:18 246:5
llp 5:17 7:7,12
lobbyists 86:15
local 79:23 97:5,6 213:20
locally 49:23
located 131:4 183:18
location 87:11 235:17,24

locations 87:10 194:12
logged 237:9
logical 227:19
logistical 144:6
long 23:21 24:6 25:4 60:7 64:23 66:3 73:7 81:10 128:11 145:17 212:20 237:19 245:17,19 247:10 255:7 257:19
longer 70:18 71:3 81:13 95:1 153:2
look 21:1 39:16 39:17 58:12 73:1 74:1 102:24 103:2 108:21 111:15 112:5 115:25 117:10,24 122:21 129:14 129:16 133:21 136:23 138:9 156:11 166:17 166:18 170:20 178:13 180:17 182:24 185:25 190:10 203:13 203:19 216:9 227:13 228:11 228:22 238:9 244:2
looked 18:20 73:3 182:13 188:14 223:11 226:11 246:18
looking 30:14 63:11 72:24 86:5 105:18 111:8,13 125:5 128:25 134:9 135:9,12 141:18,19,22 142:25 157:9 166:2 167:12 176:20 178:18 179:12 180:7 186:10,12 207:24 219:14 219:18,21 220:6,11,12 221:22 223:14 223:16 226:9 226:11,12 232:8 234:5 248:25 252:7,7
looks 67:15 86:5 103:21 111:17 120:14 124:23 141:21 141:24 160:22 180:12 184:12 184:14 187:23 188:1 251:23
los 6:23
lost 240:6
lot 19:12 35:25 36:1 38:19 46:5 50:22 62:19 90:1,20 99:25 142:15 148:20 171:15 200:24 218:2 246:21 247:2
lots 17:8 115:1 251:14,14
loud 154:23 168:13,22 174:1
low 50:6 130:12
lower 65:11 189:16
lt 3:4
lumping 63:25
lunch 94:20,22 95:5,7 107:8 107:20
luxury 192:25

m

ma'am 197:6 210:12 224:21 228:7 232:4,10 233:19 256:21 257:23
macon 25:3 26:4 27:24,24
macro 230:25 253:15
macroscale 75:19
made 15:17 22:6 64:20 71:21,21 72:21 75:15 84:24 97:20 107:21 125:25 126:13 126:16 127:21 147:25 155:3 158:3 167:3 168:15 169:25 170:4 178:7 181:1 184:4 200:18 208:1 211:24 212:2 214:12 227:17 240:2 241:24 247:12 260:3 260:20 261:16
mail 3:7,11 4:5 120:8,11,15,21 120:23 121:2,9 121:9,15,19,22 121:24 122:6 122:11,21 123:2,11 124:25 125:17 140:18 150:3,5 150:5,6,8,11,16 151:6,9,12,16 152:15 155:11 215:2,2 231:25 262:7

mails 19:5,6,11 19:25 20:5,7 149:25 151:15 152:12,21 155:20,21,23 210:10,17 233:13,16
main 33:1 92:7 92:8
maintain 104:7
maintained 69:13
maintaining 103:17 260:11
maintains 246:16
major 25:15
majority 28:23 57:24 58:4,8 62:4 149:8 201:10,12,14 201:16 206:15 206:25,25 208:2 212:16 238:21 239:2,5 239:22 240:18
make 10:13 30:24 38:10 41:14 59:3,19 60:10,13 61:18 61:23 63:18 66:21 83:1,9 83:15 84:23 92:20 94:19 95:6 100:7,25 101:12 102:2 103:11 108:4 114:7 118:8,9 119:13 140:19 142:19 147:22 149:17 156:8 161:22 164:16 165:5 175:6 177:14 178:8 186:2 200:22 209:3,7 216:10 216:23 217:7 227:4,12,16 230:4,19 232:7 232:16 249:11 249:17,19 250:12 260:9 263:5
makeba 7:2 8:21 255:19
makes 38:8 133:19 147:11 149:7
making 31:6,9 32:3 60:3 61:1 69:5 80:19 83:6 85:13 92:25 156:3,5 156:6 190:9 209:11,14,15 223:10 260:11 263:6
manage 93:18
managed 240:18
management 62:15
manipulate 222:12
mansell 262:14
manually 262:5
manufacturers 183:17
map 3:5,6,14 3:15,18 37:20 38:1,2,21,25 39:12 57:8,9 57:10,13,16 60:10 61:14,17 64:4 67:1,15 67:17 69:2,10 69:22 80:5 82:1,17,21 84:8,25 93:22 93:25 94:2,8 94:15 95:10 97:21,25 98:4 98:14,20 99:7 99:11,20 100:11,17,23 101:1,3,4,21 102:4,11,12,14 102:19,24 104:8,15,17,18 105:13 106:6 106:14 108:21 108:23 111:1,8 111:13,15,21 112:9,17,21 113:1,1,5,14,14 113:17,19 114:3,7,20,25 115:25 116:2,3 116:3,6,8,13,14 116:20,23,24 117:8,9,21,24 118:1,12 119:5 119:9,12 122:8 122:11,18,19 122:23 123:5,8 123:12 124:22 128:17 129:15 129:17 131:16 131:25 132:2,9 134:5,20,23 135:6,9,12,13 135:14,19,20 135:23,24 136:2,10,11,14 136:14,16 137:7 138:10 138:11,11,12 144:22 146:4,6 146:8,11,17 147:15 150:21 151:4 152:4 153:5,6,10,10 153:11,11,22 154:2,3 155:2 155:3,4,6,7,15 155:16,18 156:4,7,9,10 157:8 165:20 166:17 168:19 168:21,21

170:21 171:1,6 171:8,10,13,19 171:22 172:5 172:12 173:16 176:5,6,7,7 178:25 180:3,3 180:5 182:5,8 184:9 186:13 186:15 187:6 200:16 201:12 201:21 202:10 202:12 203:2 205:11 206:5 206:15 207:13 208:2 215:14 217:16 221:24 222:1,5,14,21 230:10,16,19 236:7,19 238:16,17,19 246:15,18 249:13 250:18
mapping 81:11 166:21 171:15 173:10
maps 15:12,18 30:25 31:6,10 33:5,12,15,16 37:5,11,18,19 38:17 39:5,9 39:16,16,20,22 39:25 40:8 42:8,9,11 43:3 43:15 44:17 46:9 47:16 53:18 59:3,13 59:17 60:9,17 60:18 61:1 63:19,22 64:1 64:9,14,17,20 64:22 66:23 69:6 72:13,23 72:24 73:2 81:7,16,20,22 83:23 84:15 92:13 94:2,3 95:25 96:4,16 97:10,19 100:8 101:8,8,18,19 101:22 102:23 103:2,5 107:24 108:10,13 109:16 113:11 114:25 123:7 131:14 135:2 135:17,23 137:21 138:9 143:5 153:7,13 153:14 154:18 155:14,24 162:7 163:17 165:2,3,19 167:12,12 170:5,22 175:22 190:10 193:6,9,10 200:1 202:16 203:14 204:16 204:23 205:5 207:24 208:7 209:14 210:7 215:8 217:17 218:4,9 222:24 222:25 223:2 226:18,19 229:7,8,9,18,19 229:25 230:3 231:2 232:16 234:6,21 238:14,22,23 239:15 242:4,9 242:18 248:14 249:17
marcella 1:23 5:5 261:22
marie 7:17
mark 120:2 159:21 160:3,7 170:13 179:15 179:19,20 181:23 227:24 228:2,12 231:23 233:12 233:15
marked 17:2 110:9,10 115:17,19 120:3 159:21 159:25 160:12 170:15 176:3 179:17,21 181:24 191:11 193:25 194:1 214:17 228:4 232:2
mass 133:6
material 58:16
materials 18:20 18:23 20:3,10 20:18,20 36:3 36:5,7,10 151:2 155:11 155:22 161:10 211:1
matletha 5:13 8:9
matletha.ben... 5:15
matter 11:20 13:3,5 23:4 144:7 145:11 150:22 152:4 152:18 185:9 227:1 260:10 260:16
matters 11:25 13:6 219:17
max 218:19
mayor 85:12
mean 17:8 21:25 22:11 33:13 34:12 36:7 40:11 47:20,23 51:9 51:19 52:1 61:10 62:1 70:23 81:1,19 85:7 89:12 92:17,17 93:24 93:25,25

106:15 111:13 116:4 123:18 128:24 141:3 143:18,18,24 158:11,14 172:2 182:18 182:20 183:9 189:8 203:4,5 203:6,7 207:10 221:11 231:12 234:24 237:20 251:25 253:14 256:3
meaning 141:22 162:7
means 47:25 141:6 165:12 165:15
meant 111:18 207:13 222:7
measure 209:21
meet 23:13 24:4 33:3 39:19,25 67:16 84:12 86:23 87:8,9,12 96:2 96:12,20 109:20 129:6 146:18 196:19 212:14 213:6 213:19 217:15 253:1,3
meeting 23:21 32:3 33:3 36:9 37:15 40:7,22 61:19,24 77:16 87:10,20 90:15 91:19 93:7 94:6 100:4,5 102:17 109:23 109:25 118:21 118:25 173:13 184:5 212:17 212:18,19 216:12 226:17 226:25 235:19 235:22
meetings 33:4 43:14,18,22,24 44:21 50:15 56:11 60:16 61:5,21 63:22 77:13,14,17,21 77:25 78:25 79:7 85:24 86:21 91:7 92:9,10,11,19 95:21 96:25 99:4 100:3 102:17 112:12 116:18 119:11 143:19 171:16 194:12,13 195:2,4 208:24 212:9 213:12 214:14 215:22 215:25 219:13 221:7,23 236:10,16
meets 111:21 112:3 137:9
mellman 6:3
member 50:4 56:10 71:13,13 82:25 84:6,23 92:21 97:22 237:15 238:16 238:20 239:2
members 20:13 20:15,17 29:11 33:22 37:4 39:2 40:9 52:19 71:8 77:20 82:9,15 82:18,19 83:3 83:7,20,22 93:19 95:9,15 95:23 96:13,21 99:9,21 100:16 100:19 118:11 118:23 122:1 144:1 145:13 148:4 150:23 152:5 172:17 172:17 199:25 200:19 203:13 213:4,16 218:22 238:15 239:16 249:4 255:24
memories 218:8
memory 20:2 63:20 71:9 98:20 99:7 100:13 101:6 114:16 141:11 170:25 171:2 176:12 192:12 215:21 233:2 234:7 244:12
mental 81:2
mention 72:2
mentioned 22:11 31:18 46:16 48:21 71:7
mercer 25:8,8 25:10
merit 5:6 261:6
messages 19:7 19:8 155:12 210:11,20 211:2
met 18:23 24:5 35:25 39:24 40:6 59:4 60:8 60:15 61:4,9 61:16 84:11 99:17 158:12 173:17 199:25 208:16 210:15 212:11 213:9 217:18 233:6 235:7
meyer 26:5
michelle 244:16 244:18

microscale 103:4
mid 98:3,20 100:14
middle 174:6 174:21,21
mill 183:15
mind 38:13 64:2 73:25 75:4 80:10 87:21 95:3 195:8,24 202:23 218:21 245:4
minded 90:21
mine 69:8 120:13 254:8
mini 12:4
minimal 34:5
minimizing 169:12
minor 227:18
minorities 63:1 66:17 67:8,10
minority 57:24 58:4,8,10 63:14 65:8 69:14 148:25 149:4,8 152:24 200:9 201:10 201:10,15 206:15,16 208:2,3 212:8 212:12,14,25 213:8 214:11 233:24 234:3 235:3,9 238:21 239:1 240:22 240:23 242:3,9 242:13 246:11
minus 201:6
minute 164:13 177:4
minutes 38:8 199:17 255:13 255:21
mischaracteri... 248:20
misplaced 239:23
mispronounc... 219:6
missing 184:14
mistaken 73:21 77:21 170:8 237:6
mitchell 6:18 8:25,25 258:3 258:3,10
modify 123:4,7
moment 55:13 88:14,16 143:1 214:13 218:21 222:8 223:11 224:15
moments 223:19
monday 194:19
money 242:17
monroe 28:1
montgomery 5:14
months 14:5 21:19 58:17 91:23 146:12 210:1 215:23 216:25 222:9
monuments 256:9
morgan 247:2
moring 6:2,7 8:15 9:4 196:20
morning 8:17 10:9 109:20 112:11,23 131:11 141:25 143:20 144:21 155:10
mountain 75:12 142:3,5
mouse 220:16 220:18
move 94:18 96:11 97:1,11 103:9 110:6 118:9 131:7 132:4 133:11 134:16 141:17 142:23 147:12 156:12,13 193:3 212:3 227:5 250:16 253:10
moved 26:2,4,6 103:22 108:16 140:3 157:20 157:25 192:2 220:14 246:7 254:5
moving 61:10 73:20 96:8 140:6,10 142:15 148:20 157:12 193:12 222:19 227:10 251:14
mrutahindurwa 7:4
multiple 15:2,9 15:22 16:1 41:9 61:16 77:15 149:20 154:14
multiples 192:11
mute 9:14

n

n 2:1 174:9
naacp 1:4 6:1 8:16,24 9:3,5 196:12,21 199:22
nadav 7:19 8:12
name 10:3,7 35:16 37:1 87:3,19 150:25 169:6 179:9

196:19 219:9 255:19
named 21:12
names 45:20 210:25 211:1 219:7
naming 82:6
narrative 72:20 117:23
narratives 78:11
national 34:20
nationally 192:23
naturally 33:6 252:6
nature 11:19 15:19 31:15 48:14
ncsl 45:3,11 49:14 51:3 199:20
ne 7:3
near 94:24
nearby 95:5
necessarily 32:22 48:6 52:2 63:10 69:6 96:8 118:4 145:25 147:7 165:3,4 198:22 203:10 204:2 211:14 235:5 240:17 241:23 253:8
necessary 55:3 60:22 61:1 69:5 124:19 126:22 127:1 127:10 157:11 158:16 190:19 193:3 209:3,12 225:9 263:7
necessitate 201:3
necessitated 195:3
necessity 193:5 222:24
need 10:23 11:2 26:15 32:13 46:24 56:24 60:20 62:10 83:1 92:1 93:20 100:6 108:16 119:10 139:7 141:7 158:12 193:10 208:11 213:25 225:7 226:7 238:24 250:11 258:7,12,18
needed 16:6 32:19 62:16,17 62:17 74:19 102:23 118:6 137:15 140:15 144:6 158:2 170:7 177:13 178:2 207:15 208:22 209:20 209:22 223:7
needs 67:17,18 67:18 98:15
negative 13:13 60:12 159:9
neighborhood 103:10
neil 5:18 9:6
neil.steiner 5:20
neither 137:23 139:5
net 178:5,5
never 101:10 207:10,10 221:2
new 5:19,19 6:19,19 33:5 42:8 46:9 143:5 169:12 177:16 184:16 193:6 198:14 201:10 206:16 208:2 246:9
newly 168:21
newspaper 114:8
newton 247:1,3
nh 174:11,11 174:13,13,14 174:14,15,20 174:25
nice 89:3 196:19 213:23
night 235:22
nine 18:3 205:2 205:3 249:3
nodding 10:16
non 86:11 175:4 206:25
noncompliant 60:10
nonlawyer 166:16
nonlawyers 86:12
nonlegal 45:25
nonprofit 90:17,22,23
nonspecific 98:10,11
nonwhite 201:14
normal 147:9 147:13 231:15 231:18,21
north 75:13,14 123:19 124:22 125:2 134:17 176:17 178:20 178:21 254:8
northeast 112:23
northern 1:2 27:25 157:25 227:20 254:8
northwest 75:11,13 76:5 79:9 142:5

183:15,18,22
nos 159:25
notarized 262:6
notary 264:23
notebook 214:22 249:1
noted 263:3,3
notice 3:3 18:6
noticed 195:20
noticing 260:15
notified 14:1
noting 196:4 262:4
notion 89:7 133:2 142:9
notions 88:9 103:24
notwithstandi... 55:6
november 54:13 69:10,21 113:16 143:10 144:13,16 145:5 146:5,6 148:1,2,5 150:4,13 154:9 154:13 155:24 199:16 202:4 228:18 229:1,7 229:9,11,18,19 229:20 230:20 245:24
nslc 34:12
number 12:4 16:25 17:10,19 23:19 63:2,3 65:10,20 77:20 103:9,15 115:4 115:6,8,13 125:13 128:12 129:1,18 130:3 141:7 144:22 154:25,25 156:18,25 157:11 158:2 161:15 162:3 164:10 165:8 168:11,22 176:24,25 177:13,17 203:15 217:20 223:5,12 224:14 227:25 228:19 231:24 251:17
numbered 154:25
numbers 103:11 104:21 104:22 111:7 132:23 133:1,9 137:9 141:14 141:21 142:13 158:5 177:25 182:23,25 190:5 201:2 209:2 224:10 227:3 250:21 251:1 257:1
numerical 209:21
numerous 12:12,15 23:16 36:5 101:10 208:17
nw 6:4,13

o

o'clock 159:13
o'connor 219:3
oath 11:8
object 193:13 196:8 253:5
objecting 258:14
objection 83:6 83:9 84:17,23 100:19 107:21 107:25 110:2 137:19 196:8
objections 64:8 64:13 83:16 139:16 147:16 147:17
objective 131:17
objectives 76:19
objects 11:4
obligation 198:23 234:13 260:11
obligations 209:16
observant 104:23
observed 68:1
obvious 111:9 111:14 133:22
obviously 75:19 88:14 133:1 168:19
occasion 218:18
occasionally 37:15
occupied 90:1
occurred 14:4 213:12,12 231:18
occurs 142:22
ocg 260:17
ocga 260:5,6 263:4
offend 142:9
offensive 22:6
offer 35:12 46:9
offered 42:7 63:24 64:22 84:12 109:20 111:16 114:14 162:8 165:20 208:7 253:1
offering 64:21
office 3:10 5:3 18:23 20:10,21 27:2,5 28:5,23 35:17,18,19

36:25 37:3,10 38:2,16,18,18 38:25 39:3,16 44:16,19,25 56:21 101:13 101:21 110:15 110:20 173:21 198:4 200:13 207:14 213:5 218:19 219:16 223:15 228:3 228:16 237:22 237:24 238:18 239:14 242:14 246:10
officer 29:23 261:17
offices 28:3 262:2,7
official 111:7
officials 3:21 191:18 213:20
officio 29:2,3
oh 9:11 23:16 23:16 37:12 120:16 121:5 160:7 168:12 179:19 185:21 234:12 240:19 242:21 244:16
okay 9:8,16 12:9 17:1,18 17:22,25 18:4 18:5,18 21:23 24:20,21,22 27:17 28:15 41:19 42:21,24 43:1 44:9 49:17,19 52:14 56:21 57:5,12 60:12 64:6 68:9 69:20,23 69:25 76:2 82:14 83:4,12 83:17,21 84:5 85:2,9 86:14 94:9,14 95:3 97:14 101:16 106:4 107:7,9 110:6,8,13 112:7,13 113:23 114:2 114:23 115:7 115:15,16,21 116:10 118:18 119:3 120:1,10 120:12,14,16 120:20,20,21 120:25 121:6 121:23 123:17 127:24 128:3 134:8,11,20 135:2,5,7,11,16 135:19 136:7 139:21 144:11 145:2 149:24 150:2,13 154:21,24 157:13 158:22 159:5,13 160:10,11,17 163:25 168:2 168:12,15 170:12,14 171:5 173:23 174:4 175:5,7 177:5 179:16 179:25 182:1 185:16,23,25 186:6,9,11,14 186:14,24 187:12 188:10 188:18 189:23 191:2,14 193:23 194:5 195:11,12 196:19 197:8,9 198:15 199:13 211:8 212:5 214:18 221:20 222:17 228:9 228:10,15,20 229:2,16 230:1 230:8 231:23 233:12,20,22 234:16 238:8 238:11,13 239:2,20 240:13 242:21 242:25 243:2,2 243:5 244:1,6 245:3,5 248:21 250:16 251:6 253:10 254:12 254:13,15 255:3,15,22 256:8,25 257:3 257:7,13,16,25
old 80:5 134:5 135:19 137:11 168:19 178:24 184:15 188:24 189:24 221:12
once 11:5 32:22 145:10 167:24 262:6
one's 166:13
ones 11:22 15:8 70:3 73:4,22 87:20 102:7 218:21
online 114:17
open 10:24 16:22 33:20 77:14,15 113:12 196:5,9 237:10 246:12 258:16
operate 73:19
opinion 12:24 13:7 35:12 48:19 49:11 52:2,20 68:6 132:1 133:25 137:25 138:10 138:12,15,17 138:19,21,22 139:8,13 162:19 204:11 204:11 205:21

206:1 248:9 250:2,2 256:11
opinions 47:9 66:6,9 68:14 68:23 78:25 86:23 89:9 208:5
opportunity 69:14 108:5 201:10,15 206:16 208:3 208:23 233:25 234:3 235:3,9
opposed 141:14 142:13 148:24 149:4 187:2,14 187:15
oral 114:7
order 84:18 126:23 127:2 127:11 129:5 130:7 131:19 132:7 133:7 137:16 143:3,5 145:7 258:22 259:1
ordering 260:22 262:9
organization 34:15
organizations 90:21
oriented 91:21
origin 174:12
original 262:9 262:11
oth 174:14
ought 30:8 79:1 86:24,25 88:25 117:24 190:10 234:20
outcome 250:9 261:13
outset 219:8
outside 20:11 20:24 40:24 41:5 44:1,11 52:16 85:5 203:5
outstanding 93:2
outstripping 132:13
overall 61:25 62:2,15 126:7 126:8
overlay 80:22
oversight 81:24
own 203:1

p

p 7:7
p.m. 107:10,12 107:13,14 121:8 159:14 159:16,17,18 195:13,15,16 195:17 245:7,9 245:10,11 258:15 259:3
pack 63:1
packet 232:15 232:19
packing 62:21 63:7,17,19 64:10 67:11
page 2:2,10 3:2 4:2 17:10,12 17:14,15,16,17 18:2,3 111:6,8 120:15,15,24 120:24 121:1 122:17 125:6 134:21 136:5,6 136:16,18 139:24 141:1 144:12 154:25 160:15 173:22 174:22 182:6 185:17,21 194:16,18 205:2 214:20 215:2,6 216:9 238:9,13 263:9 263:11,13,15 263:17,19,21 263:23 264:1,3 264:5,7,9,11,13
pages 120:6,13 120:13 154:24 194:15 228:18 261:10 263:7
paid 240:25 241:2
pair 169:19
pairing 168:16
paper 16:10 37:25
paragraph 113:4 228:23 230:23
paralegal 7:19 8:13
parameters 49:3,5
pardon 124:11
parent 150:7 151:22 152:19
parent's 150:8
parentheses 194:21
parity 225:10
park 5:18 6:8
parkwood 7:8
part 27:23,24 31:8 45:4 51:14 52:15 53:8,15 58:11 59:5 60:5,21 60:22 67:25 69:5 71:18,20 72:19 80:15 89:18 91:9 99:8 100:7 101:10 104:9 105:15,17 109:13 110:18 116:12 117:3 117:18 122:13

123:21 124:14 124:19 134:13 137:4 140:2,6 140:10,11,16 141:13,14 142:12,13 143:20 155:17 157:21 171:21 176:17 186:16 186:19 189:2 195:5 204:1 205:10 211:5 223:7 224:16 227:11 234:4 236:8 239:24 242:12 249:2
partial 27:23 180:3,5 182:5 182:8 227:15 227:18
participants 50:19
participated 145:14
particular 31:11 46:18 55:4 63:4 65:8 75:2 82:25 91:1 97:21 109:8 138:23 172:23 215:14
particularly 71:17 77:24
parties 86:8 149:9 152:24 213:4,17 243:23 260:17 260:23 261:12 261:17 262:9
partisan 105:12,15,20 105:20,24 157:4 223:21 224:7
partisanship 223:14,17 224:2,4 226:3 226:9
partner 26:6 122:3
parts 180:12,12 180:13,13 251:14
party 148:25 149:4,8 172:19 198:3 199:21 200:9 212:8,12 212:14,16,25 213:9 214:11 226:1,10 237:15 239:22 240:18,22,23 242:3,9,13 255:24,25 256:5,6 260:12 260:18 261:14
pass 149:8 255:3,5
passage 33:11 147:10,13 217:16 231:17
passed 33:12 37:21 42:7 74:2 146:6,24 147:5 148:1,23 149:2 171:1,2 171:24 187:8 187:10,13 230:14,17 236:24
passing 85:11
password 260:21,22
past 62:14 104:18 210:2 226:11,12
path 92:2
patrick 7:13 8:19 13:21 24:5 262:1
patrickj 7:15
paulding 185:11 191:20
paying 14:11 241:17
pdf 262:5
peach 28:2
pendergrass 7:1 8:22 255:20 258:11
pending 22:12 196:5
pennsylvania 6:4
people 44:19 45:22 47:9 56:18 63:4 66:24 78:22 89:3 92:6,19 93:2 103:11 114:7 128:12 137:15 148:6 148:12 153:1,3 157:10 176:21 177:21,21,23 178:1,1,3,4 185:13 190:21 198:6 200:24 223:5 224:18 226:13 227:2 227:23 237:7 244:24 256:12
perceived 64:15
percent 58:6 125:12 174:8 189:5,10,16,20 190:13,24 191:6 198:1,25 199:3,12 201:7 223:1,3 250:19 250:24
percentage 55:3 61:21,25 62:2 109:10 125:9 189:4 190:19 208:21 226:13

percentages 175:9
perform 52:22 53:1 56:1,5,21 58:25 175:17
performed 57:21
period 147:18
permissible 47:13,14
permission 238:19 239:6
person 78:12 78:13 80:7 197:21,23 213:23 221:4
personal 16:12
personally 41:1 237:20 241:9 254:23
persons 155:3,5
perspective 105:24 128:4 247:5 253:15
pertains 122:11 257:21
phi 6:17 9:1 258:4
philosophical 88:3
phone 222:15
phrase 56:16 91:11
phrased 99:12 118:16 139:4
physically 172:2
pick 157:10
pickens 112:24 113:2 184:5,10 216:10,16,23
picking 141:17 142:14 227:22
picture 31:9 62:11 100:1,2 126:7 190:8
piece 124:3 141:18
pieces 140:8 142:15 148:21
place 94:22 117:22 135:2 135:20 193:11 260:16
placed 63:14 161:10 181:14
places 77:15
plainly 115:10
plaintiff 1:5 8:24 9:3 196:21
plaintiffs 5:11 6:1,17 7:1 8:8 8:11,22 9:1,7 10:5 196:4,12 255:20 258:4 258:12
plan 110:16,21 113:10,23,24 119:16,23 125:16 134:3,4 134:14,19 136:22,23 139:9,9 144:20 145:1,4 170:24 185:24 186:18 187:2,25 200:8 200:12 201:7 236:4,4
plans 70:18 160:16 161:12 161:12,16 162:4,7 205:1 242:12 249:2
play 31:5 97:9 199:13 205:22 245:21
played 211:9
playing 199:14 199:19 246:1
plaza 6:8,22
please 8:4 9:16 10:7,20,23 11:2,5 16:23 56:4 59:14 60:14 79:16 80:6 92:23 115:15 119:25 134:7 140:25 150:24 159:21 160:2,3 161:15 165:8 168:14 177:4 181:23 198:16,18 216:17 231:7 233:15 243:14 257:20 262:7 262:12 263:6,7
plural 102:17 229:25
plus 104:4 198:1,25 199:4 199:12 201:6
podium 216:14
point 10:22 16:4 28:25 43:20 59:24 64:12,19 73:16 83:15 90:5 92:24 94:24 98:22 100:11 102:2,10 116:4 118:5,7 145:14 148:20 156:3 175:2 189:13 201:1 210:3 227:22 230:16 249:7 251:24
points 249:3
polarized 51:6 51:25 52:7,20 52:22 53:1,10 53:22 54:6,24 58:15,25 200:4 211:10,16,19
policy 76:19 77:1 179:6,9
political 25:13 47:8,10 48:22 49:3,7 200:25

226:1,10 237:15
politics 32:21 79:1
poll 197:18 198:7
polls 56:18 66:25 188:16 190:22 191:3 197:12,14,22
pop 174:9,10
population 58:5 96:9 98:24 103:6,9 103:17 109:11 124:5,7 125:9 125:12 128:4,6 128:10,12 129:1,6,7,14,18 130:3,5,7,11,14 130:24 131:7 131:23 132:23 132:25 133:5,7 133:9,10,10 137:5,9,16 141:2,5,7,8,12 141:14 142:13 156:14,23,25 157:11 158:2,4 173:6,15,25 174:5,6,7 177:13,22 178:2,5 184:18 186:23 188:12 189:4,11,20 190:13,19,24 191:6 193:7 200:23 201:1 201:14 208:9 208:10,22 209:1,21 222:19,19,22 222:22,23 223:3,12 225:7 225:10 227:5 247:1 250:18 250:23 251:15 251:20 252:9 252:16 254:5
portal 114:10 114:17,20 115:3 237:7
portion 132:6 132:19 134:2,2 134:13,16 135:15 174:6 178:20 184:17 185:1,4 186:25 187:2,3 198:20
portions 221:25
pose 195:24 196:1
position 28:23 32:10 33:25 36:23 59:8 203:23 213:1
positions 29:23
positive 13:14
possible 78:14 101:7 105:2 127:23,24 128:3,5 133:19 137:10 153:9 166:5 216:5 217:12,14,21 217:25 233:24 234:1 235:2,9
possibly 64:16
potential 61:17 64:16 243:23
poverty 5:12 7:19 8:7,10,13 10:4
powder 185:1
power 201:20
practically 31:4
practice 26:7 26:10 164:22
precedence 247:16
precinct 166:10 167:16 225:4
precincts 165:10,22 166:20 225:8 225:12
preclear 70:18
preclearance 70:7,14,22 71:4,10
predecessors 193:1
predominantly 183:2
preference 248:17
preferred 56:2 56:7,23 57:4 57:16 58:10 65:23,24 125:15,20 126:1,14 191:7
premature 107:21
preparation 22:18
prepare 18:11 18:19 21:6 50:22 155:8 210:10,14,17 243:6
prepared 18:8 24:17 50:24 163:14,18
preparing 24:7
prescribed 147:18
present 7:16 43:14 51:25 53:22 107:3 119:20 198:23 218:6 235:7
presentation 161:11
presentations 92:20

presented 33:16 64:9,14 91:24 113:12 113:18,20 119:16 146:15 146:16 166:3,7 175:16 215:20 260:1
presenting 86:23 147:16 200:15
presents 33:10
preserve 78:15 134:3 138:6
preserved 105:1 138:6
preserves 136:12,19 139:10
preserving 134:18 159:1 169:10,15 180:23
president 191:21,22,22 191:23
press 4:3 85:24 110:25 111:3 111:16 113:5 113:20 114:8 116:6,9,15 122:14 194:7 228:3,15 229:11,23 230:7,12,13 236:8
presumably 20:18 194:8 211:6
presume 81:24
presumed 105:20 224:11
presuming 224:18
presumption 226:4
presumptuous 14:18
presupposes 106:17 190:21
pretty 28:17 29:5 37:8 44:4 50:6 157:22 234:17 254:7
prevails 250:9
prevent 256:16 257:8
prevented 257:12
previous 35:8 55:6 73:9,23 74:9 99:3 135:2,3 137:7 215:23 241:20 242:2 244:4 257:22
previously 21:7 112:25 156:2 178:21
primarily 202:23
primary 27:3 183:4,6,9 206:9 222:21 222:24
princeton 87:2 87:3,5,24
principally 112:11 173:6 202:13,21 206:22
principle 105:7 161:15,20,25 162:3,6 164:10 165:8 166:23 167:25 168:10 168:17,22 169:6 203:18 211:15,16 248:1
principles 31:5 47:6 59:9 60:25 66:23 73:18,19,22 74:1,4,14 76:23 78:22 88:6,10,14 102:13 103:24 104:24 111:20 111:22,23 112:4 131:11 159:2 160:16 161:8,12 167:4 167:9,24 168:25 169:3,5 170:4,10 203:11 204:1 204:17,21,21 205:1,3 209:25 212:3 231:12 248:10,25 249:2,8 250:8
print 194:17 262:5
printed 156:10
prior 3:15,17 3:19 28:8 33:25 44:2 58:12,13 61:15 72:4 82:8,11 82:12 92:3,13 92:15 93:17 99:8,13,19,19 101:18 105:1 107:4 121:19 122:7,7 123:4 125:18,18 134:4,10,18,25 135:9,23,24 136:8,11,12,13 136:20,23 137:14 138:6 139:10 153:6 153:11 159:2 169:11,12,16 172:20 174:16 175:8 176:6,15 176:20,23 177:10,11

[prior - produced]

180:4,19 182:4 182:9,12 184:1 189:3,25 190:2 193:11
priorities 247:19 248:17 248:22
prioritize 180:23 181:1 181:11,13
prioritized 78:16 180:25 181:7
prioritizing 200:6
priority 248:2 248:6
privilege 83:2,6 84:17,18,20 100:20 107:22 107:25 110:4 193:14,18 196:6 253:6,7
probably 14:17 19:10 21:13 30:18 31:4,16 37:9 43:20,24 44:19 46:2 50:2 58:11 62:6 69:16 70:10 73:16 74:18 75:17 77:7 78:5 83:15 85:9,10 87:18 88:7,12 88:15 89:22 93:14 95:19 98:25 99:14 100:2 101:9 105:5,8 123:13 123:20 173:8 183:21 206:21 209:23 212:13 215:19 223:6 232:12,21 242:14 252:25 256:12
problem 126:5 243:2
procedure 10:12 263:4
proceeding 260:1,18,22 261:16
proceedings 11:19 13:18 260:9 261:10
process 20:19 29:19 30:16,22 30:25 32:5,11 32:14,22 33:3 33:6,7,23,25 35:5,10 38:21 40:25 42:2,4,5 42:13 44:12 45:21 46:9 50:1 51:1,13 51:14 53:8,12 53:15,18 54:25 57:22 58:11 59:6,21 62:7 62:18 64:12 65:1 66:15,17 66:22,22 67:1 67:7,13,14 68:1 70:5,23 71:20,24 72:3 73:12,12,13,14 73:21,25 74:6 80:15,20 81:14 81:19 82:10 85:18 86:16,19 86:24 87:2 88:1,18,23 89:17 90:3,5,8 90:9,18 91:1 91:20 92:5,20 93:23 95:10 96:4 99:18 100:6,9 101:24 103:14 105:16 105:17 106:25 122:2 124:19 130:22 131:16 145:14 147:9 147:10,12,13 148:16 153:3 153:23,24 157:8 163:20 164:9,12,16,20 165:19 166:3 167:11,19 171:15,19 188:11 193:1 194:14 200:25 201:21 202:14 203:12,24 204:3,23 205:5 205:22 208:20 209:7,18,20 210:2 211:6,12 211:17,24,25 212:7,12 214:12 217:4 217:22 224:5 225:2 228:25 230:24 231:1,5 231:10,12,14 231:15,15,18 231:21 234:20 234:21 235:13 235:16 237:10 240:17 241:23 248:13,18,22 249:12 250:3 250:12 251:14
processes 73:10 73:16 162:25
processing 235:18
proclamation 143:3,6
produce 204:23
produced 18:21 20:3,19 30:25 34:15 36:10 39:12,18 154:2 155:12 156:10 249:18 260:19

producing 38:5
product 32:2,4 38:15 80:21 81:23 98:21 99:4 104:19 116:24 118:20 118:24 164:20 208:6 209:7 216:2 231:4,9 234:21 236:25 250:14 252:18 252:19,20
production 80:23 205:5 211:6 262:13
professional 5:5 232:22 260:11 261:6
professionally 237:20 238:1
professionals 209:17
programs 173:1 256:17 257:9
progress 156:20
prohibited 260:16
prohibitions 260:6
project 87:2,5 87:24
projected 219:22 221:7 221:11
projecting 221:14
projection 219:25 221:8
projections 220:16 225:14
projector 221:12
promote 256:17 257:9
propensities 189:1
proper 43:4 138:4 165:7 250:15
properly 250:13
property 11:21
proposal 107:3 229:9,19
propose 123:23 124:1 128:19 140:2,6,22 141:8 144:2
proposed 3:13 105:19 116:20 140:4,16 150:21 151:4 152:3 153:18 168:21 170:18 171:6 202:10 203:2 206:5,15 208:2 209:15 223:23,24 225:6 246:17 249:13
proposing 147:15
propounded 261:8
protect 103:22 106:5
protected 246:15,23 260:21,22
protecting 77:5 78:8 246:24
protection 200:3
proud 183:16
provide 14:19 36:2 37:10,13 42:12 43:2 59:12,16,18,22 61:5 66:13 92:24 98:8,17 103:1 151:1 152:17 155:5 172:5,7 176:1 260:15
provided 14:16 42:21 46:20 113:6 139:6,19 155:5 164:9 200:9 238:15 239:17 258:6
provides 37:3
providing 14:3 119:9 241:22
provision 163:4 163:7
provisions 47:6 162:8,24 163:19 164:6 209:6
proximity 122:15
public 33:19,20 33:21 53:21 54:4,13 63:23 71:7,14 77:15 92:19,21 93:12 93:17 100:4 111:19 112:8 112:16,20 113:6,11,13,15 113:22 114:2 116:23 145:11 145:12 146:5 146:14,15 147:21,22 148:4,5 171:11 171:14,16,18 171:18 194:13 194:14 228:24 229:6,12,17 230:24 231:3 236:17 237:1,6 237:24 256:9 264:23
publicly 144:17 238:17
published 119:6 122:18

123:9 173:20
pull 35:16 132:15 205:15
pulling 68:5
purely 130:14 251:4
purpose 34:13 44:2 48:20 66:14,21 74:5 153:19 194:13 196:9 251:24
purposes 23:1 23:14 34:14 49:4,4,7,8 64:1 64:5 75:15,21 75:21 225:7
pursuant 200:23 263:4
put 41:20 53:14 55:17 63:2 80:8 96:18 141:20 148:13 148:19 168:18 178:23 220:23 232:15,19 239:7
puts 106:18
puzzle 124:3 140:9 141:18 142:16

q

qualifications 13:8
qualified 137:24
qualities 30:13
quarter 27:25 227:20
question 10:15 10:19,24 11:4 11:6 12:9 18:19 22:19 39:15 41:8 44:3,7 52:10 53:4 56:15,20 56:25 57:12,18 61:7 64:5 66:2 68:20 69:25 70:1,20,21 71:1 73:9,24 75:24 78:18,19 78:23 79:2 81:5 83:8,10 84:19 86:11 87:15 91:4 93:15 97:17 99:12 106:17 108:5 110:18 112:15,19 115:11 117:3 118:16 126:18 127:4,12,16 129:22 130:3 132:8,14 136:15 137:5 138:1,14,16 139:2,7,12,13 140:13 147:8 149:1,5,17,22 154:10 159:6 163:22 164:1 166:12 168:4,8 171:20 173:7 177:7,20 187:12 189:9 190:17,21 193:23 197:11 197:17 198:14 198:15,19,24 202:24 206:1 206:10 212:20 214:1 216:21 220:20 224:4,6 229:10,21,24 233:1,4 239:12 239:13,21,23 239:25 241:20 243:12,14 244:9 247:18 250:6 251:10 252:11 253:6,7 253:11 254:10
questioning 10:25 100:13 107:19,22 138:4 193:24 257:21
questions 2:9 11:9 18:8,13 18:14 42:25 53:3 68:13,21 68:23 96:22 129:16 139:1,1 139:18 142:15 148:13 160:15 193:20 195:23 195:24 196:1 196:12,22 204:19 206:23 207:22 208:13 210:4 212:5 213:7 233:21 236:7 247:21 250:17 254:16 255:21 260:19 261:8
quick 242:6 245:3,4
quicker 147:12
quickly 73:2 193:3,5
quite 12:23 13:14,19 16:10 32:17 41:23 60:24 211:21 218:2 225:16
quote 69:9 165:13,14,16 165:17
quoting 54:19

r

r 261:1
race 48:11 51:22,23 55:12 63:4 65:8,8 67:3,22,24 68:4 76:10 182:21 191:3 197:12 209:2

races 51:21 174:15 175:10
racial 54:23 55:12 61:5 79:11 106:16 157:1 222:14
racially 51:5,24 52:6,20,22 53:1,10,22 54:6,24 58:14 58:25 200:4 211:9,10,16,18
radar 225:12
raise 9:8,17
ran 27:15 101:21 237:22
range 75:12 142:3,5
rather 10:16 54:22 60:22 64:17 88:17 104:2 127:7 205:20 224:21
rationale 88:24
reached 116:22 209:22
reaching 165:20
read 18:2 19:19 36:3,6 110:12 125:6 140:25 150:11 151:25 154:22 161:15 162:3 165:8 168:10,12,22 173:24 174:1 186:8 191:14 194:6 198:20 215:7 232:12 238:12 239:11 242:10 262:3 263:1
reading 16:10 34:16 154:24 176:18 178:14 230:12 254:21
readout 156:14
ready 245:22
real 38:17,19 39:4 43:16 60:8,16 61:4,8 61:10 119:13 138:10 156:14 157:7 207:20
realized 120:20
really 15:21 18:13 19:4 20:17 33:2 37:17 44:23 48:7 52:10 53:9 54:21 58:21 64:14 75:22 78:23 81:13 88:2 89:3,3 119:10 149:17 166:20 185:8 203:17 204:10,13 208:4,15 210:3 213:25 219:2 220:4 233:10 243:24 253:24
reams 36:6
reapportionm... 1:14 3:10,22 16:14,17,20 35:17,18,19 37:3,10 44:16 44:25 56:21 110:15,20 111:21 173:21 196:24 199:15 200:13 202:3 202:25 204:5 205:24 206:4 238:18
reason 11:8 108:25 129:8 151:8 176:9 207:17 212:13 251:11,19 252:15,15 263:10,12,14 263:16,18,20 263:22,24 264:2,4,6,8,10 264:12,14
reasonableness 12:25
reasoning 117:17,18 140:21
reasons 46:8 75:18 130:15 141:24 195:10 251:16 263:6
recall 12:17 13:5,10 14:6 15:6,7,21 18:14 21:9,15 22:3,7,14 31:23 34:13 40:7 44:21,21 45:13,16,18,23 46:11,14 48:9 48:14,22 49:5 49:13,15 50:12 50:19 51:2 55:8,9 63:24 64:21 69:15 71:12 72:6,7 74:2 79:8,11 82:2 85:16 87:22 88:10,13 88:16,23 90:19 94:15 98:19 106:8,8 108:14 109:2,7,9,12,12 112:14 113:23 114:21 117:12 117:17 119:24 142:1 143:15 145:17 151:6 152:6 154:1,7 156:12 157:1,4 157:16 158:3 159:7 176:2 192:6,14,17 214:14 216:14 218:13 222:4

224:9 236:4,23 239:8 241:9
recalling 217:1 254:22
receipt 171:17
receive 49:12 78:1 114:2,11 151:9,10,13
received 19:18 20:8,10 30:2 85:10 114:6,9 117:2 146:14 151:3 167:11 200:19 234:15 234:18 236:18 242:17
receiver 12:1,5 13:4 26:14,15 26:16
receivership 11:25 12:13,16 13:6 26:12
receives 260:18
receiving 52:17 151:6 194:13
receptive 146:20
recess 55:20 107:12 159:16 195:15 245:9
recognition 200:4
recognize 211:15 219:8 219:10
recognized 178:16 211:10 211:17
recognizing 252:2
recollection 19:9,15 20:14 22:5 50:21 53:13 54:8 71:16 82:5 91:2 102:8 114:13,19 154:11 173:13 192:8 210:3 221:3 226:16 241:16
recollections 122:16 154:16 234:6
recommend 129:12
recommendat... 123:20
recommendat... 124:15 215:10
recommended 108:20
reconsider 148:17
record 8:5 10:8 10:14 55:19,23 83:5 107:11,15 108:4 145:11 151:25 159:15 159:19,20 195:14,18 198:20 245:8 245:12 258:5 258:17 260:9 260:11,19
recount 88:2
rectangular 220:7
red 34:16,16,23 35:3
reddish 35:1
redistrict 35:9
redistricting 1:14 3:12 10:6 11:17 15:4,15 16:7,14,18,19 16:21 20:6 21:2 22:10,13 23:15 26:22 28:9 29:7,15 29:17,24 30:3 30:17,21 31:15 31:25 32:20 33:24 34:4,8 34:18,23 35:5 35:9,23 36:13 36:15,16,20,24 37:4 40:10,25 41:10 42:2,6 44:2,6,12 46:21 47:9,11 48:22 53:12 54:25 62:8,14 62:22 63:19,21 65:4 66:19,21 67:6 68:18 70:8,18,24 71:23 72:3,11 73:9,20 74:6 74:20 77:23 78:9 82:10,17 84:8,15,25 85:4,18,22 86:9,16,19,24 88:4 89:17,23 90:6,8,8,14,16 90:18 91:1 92:5 93:23 95:9,17 96:16 107:24 108:10 108:13 110:16 110:21 111:21 118:11,16 122:2,4 124:6 126:7 129:10 130:23 140:10 140:12 143:5 144:3,19 145:4 147:2,4,9,11,12 147:20 149:6 149:13 151:3 151:23 153:3 158:9,11,18,20 159:8 160:21 160:24 161:6,8 162:11 163:12 163:20 164:12 167:18 170:24 173:18 188:11 188:22 189:4

189:22 190:15 192:22,25 193:10,17,19 194:9,11,14 196:24 199:16 202:3 203:1,20 203:23 204:3 204:21 205:24 210:2 211:23 212:7,12 214:11 217:4,8 224:5 228:25 230:24 231:1,5 231:10,11 232:13 235:13 238:14,22 239:15 241:23 244:8,10 248:10,16,18 248:22
redistricting's 204:6 206:4
redistrictors 158:24
redrafting 37:18
redraw 222:24
redrawing 132:25 165:19 201:3
reduced 125:8 250:18,23 252:10,12,17
reevaluation 30:7
refer 16:16 62:25 186:22 204:17,24 237:5
reference 16:16 22:21 44:13 71:3,22 72:12 189:12
referenced 22:11 47:7 71:10,13,18,25 77:8 98:23 152:3 192:5 230:22,23 239:6
references 46:23 209:1
referencing 46:18 78:19 141:4,5 229:24
referred 35:3 63:17 74:15
referring 41:13 152:2 158:17 158:18,23 166:7 184:8 202:18 205:9 257:14
reflect 123:11
reflected 117:8 117:21 124:24 193:6 217:12
refrain 139:15
refresh 19:9,14 19:14 54:8 91:2
refreshing 19:19
regard 12:2 13:2 19:10 72:21 73:25 144:4 166:2 240:1 247:19 247:23
regarding 44:6 89:17 90:8 193:20 234:21 235:13
regardless 40:15 191:3 197:11 198:3
regards 43:4 76:25 179:8
register 225:25 226:10
registered 5:5,6 237:23,25 261:6,6
registrars 3:21 191:17
regs 214:2
regulated 28:18
regulations 209:5 260:4
related 76:6 77:1 183:13 205:13 253:12 253:17 254:18 254:24 257:11 261:12
relates 241:20
relating 155:4 155:7 260:22
relation 242:17
relationship 13:22 260:10
relative 62:13 63:2,15 71:23 108:17 189:14
release 3:5 4:3 72:4 82:13 92:3,13,16 93:17 110:25 111:3,16 113:5 113:20 116:6,9 116:15,23 117:4,7,14,25 122:7,14 192:3 192:17 194:7 229:11,23 230:7,12,13 236:8,11,14
released 82:8 82:11 85:4 94:13 110:16 110:20,24 111:1 113:24 137:17 144:17 146:11 200:16 236:8
relevance 190:7
relevant 138:18

reliance 59:25 59:25
relied 35:24 48:6 69:7 89:9 126:3 161:21 162:12,12 163:9,13 166:14,22 190:8 193:9 207:2,3,6 212:3 234:19 247:22 248:12
rely 186:3 206:19
relying 105:25 131:13
remained 157:22 237:10
remaining 86:7
remember 12:24 13:15 15:24 16:9 19:21 20:5,7 20:15,17 21:11 21:16 23:22,22 25:21 35:1,8 35:12 36:4,8 36:12,20 39:24 40:2,5 41:23 43:17,23 45:5 45:9,20 46:1 46:17 47:2 49:18,21 50:15 50:17 52:21 53:24,24 55:12 56:10 58:18 64:7,10 71:5 71:15 72:7,9 72:12 73:17 75:15 79:2,6 81:1,3 82:7 85:9 86:17 87:10,19 88:8 89:2,22 90:14 91:6,23,25 92:14,22 93:10 96:17 97:23 105:3,4,10,14 107:6 108:19 109:21 113:19 114:1 115:13 117:16,19 121:25 123:13 123:25 125:22 128:21 140:21 140:24 144:9 144:18 145:6 148:3,4,6,7,8,9 148:11 151:14 152:6,9 153:16 153:20,21,23 153:25 154:4,6 156:1,11,16,24 156:24 157:6,9 157:12,15 161:3,7 171:7 174:18 175:2 175:12 182:12 184:7 190:5 192:7,13,16 195:1,7 202:6 208:13,25 210:16,20,23 210:25 211:5 213:8 215:16 216:6,22 218:2 218:7,9,11,14 218:17,18,22 218:24 219:1,3 219:5,12 220:2 220:3,4,21,24 222:18,18 223:14,16,18 224:13,20 225:3,7,15 232:23 233:5 233:11 235:11 235:12,14,15 235:18,24,25 236:10 239:10 240:3,5,11,14 251:19 252:8 252:12,15
remembering 89:7 142:9 230:11
reminder 171:23
removal 132:19
remove 129:3,5 129:20 131:23 132:5 134:16
removed 131:18 133:6 140:23
removing 129:7 130:6 134:1,12 135:15 256:8
render 13:7 68:13 137:24 138:10,12
rendering 48:18 49:10
repeat 18:18 110:18 112:1 112:19 131:21 149:1 198:15 198:18 205:8 242:6
repeatedly 196:8
rephrase 10:21 86:13 165:14 252:13
report 260:10
reported 1:23
reporter 5:6,6 8:5 9:8,11,16 9:21 10:13 160:4 198:18 198:21 199:18 228:1 258:18 260:1,2,5,8,20 260:21 261:6,6
reporting 260:5,15
reports 37:5,11
repository 260:22

represent 16:3 27:22,23,24 28:1 40:3 80:7 116:8 137:12 137:14 144:24 173:19 176:5 184:25 227:11 251:5 255:19
representation 65:19 241:3 243:19
representations 260:3
representative 16:13 18:16 194:10
representatives 79:24
represented 138:15 145:21 175:1,4 222:6 227:20 230:16 244:8,9 247:10 247:11
representing 8:8,10 10:5 13:20 26:14,16 41:10 53:5 150:22 152:5 202:7 243:21
represents 33:16 243:11 243:16
republican 41:17 72:15 223:22 224:10 224:19 226:15 237:18,19 238:1,4 255:25 256:5
republicans 224:11
request 84:24 92:15 93:2 97:20 140:19 194:8 237:12 238:15 239:17 253:4
requested 43:22 84:2 97:22 198:20 262:3
requesting 93:15 192:1 238:16,20
requests 151:20 155:4 214:12 215:8 216:1 217:7
require 67:22 84:19 203:17 239:25
required 68:3 69:2 70:7,18 71:4 128:13 132:14 146:19 164:3 177:22 204:7 227:3 247:24
requirement 70:14 141:12
requirements 46:7,12 47:2 47:18 59:4 60:5 68:10 69:4 103:18 106:21 112:3 126:12,24 127:3,11 128:6 129:6 137:16 158:25 159:3 163:15 173:17 200:2 225:10
requires 162:11 163:12 163:22 213:3 213:16 253:8
rescheduled 194:21 195:9 235:20
reserve 258:5 258:11
reshuffling 195:6
reside 24:25
resident 85:17
residents 86:10 148:9 179:3,4 179:10,10 181:15,19 183:5,6 184:5
resolution 3:21 191:16 192:1,6 192:14
respect 48:10 74:21,22 75:2 92:4 105:7 110:3 158:8 167:22 178:11 200:21 203:12 224:1,3
respected 68:2 165:24 178:23
respectful 80:18,20 104:12,23 133:23 201:17
respectfully 204:14
respecting 167:4 178:25
respond 10:15 10:15 152:12
responded 152:14
response 197:11
responses 114:10
responsibilities 32:24 33:2 42:5
responsibility 40:16 200:21 200:22 213:24 262:4
responsible 42:14 241:22

rest 157:21
restart 199:2
restate 56:17 131:21 189:9
result 42:6 57:23 156:9 164:17 165:6 166:5,6 191:7
resulting 156:17
results 58:14 177:11 217:8
retain 41:3 241:11
retained 16:3 41:5,16,22,24 41:25
retainer 241:7 241:14
return 154:20 176:3 185:15 188:9
returned 262:8 262:10
returning 102:18
reveal 82:25
revealing 52:10
review 19:5,7 38:16 113:6 114:5 146:8 149:25 155:14 155:20 156:3,5 157:5 160:14 168:10 172:20 172:23,25 173:5,8 174:16 175:8,17 230:23 260:1 262:4
reviewed 18:25 19:3 21:13 114:13,14,19 114:20 115:3 115:14 116:11 155:10 160:18 173:2 210:10 210:17,21 211:7 225:3
reviewing 19:17 21:15,17 105:22 114:16 114:21 120:5 123:15 151:15 226:3 228:24 229:12
revised 39:1
rich 77:18 81:17 143:12 194:10
richmond 191:24
right 9:8,17 18:16 20:1 25:16 30:24 31:23 34:22 55:24 58:19 72:8 81:19 87:6,21 98:19 98:22 99:22 101:3,6,24 103:12,14 104:21 115:12 133:15 134:24 135:6,8,22 136:9,17 143:11 145:24 146:1 152:6 161:4 174:15 176:7 177:17 180:5,8,10 182:6,11,15 184:11 185:13 185:14 187:21 192:23 198:3 202:11 206:17 207:11,21 209:13 210:7 211:10 215:3,8 224:20,22 228:13 229:1 232:17 234:22 237:5,14 239:3 247:8,13 254:2 254:2 256:14 256:25 258:5
rights 6:11 43:6 47:5,18 59:13,17 60:4 60:11,19 66:1 66:19,20 67:2 67:19,21 68:11 69:2,11 70:2 70:15 151:4 161:17 162:20 162:25 164:5 200:3 201:9 202:10,12 203:3,22 204:1 204:7,12 205:13,16 206:6,13 209:5 209:12 246:15 247:16 248:3,6 248:9 249:14 249:24
ring 247:3
rmr 1:23 261:22
road 50:9 74:20 248:8
rob 219:5
rodeo 147:2
role 32:24 40:10,11,14,18 42:1,9,11,11 60:6 116:12 119:8 152:10 161:5 171:21 172:13 205:22 213:1,3,15,24 240:4,7,10,12 240:15 248:11
rollins 6:13
rollout 37:25
room 61:11 98:15 199:14 218:13,23 219:1,3,6 220:7,22,24

225:2
roswell 246:9 262:14
rotary 89:19
rough 101:2 258:18
routine 152:24
rpr 1:23 261:22
rpv 54:24,24,25 55:2
rsl 34:12
rule 73:13 263:4
rules 10:12 28:25 29:3,21 209:4 214:2 260:4 263:4
ruling 196:5
run 27:2,5,12 27:14 169:20 193:11 237:23 240:18 246:6 246:10 257:2
running 246:4
runs 75:12 101:21 218:3
rushing 257:3
rutahindurwa 2:5 7:2 8:21,21 255:11,15,18 257:20,25 258:9

s

s 6:23
s.b. 57:2,2 69:24 135:21 135:22 136:14 136:17,23 144:16,19 147:22,25 148:10 153:6 153:11 154:9 171:4 172:20 174:17 175:9 175:13,15 176:1,8,15,16 176:22 178:10 178:14,23 180:5,7,24 182:7,11 184:2 184:22 187:2 187:19 190:13
salt 34:13 36:9 45:11
sandy 246:8
save 156:19
saw 54:15 58:16,18 101:10 151:14 155:17 200:8 236:21
saying 22:20 49:10 50:14 51:15 53:24 54:9,17,18,19 60:23 69:3,15 71:16 76:4 79:3,5 82:5 89:13,13 90:15 98:15 101:14 103:7 104:2 118:19 122:4 128:3 136:19 147:19 156:8 177:18,23 187:13 188:15 213:9 225:7 230:14 239:12 240:12 250:8 258:5
says 17:21 113:5 121:10 144:12 174:7 180:5 194:21 204:12 216:10 228:24 229:3 232:18 239:14 242:15
sb 257:1
sb2 155:19
schedule 97:8 97:14
scheduled 92:10 236:16
scheduling 23:1 219:16
schedulings 95:20
school 25:6,7,9 25:18,20,25 163:18 221:12
schools 257:12
science 25:13
scj 1:4
scope 214:3
screen 38:2,8 38:22 119:13 156:4 219:14 219:18,22 221:8,15,15,22 221:23 223:15 225:12
screven 191:22
scrutiny 33:21 70:22,25
sd 227:13 244:8 244:9
sdg 1:5
seal 262:8
seat 246:12
second 57:1 91:9 117:3 139:5 160:15 194:16 254:1 254:14
secondarily 93:1
seconds 199:17
section 161:17 184:24
see 15:23 19:19 39:9 58:14 63:23,23 68:5 73:2,2 82:16 82:18,21 83:24 84:15 85:17

88:11 90:25 96:15 97:8,13 97:25 98:18 99:10,20,22 100:17,23 101:11,19 102:6,10 107:4 108:10,12,21 109:15 111:11 113:4 119:12 131:24 132:10 138:21 139:22 142:3 144:12 144:15 166:18 171:3,6 178:14 180:21 184:9 192:4 194:19 203:14 229:3,3 242:18 245:18 246:18 248:7 255:9
seeing 20:17 21:9,11 151:14 156:24 192:7 195:6
seek 70:7 71:4 76:18 258:5,12
seeking 246:6
seem 13:5 15:6 15:21 21:15 34:12 36:5 74:2 79:11 91:24 189:10 189:13 222:4
seemed 64:12 170:7,7 206:10 207:14 227:16
seemingly 251:10
seems 15:23 21:8 56:17 70:21 83:13
seen 15:22 17:5 17:8 18:1 34:25 38:4 71:25 88:4 114:8 116:5 155:16 160:23 181:4 211:7 241:14 251:17
selected 30:6
selection 30:11 30:19
seminar 34:11 34:12,17 45:23 47:1,20 51:2
seminars 45:6 46:12,15 49:16
senate 1:14 3:5 3:22 4:3 16:13 16:17,18,18 17:5 18:16 22:16 27:6,14 28:4 29:18,21 30:9 31:25 32:18,21,25 33:11,25 34:7 35:9 40:9 41:2 41:18 50:10 52:7,19,25,25 53:2,21,21 54:4 55:25 56:5 64:4 68:17 71:2 77:16 78:9 80:4 81:21,22 81:22 82:10,16 82:19 83:19,22 84:7 85:23 90:24 95:9,23 96:13,21 97:19 98:1 101:5,8,8 101:18,19 102:11,12,14 108:23 110:17 110:21 113:1 117:20,22 118:9,11,15 138:18 144:13 144:14 145:8 145:17,18 146:5,8,24 147:5 148:23 149:3,7 150:6 150:21 151:11 151:16 152:4 153:15 160:20 161:1,24 163:17 165:13 165:16,25 166:10,24 167:6,17 169:2 169:10 172:13 194:9 195:21 196:24 199:15 200:8 201:6,19 202:2,25 204:5 206:3 210:7 218:4 223:2 226:25 227:1,6 228:3,15,24 229:12,24 230:9,17 231:19 235:1 245:25 246:4,7 246:13,18,20 246:24,25 247:4,8,11 248:16 250:17 250:19 251:20 252:9,17 253:25 254:2,5 254:6 256:14 256:19
senate's 81:23
senator 8:3 10:3 40:12,18 84:10,13,14,17 84:25 86:6 89:19,25 96:23 107:22,23,24 108:1,2,8,9 109:22 110:3 150:7,8 151:22 152:18 169:20 169:22,23 193:15,17 195:19 196:16 197:10 201:24

205:7,25 208:16 218:17 218:19,19 228:6 233:23 244:16 245:16 246:3,10,13 252:21,23 253:6,8 255:19 255:23
senators 95:18 96:1 99:5 100:4,4 119:1 119:3 151:20 152:10 168:19 169:19 218:15 218:16 240:5,8 240:11,14,21 253:2 256:13
send 93:4,10 121:15 150:8 150:25 262:9 262:12
sender 150:8
sending 243:1
sense 19:2,17 30:6,13 39:13 53:15 59:2 70:9 88:7 89:24 94:1 102:22 106:18 115:2 118:8 133:19 147:12 167:3 175:6 177:14 178:8 221:12 230:4
sensible 170:7
sent 20:8,11 21:12 95:17 121:2,3,7,19 122:6 125:17 150:5 151:16 194:7 233:3,13
september 3:4 98:3,21 100:15 110:15 113:14 113:24 116:2 116:15 118:7 118:22 119:16 119:23 121:4,8 122:7,8,14,19 123:5,8,12 124:22 125:16 128:17 131:25 132:2,10,20 134:3,4,14,19 134:23 135:12 135:13,14,20 136:2,10,13,14 136:16,22,25 139:9 143:2,7 146:11 153:5 153:10 154:1,8 154:12 155:16 155:24 185:24 186:13,15,18 187:15,25 217:4 236:3,8 236:18,22 237:12
sequence 15:12
series 122:22 233:12
serve 11:25 26:13 27:7 28:15 29:24 32:18,18 50:10 55:14 256:13 261:16
served 12:18 13:4 21:14 26:19 27:17 28:24 29:1,15
services 14:15 14:16 29:2 37:4 260:15
serving 12:2,21 13:2,5 14:1
session 32:4 54:5 113:25 143:4,9,13,14 143:17 145:9 147:18,20 149:6,12 256:22
sessions 46:2
set 66:23 72:16 73:5 114:11 117:21 143:10 215:7 231:14 235:19
sets 214:3
setting 94:5 247:19 250:7
seventh 200:10
several 77:21 84:12 91:7,16
shaded 222:2
shaking 10:16
shape 141:23 167:2
shaped 112:6
share 37:22,23 75:7 76:10 96:3,11 181:16 181:20 232:17 234:15 238:19 247:2
shared 79:13 79:15 82:20
shares 185:1,5
sharing 88:22 102:16
shaw 121:6,12 121:18 122:6 122:21
shawn 7:17
she'd 225:20
shepherding 33:4,13
shifting 222:23
shifts 96:9 137:5
shira 6:7 9:4 196:19
short 212:20 245:19
shorthand 9:21 261:9

shortly 15:5,10 15:11 21:14 54:5 99:15
show 36:13,16 61:18 134:5 170:23
showed 132:24 240:23
showing 43:15
shown 116:21 153:14,17,24
shows 110:14
shrink 157:14
sic 228:1
side 26:16 81:25 85:23 134:9 136:17 142:2 180:2
sidewalk 85:11
sign 241:7,9,11 262:3
signage 231:19
signature 261:22 262:1 262:11 264:18
signed 15:11 143:3 191:20 262:6,8,10
significant 211:14
similar 39:3 74:8 76:19 122:20 136:23 146:13 166:12 175:8 179:2,6 179:9
similarities 179:3 185:12
similarity 76:4
simple 31:16 167:2 252:3
simply 227:21
sir 18:7,10,17 23:7 28:7 34:22 45:12 51:16 62:23 65:5 70:16 74:11 87:6 156:15 175:7 176:11 191:19 191:25 192:5 247:14 251:25 252:22 253:3 255:10
sit 58:19 87:21 88:12 97:8 100:24 169:8 172:8 237:5,14 250:20
sitting 139:3 162:14,17 204:4 206:2 216:7 237:4 248:5 250:24 251:7,19 252:16
situation 47:15 79:15
six 17:22 27:22 120:6,14 123:16,18 154:24 201:15 210:24 227:14
sixth 17:16,17 200:8
size 133:7 201:5 227:5
skill 261:11
skimmed 191:15
sleeps 225:18
sliu 6:9
slow 148:16
small 24:23 61:21,25 62:1 194:16
smaller 65:20 80:3 133:5 176:25
soak 47:23
software 36:14 36:15,17,20 38:3 106:1 156:13 172:23 173:1,10 207:13,17,22
sole 181:1 251:11
solely 51:21 260:13 261:14
solutions 260:8 260:15
somebody 85:11
somewhat 67:13 78:4,5
sorry 9:11,13 14:17 17:12 21:20,21 23:16 23:19 27:12 29:9 35:15 45:8 46:13 49:12 51:4 54:15,21 58:18 69:25 84:11 91:3,23 110:19 120:20 121:5 121:22 127:22 131:21 134:15 137:14 158:19 161:14 168:12 168:15 175:14 179:19 186:7 187:22 193:25 199:2 210:25 212:10 217:20 219:10 221:11 222:15 229:20 235:17,23,25 236:2 240:6 242:16,23 254:12 255:9 256:15,24 257:1 258:3
sort 38:14 45:25 46:16 48:18 49:11,21 52:2 53:24 60:5 62:14

63:25 64:14 75:16,19 79:3 88:18 89:4 90:5 95:19 97:2,16 98:25 146:16 222:20 223:9 225:12 247:21
sorts 45:6
sought 234:18
sound 197:1 206:17
sounded 37:8
sounding 36:25
sounds 34:25 37:6 69:16 87:6 143:11 156:9 161:3
source 206:9 216:8,21,22 217:2 219:25 224:7,13,17,25
sourced 18:23 20:4,20 106:3 140:5 155:11 184:4 241:25
sources 20:11 36:5 216:3,4 224:9 237:3
south 75:13 158:1 227:22 246:22
southeast 24:23 79:12
southern 5:12 7:19 8:7,9,13 10:4 227:21
southernmost 132:6 134:2,13
spaces 256:9
speak 9:21 22:24 24:17 33:17 35:4,7 35:14 38:7 44:23 45:24 53:9 89:16 90:13,20,24 93:25 95:13 96:14 98:15 102:1 106:10 151:11 234:10 243:24 252:23
speakers 45:23 45:24
speaking 35:8 75:20 89:19,20 89:23 90:11 99:8,13 139:16 140:13 148:5 201:25 211:11 211:12 217:3 230:25
speaks 152:1
special 14:20 54:5 86:18 87:13 88:19 113:25 143:3,9 143:9,13,17 145:8 147:18 147:20 149:6 149:12 150:22
specific 14:7,25 15:19 20:2,13 22:5 28:18 31:22 42:16 45:20 46:22 47:2 50:15,20 53:16 59:23 68:24 71:16 73:15 79:8,19 82:4 83:6,23 83:23 84:24 87:8 88:1,8 98:2 107:23 112:13 114:13 114:18 122:16 132:23,24 140:12 141:11 142:14 153:20 163:4,7 173:12 185:8 195:7 229:23 233:2 239:25 252:8 252:15 260:17
specifically 11:6 41:3 48:16 55:1 60:24 64:10 66:16 68:3 77:1 79:2 80:2 83:19 84:8 96:5,22 116:20 117:16 118:3,4 140:24 141:16 148:11 155:9 178:12 236:20 250:7 260:4
specificity 179:13
specifics 22:7 45:9 57:25 63:9 66:8 85:13 89:7 97:23 106:8 108:19 148:8 173:12 190:7
specify 24:19 196:25
spectrum 256:11,12
speculating 96:24
speed 35:22 45:8 92:1
spent 24:6 38:24 61:9 62:1,4 207:23 242:17
splcenter.org 5:15,15
split 79:16 80:6 104:17 105:20 105:20 166:4 178:24 184:6 187:19,24 201:22 223:22 225:8 246:3,22
splits 187:18 188:3,5,6

splitting 159:1 166:19
spoke 45:22 78:4 84:10 99:9,21 148:6 216:14
spoken 22:9,14 23:11
springs 185:1 246:8
square 1:17 5:3
squeeze 192:21
squiggly 103:10
ss 261:3
staff 22:24 35:5 35:14 37:16 44:25 93:19 200:12 217:16 218:22 220:24 221:2,4
stage 166:9
stamp 214:19 228:19
stamps 233:17
standards 146:19
standing 30:9
standpoint 39:13
stands 174:20
start 13:23 28:16 48:16 49:10 59:8 85:8 101:17 106:16
started 34:16 101:25
starting 50:5,6 111:6 120:23 139:22 149:25 150:12 173:24 199:16
starts 257:8
state 1:4,7 5:7,7 6:1 7:6 8:16 10:7 11:20 12:14 16:3 34:21 47:10 48:19 67:3,22 70:6,17 71:3 77:15 81:3 89:19 93:3 97:19,19 98:1 98:1 101:5,5 101:18,19 102:10,12,14 116:7 150:21 151:20 152:3 163:16,16 165:6 170:21 189:2 201:2 221:24 222:23 235:21 243:22 260:8 261:2,6 261:7
stated 152:2 211:9 243:8 248:20
statement 111:5 150:12 150:18,20 186:2 206:5 257:22 263:5
statements 206:20 212:2
states 1:1 68:14 162:5,22,23 163:2,8 164:4 164:18 249:14
statewide 3:23 246:10
statistics 155:6 174:5
statutes 68:6
stayed 158:5
steeped 30:22 46:4 70:11 106:21
steiner 5:18 9:6 9:6
stem 31:16
stephanie 3:11 150:3
stick 94:7
stop 218:1
stopping 94:24
storm 195:3
storms 235:20
story 7:17
straight 25:19
straightforward 167:3
strangia 219:5
strategy 143:13 143:14,17,18 143:20,25
streamed 33:21 113:13
street 6:13,19 7:3,13
strength 65:14
strickland 252:21,23 253:3,7
strike 49:12 109:8 187:17
struggling 219:8
study 16:2
studying 21:16
stuff 120:8
style 77:14
sub 154:16
subcontractor 260:8,13 261:15
subject 3:8,12 4:6 13:1 64:25 111:16 113:15 121:10 150:22 152:4,18 208:21
submission 171:11
submit 93:9,17
submitted 260:19,21

subordinate 249:23
subpoena 17:4 195:21 258:6
subpoenaed 14:2,2
subscribed 264:19
substance 19:23 22:23 42:22 46:11 87:22 154:16 263:5
substantial 104:16 178:19
substantially 74:7,8 146:13 201:4
substantive 22:18
substantively 249:12 250:14
subtract 177:21
subtracted 178:1,3
subtractions 170:3
successfully 236:15
sufficient 146:7 198:1 206:12
suggest 36:7 56:17 70:21 81:20 206:10 226:18 227:8,9
suggested 227:9
suggesting 132:17
suggestion 94:19 123:20 216:8 227:4,12
suggestions 124:16 215:10
suggests 181:13
suitable 119:16 119:20 175:16
suite 6:8,13,23 7:8 262:14
summary 174:5 174:5
summer 25:19 25:20,21 45:14 215:23
super 213:23
supplement 92:25
support 74:3
supposed 120:7 129:16 151:21 194:17 235:22
supreme 46:19 66:4
sure 10:9 16:24 20:1 22:2,13 23:10 25:3,20 27:22 28:25 30:24 31:6,9 33:1 35:10,21 36:25 38:10 41:14 44:4 50:15 55:5 59:3,19,20,20 60:3 61:1,23 62:12 66:21 69:5 79:1 80:9 80:19 83:1 84:13 92:17 95:6,16 97:14 99:14 100:7,25 101:12 103:19 104:9 112:2 128:10 130:16 144:4 146:22 154:14 161:22 164:16 165:5 172:6,22 173:4 173:13 179:5,8 197:21 198:17 200:22 202:7 209:3,7,11,14 209:16 212:22 222:7 223:10 225:15 229:10 231:8 232:7 233:2 242:8 249:11,17 250:12 254:7 257:5
surprise 53:20 145:22,24 183:1,3 189:3 189:6,9
surprised 53:23
surrounding 153:23
sw 1:17 5:3
swear 8:5
sworn 9:20 261:8 264:19
system 79:13 79:15 93:11

t

t 261:1,1
tab 16:25 17:11 17:12 110:6 115:15 119:25 134:7 135:10 139:20 144:10 149:23 154:20 154:22,24 159:21,22,22 159:22,23,23 159:24 160:2,4 160:6 170:11 176:3 179:14 179:18,23 181:22 185:15 186:21 187:4,5 187:16,21,22 187:25 188:9 193:24 194:3 194:15 214:21 238:6,7 242:19 242:20,25 243:3 249:1

take 18:2 32:14 34:7,10 40:9 55:15 76:24 92:4 94:20,24 110:12 120:5 126:8 128:4 129:4,4 141:20 142:20 193:16 195:11 225:21 227:21 228:22 245:3 247:15 248:5 251:22 258:10,20,21
taken 5:2 11:22 11:23 23:6 129:18 130:10 130:11 145:13 261:5,9
takes 176:16 203:22
talk 11:2 39:9 39:10,16 50:1 61:17 74:18 85:3 86:8,15 86:18 90:7,17 103:23 200:20 213:7 225:20 251:13
talked 26:12 67:11 87:7 104:24 111:24 112:10,22 121:21 124:8 131:11 164:6 181:10 203:10 215:5 220:23 247:8
talking 73:12 78:18 101:1 133:1 135:8,9 135:16,22 146:2 152:15 167:5 199:6 219:16 222:8 251:3
tallies 226:13
tanner 3:11 150:4
taught 257:12
taxpayer 241:5 242:1
taylor 7:7
taylorenglish... 7:9,10
tech 10:23
technical 37:5 37:11
technically 38:5 40:21
television 38:2 219:22 221:15
tell 56:13 70:11 71:9 85:14 89:25 97:14,20 100:16,22,24 102:4,21,22 104:25 106:1,4 106:12 108:12 131:3 137:19 141:17 143:18 144:21 172:8 212:7,11 222:6 236:20 255:11
telling 90:5 101:20 105:3,8 105:9 106:11 144:23 149:21 212:18,19 214:14 221:2,4 239:22
tells 206:13
ten 24:11 32:23 90:4 170:10 201:3 217:21 217:22 233:9
tend 105:23 198:6
tenets 88:24
term 27:15 51:5,7,8,11,15 52:8,16 53:14 53:16 62:21,23 62:25 63:9 65:3 91:2 225:15
terminology 51:12
terms 22:4 29:14 31:17,22 37:25 38:1 87:14 112:5 209:20 225:11 225:17 260:13 261:15
terribly 23:23 81:14
testified 9:22 12:4,10 49:13 156:2 207:24 208:16 210:9 215:6,18 221:6 235:6 236:1,3 240:3 253:1
testify 17:5 18:6 155:8 193:18 221:1 261:8
testifying 12:7 196:23 261:7
testimony 12:16 14:3 16:5 61:16 205:8 236:4 243:6 248:4,15 261:10 263:2,5
text 19:7,8 155:11 194:17 210:11,20 211:2
texts 211:3
thank 10:3 14:22 44:10 57:12 107:18 108:7 112:7 179:20 186:14 245:16 252:14 255:6,8 257:25 258:2

thanks 86:2
theme 104:11
thereto 261:9
thing 80:1 90:5 131:17 195:8 216:23 227:19 250:10
things 19:17 31:15 40:17 49:22 60:1 61:10 62:9,20 74:13,19,20 75:23 79:1 94:5 95:21 102:16 107:1 109:5 111:24 112:22 113:1 124:8 132:13 133:23 158:11 158:24,25 159:3 183:13 192:9 195:9 219:16 222:7,7 235:24 254:20
think 11:15,24 12:2,3,5,21 14:5,14,15 15:5,10,11 17:7,14 19:8 19:13,25 20:9 20:9 21:11,12 21:13 23:9,11 24:3,12,15 25:13,16,19 26:20 27:4 28:17 29:1,4,4 29:5,14,16 30:10,15,16,19 30:20 32:6 33:8,9,20 34:11,15,22,25 35:2,3 36:11 37:8,24,25 38:12 40:21 42:11 43:1 44:3,15,20 45:1,6,17 46:1 46:7,19 47:4 47:14 52:2,12 52:18 53:2,14 55:6,10 56:14 57:18 58:23 62:25 63:8,10 65:5,16,21 67:12,24,25 68:7,8,12,14,16 68:24 70:16,21 72:5,16 73:16 73:21,25 74:11 76:15,20,25 77:6,7,19 78:17,23 79:19 79:20 80:3,5 81:8,12 83:9 83:10 84:13 85:23 86:21 87:2,3,11,12 91:18,19 92:7 93:7,14 94:10 96:19 97:3,16 98:2,3 100:1,2 100:12,14 101:6 104:15 104:15,17 106:9 107:7 108:20 111:17 112:24,25 113:2 114:9,11 116:2 117:4 118:5,15 119:7 119:14 122:12 122:14,17 123:6,6 127:4 127:15,16 131:20 133:2 133:17,20 138:3,3,19,20 139:3 141:4,25 142:4,8,16 143:23 147:7 147:11 148:3 148:13 151:25 153:9,12 157:10 158:5 158:10 162:23 167:1,8 168:8 169:14,15 170:8 172:9,18 178:9,15,18,22 179:12 180:17 181:9,17,21 183:17 184:9 185:4,12,18,21 187:12 188:25 191:14 192:7 193:14 195:22 195:25 197:16 199:10 200:24 204:9,20,24 206:18 211:11 211:11,18 215:18,24 216:12 217:24 218:8,19 222:3 223:2 225:11 226:2,11,16 227:2 228:7 229:21 230:2,4 230:7,13,22 231:6,12 232:13 233:18 234:17 235:4,4 235:21 236:9 236:12,20 239:23 240:15 240:15 245:20 247:9,14 248:1 248:5 249:1,5 249:7 251:12 253:3,14,22 254:9,10,17,20 255:3 256:10 256:10 257:3 257:14,18
thinking 40:6 70:24 75:11 87:13 88:23 100:7 111:20 129:11 133:9 252:25

third 86:8 120:15 138:11 154:19 172:19
thompson's 246:10
thought 32:15 32:17 35:12 41:9 65:12 78:12,13 80:17 88:16 117:20 118:8 176:24 177:15 189:23
thoughts 22:1 99:2 102:15 117:9 118:6
thousand 177:17
three 5:18 11:15 45:17 103:11 115:9 135:17 137:21 138:9 188:1 246:21
threshold 209:22
threw 56:19
thrown 31:17
thursday 121:3 121:7
ticking 118:8
time 8:2 13:25 14:7 15:12 18:2 32:3 38:17,19,23 39:4,24 40:8 43:16 47:18 48:3 55:18,22 55:24 60:7,8 60:16 61:5,8,9 61:10,22,24 62:1,2,3,4,12 71:2 87:8,11 88:12,20 89:14 90:1 94:16,21 94:23 95:20 97:8,14 98:13 99:6 102:4 104:10,22 105:6 107:8,10 107:14 110:12 112:1,14 114:15 115:1 119:13 120:5 121:21 122:15 123:7 125:4,23 146:7,14 147:18 148:20 154:15,18,19 156:14 157:7 159:11,14,18 170:6 184:21 188:21 189:19 189:21,22 190:4,15,18,23 193:4 195:13 195:17 200:17 201:21 207:20 207:23 208:6 209:23 211:24 215:14 218:3 223:6,6 231:4 231:9 237:23 237:25 240:24 240:24 245:7 245:11 249:20 255:4,6,12 257:6,18 258:1 258:6,11,15 260:17 262:10
times 11:14,25 12:3,10,21 23:13,19 24:1 38:16 61:16 62:10 75:23 105:15 187:19 187:24 203:15 208:17 217:21 217:22,25 218:15 225:16 233:5 238:2
timing 22:23 39:13 40:6 45:13 144:4
ting 6:3
tip 157:25
tippins 109:22 110:3
tired 251:13
title 73:18 256:25 257:8
today 11:9 13:20 15:8 16:11 18:6,13 22:19 23:2 28:11 52:5 68:8 100:24 111:25 112:4 162:14,18 164:7 169:9 193:18 200:15 204:4 206:2,8 216:7 237:4 243:9 250:20 250:24 251:7 251:19 252:16 257:19,24
today's 8:1 23:14 24:7 204:18
together 61:9 61:11 64:1 199:11 218:3 221:22 232:15 232:19 257:2
told 15:8 23:6 54:18 62:13 96:1,18 100:19 105:23 109:20 132:22 140:20 153:12 177:16 183:1 202:16 214:11
took 45:4 99:8 109:22 137:7 171:10,13 253:2
top 17:23 194:17
topic 17:13 20:5 48:23

51:2 71:5 154:22,25 155:9 205:9 242:16,20,21 243:4,5,7 244:2
topics 17:9,13 17:23 18:1,3,6 18:9,11,14 42:17,18,19,20 42:22,23 45:18 45:25 46:14,18 48:13,13 91:24 138:21,24 195:20 210:18 257:11
total 24:6 65:10 69:11 92:8 214:7 217:22
totality 61:1
totally 23:10 147:19
touch 170:7
toward 46:2,7 94:2
town 3:23 24:23 77:12,14 77:25 78:24 79:7 85:5,18 85:24 86:21 91:7 92:9,10 92:10,18 94:6 95:21 99:4,9 99:22 100:3 102:17,17 112:11 113:9 116:18 171:16 184:4 194:12 194:24 195:2,4 215:21,25 216:12 235:12 235:15,19 236:10,16
traditional 158:8,11,17,20 159:8
train 131:12
training 31:2 31:12 45:2,3 45:11,16,19 47:19,19 48:9 49:14,24 51:3 256:17 257:9
trainings 45:4 49:14 50:13
transcribed 261:9
transcribing 10:13
transcript 54:16 258:19 258:23 259:2 260:18 261:5 261:10 262:4,9 262:11 263:2
transcripts 260:18,21
transportation 75:15,21 76:6 142:6 183:14
travel 75:23
traveled 49:16
traveling 45:5 49:18
treasurer 191:23,24
trended 68:21
tried 47:23 205:4,4 223:2
trouble 9:14
true 133:5 177:19 249:23 251:6 260:19 261:10
trusted 212:1
trustee 26:19
truth 9:21,22 200:25 261:8
truthful 176:13 186:4
truthfully 11:10
try 28:18 37:23 47:14 64:23 68:5 75:18 88:2 103:11 104:13,13 106:5 143:23 163:1 168:18 225:8 241:18 245:19 249:20
trying 25:21 28:16 34:18 36:6 41:14,17 43:2 45:6 46:8 50:22 53:23 55:10 58:17 59:3,19 61:22 66:21 74:24 75:4 80:16,18 80:20 87:14 91:25 100:1 102:2 104:22 106:7 109:21 124:4 130:2 131:10,16 133:23 140:14 142:10 152:6 165:2 166:3 167:1,10 177:8 201:18 203:11 204:14,23 205:12,15 212:21 214:5 219:11 232:25 234:8 235:14 244:12 248:8 254:20
tuesday 200:16
turn 17:9 115:15 119:25 134:7 144:10 149:23 160:2 170:11 173:22 179:14 181:22 193:24 214:16 214:19 238:5
turned 180:2
two 6:22 11:15 11:25 12:3

27:14,15,22 30:7 37:25 38:14 45:17 46:2 56:20 67:12 73:17 78:3 79:14,25 91:4 120:15 135:23,24 136:1,19 146:12 149:25 168:18,20 177:8 184:15 194:15 200:17 206:6 227:15 227:17 228:18 250:7 255:13 255:21
twofold 84:3
type 13:6 26:18 26:18 46:3 78:6 86:25 87:1 90:12 93:5 116:21 148:15 210:4 225:23
typed 125:6
types 78:21 85:20
typical 166:21 218:25
typically 61:8 193:1 220:22 221:24 238:4
typing 220:14 220:15
tyson 7:7 8:17 8:17 41:25 42:9 43:14,19 152:8,9 202:19 203:7 204:8 206:6 218:5,7 240:4,6 241:8 241:12,15 243:10,15 259:1
tyson's 42:1 240:15 241:2

u

u.s. 43:8 46:22 48:10 128:7 162:9,10 163:5 164:11,24 200:24
uh 76:7 94:17 98:6 112:13 113:8 122:9 144:15 150:17 174:3 198:14 220:25 221:10 230:15 232:5
ultimate 39:12 65:19 67:17 231:4,9,19
ultimately 33:11 37:19 42:6 61:2 67:14 101:22 113:17 124:5 131:14 171:19 205:20 232:24 251:17
unable 40:23
unanimous 74:3
unanimously 148:24 149:4 170:9 239:9 249:5
unchanged 254:9
unclear 10:19 112:17
undefined 138:10
under 6:11 11:8 23:24 29:20 53:25 80:5 84:24 168:19 234:13 261:9
underlying 137:22,24
underpinnings 89:9
undersigned 263:1
understand 10:20 14:17,25 15:9 16:11 18:5,15,21 44:3 51:9 67:12 70:20 79:24 80:16 81:10 84:22 88:5 96:25 101:14 119:1 126:22 127:1 136:15 168:4 183:10 196:11 198:23 204:14 205:12 207:5 207:10 210:5 211:22 214:5 225:17 229:10 243:21 250:6 258:8,13
understanding 14:10 15:14 18:12 31:7,17 31:20 37:2 41:14 47:17 51:24 52:1 57:20 58:3,7 58:24 61:23 62:24 63:6,16 65:3,6,13,17,25 66:10,18 67:2 67:5,21 68:10 69:1 70:2,13 74:17 93:16 94:12 108:22 109:3 118:10 122:10 124:16 124:17 129:24 131:12 161:14 161:19 162:6 162:10,15,17 162:21 163:11 163:15,23 164:2 165:12

165:15 168:17 174:19 186:25 190:18,23 191:5 194:24 197:13 202:11 209:19 212:1 212:23,24 213:5,15,18 214:6,7,8 215:19 216:25 244:23 254:10
understood 20:3 52:4 61:15 69:4 87:16 88:20,22 96:19 155:12 206:12 216:19 239:25
undertake 124:20 137:21
undertaken 125:23
undertaking 116:20 130:22
undertook 53:6 211:12
unfairly 67:7 67:10
unfolds 33:6
unidentified 78:19,20,21
unify 74:14
unique 79:15
uniquely 51:21 85:7
united 1:1 68:14 162:5,22 162:23 163:1,7 164:4,18 249:14
university 25:8 25:8,11
unnamed 78:22
unnecessary 168:16
unspecified 78:20
untruthfulness 13:17
unusual 146:23 147:4 148:22 149:1,2,7,9,10
upcoming 32:4 95:21 96:7 193:8
upload 93:10 237:8
uploaded 260:22
upson 28:2
use 36:13,15 172:23 180:25 181:10 207:16 225:17 256:16 257:8 263:6
used 36:21 52:16 62:25 74:8 86:25 88:6 91:2,10 91:12 160:25 170:10 172:25 178:4 206:24 207:22 208:8,9 224:14 225:16 225:23 238:23 251:21
using 36:16 38:3 61:14 106:2 220:15 224:13
usually 56:22 57:3,16 58:9 188:18 190:24 191:6 218:25 226:4
utilize 74:5
utilized 67:17 135:3,20 161:8 161:10 249:18
utilizing 61:14

v

v 174:9
vacuum 129:23 133:22 141:19 188:4 252:1
values 76:23
vap 201:13,14
variable 156:25
variables 127:5 251:15
various 30:9 37:18 92:6 156:23 200:19
vein 89:25 103:20 104:1
venture 233:10
verbatim 100:24 260:11
veritext 260:8 260:15 262:7 262:13
version 38:6 123:5 132:10
versions 37:19 38:14 39:17 94:3 101:10
versus 133:20 142:3 220:18 226:15
vice 40:13,19 172:16 191:23
video 199:13 199:14,19 201:23,25 202:5,9 206:14 211:8 245:20 245:21 246:1 247:6,8
videographer 7:18 8:1 55:18 55:22 107:10 107:14 159:14 159:18 195:13 195:17 245:7 245:11 258:15
videotaped 1:14 5:1 8:3
view 119:15,19 156:22 157:2 175:13,15,18

175:21 247:17
viewed 75:16
viewing 63:15 224:8
views 22:1 255:23,25 256:5
virtual 235:15
virtue 28:22,24 32:8
visit 96:21
vote 51:21 56:18,19 105:23 188:17 190:22 197:14 197:20,22,25 198:6,8,13 224:18,19 226:1,4,12
voted 74:1 145:15,18 146:16 160:25 165:21 170:9 205:6 226:14 226:15,15 230:3 231:13 239:8,24 256:14 257:14
voter 3:20 188:16 191:17 238:4
voters 55:3 56:1,2,6,15,23 57:4 190:25 208:23 225:25 226:4,9 253:18 253:20,23 254:5
votes 65:23 66:25 67:16 191:4 197:12 198:25 199:4
voting 43:6 47:5,17 51:6 51:25 52:7,20 52:22 53:1,11 53:22 54:6,24 55:9 58:13,15 58:25 59:13,17 60:4,11,18 65:14 66:1,14 66:16,19,20,24 67:2,4,19,21,23 68:11 69:1,11 70:2,15 105:25 125:8,12 151:4 161:17 162:20 162:25 164:5 189:1,4,11,20 190:12,19,24 191:6 199:11 200:3,4 201:9 201:14 202:10 202:12 203:3 203:22 204:1,7 204:12 205:13 205:16 206:5 206:13 208:9 208:10,22 209:1,5,12,21 211:10,16,19 246:15 247:16 248:3,6,9 249:14,24 250:18,23 251:20 252:16 253:12,17 254:4,18,24
vs 1:6

w

w 174:25
wade 7:18
waive 83:2 84:19
waived 84:18 193:17 253:7
walk 50:10 92:1
walked 106:19 219:9 231:20
walker 218:18
wall 219:23 220:7 221:8
walton 247:2
wanna 97:9,9
want 14:18 38:10 39:11 45:14 48:17,18 49:9 56:19 84:4 88:2,18 92:25 93:8,9 94:18,19,24 95:4,4 96:6,11 97:11 101:11 101:25 102:1 106:19 107:17 108:4 118:23 138:25 143:24 160:14 168:12 180:25 181:10 183:20 188:17 190:22 191:4 197:13,14,19 198:8 212:5 225:20 227:4 233:10 245:18 251:24 258:4
wanted 30:23 35:11 38:12 64:23 78:2 83:24 84:15 85:17 86:22 87:8 96:2,4,15 96:21,22 97:5 98:18 99:20,22 100:17,23 101:19 102:10 103:22 105:7 107:4 108:9,12 108:15,25 109:3,15,21 117:7 118:2 126:16 131:7 207:16 213:19 215:6 217:10 228:23 237:8,9
wanting 104:12
wants 94:25 97:13 199:10 251:25

washington 5:13 6:4,14 7:3
watching 24:9 156:11
water 79:13,15
waterfront 37:9
way 21:8 32:17 38:12 39:11 40:14,14 41:20 41:21 42:12 43:16 44:20 48:16 51:15,21 53:14 55:17 56:16 58:19 63:12,13 67:7 67:9 72:17 73:6 74:15 75:2 77:12 86:5 100:10 112:15 118:17 127:6,6,8,13 128:8,9 130:2 131:13 133:12 139:3,14 148:13 149:18 149:22 159:10 164:1,25 165:5 166:9 168:9 171:20,23 174:2,21 192:16 195:25 197:16 202:16 205:19 206:9 212:14 217:18 217:19 220:23 222:2 227:4 232:24 249:21 250:10 251:2 251:10,23 252:5 261:12 261:13
ways 56:20 78:3 136:25 137:1,1,2,2 178:15 181:18 181:21 203:15
we've 69:13 104:2,3,24 111:24 112:3 135:20,21 164:6 175:25 200:17 220:23
webb 7:13
website 173:20
weeds 191:9
week 213:9
weeks 91:23 99:3
weird 112:5
welcome 93:13
went 25:7,8,8 25:19 34:17 39:3 50:22 81:2 87:11 88:7 93:3 99:25 106:25 164:16 172:10 193:7 204:15 250:3
whatsoever 196:10
whelchel 26:4
white 109:10 158:4 174:25 183:2 206:25
wht 174:11,20 174:24
wi 221:18
widely 85:21
wild 243:1
willing 147:21 167:25
wilmerhale 6:18,21
wilmerhale.c... 6:20,24
win 125:16,20 126:1,14,18 191:7
wind 86:6 100:7 250:13
wisdom 30:10 32:12 94:21 258:10
wise 124:5 128:10 234:21 235:17 249:12 258:10
wish 86:3
withdraw 236:2
witness 2:2 7:11 8:6,20 9:20 12:18,22 13:2 14:1 18:12 42:24 43:1 52:4,14 68:8 82:23 83:4,18 84:19 110:5 115:21 137:20,25 138:1,4,20,25 139:1,18 160:5 160:11 179:16 179:23,25 182:1 194:3 198:22 210:6 232:4 234:10 234:16 238:8 245:5 255:4,5 255:8,10 261:7 261:9
witnessed 254:23
witnesses 260:21
witnessing 156:6
woman 244:21
wonder 81:13
word 47:12 87:3 139:22 181:1,10
worded 61:7 163:22 164:1
words 10:16 56:1 123:15 140:25 169:11 186:22 242:7

work 12:13 25:18 26:12,18 28:8 36:18 37:13,17 38:4 38:15,24 40:15 47:24 52:7 53:8 58:17,22 59:3 60:2 61:12 62:8,19 65:1 68:17 70:23 75:21 78:9 81:23 88:4 91:22 92:9 94:4 95:11 101:9 103:13 104:19 105:18 108:21 115:1 116:25 117:21 118:21 141:21 146:1 163:5,8 165:2 165:18 181:12 183:8 192:21 192:25 193:5 204:6,23 207:15,19 210:1 211:13 212:4 221:5 223:8 238:14 238:22 239:15 249:9 250:14
worked 25:22 25:24 81:18,25 93:21 104:13 111:1
working 62:19 100:10 104:20 218:9 241:23
world 35:2 60:5
wound 80:20 157:24 252:7
wright 4:5 35:25 36:2 37:22 39:19 43:15,15 44:17 45:22 48:7 51:3 56:25 59:11,12,16 80:22 81:7 82:2 96:14 97:20 100:22 101:17 102:9 102:19 103:1 104:25 106:4 106:12 116:25 118:12 119:4 119:11 121:8 121:15 122:22 124:21 125:18 130:20 140:14 154:2,8,13 155:20,22,23 156:3,19 157:8 162:2,13 164:8 164:20 166:22 167:14 171:9 172:4 173:9 175:23 178:12 190:9 202:22 203:8 204:8 205:23 206:7 206:22 207:21 208:17 211:15 212:6,7,24 214:10 215:3,8 217:15 218:5 219:13 220:15 226:17 231:25 232:6,11,13 233:6,13 235:7 235:8 239:13 240:1 242:14 249:16
wright's 36:23 53:8 69:8 166:16 202:15 207:7 219:19 223:15
written 151:2,2 169:4,7
wrote 215:3

x

x 2:1 90:4 97:13

y

y'all 155:12
yeah 27:22 36:18 47:21 64:6 87:6,17 91:25 101:15 101:16 103:6 106:11 120:19 126:7 135:22 151:21 160:9 164:25 182:19 190:1 196:16 198:14 204:25 207:19 214:5 214:21,23 216:11,24 219:11 220:9 221:13,21 225:20 228:17 229:16 230:5 234:17 235:4 239:19 240:14 240:19 242:22 244:11 247:7 247:10 255:8
year 27:15 90:13 148:7,7 256:21
years 12:13 25:5 30:7 32:23 62:14 70:11 72:8 81:12 90:4 104:4 121:21 149:20 170:10 193:1 201:3,19 225:19 254:19 255:1
yep 205:7 216:19
yesterday 213:10
york 5:19,19 6:19,19

z
zoom 5:18 6:3 6:7,12,12,13,18 6:22 7:2,8,18

Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

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

(A) to review the transcript or recording; and

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

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

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY. THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

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

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

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

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Van Nuys, CA 91411
P 818.988.1900

February 7, 2023

Re: Deposition of **30(b)(6) Senate Redistricting and Reapportionment Committee John Kennedy,** taken on January 20, 2023
Case: Ga St. Conf. Of NAACP, Et Al. vs. State Of Georgia, Et Al.

Dear Mr. Genberg:

Attached is the electronic original transcript of the above mentioned deposition. The original is being held at Veritext for safekeeping until further notice.

Should you need any assistance with this matter, please contact our office via phone or email: calendar-ca@veritext.com.

Sincerely,
The Veritext Team

Encl.

cc: All Counsel

AO 88A (Rev. 12/20) Subpoena to Testify at a Deposition in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of Georgia

GA St Conf of NAACP, et al.	)	
Plaintiff	)	
v.	)	Civil Action No. 1:21-CV-5338-ELB-SCJ-SDG
State of Georgia, et al.	)	
	)	
Defendant	)	

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To: Senate Redistricting & Reapportionment Committee c/o John Kennedy
(407 Coverdell Legislative Office Building 18 Capitol Square, Atlanta GA 30334)

(Name of person to whom this subpoena is directed)

☑ Testimony: YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization, you must promptly confer in good faith with the party serving this subpoena about the following matters, or those set forth in an attachment, and you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about these matters:

Place: via electronic means	Date and Time: 06/21/2022 9:30 am

The deposition will be recorded by this method: via stenographic and videographic means

☐ *Production:* You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 05/18/2022

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk | *Attorney's signature*

The name, address, e-mail address, and telephone number of the attorney representing *(name of party)* Plaintiffs GA State Conf. of the NAACP, et al., who issues or requests this subpoena, are:

Jacob Canter, Crowell & Moring LLP, 3 Embarcadero Ctr, 26th Fl., San Francisco CA 94111; jcanter@crowell.com; 415-365-7210

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

EXHIBIT 1

Civil Action No. 1:21-CV-5338-ELB-SCJ-SDG

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____

on *(date)* _____ .

❒ I served the subpoena by delivering a copy to the named individual as follows: _____

_____

_____ on *(date)* _____ ; or

❒ I returned the subpoena unexecuted because: _____

_____ .

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of $ _____ .

My fees are $ _____ for travel and $ _____ for services, for a total of $ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

_____
Server's signature

_____
Printed name and title

_____
Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) ***For a Trial, Hearing, or Deposition.*** A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
(i) is a party or a party's officer; or
(ii) is commanded to attend a trial and would not incur substantial expense.

(2) ***For Other Discovery.*** A subpoena may command:
(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) ***Avoiding Undue Burden or Expense; Sanctions.*** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) ***Command to Produce Materials or Permit Inspection.***
(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) ***Quashing or Modifying a Subpoena.***

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;
(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
(iv) subjects a person to undue burden.
(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
(i) disclosing a trade secret or other confidential research, development, or commercial information; or
(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
(ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) ***Producing Documents or Electronically Stored Information.*** These procedures apply to producing documents or electronically stored information:
(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.
(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) ***Claiming Privilege or Protection.***
(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
(i) expressly make the claim; and
(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.
The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

For access to subpoena materials, see Fed. R. Civ. P. 45(a) Committee Note (2013).

ATTACHMENT A

DEFINITIONS

Unless otherwise defined, all words and phrases shall be accorded their usual meaning and shall be interpreted in their common, ordinary sense. As used in these Requests, the words below shall be defined as follows:

1. The term "COMMUNICATION(S)" should be interpreted in its broadest sense to include without limitation all oral or written communications, including any writings, texts, emails, voicemails or other electronically stored information as that term is defined by Federal Rule of Civil Procedure 34(a).

2. The term "DOCUMENT(S)" should be interpreted in its broadest sense to include without limitation any written, printed, typed, recorded, or graphic matter, however produced, reproduced, or stored, including the originals and all nonidentical copies, whether different from the originals by reason of any notations made on such copies or otherwise, or other electronically stored information as defined by the Federal Rules of Civil Procedure.

3. The term "ALTERNATIVE" means and refers to any maps, other than the corresponding CONGRESSIONAL MAP, HOUSE MAP, or SENATE MAP considered by you, including drafts and different options for each corresponding map.

4. The term "CONGRESSIONAL MAP" means and refers to the Georgia Congressional map passed by the Georgia General Assembly and signed into law by Governor Kemp, with bill number SB 2EX.

5. The term "HOUSE MAP" means and refers to the Georgia State House of Representatives map passed by the Georgia General Assembly and signed into law by Governor Kemp, with bill number HB 1EX.

6. The term "SENATE MAP" means and refers to the Georgia State Senate map passed by the Georgia General Assembly and signed into law by Governor Kemp, with bill number SB 1EX.

7. The relevant time period for each of the requests is from November 1, 2016, to the present unless otherwise noted.

DEPOSITION TOPICS

1. The development and creation of the CONGRESSIONAL MAP, including all factors considered when developing and creating the CONGRESSIONAL MAP, all persons who made requests relating to the CONGRESSIONAL MAP, and all persons that provided directions, data, statistics, feedback, map drawing expertise, or other input relating to the CONGRESSIONAL MAP.

2. The development and creation of the SENATE MAP, including all factors considered when developing and creating the SENATE MAP, all persons who made requests relating to the SENATE MAP, and all persons that provided directions, data, statistics, feedback, map drawing expertise, or other input relating to the SENATE MAP.

3. The development and creation of any ALTERNATIVE maps, including all factors considered when developing any ALTERNATIVE maps, all persons who made requests relating to any ALTERNATIVE maps, and all persons that provided directions, data, statistics, feedback, map drawing expertise, or other input relating to any ALTERNATIVE maps.

4. The DOCUMENTS and COMMUNICATIONS relating to the CONGRESSIONAL MAP, SENATE MAP and any ALTERNATIVE maps.

5. Any money spent or received in relation to the CONGRESSIONAL MAP, SENATE MAP, and any ALTERNATIVE maps.

6. The redistricting Town Halls that occurred between January 1, 2021, and November 3, 2021.

7. The November 3, 2021, special redistricting session of the Georgia General Assembly.

8. Activities taken by the Legislative and Congressional Reapportionment Office and/or its members and their staff, relating to the CONGRESSIONAL MAP, HOUSE MAP, or SENATE MAP.

9. Activities taken by the House Legislative and Congressional Reapportionment Committee and/or its members and their staff, relating to the CONGRESSIONAL MAP or HOUSE MAP.

Lt. Governor Geoff Duncan and Chairman John F. Kennedy Release Senate Draft of Georgia Congressional Map

SEPTEMBER 27, 2021

ATLANTA (September 27, 2021) | Today, Lt. Governor Geoff Duncan and Senator John F. Kennedy, Chairman of the Senate Redistricting and Reapportionment Committee, released a proposed draft of the Georgia Congressional Districts. The proposed maps, thoughtfully drawn in accordance with longstanding principles of redistricting, are being provided to the public for further review and discussion.

In 2011, Georgia's redistricting maps were approved by the Obama Justice Department – avoiding the issues that occurred in 2001, which resulted in Georgia's legislative redistricting maps being declared unconstitutional. As the legislature begins the process of redistricting, the Senate is committed to continuing the practice of transparency and fairness. In an effort to provide both, the proposed map is being released as soon as practicable.

"It is clear that this map not only meets principles of redistricting, but we are proud to present a map that regardless of political party, Georgians can be proud of," said Lt. Governor Geoff Duncan. "Ensuring that any maps we produce are fair, compact, and keep communities of interest together, will continue to be of upmost importance."

"Even given the delay of official Census numbers, the Senate Redistricting Committee has diligently worked to ensure that we hear from citizens across all

EXHIBIT
2

regions of the state," said Chairman John F. Kennedy. "Looking at this map, it is obvious that Georgians have been heard, and will continue to be heard."

###

Contact Director of Communications

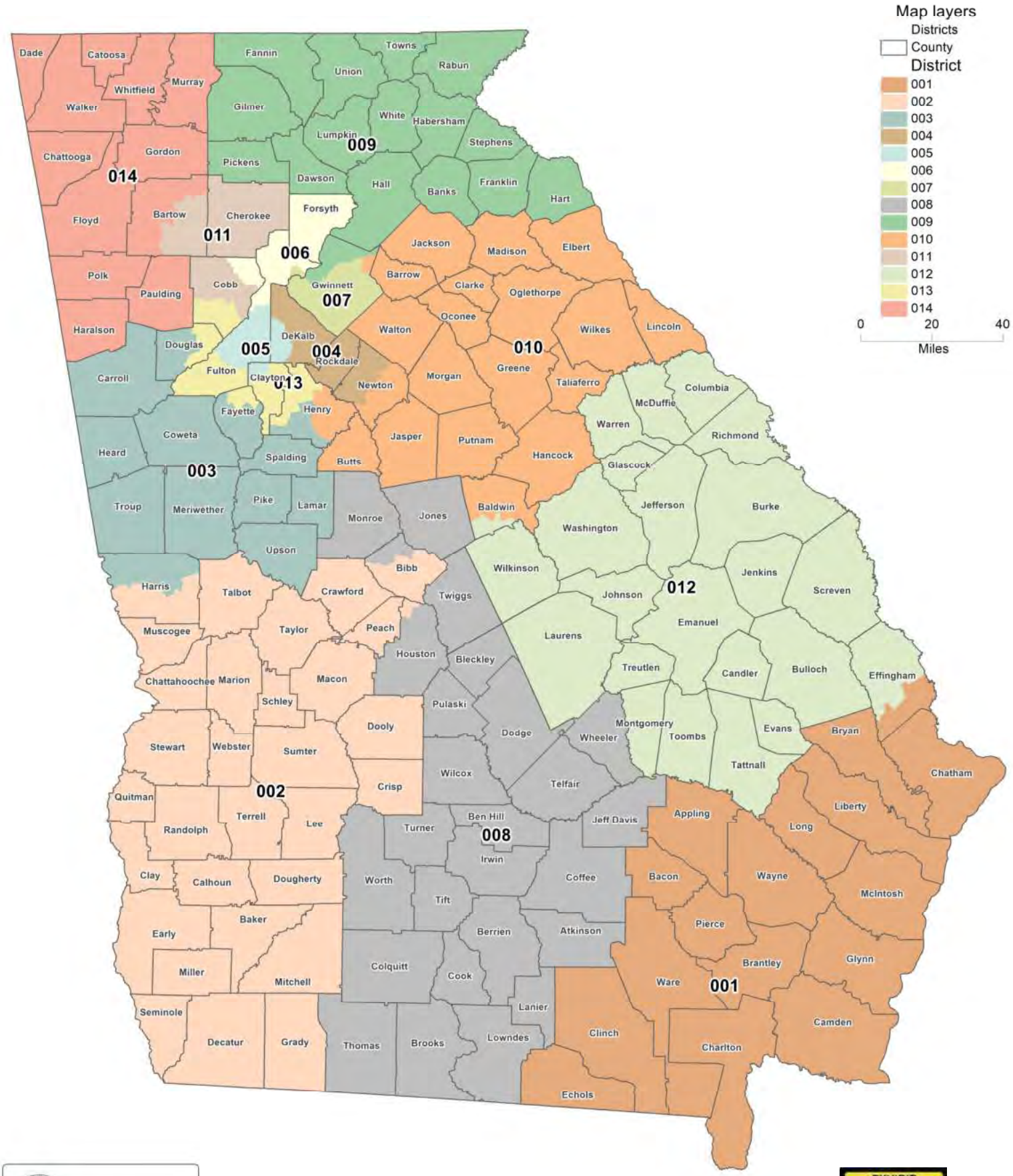
Emma Johnson
Emma.Johnson@ltgov.ga.gov (mailto:Emma.Johnson@ltgov.ga.gov)

Related Files

Draft Congressional Districts (/sites/ltgov.georgia.gov/files/2021-09/DRAFT%20Congressional%20Districts.jpg) (323.75 KB)
Draft Congressional Districts

Draft- Georgia Congressional Districts

Client: S018
Plan: cong-s18-p1
Type: Congress



Legislative and Congressional Reapportionment Office
Georgia General Assembly
Suite 407 Coverdell Legislative Office Bldg

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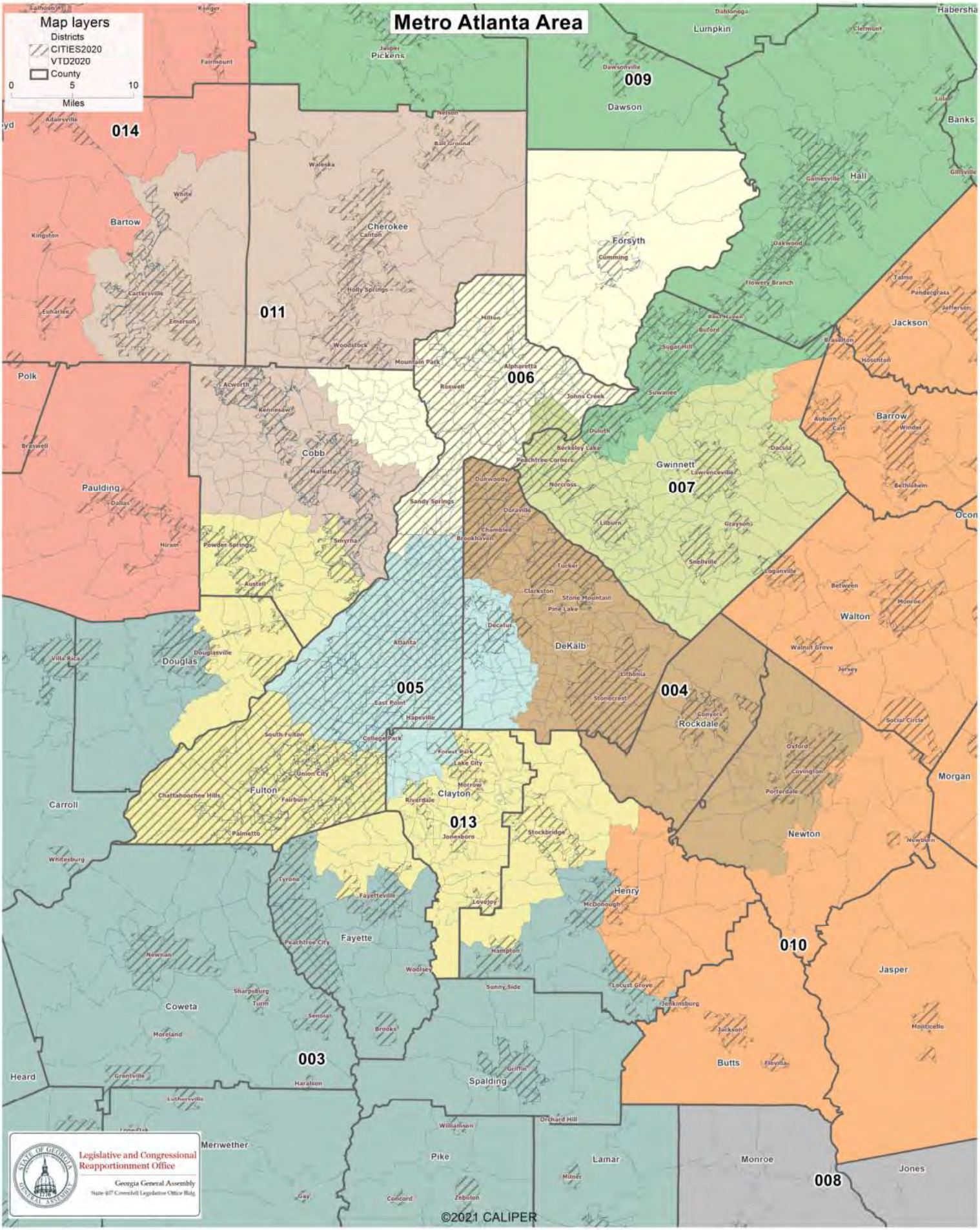
EXHIBIT
3

Draft- Georgia Congressional Districts

Client: S018
Plan: cong-s18-p1
Type: Congress



User: **S018**
Plan Name: **cong-s18-p1**
Plan Type: **Congress**

Tuesday, September 28, 2021 8:48 AM

Population Range:	765,135 to 765,138
Ratio Range:	0.00
Absolute Range:	-1 to 2
Absolute Overall Range:	3
Relative Range:	0.00% to 0.00%
Relative Overall Range:	0.00%
Absolute Mean Deviation:	0.86
Relative Mean Deviation:	0.00%
Standard Deviation:	1.03

001	765,138	2	0.00%	589,477	77.04%	57.36%	27.69%	7.86%	2.19%	0.24%	0.16%	0.44%	4.07%
002	765,135	-1	0.00%	589,333	77.02%	41.68%	47.12%	5.9%	1.5%	0.2%	0.11%	0.35%	3.15%
003	765,135	-1	0.00%	583,333	76.24%	58.57%	27.89%	6.79%	2.1%	0.21%	0.04%	0.52%	3.89%
004	765,135	-1	0.00%	587,972	76.85%	25.85%	52.51%	11.52%	5.88%	0.16%	0.04%	0.64%	3.4%
005	765,137	1	0.00%	621,562	81.24%	32.66%	52.8%	6.5%	3.85%	0.16%	0.04%	0.53%	3.47%
006	765,136	0	0.00%	575,220	75.18%	60.96%	8.97%	10.26%	14.83%	0.14%	0.03%	0.69%	4.12%
007	765,135	-1	0.00%	567,113	74.12%	29.31%	29.42%	25.07%	11.87%	0.16%	0.04%	0.69%	3.43%
008	765,136	0	0.00%	583,009	76.2%	57.3%	30.05%	7.4%	1.52%	0.2%	0.04%	0.31%	3.18%
009	765,136	0	0.00%	595,476	77.83%	68.18%	7.45%	14.11%	6.06%	0.21%	0.03%	0.38%	3.58%
010	765,137	1	0.00%	591,955	77.37%	65.41%	20.66%	7.37%	2.33%	0.18%	0.03%	0.51%	3.51%
011	765,136	0	0.00%	594,934	77.76%	60.24%	16.93%	13.26%	3.96%	0.18%	0.04%	0.87%	4.53%
012	765,138	2	0.00%	586,770	76.69%	52.49%	35.68%	5.65%	1.83%	0.22%	0.11%	0.37%	3.65%
013	765,137	1	0.00%	574,626	75.1%	17.83%	61.68%	13.2%	3.24%	0.18%	0.04%	0.67%	3.15%
014	765,137	1	0.00%	579,494	75.74%	72.97%	9.58%	11.94%	1.02%	0.22%	0.04%	0.37%	3.85%

User: **S018**
Plan Name: **cong-s18-p1**
Plan Type: **Congress**

Tuesday, September 28, 2021 8:49 AM

Population Range:	765,135 to 765,138
Ratio Range:	0.00
Absolute Range:	-1 to 2
Absolute Overall Range:	3
Relative Range:	0.00% to 0.00%
Relative Overall Range:	0.00%
Absolute Mean Deviation:	0.86
Relative Mean Deviation:	0.00%
Standard Deviation:	1.03

001	765,138	2	0.00%	589,477	77.04%	60.22%	26.57%	6.86%	2.36%	0.26%	0.15%	0.37%	3.22%
002	765,135	-1	0.00%	589,333	77.02%	44.42%	45.77%	5.08%	1.56%	0.22%	0.1%	0.29%	2.57%
003	765,135	-1	0.00%	583,333	76.24%	61.37%	26.97%	5.78%	2.11%	0.22%	0.04%	0.42%	3.1%
004	765,135	-1	0.00%	587,972	76.85%	28.24%	52.19%	10.02%	5.82%	0.16%	0.04%	0.58%	2.96%
005	765,137	1	0.00%	621,562	81.24%	34.84%	51.18%	5.97%	4.27%	0.16%	0.04%	0.48%	3.05%
006	765,136	0	0.00%	575,220	75.18%	63.79%	9.11%	9.15%	13.82%	0.13%	0.04%	0.62%	3.35%
007	765,135	-1	0.00%	567,113	74.12%	32.6%	28.65%	22.49%	12.65%	0.16%	0.04%	0.59%	2.82%
008	765,136	0	0.00%	583,009	76.2%	59.93%	29.17%	6.3%	1.58%	0.21%	0.04%	0.24%	2.53%
009	765,136	0	0.00%	595,476	77.83%	71.64%	7.16%	11.67%	6%	0.22%	0.03%	0.31%	2.96%
010	765,137	1	0.00%	591,955	77.37%	67.84%	20.06%	6.22%	2.35%	0.19%	0.03%	0.44%	2.87%
011	765,136	0	0.00%	594,934	77.76%	62.95%	16.79%	11.46%	4.04%	0.18%	0.04%	0.79%	3.74%
012	765,138	2	0.00%	586,770	76.69%	55.01%	34.63%	4.89%	1.95%	0.22%	0.1%	0.3%	2.89%
013	765,137	1	0.00%	574,626	75.1%	20.54%	61.07%	11.35%	3.46%	0.19%	0.04%	0.61%	2.73%
014	765,137	1	0.00%	579,494	75.74%	75.96%	9.3%	9.92%	1.05%	0.24%	0.04%	0.29%	3.21%

Message

From: [illegible]
Sent: [illegible]
To: [illegible]
Subject: [illegible]
Attachments: [illegible]

Sent from my iPhone

Begin forwarded message:

From: "Wright, Gina" <Gina.Wright@legis.ga.gov>
Date: September 25, 2021 at 1:40:37 PM EDT
To: "Kennedy, John" <jan.kennedy@senate.ga.gov>
Subject: RE: [*** External Email ***]

Chairman Kennedy:

Attached is a sample of the [illegible] listing [illegible] Mr. [illegible] [illegible] Title [illegible] for deviation and I had to make some adjustments to the suggestions below for [illegible]. Otherwise, I used the suggested framework here. Let me know if you have any questions.

Thanks,
Gina

Gina Hibbs Wright
Deputy Director

Legislative and Congressional Reapportionment Office
Georgia General Assembly
[illegible] Square, Suite [illegible]
Coverdell Legislative Office Building
Atlanta, Georgia 30334
(404) [illegible]
http://www.legis.ga.gov/committees/reapportionment

[illegible]

From: Janis Snow Orlan <janis.orlan@senate.ga.gov> On Behalf Of John F. Kennedy
Sent: Thursday, September [illegible], 2021 [illegible]
To: Wright, Gina <Gina.Wright@legis.ga.gov>
Cc: John F. Kennedy <John.Kennedy@senate.ga.gov>
Subject: [*** External Email ***]

EXHIBIT
4

EXTERNAL EMAIL: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

District One: (1) Add Jeff Davis and Appling; (2) Remove Coffee; (3) Remove Lowndes.

District Two: (1) Add all of Mitchell and Baker; (2) add part of Dougherty population.

District Three: (1) Add 2/4ths of Douglas.

District Four: Add no other Details.

District Five: Add Candy Spring and remove part of Clayton and DeKalb.

District Six: Add Cobb/North Fulton/a portion of Fulton.

District Seven: Add Columbia except for Grovetown, Harlem, Evans, and Dearing.

District Eight: Add Colquitt and all of Lowndes.

District Nine: Move Pickens whole; remove Clarke, Jackson, and Madison; only Gwinnett so far is Buford, Sugar Hill, Suwanee, and Dacula.

District Ten: remove all of McDuffie and Columbia; add District 12; add all of Clarke, Jackson, and Madison and a portion of Gwinnett.

District 11: Split Barrow with 14, add some of East Cobb.

District 12: Remove all of Glascock, Washington, Jefferson, Johnson, McDuffie, and Columbia; change south Gwinnett for population.

District 13: Remove some of Douglas into district 4, which daylight [illegible]

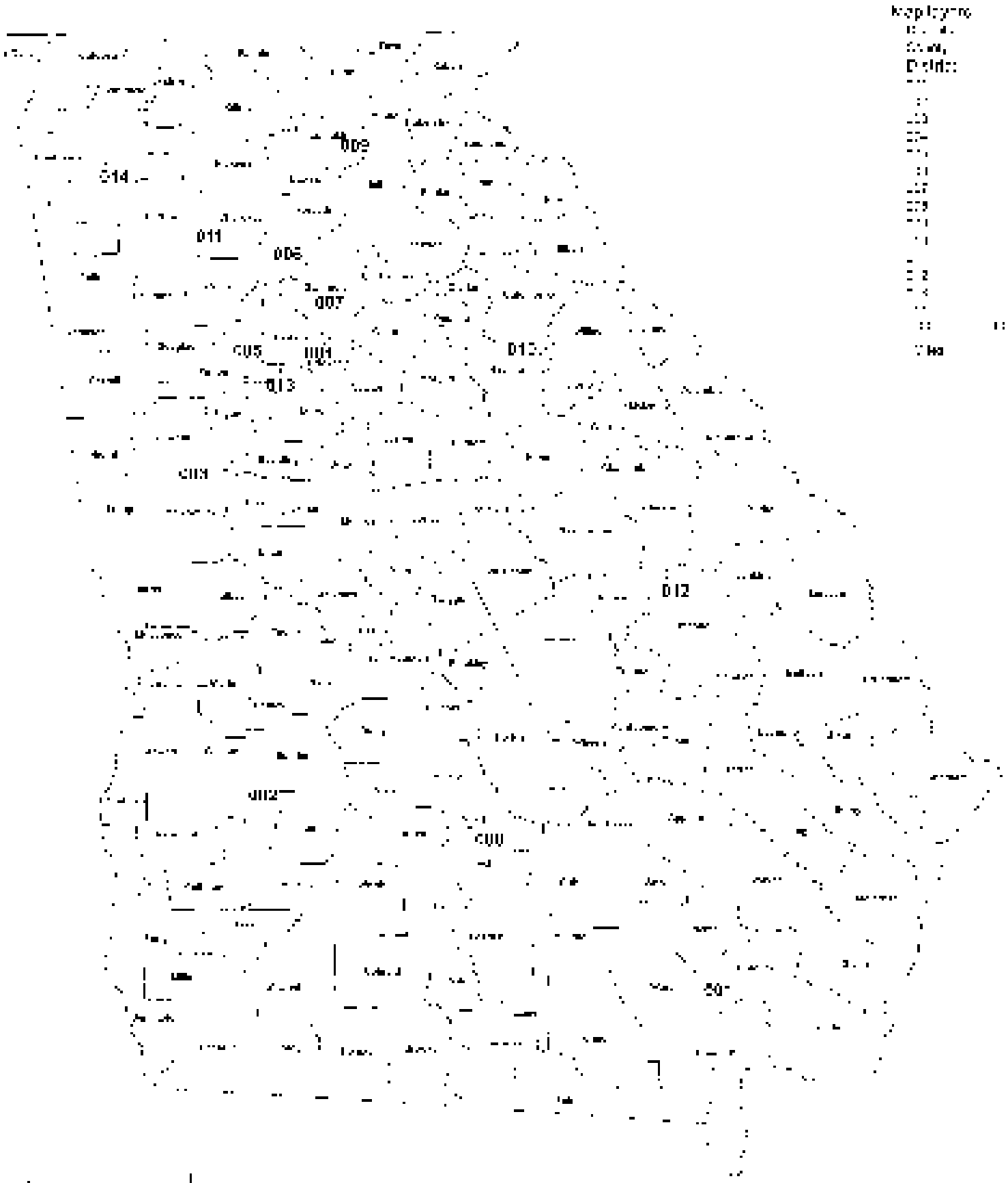
District 14: Add population from Barrow to balance out.

Jamie Shaw
Legal Assistant
James-Bates-Brannan-Groover-LLP

Direct: 478-746-8997 | Main: 478-745-1450
[illegible] Riverside Drive, Macon, GA 31210
www.jamesbatesllp.com
Macon | Atlanta | Athens

Confidentiality Notice: [illegible]

Draft- Georgia Congressional Districts



[illegible]

Population Summary

[illegible]

Summary Statistics

Population Range	[illegible]
[illegible]	[illegible]
Population Range	[illegible]
[illegible]	[illegible]
Population Range	[illegible]
[illegible]	[illegible]
Population Mean Deviation	[illegible]
[illegible]	[illegible]
Standard Deviation	[illegible]

District	Population	Deviation	% Devn.	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
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[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
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[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Total:	[illegible]												
Ideal District:	[illegible]												

[illegible]

Legislative and Congressional Reapportionment Office

The Legislative and Congressional Reapportionment Office is a joint office of the Georgia General Assembly responsible for providing the General Assembly with redistricting services. 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 office provides an array of maps and up to date data reports which include information on demographics, precincts, and local redistricting.

For more information, visit the House Legislative & Congressional Reapportionment Committee or the Senate Reapportionment & Redistricting Committee.

Maps of new statewide districts approved during the November 2021 Special Legislative Session and to be used for the 2022 General Election can be found under the "Quick References" tab below and also under the tab labeled "Proposed Plans." Other proposed maps are also under this tab as "Draft Maps." Maps of current districts which are in use until the end of 2022 are found under the tab below labeled "Statewide Plans." Links to other useful information can be found under the "Resources" tab.

Office Address

407 Coverdell Legislative Office Building
18 Capitol Square
Atlanta, Georgia 30334
Office: 404-656-5063
Fax: 404-463-4103

District Map Requests & Pricing

Please direct all PDF requests for district maps to the Reapportionment Office via email.

Map Price List

View Public Comments

Proposed Plans

- 2021-2022 Adopted Maps- Effective for 2022 Elections
- 2022 Draft Maps
- 2021 Draft Maps

Congressional Districts- Sept. 27, 2021- Senate Committee Chair

- District Packet (Maps and Population Reports)
- GIS Shape file
  GIS software required.
- Google Earth (KML)
  Required: Download Google Earth

Congressional Districts- Oct. 21, 2021- House and Senate Democratic Caucuses- House Bill 5EX

- District Packet (Maps and Population Reports)
- GIS Shape file
  GIS software required.
- Google Earth (KML)
  Required: Download Google Earth

Senate Districts- Oct. 28, 2021- Senate Democratic Caucus- Senate Bill 4EX

- District Packet (Maps and Population Reports)
- GIS Shape file
  GIS software required.

EXHIBIT
5

- Google Earth (KML)
  Required: Download Google Earth

House Districts- Oct. 29, 2021- House Democratic Caucus- House Bill 4EX

- District Packet (Maps and Population Reports)
- GIS Shape file
  GIS software required.
- Google Earth (KML)
  Required: Download Google Earth

House Districts- Nov. 2, 2021- House Committee Chair

- District Packet (Maps and Population Reports)
- GIS Shape file
  GIS software required.
- Google Earth (KML)
  Required: Download Google Earth

Senate Districts- Nov. 2, 2021- Senate Committee Chair

- District Packet (Maps and Population Reports)- corrected
  Corrects attribute total calculation
- GIS Shape file
  GIS software required.
- District Packet (Maps and Population Reports)
- Google Earth (KML)
  Required: Download Google Earth

Senate Districts- Nov. 4, 2021- Senate Committee Chair- Senate Bill 1EX

- District Packet (Maps and Population Reports)
- GIS Shape file
  GIS software required.
- Google Earth (KML)
  Required: Download Google Earth

House Districts- Nov. 8, 2021- House Committee Chair- House Bill 1EX

- District Packet (Maps and Population Reports)
- GIS Shape file
  GIS software required.
- Google Earth (KML)
  Required: Download Google Earth

Congressional Districts- Nov. 17, 2021- Senate and House Committee Chairs- Senate Bill 2EX

- District Packet (Maps and Population Reports)
- GIS Shape file
  GIS software required.
- Google Earth (KML)
  Required: Download Google Earth

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Georgia.gov
Governor's Office
Secretary of State
Georgia Department of Motor Vehicles
Georgia Department of Driver Services
Georgia Department of Revenue
Georgia Department of Labor
House of Representatives
Senate
Open RFP's
Senate Staffing
Intern Program

Message:

From: Tanner, Stephanie [Stephanie.Tanner@senate.ga.gov]
Sent: 11/5/2021 9:58:05 PM
To: Kennedy, Jack [Jack.Kennedy@senate.ga.gov]
CC: Turner, Ali [Ali.Turner@senate.ga.gov]; Crawford, Bill [Bill.Crawford@senate.ga.gov]; Geer, Cyrus [Cyrus.Geer@senate.ga.gov]; West, Lloyd [Lloyd.West@senate.ga.gov]; Parent, Elena [EParent@sheppard.com]
Subject: RE: Parent Community Redistricting Experts - Sen. Parent

Importance: High

Good afternoon Mr. Chairman,

Senator Parent asked me to follow up to make sure you received yesterday's message. You can reach her by e-mail, phone, or text. I'll be in on Monday.

Message:
During your statement during the hearing on the proposed State Senate map, you stated that you have hired a subject matter counsel who is representing and available to all members. I would like to avail myself of that expertise. Can you please connect me or send me the name and contact information of any such experts or counsel? Also, will you please provide me with all written advice or written materials you have received from these individuals concerning redistricting, your proposed map, and compliance with the Voting Rights Act.

Many thanks. Happy to discuss this if you want to call me.

Thank you,
Stephanie Tanner | Legislative Aide to
Senator Elena Parent | District 42
Georgia State Senate
Georgia State Senate | Sen. Sapian Annex 310-A | Atlanta, GA 30334
[illegible] | stephanie.tanner@senate.ga.gov

From: Tanner, Stephanie
Sent: Thursday, November 4, 2021 4:50 PM
To: Kennedy, Jack [Jack.Kennedy@senate.ga.gov]
Cc: Turner, Ali [Ali.Turner@senate.ga.gov]; Crawford, Bill [Bill.Crawford@senate.ga.gov]; Geer, Cyrus; Lloyd West@senate.ga.gov; Parent, Elena [EParent@sheppardmullin.com]
Subject: Senator Assembly Redistricting Experts - Sen. Parent
Importance: High

Good evening Mr. Chairman,

Senator Parent asked me to send the email below on her behalf:

During your statement during the hearing on the proposed State Senate map, you stated that you have hired a special subject matter counsel who is representing and available to all members. I would like to avail myself of that expertise. Can you please connect me or send me the name and contact information of any such experts or counsel? Also, will you please provide me with all written advice or written materials you have received from these individuals concerning redistricting, your proposed map, and compliance with the Voting Rights Act.

Many thanks. Happy to discuss this if you want to call me.

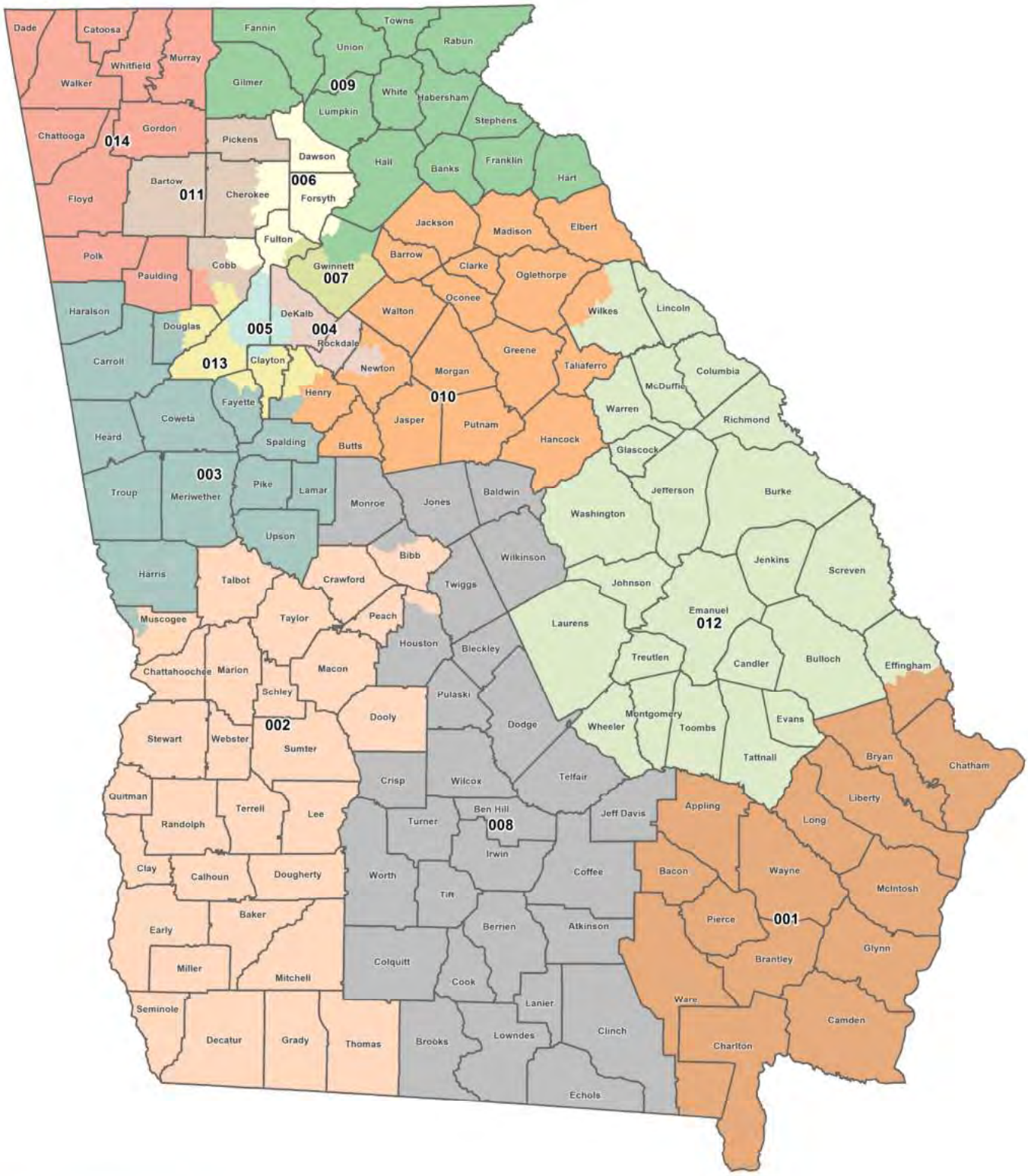
EXHIBIT
6

Best,

Stephanie Bannerd [illegible]
[illegible]
[illegible]
Georgia State Senate | [illegible] Capitol, Suite 121-A | Atlanta, GA 30334
Phone: 404-656-5109 | [illegible]

Client: S018
Plan: Congress-prop1-2021
Type: Congress

Proposed Joint Congressional Districts of Georgia



Legislative and Congressional Reapportionment Office
Georgia General Assembly

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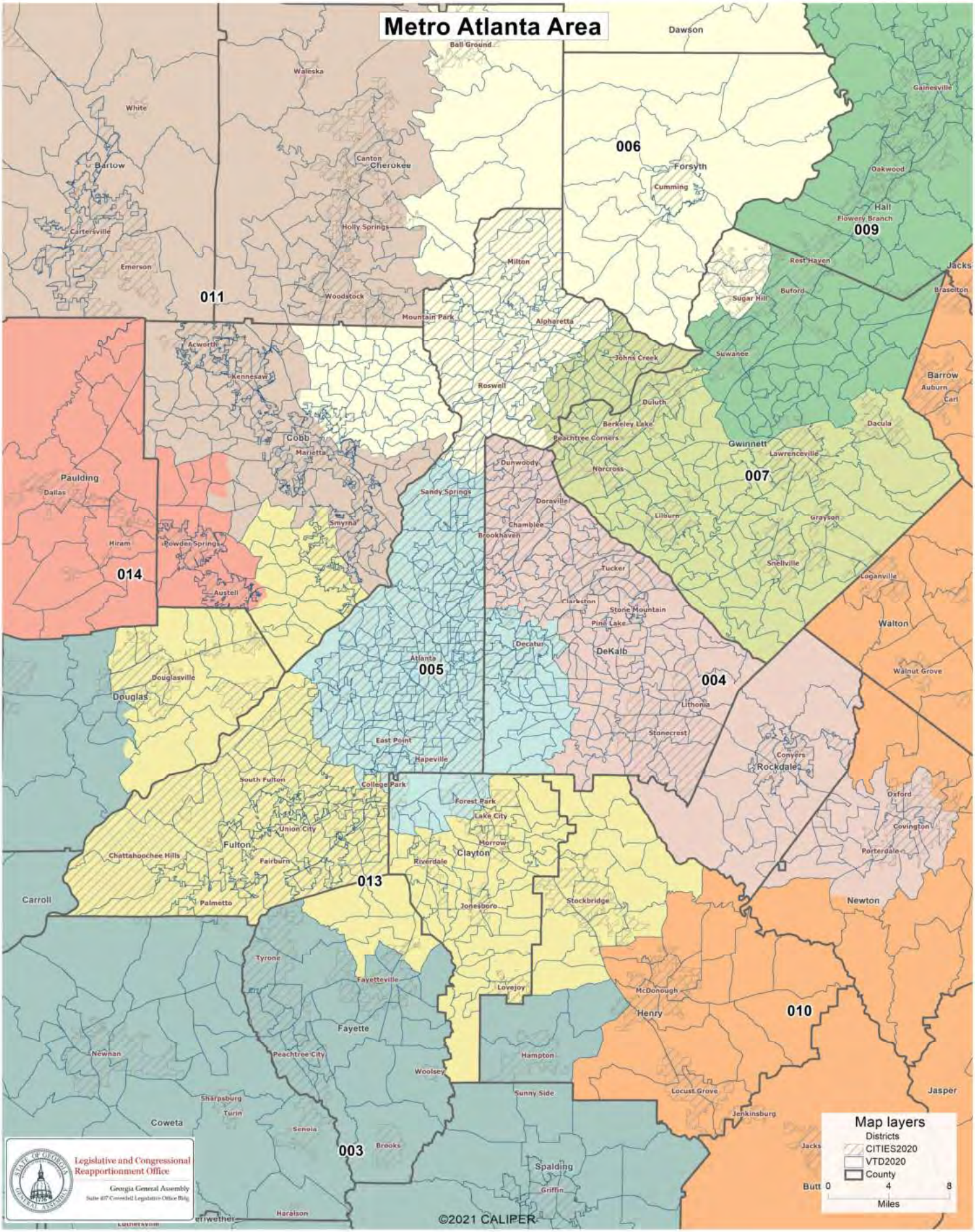
EXHIBIT
7

Map layers
Districts
County
0 20 40
Miles

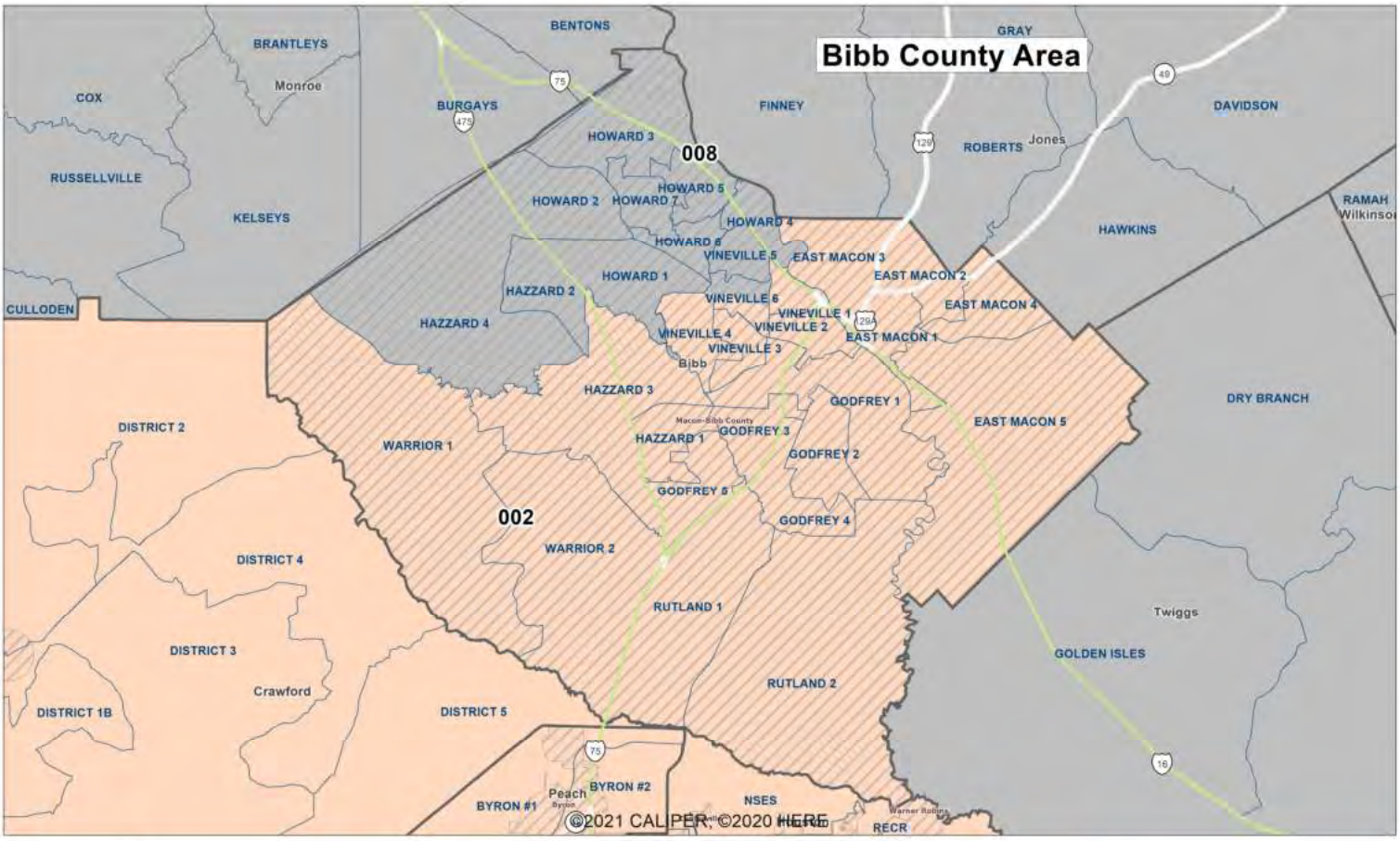
Client: S018
Plan: Congress-prop1-2021
Type: Congress

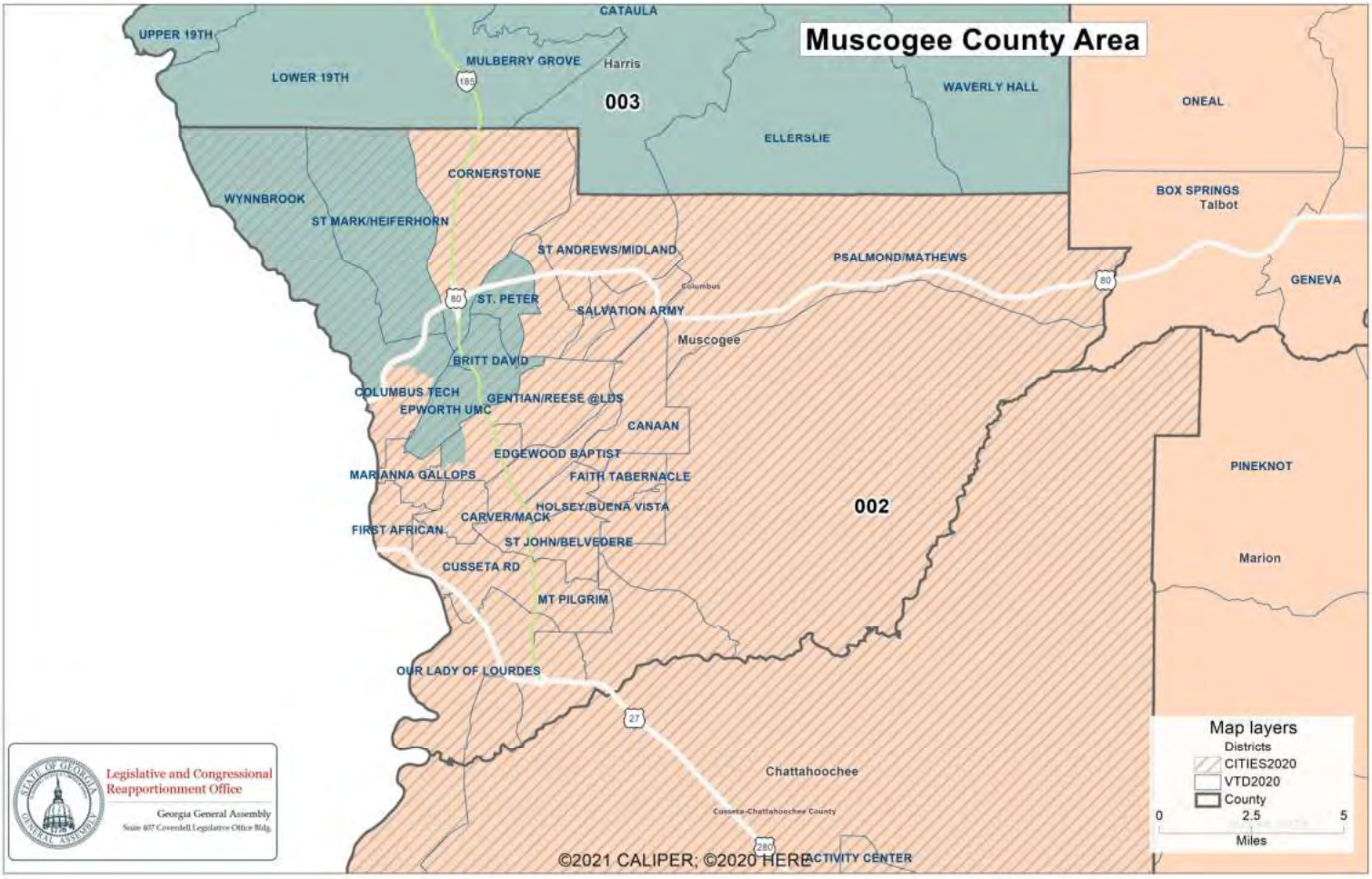
Proposed Joint Congressional Districts of Georgia



Client: S018
Plan: Congress-prop1-2021
Type: Congress

Proposed Joint Congressional Districts of Georgia





User: S018
Plan Name: Congress-prop1-2021
Plan Type: Congress

Population Summary

Summary Statistics:

Population Range:	765,135 to 765,137
Ratio Range:	0.00
Absolute Range:	-1 to 1
Absolute Overall Range:	2
Relative Range:	0.00% to 0.00%
Relative Overall Range:	0.00%
Absolute Mean Deviation:	0.71
Relative Mean Deviation:	0.00%
Standard Deviation:	0.80

District	Population	Deviation	% Devn.	[18+_Pop]	[% 18+_Pop]	[% NH_Wht]	[% NH_Blk]	[% Hispanic Origin]	[% NH_Asn]	[% NH_Ind]	[% NH_Hwn]	[% NH_Oth]	[% NH_2+ Races]
001	765,137	1	0.00%	589,266	77.01%	57.59%	27.54%	7.75%	2.19%	0.24%	0.16%	0.44%	4.1%
002	765,137	1	0.00%	587,555	76.79%	39.94%	49.03%	5.95%	1.34%	0.21%	0.1%	0.34%	3.09%
003	765,136	0	0.00%	586,319	76.63%	64.37%	22.61%	6.31%	2.09%	0.21%	0.04%	0.47%	3.91%
004	765,135	-1	0.00%	589,470	77.04%	25.82%	52.19%	11.63%	6.13%	0.16%	0.04%	0.65%	3.39%
005	765,137	1	0.00%	621,515	81.23%	35.79%	48.53%	7.38%	4.09%	0.16%	0.04%	0.52%	3.49%
006	765,136	0	0.00%	574,797	75.12%	63.7%	8.58%	10.23%	12.4%	0.16%	0.04%	0.69%	4.21%
007	765,137	1	0.00%	566,934	74.1%	29.52%	28.11%	23.77%	14.26%	0.16%	0.04%	0.69%	3.45%
008	765,136	0	0.00%	585,857	76.57%	57.91%	29.72%	7.17%	1.56%	0.19%	0.05%	0.31%	3.09%
009	765,137	1	0.00%	592,520	77.44%	64.7%	9.72%	15.39%	5.95%	0.2%	0.04%	0.42%	3.59%
010	765,135	-1	0.00%	588,874	76.96%	63.58%	22.12%	7.66%	2.26%	0.17%	0.04%	0.53%	3.63%
011	765,137	1	0.00%	595,201	77.79%	61.33%	16.33%	13.04%	3.76%	0.19%	0.04%	0.82%	4.49%
012	765,136	0	0.00%	588,119	76.86%	52.13%	36.12%	5.63%	1.83%	0.21%	0.11%	0.36%	3.61%
013	765,137	1	0.00%	574,789	75.12%	16.35%	64.26%	12.23%	3.17%	0.18%	0.05%	0.66%	3.1%
014	765,135	-1	0.00%	579,058	75.68%	68.07%	13.58%	12.69%	1.14%	0.22%	0.05%	0.4%	3.85%

Total: **10,711,908**
Ideal District: **765,136**

User: S018
Plan Name: Congress-prop1-2021
Plan Type: Congress

Population Summary

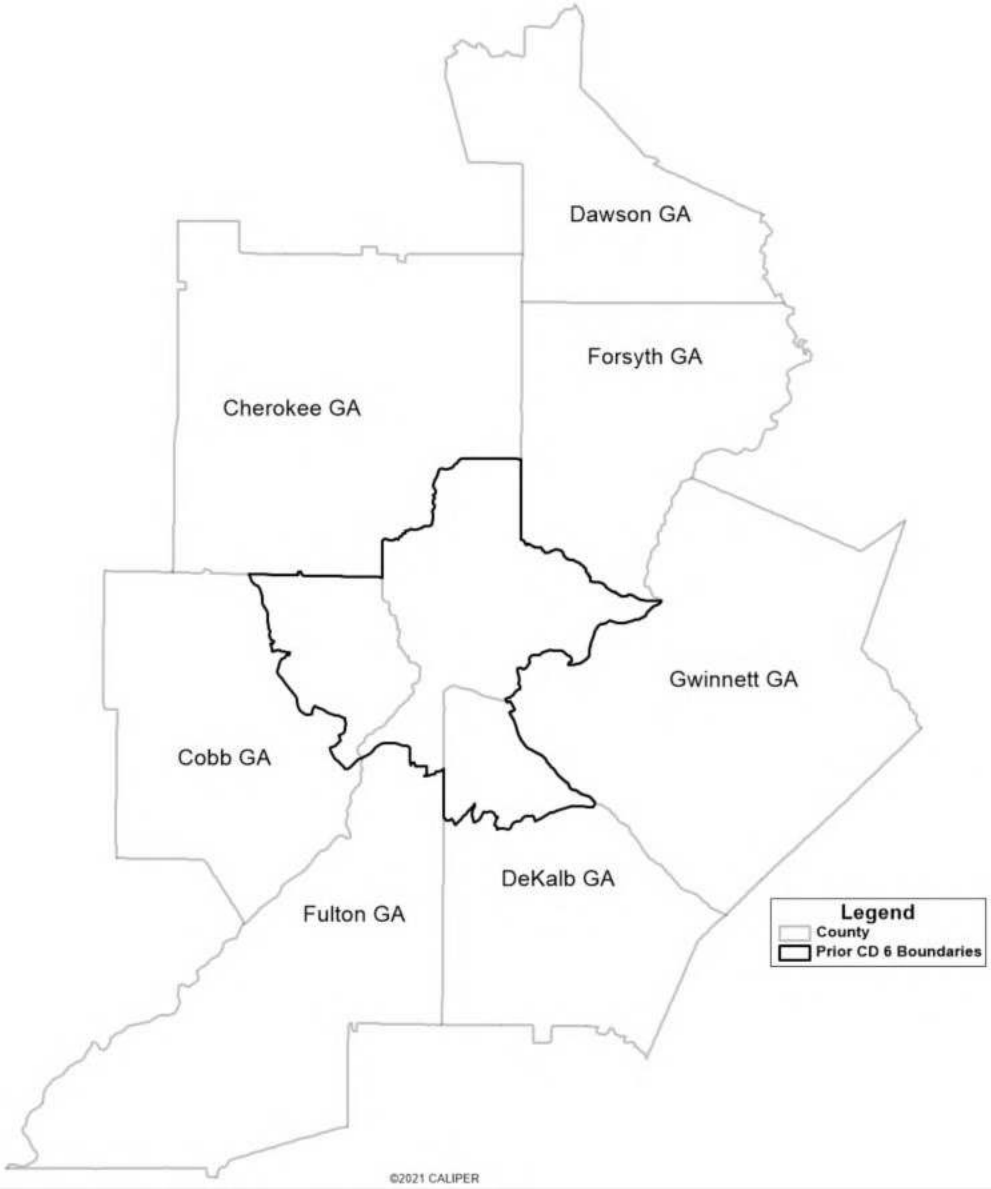
Summary Statistics:

Population Range:	765,135 to 765,137
Ratio Range:	0.00
Absolute Range:	-1 to 1
Absolute Overall Range:	2
Relative Range:	0.00% to 0.00%
Relative Overall Range:	0.00%
Absolute Mean Deviation:	0.71
Relative Mean Deviation:	0.00%
Standard Deviation:	0.80

District	Population	Deviation	% Devn.	[18+_Pop]	[% 18+_Pop]	[% NH18+_Wht]	[% NH18+_Blk]	[% H18+_Pop]	[% NH18+_Asn]	[% NH18+_Ind]	[% NH18+_Hwn]	[% NH18+_Oth]	[% NH18+_2+ Races]
001	765,137	1	0.00%	589,266	77.01%	60.41%	26.44%	6.78%	2.36%	0.26%	0.14%	0.37%	3.24%
002	765,137	1	0.00%	587,555	76.79%	42.73%	47.62%	5.12%	1.41%	0.23%	0.09%	0.28%	2.53%
003	765,136	0	0.00%	586,319	76.63%	66.83%	22%	5.33%	2.08%	0.22%	0.04%	0.38%	3.11%
004	765,135	-1	0.00%	589,470	77.04%	28.25%	51.79%	10.12%	6.09%	0.16%	0.04%	0.58%	2.96%
005	765,137	1	0.00%	621,515	81.23%	37.92%	47.14%	6.67%	4.53%	0.16%	0.04%	0.48%	3.07%
006	765,136	0	0.00%	574,797	75.12%	66.63%	8.61%	9.11%	11.44%	0.14%	0.04%	0.63%	3.41%
007	765,137	1	0.00%	566,934	74.1%	32.78%	27.35%	21.27%	14.97%	0.16%	0.04%	0.59%	2.85%
008	765,136	0	0.00%	585,857	76.57%	60.52%	28.84%	6.1%	1.6%	0.2%	0.05%	0.25%	2.43%
009	765,137	1	0.00%	592,520	77.44%	68.29%	9.37%	12.89%	5.94%	0.21%	0.03%	0.34%	2.92%
010	765,135	-1	0.00%	588,874	76.96%	66.2%	21.34%	6.51%	2.3%	0.19%	0.03%	0.46%	2.98%
011	765,137	1	0.00%	595,201	77.79%	63.99%	16.25%	11.22%	3.82%	0.2%	0.04%	0.75%	3.73%
012	765,136	0	0.00%	588,119	76.86%	54.65%	35.06%	4.87%	1.95%	0.22%	0.1%	0.3%	2.86%
013	765,137	1	0.00%	574,789	75.12%	18.82%	63.75%	10.52%	3.38%	0.19%	0.05%	0.61%	2.68%
014	765,135	-1	0.00%	579,058	75.68%	71.33%	13.14%	10.58%	1.17%	0.23%	0.04%	0.32%	3.2%

Total: **10,711,908**
Ideal District: **765,136**

Prior Congressional District 6 Boundaries



S.B. 2EX Congressional District 6 Boundaries

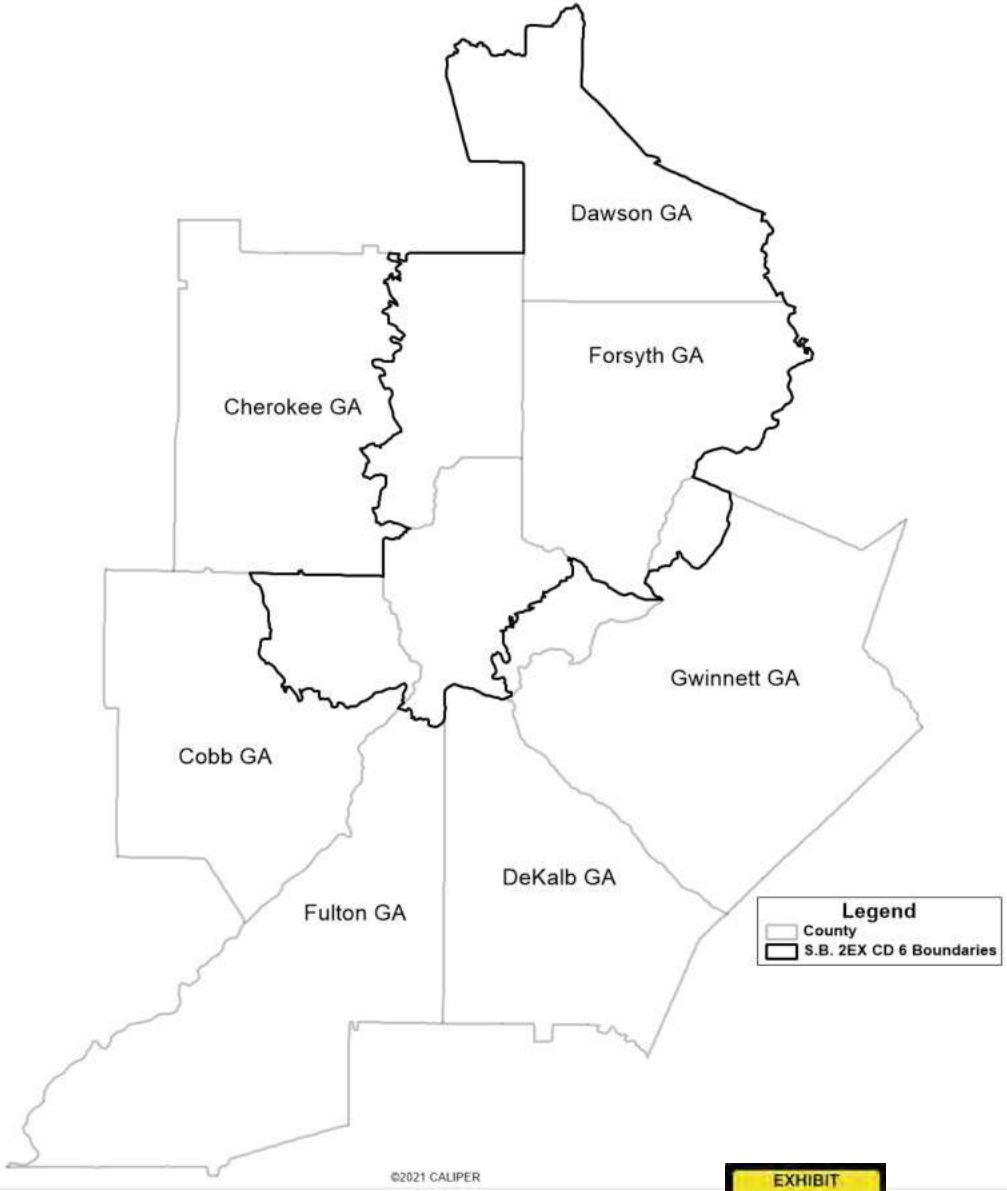


EXHIBIT
8

2021 Committee Guidelines

I. HEARINGS AND MEETINGS

A. PUBLIC HEARINGS

1. A series of public hearings were held to actively seek public participation and input concerning the General Assembly's redrawing of congressional and legislative districts.

2. Video recordings of all hearings are available for viewing on the legislative website, www.legis.ga.gov.

B. COMMITTEE MEETINGS

1. All formal meetings of the redistricting committees will be open to the public.

2. When the General Assembly is in session, notice of all formal meetings will be posted at the Offices of the Clerk of the House or Secretary of the Senate and other appropriate places at least 24 hours in advance of any meeting. Individual notices may be transmitted by email to any citizen or organization requesting the same without charge. Persons or organizations needing this information should contact the Senate Press Office or House Communications Office or the Secretary of the Senate or Clerk of the House to be placed on the notification list.

3. Minutes of all such meetings shall be recorded and maintained in accordance with the rules of the House and Senate. Copies of the minutes should be made available in a timely manner at a reasonable cost in accordance with [illegible]

II. PUBLIC ACCESS TO REDISTRICTING DATA AND MATERIALS

A. Census information databases on any medium created at public expense and held by the committees or by the Legislative and Congressional Reapportionment Office for use in the redistricting process are included as public records and represent [illegible] in accordance with the rules of the General Assembly and subject to reasonable charges for search, retrieval, reproduction and other reasonable, actual costs.

B. Copies of the public records described above may be obtained at the cost of reproduction by members of the public on any medium in the manner desired on an appropriate electronic medium. Cost of reproduction may include not only the medium and the copying media, but also the salaries for the search, retrieval, and reproduction of the records and other reasonable, actual costs.

EXHIBIT 9

C. These guidelines regarding public access to redistricting data and materials do not apply to plans or other related materials prepared by or on behalf of an individual Member of the General Assembly using the Legislative and Congressional Reapportionment Office, where those plans or materials have not been made public through presentation to the Committee.

III. REDISTRICTING PLANS

A. GENERAL PRINCIPLES FOR DRAWING PLANS

1. Each congressional district and each senatorial district shall be represented by one representative or senator and person from the ideal district size.

2. Each legislative chamber of the General Assembly should be drawn to achieve a total population that is substantially equal as practicable, considering the other principles listed below.

3. All plans adopted by the Committee will comply with Section 2 of the Voting Rights Act of 1965, as amended.

4. All plans adopted by the Committee will comply with the United States and Georgia Constitutions.

5. Districts shall be composed of contiguous geography. Districts that [illegible] are not acceptable.

6. No multi-member districts shall be drawn in any legislative redistricting plan.

7. The Committee should consider:

   a. The communities of interest and preserve [illegible];

   b. Compactness; and

   c. Communities of Interest.

8. Efforts should be made to avoid the unnecessary pairing of incumbents.

9. The identification of these criteria is not intended to limit the consideration of any other principles or factors that the Committee deems appropriate.

B. PLANS PRODUCED THROUGH THE LEGISLATIVE AND CONGRESSIONAL REAPPORTIONMENT OFFICE

Staff of the Legislative and Congressional Reapportionment Office will be available to all members of the General Assembly requesting assistance in accordance with the priority of that office.

2. Census data and statistical work maps will be available to all members of the General Assembly upon request, provided that (a) the map was created by the requesting member, (b) the map is publicly available, or (c) the Legislative and Congressional Reapportionment Office has been granted permission by the author of the map to share a copy with the requesting member.

3. As noted above, redistricting plans and other records related to the preparation of such services to individual members of the General Assembly will not be subject to public disclosure. Once the author of a particular map may waive the confidentiality provision, the confidentiality provision will not apply with respect to records related to the map and the Legislative Reapportionment Office may share the map in whole or in part with any records which are or have been previously disclosed by or pursuant to the direction of the individual member of the General Assembly.

C. PLANS PRODUCED OUTSIDE OF THE LEGISLATIVE AND CONGRESSIONAL REAPPORTIONMENT OFFICE

1. All plans submitted to the Committee will be made part of the public record and made available in the same manner as other committee public records.

2. All plans produced outside the Legislative and Congressional Reapportionment Office must be submitted to that office prior to presentation to the Committee by a Member of the General Assembly for technical review and presentation and be prepared on a precinct census geographic unit be accounted for in some district.

3. The electronic submission of material for technical verification must be made in accordance with the following requirements or in a format specifically approved and accepted by the Legislative and Congressional Reapportionment Office.

a. The submission shall be in electronic format with accompanying documentation that shows the sponsoring sponsor of the proposed plan and contact person for the proposed plan, including email address and telephone number.

b. An electronic map image that clearly depicts defined boundaries, including the 2020 United States Census geographic boundaries and a block assignment key file containing two columns. The first column shall list the 15 digit census block identifier numbers and the second column shall list the corresponding District identification number. Each block and district number shall be zero-filled text files. Such files shall be submitted in .csv, .txt, or .dbf file formats. The following is a sample:

BlockID, DISTRICT
"130609501000101", "005"
"130609501000102", "005"
"130609501000103", "002"
"130609501000104", "005"
"130609501000105", "002"
"130609501000106", "005"

4. The submission of the plan can also be done electronically. The following requirements must be met:

a. All digital, shown circuits or revisions should be as clearly depicted and must follow the 2020 Census geographic boundaries and should be accompanied by a statistical sheet listing the Census geography including total population on each district sheet.

b. All plans submitted should either be a complete statewide plan or fit back into the plan that they modified so that the proposal can be evaluated in the context of a statewide plan. All places of Census geography must be assigned to a voting district.

D. GENERAL GUIDELINES FOR PRESENTATION OF PLANS

1. A redistricting plan will be unsuitable for consideration by the Committee only through the sponsorship of one or more Members of the General Assembly. All such digital and amendments or revisions to plans presented at any committee meeting must be an clearly-depicted map which follows the 2020 Census geographic boundaries and accompanied by a statistical sheet. Listing the Census geography, including total population and minority populations for such proposed district.

2. No plan may be presented to the Committee unless that plan makes accommodations for and fits back into a specified identified statewide map for the remaining geographically non-contiguous

[illegible] All plans presented at committee meetings will be made available for inspection by the public either electronically or by hard copy available at the Office of Legislative and Congressional Reapportionment.

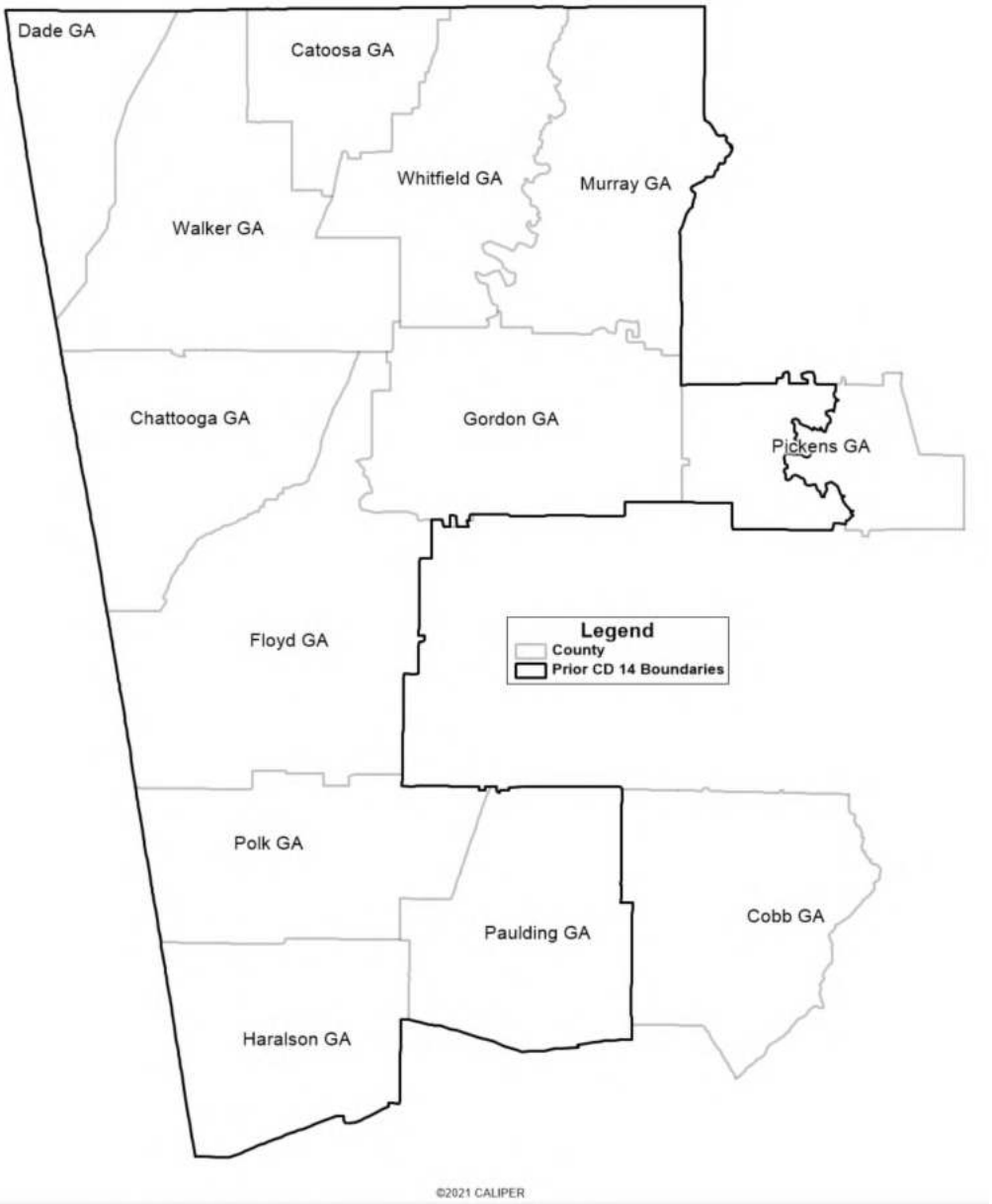
E. The [illegible] may be considered [illegible] by the Committee.

Prior Congressional District 13 Boundaries

S.B. 2EX Congressional District 13 Boundaries

EXHIBIT
10

Prior Congressional District 14 Boundaries



S.B. 2EX Congressional District 14 Boundaries

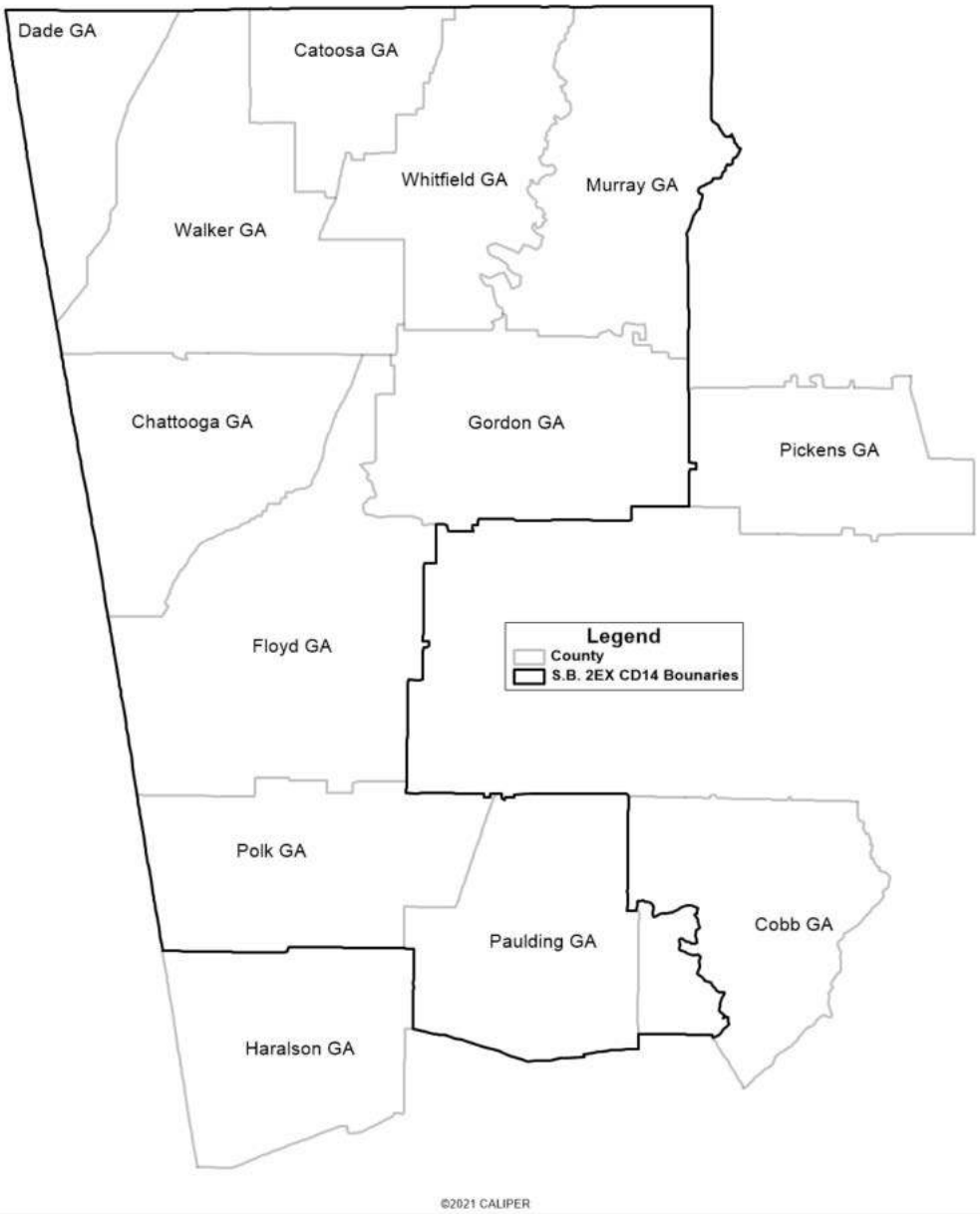


EXHIBIT
11

GEORGIA ASSOCIATION OF
VOTER REGISTRARS AND ELECTION OFFICIALS (GAVREO)

RESOLUTION NO. 2021-01

AUGUST 30, 2021

SETTING THE DATE OF THE GENERAL PRIMARY

BY MAJORITY VOTE, THE GEORGIA ASSOCIATION OF VOTER REGISTRARS AND ELECTION OFFICIALS (GAVREO) HEREBY RESOLVES THE FOLLOWING:

WHEREAS, the 159 counties of Georgia, through their Board(s) of Elections and Registration or Probate Judge and Chief Registrar, have the responsibility and authority to maintain the electors list and administer federal, state and local elections in the state of Georgia; and

WHEREAS, the release of detailed data from the 2020 Decennial Census has been delayed from the original timeline, due to impacts from the COVID-19 pandemic; and

WHEREAS, the Georgia General Assembly requires the detailed Census data to begin reapportionment in a 2021 special session that is currently unscheduled; and that the special session will focus on federal and state offices and the reapportionment of local offices will likely not be addressed until the regular legislative session beginning in January 2022; and

WHEREAS, these delays will give the counties inadequate time to make complicated redistricting changes before the commencement of candidate qualifying on March 7, 2022; and that after the 2010 Census, the qualifying period in 2012 commenced on May 23, 2012, providing more than two additional months for redistricting efforts, and

WHEREAS, the General Assembly in 2014 through the passage of HB 310 moved the general primary date from the "third week of July" to the "twenty-fourth week prior to the November election" and the period between the primary and the primary runoff from 21 days to nine weeks, in order to accommodate UOCAVA voters receiving their runoff ballot; however, the motivation for the 2014 adjustment was nullified in the 2020 legislative session by changes that establish a ranked-choice primary runoff ballot for UOCAVA voters and provide for a 28-day period between all elections or primaries and their required runoffs, and

WHEREAS, election administrators in this Association attest that the late May general primary date has been very challenging since 2014, because schools are still in session and graduations or assemblies are being conducted in large public spaces that are desirable as polling places.

EXHIBIT
12

RESOLUTION NO. 2021-01

NOW, THEREFORE, BE IT RESOLVED by the Georgia Association of Voter Registrars and Election Officials that we hereby implore the General Assembly in its 2021 special session, to revise O.C.G.A. §21-2-150 to set the date of the general primary for the "Tuesday of the nineteenth week prior to the November election" and make this change effective for the 2022 general primary and all subsequent general primaries.

BE IT FURTHER RESOLVED that the effect of this change would set the next general primary, and the concurrent nonpartisan election, for June 28, 2022; and that any required runoff will be held 28 days later, on July 26, 2022; and that candidates will qualify beginning on April 11, 2022, which is the Monday of the eleventh week prior to the new primary date. This change would provide additional time for redistricting in 2022 and allow for both the general primary and runoff to be conducted when schools are not in session for 2022 and future years.

ADOPTED by the GAVREO membership on this 30th day of August 2021.

APPROVED:

Executive Board:

Deidre Holden, Paulding County Co-President

Charlotte Sosebee, Athens-Clarke County; Co-President

Dorothy Glisson, Screven County; President-Elect

Mandi. B. Smith, Forsyth County; Vice-President

Shauna Dozier, Clayton County; Treasurer

Travis Doss, Richmond County; Secretary

JUNE 16, 2021 BY BETSY THEROUX

House and Senate Reapportionment Committees to Hold Statewide Town Hall Hearings

ATLANTA – The House Legislative & Congressional Reapportionment Committee, chaired by State Representative Bonnie Rich (R-Suwanee), and the Senate Reapportionment and Redistricting Committee, chaired by State Senator John F. Kennedy (R-Macon), will hold a series of joint town hall hearings across the state of Georgia. Additional details regarding the public comment hearing locations will be forthcoming; the hearing schedule is as follows:

- Monday, June 28, 2021, from 5 – 7 p.m. in Atlanta;
- Tuesday, June 29, 2021, from 5 – 7 p.m. in Cumming;
- Wednesday, June 30, 2021, from 5 – 7 p.m. in Dalton;
- Tuesday, July 6, 2021, from 5 – 7 p.m. in Athens;
- ~~Wednesday, July 7, 2021, from 5 – 7 p.m. in Augusta;~~ (RESCHEDULED)
- Monday, July 26, 2021, from 5 – 7 p.m. in Brunswick;
- Tuesday, July 27, 2021, from 5 – 7 p.m. in Albany;
- Wednesday, July 28, 2021, from 5 – 7 p.m. in Columbus;
- Thursday, July 29, 2021, from 5 – 7 p.m. in Macon;
- Friday, July 30, 2021, from 5 – 7 p.m. via virtual participation only;
- Wednesday, August 11, 2021, from 5 – 7 p.m. in Augusta (Martinez);
- ~~Monday, August 30, 2021, from 5 – 7 p.m. in Augusta (Martinez).~~ (RESCHEDULED to an earlier date – Aug. 11)

During these town hall-style hearings, members of the committees will hear and receive input from residents regarding the state's redistricting process. These public hearings will be livestreamed and archived at www.legis.ga.gov.

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BONNIE RICH

HOUSE LEGISLATIVE & CONGRESSIONAL REAPPORTIONMENT COMMITTEE, STATE REPRESENTATIVE BONNIE RICH

EXHIBIT 13

EXHIBIT
14

GEORGIA PRESS SENATE OFFICE

PRESS RELEASE

Contact: Andrew Allison, Director
Andrew.Allison@senate.ga.gov
404.656.0028

Proposed Senate District Map Passes Senate Reapportionment and Redistricting Committee

ATLANTA (November 5, 2021) | Today, a proposed state Senate district map was passed by the Senate Committee on Reapportionment and Redistricting. Senate Bill 1EX is sponsored by Sen. John F. Kennedy (R – Macon), Chair of the Senate Committee on Reapportionment and Redistricting, and will contain the language of the approved map.

"The map that passed the Reapportionment and Redistricting Committee today represents the culmination of countless hours of work by elected officials and staff, as well as input by Georgians across the state." Said Sen. Kennedy. "During the summer, we held eleven meetings throughout the state where we gathered essential information on what specific items were of most importance in their communities. Additionally, the General Assembly created a public comment portal where any Georgian could submit written comments for consideration by the committee. The final product emphasizes much of the concerns brought to us over this process and this map, specifically, maximizes contiguity, takes into account communities of interest and drastically reduces the number of counties with split representation, all in accordance with the Voting Rights Act of 1965. While passing through our committee is only one step of the process, I look forward to working with my colleagues in the Senate and the House to see this map become fully implemented."

The Senate will continue reviewing public input until the redistricting process is complete. To view the Joint Reapportionment Public Comment Portal, visit https://www.legis.ga.gov/joint-office/reapportionment/public-comments.

You can view a copy of the map that passed the Senate Reapportionment and Redistricting Committee today here: https://www.legis.ga.gov/api/document/docs/default-source/reapportionment-document-library/senate-prop1-2021-packet.pdf?sfvrsn=e9688364_2

You can read the text of Senate Bill 1EX here: https://www.legis.ga.gov/legislation/60894

You can view the video archive of the Senate Reapportionment and Redistricting Committee here: https://www.legis.ga.gov/schedule/senate.

Editor's note*: The map that passed the Senate Reapportionment and Redistricting Committee is attached.

####

Sen. John F. Kennedy serves as Chairman of the Senate Committee on Reapportionment and Redistricting, as well as Majority Caucus Chairman. He represents the 18th Senate District which includes Upson, Monroe, Peach, Crawford, and portions of Bibb and Houston Counties. He may be reached at 404.656.0045 or by email at john.kennedy@senate.ga.gov

EXHIBIT
15

Message

From: Wright, Gina [Gina.Wright@legis.ga.gov]
Sent: 1/12/2021 10:00:34 PM
To: Kennedy, John [John.Kennedy@senate.ga.gov]
Subject: Good afternoon!

Sen. Kennedy:

I would like to formally welcome you as the new Chairman of the Reapportionment and Redistricting committee. As I'm sure you are aware, there is much to know about the process and my staff and I will be glad to assist you in every way we can. My office is presently working in a team system to stagger our times in the office and our contact with each other, so I will be working remotely the rest of this week. I'm always available though, so please reach out through the office if you need anything or have any questions.

I am going to put together a packet of maps and information for you and I would be glad to go over those materials with you at your convenience. I will typically be in the office on Mondays and Tuesdays and alternating Wednesdays.

I look forward to working with you over the next redistricting cycle. ☺

Thanks,
Gina Wright

Gina Harbin Wright
Executive Director

Legislative and Congressional Reapportionment Office
Georgia General Assembly
18 Capitol Square, Suite 407
Coverdell Legislative Office Building
Atlanta, Georgia 30334
(404)656-5063
www.legis.ga.gov/joint/reapportionment

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