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

ALPHA PHI ALPHA FRATERNITY, INC., ET AL.,
PLAINTIFFS,
-VS-
BRAD RAFFENSPERGER,
DEFENDANT.

DOCKET NO. 1:21-CV-05337-SCJ
VOLUME 5 - A.M.

COAKLEY PENDERGRASS, ET AL.,
PLAINTIFFS,
-VS-
BRAD RAFFENSPERGER, ET AL.,
DEFENDANTS.

DOCKET NO. 1:21-CV-5339-SCJ

ANNIE LOIS GRANT, ET AL.,
PLAINTIFFS,
-VS-
BRAD RAFFENSPERGER, ET AL.,
DEFENDANTS.

DOCKET NO. 1:22-CV-00122-SCJ

TRANSCRIPT OF PRELIMINARY INJUNCTION PROCEEDINGS
BEFORE THE HONORABLE STEVE C. JONES
UNITED STATES DISTRICT JUDGE
FRIDAY, FEBRUARY 11, 2022

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UNITED STATES DISTRICT COURT
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APPEARANCES:

ON BEHALF OF THE PLAINTIFF:

KEVIN J. HAMILTON, ESQ.
ABHA KHANNA, ESQ.
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ARI J. SAVITZKY, ESQ.
RAHUL GARABADU
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MAURA DOUGLAS
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JENNESA CALVO-FRIEDMAN
ABIGAIL SHAW

ON BEHALF OF THE DEFENDANT:

BRYAN P. TYSON, ESQ.
LOREE ANNE PARADISE, ESQ.
BRYAN JACOUTOT, ESQ.

I N D E X


| WITNESS | DIRECT | VOIR DIRE | CROSS | REDIRECT | RECROSS |
|---|---|---|---|---|---|
| RICHARD BARRON | 6 | 10 | 55, 86 | 114 | 116 |
| JOHN MORGAN | 118 | | | | |

(Held in open court at 9 a.m.)

THE COURT: Mr. Tyson, the State will present their case.

MR. TYSON: Thank you, Your Honor. We're going to call Gina Wright to the stand first. While Ms. Wright is coming to the stand, I wanted to raise a couple of issues for the Court.

We filed yesterday our consent motion for extension of time for additional time to answer to February 25. In all three cases, February 25 is when it is agreed -- they accommodated us and we appreciate that.

THE COURT: It will so be ordered. It will be February 25. Let me also say, I can't remember the exact date that y'all have to provide your findings of fact and conclusions of law. I think it was five days after the hearing ends. I'm confident by next Friday the 18th to have the findings of facts and conclusions of law by 5:15.

MR. TYSON: That will work. And then, Your Honor, along the lines of the Plaintiffs in terms of the exhibits that were not objected to, I believe Exhibits 1 through 37, there wasn't any objection to those, we move those to be admitted.

THE COURT: Admitted into evidence without objection. Well, first of all, any objections of 1 through 37 from Pendergrass and Grant?

MR. HAMILTON: No, Your Honor. I don't believe so, with the exception of Ms. Wright's declaration, Judge.

MR. TYSON: We didn't mark that one yet.

MR. HAMILTON: So no objection to that range.

THE COURT: Okay. From the Alpha attorneys, any objections?

MR. SAVITSKY: No, Your Honor.

THE COURT: State's 1 through 37 is admitted without objection.

(State Exhibits 1 through 37 were received and marked into evidence.)

MR. TYSON: And then, Your Honor, Exhibit 38 is the report of Lynn Bailey; we move to admit that as well.

MR. HAMILTON: And, Your Honor, I do have an objection to that. During the voir dire examination of Ms. Bailey, I would like to explore that report and the reasons why we think that she should not be qualified as an expert, nor the report admitted.

So I would like to object at this point without any foundation being laid for the report.

MR. TYSON: And to be clear, I'm not bringing Mr. Riley. I'm bringing Ms. Bailey to testify here this week, the Richmond County Elections Director.

THE COURT: Any objection?

MR. SAVITZKY: No, Your Honor.

THE COURT: 38 is admitted without objection.

MR. TYSON: Thank you, Your Honor.

(State's Exhibit 38 was received and marked into

evidence.)

THE DEPUTY CLERK: Do you solemnly that the evidence you shall give in the matter now before this Court, shall be the truth, the whole truth and nothing but the truth, so help you God?

THE WITNESS: I do.

THE DEPUTY CLERK: If you would please state and spell your name for the record.

THE COURT: Yes, you can take that off.

THE WITNESS: My name is Gina Wright, G-I-N-A, W-R-I-G-H-T.

THE DEPUTY CLERK: Thank you.

DIRECT EXAMINATION

BY MR. TYSON:

**Q.** Good morning, Ms. Wright. Good to see you.

**A.** Good morning.

**Q.** So we know each other, obviously. I'm Brian Tyson. I represent the Secretary of State.

I want to begin today if you could just briefly summarize for the Court your background and experience with redistricting.

**A.** Sure. I have worked for the Legislative and Congressional Reappointment Office of the Georgia General Assembly for 21 years, just over 21 years. I've been the director for almost ten. And I've worked with multiple jurisdictions on redrawing district maps over that time period.

**Q.** And how many redistricting cycles have you drawn redistricting

plans?

**A.** This is my third redistricting cycle.

**Q.** And for what jurisdictions does your office draw redistricting plans?

**A.** We work with all levels of government, from small city council boards, county commissions, county school boards, the occasional water authority, up through the state level maps with the State House, State Senate and the U.S. Congressional District map for Georgia.

**Q.** Approximately, and I know this will be a guess, how many maps do you think you've drawn that have actually been used in Georgia elections?

**A.** Oh, probably hundreds.

**Q.** And did you draft the statewide redistricting plans for State House, State Senate, and Congressional Districts in 2021?

**A.** Yes, I did.

**Q.** Does your office reevaluate redistricting plans drawn by others?

**A.** Yes, we do.

**Q.** And what does that involve?

**A.** What that would include is a technical review of the maps.

So we look for things such as unassigned geography, inconsistent geographic features, voting amenity issues where a precinct is split, population. We also look at things that might involve the Voting Rights Act, and if there is anything there that

we see, we would encourage them to discuss that with counsel.
**Q.** And do you personally undertake those reviews as part of your role as the director?
**A.** Yes, I do.
**Q.** And do you know approximately how many maps not drawn in your office you conducted a technical review of?
**A.** I have no idea. Probably more than dozens.
**Q.** And did your office, I think you mentioned, issue a certification for maps after a technical review?
**A.** Yes. This process was set up in 2019 as a way of -- because these bills, they have to come through legislation to adopt these maps. This process was set up so that we would be sure that what we're putting into legislation for the members of the Georgia General Assembly is technically sound and a good map for them to push through, good in terms of technical qualifications before they put it into legislation. So we began doing that this cycle.
**Q.** And have you ever served as an expert witness before on redistricting?
**A.** I've served as the technical expert to the Court, yes.
**Q.** And what are some cases where you've served as a technical expert to the Court?
**A.** I don't know the specific names. I think they're listed in my report. I know I've worked with cases with Cobb County, and I've worked on cases in Fayette County, Richmond County, Clayton County. I was named in the -- one of the Sumter County cases, I

1 believe. So several. I think they're listed.
2 THE COURT: Mr. Tyson, and to the Pendergrass, Grant and
3 Alpha attorneys, about seven years ago, she worked with me in
4 drawing the maps for Cobb County.
5 BY MR. TYSON:
6 **Q.** And, Ms. Wright, you've also been an expert witness in the
7 Dwight case for one of the Congressional Districts in Georgia;
8 right?
9 **A.** That's correct.
10 **Q.** And is your work in redistricting, in analyzing demographic
11 data based on particular types of data in your office?
12 **A.** Can you clarify what you mean?
13 **Q.** So what types of data do you use in your work in your office?
14 **A.** The primary source is census data from the most recent census.
15 We might also review previous census data, if necessary. We also
16 do bring in data from the Secretary of State's office specific to
17 Georgia election return data.
18 **Q.** And does that include voter registration data?
19 **A.** Yes.
20 **Q.** It includes election returns?
21 **A.** Yes.
22 **Q.** Is the process of your work in redistricting and analyzing
23 demographic data something that requires technical and specialized
24 knowledge?
25 **A.** I would think so, yes.

MR. TYSON: So, Your Honor, pursuant to Federal Rule 702 we move that Ms. Wright be qualified as an expert on redistricting in Georgia and the analysis of demographic data in Georgia.

THE COURT: Do you wish to voir dire?

MR. HAMILTON: Please.

VOIR DIRE EXAMINATION

BY MR. HAMILTON:

**Q.** Good morning, Ms. Wright.

**A.** Good morning.

**Q.** Kevin Hamilton on behalf of the Pendergrass and Grant plaintiffs.

You mention that you served as a technical advisor to different Courts on various occasions; is that right?

**A.** That's correct.

**Q.** Including this Court?

**A.** Yes.

**Q.** And you mentioned a number of them in your declaration?

**A.** I'm sorry, I didn't hear what you said.

**Q.** You mentioned a number of them in your expert report?

**A.** Yes.

**Q.** But not all of them; right?

**A.** I didn't hear what you said. Sorry.

**Q.** Not all of them?

**A.** I'd have to go back and look. I can't remember what's all on it. I'd have to check.

**Q.** One of the ones you didn't include was the Georgia State Conference of the NAACP v. The State of Georgia; is that right?

**A.** I'm not sure.

**Q.** I'd like to ask you a couple of questions about that case.

MR. HAMILTON: Your Honor, I've got highlighted copies of the case that I would like to distribute, if I could.

THE COURT: Okay.

MR. HAMILTON: I failed to provide one to the witness. May I approach?

THE WITNESS: Thank you.

THE COURT: I'm familiar with the case.

MR. HAMILTON: Okay.

BY MR. HAMILTON:

**Q.** Do you recall this case, Ms. Wright? It involved gerrymandering, racial gerrymandering challenge to House Districts that were redrawn in 2015?

**A.** Yes, I do.

**Q.** Those were HD 105 and House District 111?

**A.** Yes.

**Q.** You were a witness?

**A.** Yes.

**Q.** In fact, you drew those two House Districts, didn't you?

**A.** Yes.

**Q.** The case involved two white Republican incumbents, Joyce Chandler in District 105 and Brian Strickland in House District

111?

**A.** Yes.

**Q.** They went to you to enlist your help in redrawing their districts; is that right?

**A.** Yes.

**Q.** You testified in that case that in redrawing those two districts, you worked to adhere to traditional redistricting principles in redrawing those two districts; right?

**A.** That's correct.

**Q.** And if we could just call up the opinion at page 3. The second highlighted passage, the Court found that more often the new maps had a negative impact on those principles. For example, the new maps created districts that were less compact, deviated more from the ideal district size, split more municipalities across district lines, and split more districts across county lines. Did I read that correctly?

**A.** You did read that correctly.

**Q.** And the map you drew, if we can turn to the next highlighted section, gave Districts 105 and 111 more white voters and fewer black voters; is that right?

**A.** That is what this says.

**Q.** It also said more white -- it says, "No party to this lawsuit disputes that redrawing Districts 105 and 111 made them more white and less black"?

**A.** What was the question? I'm sorry.

**Q.** That's what the Court found; right?
**A.** That is what this says.
**Q.** And in the next section in assessing the credibility of the witnesses, the Court specifically held that the statements of Ms. Wright and Mr. O'Connor are sometimes at odds with other evidence in the record. Do you recall that?
**A.** Not specifically, but I'm sure if you say it's in there.
**Q.** We just pulled it up on the screen. Does that refresh your recollection?
**A.** That's what that says, yes.
**Q.** And then in the conclusion of the Court's opinion, the last passage I'll highlight, the Court said -- if we could call that up -- Ms. Wright and her colleagues openly undertook to help Republican incumbents. In doing so, the 2015 redistricting moved many black voters from districts where their votes would have made an impact into districts where they did not. And it ended with this statement, "But fair and effective representation is decidedly not what the voters removed from House District 105 and 111 got." Do you see that?
**A.** I do see that.
**Q.** Now, let me put that aside and let me ask you about your declaration. You filed a declaration in this case; is that right?
**A.** Yes.
**Q.** And I believe it's been marked as an exhibit. I have hard copies here I'd like to hand out for ease of reference.

MR. HAMILTON: May I approach, Your Honor?

THE COURT: Yes.

BY MR. HAMILTON:

**Q.** If I could direct your attention -- well, first of all, I've called up a copy of the report. You recall filling out or preparing this declaration as an expert in this case; correct?

**A.** Yes.

**Q.** You wrote it?

**A.** Yes.

**Q.** So let's turn to paragraph ten of your report. In paragraph ten in the last sentence you say, "Six of the new districts created in the Cooper State Senate plan have black voter registration of less than 50 percent." Do you see that?

**A.** I see that.

**Q.** You don't anywhere in this report identify which six districts, do you?

**A.** I don't believe so.

**Q.** And you don't identify the source of the black voter registration figure?

**A.** As I mentioned, we have data from the Secretary of State's office.

**Q.** But you don't mention that as the source here, do you?

**A.** Oh. I don't see that in there, no.

**Q.** You don't offer the Court a specific percentage?

**A.** A specific percentage of what?

**Q.** It says "less than 50 percent." Every number between zero and 50 is less than 50 percent; isn't that right?

**A.** Yes.

**Q.** You don't provide the Court with the numbers from which that percentage was calculated in your report?

**A.** Is that a question?

**Q.** Yes.

**A.** No, I did not.

**Q.** And there's no tables or backup data in your report, there's no missing appendices, this is it; is that right?

**A.** Correct.

**Q.** And the same thing happens in paragraph 11. If we look at paragraph 11, it says in the second sentence, "The district barely crosses 50 percent any part black voting age population and only achieves that number by connecting black voters in Augusta with black voters in Milledgeville and Warner Robins." You don't provide a specific number here, do you?

**A.** No, I do not.

**Q.** Or the backup data from which that percentage, whatever it might be, was actually derived?

**A.** No, I do not.

**Q.** Paragraph 12 on the next page has the same issue. You discuss District 28 has a voter registration of less than 50 percent, but don't provide the Court with any actual percentage?

**A.** Yes, that's what it says.

**Q.** And there is no backup data?
**A.** Are you asking is there any? Well, I have the data; it's not included here yet.
**Q.** And there is no way for this Court to assess or weigh that calculation, because you didn't provide that calculation for the Court?
**A.** I was under the impression this was an initial report and there would be more information forthcoming.
**Q.** I could keep going, but the fact is, you'll agree with me, that throughout the report almost without exception, there's -- you don't provide the Court with specific percentages anywhere in this report, do you?
**A.** That's correct.
**Q.** You mention that District 22 and its, quote, traditional boundaries in Richmond County, but there's no place in your report where you describe what those traditional boundaries in Richmond County are; is that correct?
**A.** That's correct. It's just that it's within Richmond County, is the traditional location of that district.
**Q.** You don't identify the boundaries of -- what you call the traditional boundaries of that district?
**A.** No, I don't know them specifically.
**Q.** You comment on compactness in various districts. I'll direct your attention to paragraph 25 of your report. Tell me when you're there.

**A.** Okay.
**Q.** Second sentence says, "The three-way division of Baldwin makes no sense and is not at all compact." Do you see that?
**A.** Yes.
**Q.** The very next paragraph you say, paragraph 15 -- sorry, "District 145 is relatively compact." That's the way the sentence starts; correct?
**A.** Correct.
**Q.** But there's no compactness measures of either district here; correct?
**A.** Correct.
**Q.** Nowhere is there a REOC score or a Polsby-Popper score reported or afforded for each of these districts?
**A.** Correct.
**Q.** No comparison to the enacted plan?
**A.** Right.
**Q.** In fact, if we compare House District 149, the one that you say is not at all compact, it's, in fact, more compact than the enacted plan, isn't it?
**A.** I can't answer that question.
**Q.** Well, let's take a look.
Let me direct your attention to Exhibit 3. It's been admitted into evidence at page 132. This is Dr. Esselstyn's report where he reports the compactness score, and I would like Trisha to highlight HD 149 so we can see what the compactness of that

district is as reported by Dr. Esselstyn.

For the REOC score it's .32; is that right?

**A.** That's what this shows.

**Q.** You're familiar with the REOC scores; correct?

**A.** I'm familiar with them, but I don't utilize those reports, so I don't know them in detail.

**Q.** Zero is the least compact?

**A.** Right.

**Q.** One is the most compact; you know that?

**A.** Yes.

**Q.** And while we here, we'll look at the Polsby-Popper measure for this House District, again, it's House District 149 is .22; correct?

**A.** That's what this says.

**Q.** And again, zero is the least compact, and 1.0 is the most compact?

**A.** Are you asking me?

**Q.** Yes.

**A.** I believe that to be true.

**Q.** So let's compare Dr. Esselstyn's plan to the enacted plan that we just looked at.

MR. HAMILTON: And, Trisha, same exhibit, Exhibit 3, page 148. And if we could highlight District 149, House District 149.

BY MR. HAMILTON:

**Q.** We see it has a REOC score of .42; is that right?
**A.** That's what this says.
**Q.** And a Polsby-Popper score of .23?
**A.** That's also what it says.
**Q.** So if we put those numbers together -- Trisha, I think we've done that in an illustrative exhibit here.
BY MR. HAMILTON:
**Q.** So as measured by the REOC and Polsby-Popper measure in both cases, the Esselstyn plan, House District 149, is more compact than the enacted plan; is that right?
**A.** I would need to double-check that the numbering of the districts is the same and the same location, because a district drawn in one place might have a different district number. So without knowing the maps I'm looking at with the numbers, I can't really say that that's completely true and in the same location.
**Q.** All right. Fair enough. The point is you didn't provide any statistical measures of the compactness other than your opinion unsupported by specific data; correct?
**A.** That's correct.
**Q.** No calculation of data to reach a result or conclusion?
**A.** Correct.
**Q.** And then finally in your declaration on paragraph 12, in paragraph 12, if I could direct your attention to that, do you see the sentence that begins "Coweta County" on page 7?
**A.** Oh, Coweta County?

**Q.** Yeah, if you look --

**A.** Yes.

**Q.** Coweta County -- I'm just going to read it into the record. Quote, Coweta County was previously, the new district configuration will result in the division of Coweta County into three districts, 16, 35, 29, which are apparently based on race, period, close quote.

That's what you wrote in your report; is that right?

**A.** That does appear to have a typographical error in it.

MR. HAMILTON: Your Honor, we would object to Ms. Wright as an expert. Her credibility has been specifically questioned by the Court in connection with the 2015 redistricting where she moved many black voters from districts where their votes would have made an impact to districts where they would not. And a report is little more than a running commentary untethered to data, much less any sort of scientific or technical analysis that would lend to credibility before this Court. I'm sure you know under Evidence Rule 702, expert witnesses who are qualified by knowledge, skill, experience, training or education may testify in the form of an opinion or otherwise, subject to four requirements:

Number one, the expert's scientific, technical or other specialized knowledge will help the trier of fact understand the evidence or to determine a fact in issue. That's A.

Number two, the testimony is based on sufficient facts or data.

Number three, the testimony is the product of reliable principles and methods.

And number four, the expert has reliably applied the principles and methods to the facts of the case.

I'm sure Your Honor recalls 702 was specifically amended to ensure the reliability of expert and scientific evidence produced in federal courts. Ms. Wright fails on at least three of the four grounds; although she has practical experience relating generally to redistricting, she doesn't apply that technical or specialized knowledge here in any way which might be helpful to this Court. And her credibility has been specifically questioned. But more importantly, her testimony is not based on sufficient facts or data which are notably absent from the report. Instead, the report is full of conclusory statements, but bereft of facts or data upon which an expert might reasonably rely. That's the settling of the two-prong rule, and it's absent from her report; no facts or data.

Number two, she has not and cannot show that her analysis or conclusions to the product are reliable principles or methods at 702(C), and it, too, is wholly absent from her report. She doesn't mention, much less discuss, whatever the principles or methods she utilizes to reach her conclusions. A good example is the compactness. She says this is not at all compact without providing any kind of compactness score or even a comparison --

THE COURT: I think your argument is going to what

weight I should give her testimony, not so much if she is qualified to testify as an expert. I will let you finish, and I'll hear from Mr. Tyson.

MR. HAMILTON: I'm sorry?

THE COURT: Finish your argument and I'll hear from Mr. Tyson.

MR. HAMILTON: Thank you. And the last part is she fails to explain how she's reliably applied the unidentified principles or methods to the facts of the case. That's 702(D). The report is nothing more than a collection of running commentary and unsupported conclusions without a foundation in facts or scientific or technical methodology. There is no showing that she's applied in a reliable manner, scientific or technical principles or methods to the facts of the case. That is the third problem. There is no reliable application of recognized principles or methods to the facts in violation of 702(D).

Each of those flaws is an independent basis for excluding her as an expert and sustaining an objection to her report, and I would submit that all three of those flaws, coupled with the credibility findings in the NAACP decision, point to the same conclusion, that she should be excluded as an expert.

So, Your Honor, the State carries the burden of establishing her credentials as an expert witness. We would submit they have failed to carry that burden, and we would urge the Court to -- to decline to certify her as an expert.

THE COURT: Thank you. Alpha attorneys.

MR. SAVITZKY: No position at this time, Your Honor. We're happy to cross on this as well.

THE COURT: Ms. Tyson, any response to the objection of Ms. Wright testifying as an expert?

MR. TYSON: Thank you, Your Honor. Just a couple of points in response.

First, I think it's important to note that in the Georgia and State Conference of the NAACP case, this was an order on a preliminary injunction. Ms. Wright didn't testify in court. In fact, Judge Duffy specifically criticized the majority for making a credibility determination without hearing from Ms. Wright, and when he watched her video testimony, as he said later in that opinion, he declined to join the majority in their opinions about Ms. Wright's credibility.

Further, as this Court will recall, the time period for Ms. Wright to draft this report was about 18 hours. And there, obviously, will be further developments as we go along here.

But all the issues that Mr. Hamilton has identified, Ms. Wright has testified she uses a consistent method in reviewing plans. She has census data. She has the types of data. She discusses her analysis of these plans. None of that goes to her qualifications as an expert. You may choose to discount some of her testimony about that, but we believe that goes to the weight, not to her qualifications as an expert.

THE COURT: All right. Based on what I've heard, I'm going to overrule the objection. Ms. Wright will be allowed to testify as an expert. The things that you pointed out goes to how much weight should I give to the testimony, not to her qualifications to testify. She may testify as an expert.

So I note your exception and Alpha's exception to my ruling her to testify as an expert, but I'm going to allow her to testify as an expert.

MR. TYSON: Thank you, Your Honor.

DIRECT EXAMINATION

BY MR. TYSON (continues):

**Q.** Ms. Wright, in front of you -- we have marked in front of you your report. Can you take a look at that, please.

So do you recall what you were asked to do in this case?

**A.** Yes.

**Q.** And what were you asked to do?

**A.** To review the submitted plans that were presented as alternatives to the maps that were enacted by the General Assembly.

**Q.** And let's begin first with Mr. Cooper's maps of the House and the Senate. Do you recall reviewing those plans?

**A.** Yes.

**Q.** And did you notice anything in particular about Mr. Cooper's maps based on your initial review?

**A.** They were significantly different from what we have drawn.

**Q.** Were the deviations higher than the deviations on the adopted plans?

**A.** I believe so, yes.

**Q.** And can you remind us briefly what a deviation is?

**A.** A deviation is the measure of population above or below the ideal district size, whatever that ideal size is; it's either a whole number figure, a population above or below, or it can be calculated as a percentage.

MR. HAMILTON: Objection, Your Honor. None of this is included in the report by Ms. Wright. There's nothing about deviation, population deviation in the Cooper plan.

MR. SAVITZKY: And that objection we join in, Your Honor.

THE COURT: Mr. Tyson, how can Ms. Wright testify about that if it hasn't been disclosed to the other parties?

MR. HAMILTON: Your Honor, I'll take that point and I'll move on at this point.

THE COURT: Sustained.

MR. TYSON: Because of the record, I'll get to the point with other witnesses and not belabor the point here.

BY MR. TYSON:

**Q.** Ms. Wright, what I would like to do then is walk through your report in terms of what you looked at for specific districts that were drawn. If you could turn to paragraph 11 of your report.

In paragraph 11 you looked at proposed Senate District 23; is

that correct?

**A.** Yes.

**Q.** And I'm putting on the screen here Plaintiffs' Exhibit -- figure 14 in Mr. Cooper's report that shows a representation of Senate District 23. Do you see that?

**A.** Yes.

**Q.** You say in your report there's not a basis to connect Augusta with Warner Robins in a Senate District if not for the race of the individuals in the districts. Can you explain that statement to the Court, please?

**A.** There -- between Richmond and Augusta -- Richmond County, the area that surrounds District 23, it's traditionally been in the east Georgia district, and the counties that surround the Augusta area, including part of Augusta, Richmond, Warner Robins is in Macon, which is in central Georgia. So you're connecting two different areas of the state through one district that's stretched all the way halfway across the state to do that.

**Q.** You discussed with Mr. Hamilton a minute ago the boundaries of District 22. What are you referring to in your report about taking District 22 outside of its boundaries, traditional boundaries?

**A.** Historically, District 22 in the State Senate map has been within Richmond County, and it's not gone outside of Richmond County. It is an Augusta district. That has always been there for a very long time.

**Q.** And does Mr. Cooper's plan take District 22 outside of Richmond County?

**A.** Yes, it does.

**Q.** You also say in your report that District 23 only achieves the 50 percent -- over 50 percent any-part black voting age population by connecting black voters in Augusta with black voters in Milledgeville and Warner Robins. Do you recall that?

**A.** Yes.

**Q.** And what is the basis for that statement?

**A.** There are significant minority populations in Milledgeville, and also -- there's significant minority populations in Milledgille, as well as in Twiggs and Wilkinson Counties. So reaching from the area where the district was previously located over that way to get through over to Warner Robins where there is also some growing minority population there. I have no other reason why you would go and draw a district from Augusta to Warner Robins unless that was the purpose.

**Q.** Ms. Wright, I'm assuming as a matter of fact you know who various incumbents are in district -- State Senate Districts?

**A.** I didn't hear the last point.

**Q.** Do you know who the incumbent is in Senate District 23?

**A.** Yes, I do.

**Q.** Who is that?

MR. HAMILTON: Same objection, Your Honor. We're deviating from the report. There's nothing about incumbents, who

they are and where they live in the report.

MR. TYSON: And, Your Honor, we specifically noticed Ms. Wright as an expert and a fact witness. She know facts about the incumbents, as she testified based on her work. I think she can share the facts of the Court about that. That doesn't require expert opinion.

THE COURT: Anybody can look at the map, Mr. Hamilton, and see those counties.

MR. HAMILTON: As long as we're clear when he's asking her as an expert and as opposed to a fact witness.

THE COURT: This is fact. There is not the expert.

BY MR. TYSON:

**Q.** Mw. Wright, I'm asking you a question -- a factual question for you based on your knowledge of the Legislature. Who is the incumbent in Senate District 3?

**A.** Senator Max Burns.

**Q.** Is he a Republican or a Democrat?

**A.** He's a Republican.

**Q.** Let's move next to proposed district -- Senate District 28. I'm putting figure 15 from Mr. Cooper's report on there.

You indicate that District 28 splits multiple counties with the goal of achieving majority black status. What do you mean by that?

**A.** So the northern Fayette County area, Clayton County has a significant minority population, and there's also a significant

minority population in and around the City of Griffin. So it connects those three areas to create that district.

**Q.** And you reference an adjoining District 44. What are the communities that you're referring to in District 28 and 44 in your report?

**A.** So the creation of 20 -- let's see, 28 is taking Fayetteville. It reaches over into Tyrone, and North Peachtree City area, goes across Clayton County, all the way over towards by Schley, and then down towards Griffin, all the way through the city limits, to the far side of Griffin to connect that area.

**Q.** You point out the division of Coweta County on this plan. Why do you conclude that this division of Coweta County, in your expert report, is based on -- apparently based on race?

**A.** The effect of District 35 wrapping around the City of Newnan and working on the local maps for Newnan, Coweta County, that area on the south side of Newnan has some minority population there. So with District 35 being a majority/minority district, they came across and wrapped around Newnan to go below to the southern part of the city to gather that minority population to include it in District 35. That's what it would look like to me. I don't know why you would wrap around the city otherwise.

**Q.** And you reference there is no connection to a type of community out in district -- I'm sorry -- sorry. Let me go back to the first part of paragraph 12 of your report.

You say District 28 unites with areas of Jonesboro and areas

south of Griffin apparently for the purpose of including that black population in Griffin. Can you explain that statement to the Court?

**A.** Yes. I think I sort of did a little bit already. But the area around Jonesboro and Clayton County, this is a large minority population there. So connecting that with the area north Fayette and then reaching down into Griffin where there is -- in Griffin there is also a minority population; that's what I mean by that statement.

**Q.** And you indicate that District 28 has a black voter registration of less than 50 percent. Where did that information come from?

**A.** Can you repeat that one more time?

**Q.** The last sentence of paragraph 12 indicates that District 28 has black voter registration of less than 50 percent. What is your basis for that statement?

**A.** We have voter registration data from the Secretary of State's office that's by precinct. So we're able to look at what that percentage would be by district. It estimates where some precincts are split. It gives us a pretty good idea of what the percent voting registration is with any district that we draw. And in this particular case in applying that data here, it was less than 50 percent.

THE COURT: What was it?

THE WITNESS: I don't know. It was in the 40s, but I'm

not sure exactly.

THE COURT: 48 or 49?

THE WITNESS: I'd have to review the data again and see.

BY MR. TYSON:

**Q.** Let's go to District 17. District 17 is an area you have some familiarity with?

**A.** Yes.

**Q.** You indicate in paragraph 13 of your report that District 17 connects black population in Stonecrest to the Ola and Lake Dow communities in Henry County. What are those communities?

**A.** In reference to the map or what are they describing, the communities?

**Q.** Can you describe those communities? You're talking about them being connected, but what are you referring to there?

**A.** So Ola and Lake Dow are very rural communities in Henry County. They're in the area of the bottom portion of this district, in the 17th District in the orange. It's a very rural area. There is no municipality out in that area. That's very different from what Stonecrest and South DeKalb is, which is definitely much more of a municipalized area, much more urban, connecting two very different communities in one district.

**Q.** You also mention it splits a large neighborhood in Lake Haven with no apparent reason for doing so. What are you referring to there?

**A.** In Central Henry County there is a large neighborhood there

that is very influential in that area that was divided literally through the neighborhood. Part of the neighborhood in one district, part in another. There's also a precinct there that's identified that way. But beyond just splitting the precinct, they literally split through the neighborhood.

**Q.** And why would splitting a neighborhood be of note for you?

**A.** Well, if you maintain communities, that's definitely a community. When you look at that small level of a neighborhood in and of itself, you're putting people in the same neighborhood in different districts, having to vote in different combos for different candidates that live in the same neighborhood and share the same interests with each other.

**Q.** Now, as a matter of just factual basis for the Court, who is the incumbent in Senate District 28?

**A.** Matt Brass, Senator Matt Brass.

**Q.** He's a Republican?

**A.** Yes, he is.

**Q.** And who is the incumbent as just a factual matter in District 17?

**A.** Senator Brian Strickland.

**Q.** And what is his political party?

**A.** He's also a Republican.

**Q.** Going back to your expert report in paragraph 14, you conclude that the additional districts -- and does that refer to the three districts you just analyzed in the preceding paragraphs?

**A.** I'm sorry, can you repeat that?

**Q.** So in paragraph 14 when you say, "The additional districts this plan proposes." Are you referring to Districts 23, 28, and 17?

**A.** Yes.

**Q.** And you conclude that they appear to be drawn based on race?

**A.** It appears to be that way.

**Q.** And, again, what is -- you made this conclusion. Is that based on all of the analysis that you described in the paragraphs that went before paragraph 14?

**A.** Yes.

THE COURT: Ms. Wright, in the adopted plan, are there any counties or areas that's urban in one spot and then another spot is rural?

THE WITNESS: We try not to do that, if we can. I'd have to go back and review all of the districts to verify that. But it's very different communities. So if we're trying to maintain communities, we try to avoid doing that.

THE COURT: Southwest Cobb County, how would you describe it?

THE WITNESS: Southwest Cobb County? I think that is near Powder Springs and that vicinity?

THE COURT: Yes.

THE WITNESS: I haven't had a lot of experience in that area, but it is municipalized. It is developed. It's an

established older area. It's been there for awhile. I don't know if I would define it as rural, per se. But I don't know if I would define it as urban either. It's not really an urban area.

THE COURT: Is it part of metro Atlanta?

THE WITNESS: Yes, it's part of metro Atlanta.

THE COURT: How would you describe North Polk County or Bartow County in Northwest Georgia?

THE WITNESS: Those are more rural counties.

THE COURT: But yet in the adopted plan it's in the same Congressional District?

THE WITNESS: That's correct.

THE COURT: Explain to me how is it that -- when you connect a Senate district, urban and rural, and that's wrong, and you connect a Congressional District that's urban and rural and that's right.

THE WITNESS: Sometimes the decisions to combine communities are not ones that I have to make.

THE COURT: That's what keeps happening to me.

BY MR. TYSON:

**Q.** Following up on Judge Jones' questions, is there a size differential in the State Senate and Congressional Districts?

**A.** Yes, there is.

**Q.** And do Congressional Districts -- I guess they have to contain a lot more people than a State Senate district does?

**A.** Yes, a lot more people.

**Q.** Let's move on to Mr. Cooper's House plan. And you also analyzed his House districts; is that correct?

**A.** Yes.

**Q.** I should write down my page numbers to get there a little quicker. Sorry.

So I put figure 27 on the screen that shows Mr. Cooper's State House plan. And I recognize you have not looked at these particular reports, but these are the districts that you reviewed? Is that correct?

**A.** Yes.

**Q.** So let's talk first about District 73. And this is a district here, the purple or the kind of pink on the map. Do you see that?

**A.** Yes.

**Q.** And you say that this proposed district uses black population in South Clayton and combines it with black population in Griffin to create a district. What do you mean, "uses and combines the population"?

**A.** Puts them together. So you're combining those two areas into one district.

**Q.** You also reference significant changes around those districts. You referenced District 78 and District 109. What are the changes made that you are referring to there?

**A.** So a lot of times in the creation of a new district that was proposed, the impact of the districts that are around it is more significant than the creation of the district that was put there.

And that seems to be the case in this area where District 109 is running, again, across Jonesboro, Clayton County, almost all the way over to the Fayette County line through Henry County and further across, straight through the middle of Henry County there.

In District 78, which I can't see fully on the map, that seems to be the similar-type thing. It went all the way into the City of Jonesboro. It points directly into the downtown area of Jonesboro and then stretches across Henry County, and I can't fully see it on the map to further give you any analysis of that. But that's what it appears to be.

**Q.** At the end of paragraph 16, you say that District 73 and its surrounding districts break county boundaries in an apparent service of a racial goal. Can you explain further what you mean by that?

**A.** Sure. You're dividing counties crossing districts across counties, and we try to avoid doing that in the plans we're doing. We try to eliminate crossing county boundaries more than we have to for population purposes. We know in the Clayton County area, the majority of the districts that we created were all within Clayton County, because that is a very densely populated community. The incumbents, four out of five of them live in that community. So we make sure we try to accommodate those communities by keeping them wholly within those county boundaries, which was one of the guidelines the committee set forth, which was to maintain those political boundaries where we could, which in

this case would be the county line.

**Q.** And there are obviously times when you have to cross county boundaries?

**A.** That's correct.

**Q.** And when you have to cross a county boundary, what things do you take into account before you make that break?

**A.** So when you're crossing a county line, I'm going to try to follow things like voting precincts boundaries. If that's something that I can follow, I'm going to look for major roadways, major geographic features, areas that may share something in common with the district that is coming across to reach into that district for whatever purpose, whether they share a major roadway that they travel or, you know, another resource. We have places in South Georgia where they share -- local counties can share a similar source. So connecting those counties or connecting across them makes more sense then to go into another county where they might share anything in common.

**Q.** Are regional commissions something you looked at in trying to decide which counties to connect with --

**A.** I'm sorry, can you repeat that?

**Q.** Are regional commissions something you looked at when trying to decide which counties to --

MR. HAMILTON: Your Honor, again I object. There is nothing about regional commissions or considering regional commissions and splitting counties in the expert report.

THE COURT: That probably falls on an expert, Mr. Tyson. So I'll sustain that objection.

MR. HAMILTON: Thank you, Your Honor.

BY MR. TYSON:

**Q.** Ms. Wright, let's next -- I'm sorry, one more question here on the factual basis. Do you know --

THE COURT: Ms. Wright, I apologize. You're like me. A lot of times I talk fast. But Ms. Viola is trying to get it all down. So just relax. A lot of times when I start talking and the lawyers tell me a lot of times, Judge, we don't understand what you're saying. Just slow it down a hair.

THE WITNESS: Yes, sir.

THE COURT: Thank you.

MR. TYSON: All right. I had the same problem. I was admonished earlier this week, but trying to slow down a little bit.

BY MR. TYSON:

**Q.** So, Ms. Wright, as a matter of your factual knowledge, do you know who the incumbent in District 73 is?

**A.** Yes, I do.

**Q.** And who is that?

**A.** Representative Karen Mathiak.

**Q.** And what party is Representative Mathiak?

**A.** She's a Republican.

**Q.** Let's move next to District 110, paragraph 17 of your report.

You say that it combines pockets of Locust Grove and Henry County, Spalding -- I'm sorry.

You say first that Spalding County has traditionally only had two House districts, but this configuration results in four districts. Can you explain that to the Court?

**A.** Yes, in the past, other cycles of maps in the past, there have been two representatives who represented Spalding County. This proposal would have four representatives in Spalding County. I think our proposal may have had three.

**Q.** And you reference, again, an adjoining district, District 111. What are you referring to when you say -- or how did you conclude there was no apparent racial goal, no apparent goal other than to create a majority black district?

**A.** Are you referring to 110 or 111?

**Q.** In your report in paragraph 17 you say it revises District 111 in the way that it splits a number of voting precincts with no apparent goal other than to create a majority black district.

**A.** Correct. So District 111, the way it's configured, wraps around 110. Again, reaching over through this area of McDonough and the southern part of McDonough and where there's a minority population to go across and gain in that whole area. I think they're in -- but not quite in Clayton County. There's another area of minority population combined together in that structure to create that district.

**Q.** And you indicate that you hadn't looked at incumbents, but you

are aware of incumbents. Can you explain that statement to the Court?

**A.** As far as -- I'm not sure I know what you mean.

**Q.** In your report and this paragraph you say you hadn't separately analyzed which incumbents, I'm assuming, were in which districts?

**A.** Correct.

**Q.** What do you mean by you're aware of a number of incumbents in this area that could be affected?

**A.** Specifically in Henry County there are several incumbents who live close to each other, and I did not review their addresses in relation to this map. But I know that there are several that live close to each other. So I cannot say whether they would be combined in the same district or not, just due to the fact that they live very near each other.

**Q.** Do you know the -- back to factual questions. Do you know the incumbent in District 110?

**A.** On this proposed map or...

**Q.** The current District 110.

**A.** Yes.

**Q.** Who is that?

**A.** That's Representative Clint Crowe.

**Q.** Is Representative Crowe a Republican?

**A.** Yes, he is.

**Q.** Let's go next to House District 144. Figure 32, Mr. Cooper's

report.

You first say that District 144 in your report it says, "It unites disparate communities in a single district." Can you explain that?

**A.** Yes, so Taliaferro, Warren Counties are very rural counties. I mean, they are where they are. But it reaches over in an unusual way to go into Eatonton, to go into Milledgeville and then to sink down even further and pick up Wilkinson County, which in a House district seems like an unusual combination of these areas from a traditional standpoint of what district -- what counties these areas have been combined before.

**Q.** Let me flesh that out a little bit. So you say it reaches into Clayton and Baldwin Counties. Did you use the word "unusual"?

**A.** Yes.

**Q.** What do you mean by unusual ways?

**A.** Well, if you look at the shape of how it's drawn, it looks a little unusual to me.

MR. SAVITZKY: Your Honor.

THE COURT: Hold on.

MR. SAVITZKY: The witness doesn't discuss the shape of the districts, the shape of the lines here at all. I mean, it's not one of the topics discussed in her discussion of District 144 in her report.

THE COURT: I'm looking at the report right now,

Mr. Tyson, and I don't see it either.

MR. TYSON: Your Honor, it's referring specifically to black population of Eatonton and Milledgeville, I believe that's what Ms. Wright is referring to, of Putman and Baldwin Counties.

THE COURT: It says uses the black population.

MR. SAVITZKY: There is no basis, I think, that the shape has anything to do with that.

THE COURT: Mr. Tyson, she can testify about her reason maybe about the shape. She can give the reason why she thinks it is the way it is, other than going into the geographical shape.

MR. TYSON: Certainly, we can do that.

MR. SAVITZKY: And, Your Honor, I move to strike the last answer of the witness.

THE COURT: Disregard it. It's struck.

BY MR. TYSON:

**Q.** Ms. Wright, your report indicates that the District 144 uses black population in the cities of Eatonton and Milledgeville and Hancock and Wilkinson Counties to achieve a district that is barely over 50 percent any-part black voting age population. Do you see that statement?

**A.** Yes, I do.

**Q.** And so when you say "uses black population in Eatonton and Milledgeville," what are you referring to?

**A.** That the district goes into the cities and bypasses other population that would have been more contiguous, would have been

more compact to reach into this area to specifically select that population to add it to that district in order to achieve a particular goal.

**Q.** And you say that "Twiggs and Wilkinson Counties have historically been in the same district"?

**A.** That's correct.

**Q.** And they're divided on this District 144; correct?

**A.** Yes.

**Q.** And when you say in the first paragraph of paragraph 18 that District 144 unites disparate communities in a single district, which disparate communities are you referring to?

**A.** I would say that's Eatonton and Milledgeville, and further out into Wilkinson and into Taliaferro.

**Q.** And Eatonton and Milledgeville are in adjoining counties. Why would you say they're disparate?

**A.** Communities there are more common. It's the connection of those two communities with the rest of the district that is much more rural and smaller population areas.

**Q.** Thank you. Taking you to District 138. I'm sorry, move on from this. Let's go to southwest Georgia.

Now, Ms. Wright, I'm looking to see -- you reference Tift County. I don't see a District 138 that touches Tift County. Do you know what you might be referring to there?

**A.** So 138 is not really shown on this particular map. The very bottom of it is where it comes into Sumpter County there and goes

upward and wraps around in Columbus, picks part of Americus and reaches all the way up into the bottom of Talbot County. That's what I'm talking about with 138. I think Tift County just in this southwest Georgia region, I'm including Tift as part of that southwest portion of that region there, that was specifically asked not to be divided into multiple districts through our public hearings. And we tried to reduce the number of splits there. It is a larger -- slightly larger county than some of the areas nearby. We did try to honor the request of people nearby by reducing the split from three to two in the map that the General Assembly adopted.

**Q.** You also said you can't identify a community of interest or a purpose for configuring Southwest Georgia as this plan does. Can you explain that statement?

**A.** Yes. I believe that relates to the way that District 138 is connected. The district that is -- I think it's 151 that's not fully shown on this map either and how they dip down and divide -- specifically Sumpter County being split three ways on this map. Those are the districts I think I was referring to.

I would also point out in 153 in the same Southwest Georgia region, the same portions where Albany is located to run from Albany down to Thomasville, I do mention that in that paragraph, that that is also communities that would not typically be combined together. So I'm not sure what the reason would be unless there was another particular goal in mind to draw that. Albany is

very -- is a very unique, defined identity in that region, as is Thomasville further south, but they don't share a common interest.

**Q.** So let's move next to Mr. Esselstyn's State Senate plan. I want to begin with the first district. You begin with District 23 in Paragraph 21. You reference that this district achieves 50.43 percent AP black VAP. Do you see that?

**A.** Yes.

**Q.** And you say it's below 50 percent black voter registration. Do you recall what that number was?

**A.** I don't recall the specific number, but it was below 50.

THE COURT: Mr. Tyson, at some point in time I have to get those numbers.

MR. TYSON: Yes, Your Honor. Certainly, we can have Ms. Wright as soon as she finishes here, run those for us.

BY MR. TYSON:

**Q.** You reference that this proposed district shifts the district significantly west instead of keeping it an East Georgian district. Can you explain that?

**A.** Yes, in the similar fashion to the previous version of this district that we looked at, 23 has -- Senate District 23 has traditionally been surrounding Augusta. It's an Eastern Georgia district that kind of runs parallel in that area to the state line. This pushes it further into Central Georgia, into Milledgeville, much further to the west than it traditionally has been.

**Q.** You reference the low black VAP, the specificity of the splits, and the shape of the district as leading to your conclusion that it appears to be drawn with a racial goal in mind. Can you explain that to the Court?

**A.** Sure. Your Honor, so when we were looking at where they split the counties that they included on this map, they split McDuffy County, which is not a large county as it is, but they split it into City of Thompson, which has a black population area in the city.

THE COURT: What kind of population?

THE WITNESS: A black population in Thompson. There is also -- similarly, we looked at Milledgeville has a minority population as well. It runs through the city, to pick up those areas in the City of Milledgeville. It also goes up into Greene County. It's also splitting in Greene County where there is some minority population on that portion of the county as well. So those areas were specifically divided within those counties. It also splits Wilkes County for a small area as well. So those particular splits, to be included with other counties that they added into this district, seem to me to have had a purpose for doing that rather than taking the areas also that are close by in counties such as Jenkins, or just making it more compact in the region that it is currently in.

**Q.** Let's go back to Senate District 28. That's the next one in your report. District 28 is generally the same area that I think

we've already discussed in Mr. Cooper's plan.

You say that Riverdale and Newnan have little in common and do constitute a community of interest. Can you explain that?

**A.** I think that's a typographical error where the word "not" was not included, but they do not constitute a community of interest. I apologize for the typos.

**Q.** And, again, I know you had a very short time to get this put together. You say that Clayton County has traditionally been split into two districts, and this would split the county into four districts. Can you explain that?

**A.** Yes. Clayton County has typically been represented by Senate Districts 34 and 44 for as long as I've been paying attention to the maps. This would increase that to four districts within Clayton County within the Senate.

**Q.** So let's go back to the illustrative District 25. You reference that it is at least more compact in the first part of your sentence there. Do you see that?

**A.** Yes.

**Q.** And Mr. Hamilton and you had a discussion earlier about compactness. How do you quantify when you say a district is more or less compact?

**A.** I really look at it and measure it about how I can view these areas in relation to the county lines, in relation to the shape of the district. I know some of the scores that you run are mathematical, but they vary.

MR. HAMILTON: Objection, your Honor. None of these methodologies are discussed in this report.

MR. TYSON: I was trying to flush out what she means in the statement in the report, Your Honor.

THE COURT: She's going into areas they have not prepared for. So I'm going to sustain that.

BY MR. TYSON:

**Q.** Ms. Wright, you say that District 25 was apparently connecting pieces of geography apparently in service of a racial goal. Can you explain that, please?

**A.** In District 25, is that what you said?

**Q.** Yes.

**A.** Yes. So, again, this is an area that's taking in that side of Henry County. That's the southwestern side of Henry County combining it with Clayton County to create that -- that particular district.

**Q.** You also reference adjoining District 10. Can you explain why you have raised or why you say you cannot imagine a non-racial purpose in creating District 10?

**A.** Right. So in District 10 as it is proposed on this map, you have Butts County in its entirety, which is a rural county. It's outside -- I mean, I don't know that everyone would consider that even suburban. It's just a pretty rural county outside of Atlanta, stretching all the way up and following the river, which is the county line, picking up portions of the Ellenwood area of

North Henry, Rockdale County, and then reaching up again into the Stonecrest area and DeKalb County. As far as Senate districts go which are smaller in population than we talked about with others, and those communities are extremely different communities.

**Q.** So let's go next to Mr. Esselstyn's House plan. And first let's talk about a district we spent a lot of time talking about, District 149. So you reference that Baldwin County is split three ways, and that District 149 is over 50 percent by 200ths of a point. Do you see that?

**A.** Yes.

**Q.** When you say the three-way division of Baldwin makes no sense, what are you referring to?

**A.** I'm referring to the way that District 149 runs vertically through the -- the City of Milledgeville all the way up to the northern county boundary there. If I was going to divide a county, I would try to do it with the compact area or the regional area that borders that, not vertical stripes that run through the county like that -- especially in rural Georgia.

**Q.** And you reference connecting a small portion of Milledgeville with Macon lacks any coherent community. What are you referring to there?

**A.** Just the two cities are different communities. They are uniquely their own. They have their own colleges. They have their own identities. They're connecting them in a way that they have not traditionally been connected through this district.

**Q.** And then you see District 145 is right next to it there?
**A.** Yes.
**Q.** So first of all, you reference significant changes in the configuration of North Macon. Can you explain what those changes are?
**A.** So I'm referring in that to District 143 in that area of Bibb County that is in the northern area. That district has significantly changed from what it looks like now and divides that area of Macon into different districts. We had testimony in Macon at that hearing specifically asking to keep their districts with an eastern district and a western district, which is how those two districts where those incumbents that live there are currently drawn. And they asked we maintain it the same way. This would take and divide the whole county differently and divide that community which specifically asked -- which is the minority community in Macon that asked for that. This divides them up into four districts, which would be completely the opposite of what they asked for.

THE COURT: Ms. Wright, Miss Viola --

THE WITNESS: Oh, I'm sorry, I forgot. My apologies.

BY MR. TYSON:

**Q.** Do you want to finish that thought?
**A.** Okay. The public hearing, we had testimony from the community, the minority community directly in Macon and Bibb County who asked to maintain two districts for the current

incumbents that are there, who live in that community, one being on the eastern side, one being on the more central western side, and this would be completely the opposite of what they were asking us to do and would divide their community up into four different districts.

**Q.** Thank you. Let's go look next at south metro -- Districts 74 and 117. So I want to ask you about one particular comment you made about 116 following the interstate -- except for a single precinct that likely has racial implications. What do you mean by that?

**A.** So the way 116 is drawn, this map is using I-75 as a boundary line from the top to the bottom. Except for the area where it reaches across into a particular precinct, which is -- I've already mentioned is the Lake Haven precinct, takes portions of Lake Haven and puts it into 116, divides through the neighborhood again, and puts the rest of it into 117. The Lake Haven precinct is a majority white precinct in that area.

**Q.** And Ms. Wright, while we're in this part of the state, I want to ask you a fact question, not an expert question. Are you familiar with Irondale?

**A.** Am I familiar with --

**Q.** Irondale?

**A.** I've heard the name before, but no, I'm not familiar with it as a -- I'm not sure what you want me to say.

**Q.** I'm just asking -- let me ask it this way. Is Irondale an

incorporated city in Georgia?

**A.** No, it's not.

**Q.** So last let's go look at district -- illustrative District 64. And you say District 64 only achieves minority status by connecting communities in Fulton County with communities in Paulding County. Do you see that?

**A.** Yes, I do.

**Q.** And can you explain what you mean by that statement to the Court?

**A.** I think it's pretty self-explanatory. It's the area of Fulton County crossing the river, which is the county line there, stretching through Douglas County and then reaching over into Paulding County in a relatively small area point, crossing into the county line there to take in that area of Southeastern Paulding.

**Q.** Do you recall as a factual question who the incumbent in the current District 64 is?

**A.** I'm not certain of who the incumbent in 64 is.

**Q.** Is District 64 on the adopted plan located just as a factual matter in this vicinity of the state or is it somewhere else?

**A.** I'm not a hundred percent sure. I believe that it is. It was previously in that region.

**Q.** Thank you. Last, let me get to our Congressional Districts here. You have also reviewed Mr. Cooper's Congressional plan; correct?

**A.** Yes.
**Q.** You indicate in your report that you can't explain the decision to take District 6 in Fayette County. Can you explain what you mean?
**A.** Yes, the manner in which District 6 goes into Fayette County does not follow any voting precinct boundaries. It splits three or four different voting precincts. It doesn't follow reasonable geography. It jumps all over the place in terms of what the line is, trying to determine what they used to draw that line. It's not fully contiguous to the line, the county line. If you were going to take a population area into that district just to add population, I would have thought you would take a whole precinct or follow a major geographic feature, and it doesn't do either.
**Q.** And you state that the divisions of Cobb, Fayette, and Newton Counties do not make sense as part of normal redistricting principles. Can you explain that? Let's start with Cobb.
**A.** Sure. District 6 in Cobb seems to follow a relatively straight line across the center, just above the center of Cobb County, and then except for one area in the middle that pushes upward towards Kennesaw, and where I know where Kennesaw State University is located, but follows a mostly straight line except where it juts upward, which seems to be unusual-looking to do that. Did you want me to go into the --
**Q.** Well, next what do you mean by the division -- well, you explained the division of Fayette County, why that didn't make

sense. Is that your prior answer?
**A.** With Fayette County? Yes.
**Q.** And then what about the division of Newton County not making sense in terms of normal redestricting principles?
**A.** Similarly, if you look at the shape of District 13 that was created, rather than -- you can see that Newton County is shaped like a V at the bottom. It would make more geographic sense to include areas that border both those portions of the county near the bottom where the point of the district is, where the county line is, to include precincts in that area that would be more compact and contiguous to the district that was drawn to give it a more compact shape. It doesn't do that. It goes up the county line on the northwestern side and again splits precincts to go up that county line sticking into the area where Rockdale and Newton Counties border each other, and I don't understand the reason behind that.
**Q.** Ms. Wright, I want to ask you to wrap up -- here's a couple of questions as your capacity as a fact witness, not as expert testimony. Are you familiar with the term the "black belt" in Georgia?
**A.** Yes.
**Q.** And again, as a matter of factual testimony, can you generally describe your understanding of the black belt for the Court?
**A.** Sure, that's an area of the state and counties that stretch, roughly, from the Augusta area towards the Macon area that have

had a longstanding history and tradition of significant black populations in those counties. Some of those counties still today have majority African-American population in them. They're typically small in size, but those counties have historically had that population there.

**Q.** Again, as a factual matter of your personal understanding, is the black belt a single community or does it include many communities?

**A.** It includes many communities.

MR. TYSON: Ms. Wright, that's all the questions I have for you. Thank you very much.

THE WITNESS: Thank you.

THE COURT: Mr. Hamilton.

CROSS-EXAMINATION

BY MR. HAMILTON:

**Q.** Good morning again.

**A.** Good morning.

**Q.** Let's start with the time you had to prepare your report. When were you retained by the State?

**A.** I'm sorry, I didn't understand the question.

**Q.** When were you asked by the State to be an expert witness in this matter?

**A.** I don't know the date.

**Q.** Are you aware that the Court-imposed the deadline for disclosure of expert witnesses was January 31 at 5 p.m.?

**A.** No, I was not aware of that.
**Q.** Were you retained before or after? Were you first asked to be an expert witness before or after that date?
**A.** I honestly don't remember the date.
**Q.** And then your actual report was filed around noon or just before noon on February 4; is that right?
**A.** Yes.
**Q.** Were you retained more than 18 hours before February 4?
**A.** I'm not sure what the definition of "retained" was.
**Q.** When you were first asked to be an expert witness?
**A.** Yes, I think it was more than 18 hours.
**Q.** Was it more than three days?
**A.** I honestly don't know what day it happened.
**Q.** All right. So in any event, you actually had more time since you didn't realize or maybe the State didn't realize that a report was required under Rule 26 for expert witnesses?
**A.** Correct.
**Q.** Now, I want to talk about over the course of the next period of time, two words that show up a lot in your report, one of them is "apparently," and the other one is "significant change." So we'll start with "apparently." And if I could direct your attention to your report on page 7. This is paragraph 12. We can start with paragraph 11. Paragraph 11 in the very first sentence says, "Apparently based on race, the proposed District 23 unites disparate communities apparently based on race." Do you see that?

**A.** Yes.
**Q.** If we look at paragraph 12, you use "apparently" twice. "Apparently for the purpose of including black population in Griffin," and then down at the third line from the bottom, "which were apparently based on race." And paragraph 13 in the fifth line you say, "With no apparent reason for doing this." Paragraph 14 appears to be drawn based on race. Paragraph 16, last sentence, "An apparent service of racial goals." I can keep going, but the word "apparent" appears throughout your report; isn't that true?
**A.** Yes.
**Q.** The reason you put that in there is because you, in fact, didn't draw these maps, did you?
**A.** I did not.
**Q.** You weren't there?
**A.** Correct.
**Q.** You have never spoken with either Dr. Cooper or Dr. Esselstyn?
**A.** Correct.
**Q.** You don't know what the purpose was for any of these drawings?
**A.** Correct.
**Q.** This is just -- just your best guess?
**A.** This is my analysis.
**Q.** It's a guess?
**A.** It's what I can look at. That's why I said "apparently." I don't know what their motivation was.

**Q.** You're just speculating on what the reason was?
**A.** I'm evaluating what I see.
**Q.** And speculating as to the the purpose of what you see?
**A.** If I had known for certain, I would have said that that's certainly what he did, which is why I said "apparently."
**Q.** Fair enough.
As the executive director -- well, let me -- yes. As the executive director of the Legislative and Congressional Reapportionment Office, fair to say you were heavily involved in assisting the Legislature -- Legislators who drew the redistricting maps that are being challenged in this lawsuit?
**A.** That's correct.
**Q.** Your office did a technical review?
**A.** We don't perform technical reviews on maps that we draw in our office. We review them as we draw them.
**Q.** Okay. In your declaration you say all local redistricting bills through the House Committee on Intergovernmental Coordination require my signature following a technical review of the bill.
**A.** That's specific to local redistricting bills on the process build-out.
**Q.** Right. You're familiar with the Legislative consideration of the redistricting bill here?
**A.** Can you say that again?
**Q.** You're familiar with the process by which that bill, the

redistricting bill here, moved through the Legislature?
**A.** Yes.
**Q.** Fair to say it went pretty quickly, didn't it?
**A.** The passage of the bill --
**Q.** Yes.
**A.** -- or the creation of the map? The passage of the bill moved through the process in the standard time frame, yes.
**Q.** It was introduced, considered, and then passed by both houses of the Georgia Legislature in six days?
**A.** That is the amount of time that bills can be passed through the Legislature.
**Q.** Oh, I know that. I'm just asking you, this one moved -- was introduced, considered, passed by both houses of the Legislature in six days?
**A.** I can't say for sure that's the amount of days, but I believe that you know what you're speaking about. But it was through the process of both chambers passing through as legislation does.
**Q.** And then it was signed by the governor?
**A.** Yes, it was signed by the governor.
**Q.** The governor took a little bit longer than six days to sign it?
**A.** Yes, he did.
**Q.** 30 days, in fact; right?
**A.** I do not know exactly how many days.
**Q.** I want to talk a little bit about the other word, "significant

change." You mention that throughout your report; fair to say?
**A.** Yes.
**Q.** You said that the illustrative plans prepared by Dr. Cooper and Dr. Esselstyn would cause significant changes from the 2020 enacted plan if used as remedial plans by a Court. Do you recall that?
**A.** Can you tell me where that was?
**Q.** Yeah, it's in your declaration, paragraph 9.
**A.** Yes, I see that.
**Q.** Let's start with that last bit. You know that these plans that have been submitted so far in this litigation are illustrative plans designed to show that an additional majority/minority district or districts could have been drawn; right?
**A.** Yes.
**Q.** That's part of what we call the Gingle's analysis? You know that?
**A.** I do know what that is.
**Q.** And they're offered to prove liability; right?
**A.** I don't know why they're offered.
**Q.** Well, you know they're not offered as remedial maps?
**A.** I have not been here for all of the proceedings. So I don't know what the previous discussions or what they've been offered as specifically.
**Q.** Okay, that's fair enough. I'm not asking you to guess about

that. But you, yourself, have served as a technical advisor to federal courts in preparing remedial maps?

**A.** Yes.

**Q.** So you know that that's a separate step of the process?

**A.** Correct.

**Q.** First, there is a liability finding, then we decide what to do about it; right?

**A.** Okay.

**Q.** And in your report you made the point about how the illustrative map would cause significant changes from the adopted plan; right?

**A.** Yes.

**Q.** And one of those significant changes would be the creation of additional majority/minority districts in the State House plan. That would be a significant change, wouldn't it?

**A.** That's not what I was referring to.

**Q.** I'm not asking you what you were referring to. I'm saying, the creation of additional majority/minority districts in the State House plan would be a significant change to the State House plan, wouldn't it?

**A.** It would be a change, yes.

**Q.** And that change would be significant?

**A.** If you want to say that change would be significant, then you can say that change would be significant.

**Q.** You would agree with that, don't you?

**A.** It would change the map. Yes, it would change the map.

**Q.** In a significant way?

**A.** It would change the map.

**Q.** All right.

Another one of those significant changes would be the creation of additional majority/minority districts in the State Senate plan; is that right?

**A.** Can you restate that?

**Q.** Sure. Another one of those significant changes would be the creation of additional majority/minority districts in the State Senate map; correct?

**A.** That would change the Senate map as well, yes.

**Q.** It would change it significantly, wouldn't it?

**A.** It depends on whether you refer to that as a significant change. That's not what I was referring to as a significant change.

**Q.** Okay. Another significant change would be the creation of additional majority/minority Congressional District; isn't that true?

**A.** That would also change the Congressional map.

**Q.** In a way that could be considered significant?

**A.** The impact of changing of the map would be the significant part.

**Q.** Of course in any Section 2 case, the creation of a new majority/minority district will by definition result in a change

to the map?

**A.** Can you restate that again?

**Q.** In any Voting Rights Act case under Section 2, the creation of a new majority/minority district will, by definition, result in change to the existing map?

**A.** If that's how the Court determines that it needs to happen, then, yes, it would change the map.

**Q.** And that would be a significant change for the voters who are affected by that map, new map; isn't it?

**A.** Any change to a map can be a significant change to the voters.

**Q.** Well, but for the minority voters who might be, for once, given an actual opportunity to elect candidates of their choice, that would be a significant change, wouldn't it?

**A.** I think that depends on how you draw the district. As I mentioned in the Bibb County area, that would significantly change those districts, but that's not the way the people there asked for that to be drawn.

**Q.** And I appreciate the testimony, but that's not what I'm asking. For the minority voters in a new majority/minority district who were given an actual opportunity to elect the candidates of their choice, that's a significant change? You'll agree with me with that, won't you?

**A.** Sure.

THE COURT: What kind of change would it have on the people -- you testified Bibb County is represented by, I think,

African-American, two African-American males, I think.

THE WITNESS: Actually, the House, it's a male and a female.

THE COURT: If they split it up, would there be a significant change for them to have that representation there? You testified they didn't want that change?

THE WITNESS: They preferred to keep the districts there as they were drawn. That's what the people there actually spoke about to maintain those incumbents that are there. They didn't want to lose those incumbents. Now, I don't know beyond that testimony. That's just what they were stating at the time. I don't know if they were worried that there would be significant change to those districts or what, but that was their testimony. So we tried to make sure we complied with that.

THE COURT: If the Court said to the General Assembly you have to redraw these maps -- Mr. Hamilton pointed out based on the finding of liability, at the end of the day the Court approves a remedial map that changes Bibb County, whereas I think if I were to accept something close to what we have now, one of them or both of them may be running against each other?

THE WITNESS: That could happen. I don't know. I would have to verify their locations.

THE COURT: And it is your testimony the people said they don't want that?

THE WITNESS: They wanted to maintain the two incumbents

that they had in the districts and the shape that they're currently in because they felt that that represented their communities there.

THE COURT: Go ahead, Mr. Hamilton.

BY MR. HAMILTON:

**Q.** So far I've been talking about significant change in a way that's good, a significant change wherein creating a majority/minority district to give voters a voice, but there is a different kind of significant change where voters are stripped of their voice, and if we go back to this Court's decision in Georgia -- State Conference of the NAACP v. Georgia -- sorry, Georgia State Conference of the NAACP v. Georgia, the Court made an observation about the map that you drew in 2015. The Court said, "Ms. Wright and her colleagues openly undertook to help Republican incumbents. In doing so, the 2015 redistricting moved many black voters from districts where their voices would have made an impact into districts where they did not."

Do you recall that line from the Court's opinion?

**A.** Not specifically.

**Q.** Shall I call it back up on the screen?

**A.** It's, I'm assuming, in this packet?

**Q.** Yes.

**A.** I believe you when you read it.

**Q.** That was a significant change for those voters; right? Those voters were removed from -- black voters were removed from a

district where their voices would have made an impact to a district where they did not. That's significant to them; correct?

**A.** I'm sure that would be significant to them.

**Q.** Okay. Let's look for a minute at the criteria the Legislature adopted in connecting the redistricting in 2020. You're familiar with that; correct?

**A.** Yes.

**Q.** And so if I might direct your attention to Exhibit 39.

Your Honor, I believe this has already been admitted into evidence. We'll put it on the screen.

My question for you, Ms. Wright, is: This is the 2021 committee guidelines for the redistricting process; is that right? You can look at it on the screen, you can look at it in the binder, whichever is more convenient for you.

**A.** It does appear to be so, yes.

**Q.** And if we look at page 2 of Exhibit 39, this is the principles that the committee adopted with respect to redistricting criteria to be employed by the Legislature; correct?

**A.** Yes.

**Q.** There's nothing in here about core retentioning?

**A.** I don't remember that terminology being in there.

**Q.** Nothing here about avoiding significant change to preexisting districts?

**A.** I don't remember that being mentioned either.

**Q.** In fact, the enacted redistricting map made significant

changes to preexisting districts in some cases, didn't it?

**A.** Sometimes that's necessary, yes.

**Q.** Right. And I think you said, quote -- from my notes, I think you said "Sometimes the decisions to connect communities, I don't have to make."

**A.** Correct. I work for the General Assembly; I don't make every decision.

**Q.** Fair enough. Let's take a look at some of the decisions the General Assembly made in this map. Let's start with House District 117. And --

MR. HAMILTON: Your Honor, I have prepared an exhibit of the benchmark map for use, if I might approach.

THE COURT: Yes.

MR. HAMILTON: And if I might approach the witness to provide a copy?

THE COURT: Yes. Did you get a copy?

THE WITNESS: No, Your Honor.

THE COURT: Thank you.

MR. HAMILTON: All right. If I might -- oh, I think the next exhibit number is 69. So I would like to mark this as Exhibit 69, and I would like to move the admission of the document. The document is drawn from the State's own website, as you can see from the footer. It is an admission of a party opponent. Mr. Tyson has indicated he has no objection.

MR. TYSON: No objection.

THE COURT: Any objections from Alpha?

MR. SAVITZKY: No, Your Honor.

THE COURT: Admitted without objection.

(Plaintiff's Exhibit 69 was received and marked into evidence.)

BY MR. HAMILTON:

**Q.** We have it up on the screen there. It's easier to look at there. And so this is the benchmark plan. This is prior to the redistricting map; right?

**A.** Correct.

**Q.** This is the way it looked. In the benchmark plan -- let's take a look at House District 117 and 141 and where they were located. Do you see that?

**A.** Yes.

**Q.** Now, let's look at the benchmark -- I'm sorry, the adopted plan and where they were moved. Do you see that?

**A.** Yes.

**Q.** So in the adopted plan, House District 117 was moved from northeast of Atlanta to just south of Atlanta. Do you see that? We'll toggle between these two.

**A.** Those are where the districts are located. That's not the process -- they are not relocated. They're renumbered. The entire map was renumbered.

**Q.** 117 was located in one place?

**A.** Correct.

**Q.** And then it was relocated to another?
**A.** In sequence with the other district numbers, yes.
**Q.** All right. And 141 was moved as well?
**A.** Yes. Many districts numbers were moved across the state.
**Q.** So we can put these two maps side by side. There was no part of the core of that district that remained the same?
**A.** It's not the numbering of the districts; it's the location of the districts and what makes up the districts in the house map. It is traditional that we renumber it from top to bottom starting in Dade County going across the state as best we can to try to flow the sequence of the district numbers.

THE COURT: So the numbers changed, not necessarily the district? And then Clay County was District 46, and then in 2006, it was changed and became 47; right? It's the numbers changed because you have to redo all of the numbering when you do the redistricting?

THE WITNESS: That's correct, Your Honor. Especially in the House, we make significant renumbering there to try to assist the County Elections Office so they somewhat have a flow of district numbers. Sometimes it doesn't exactly work out, but we try to have a sequence of numbers in their counties. So you just don't pick one.

In the Senate it's a little different. You do kind of move them around. The House specifically tries to renumber it every time.

THE COURT: All right. Thank you.

BY MR. HAMILTON:

**Q.** Let's change gears for a little bit.

You talked about the importance of preserving neighborhoods and communities?

**A.** Yes.

**Q.** You're familiar with the City of Athens?

**A.** Yes.

**Q.** Is there an educational institution somewhere in that city?

**A.** That's correct.

**Q.** What is it?

**A.** You're asking me what it is? The University of Georgia.

**Q.** And the enacted map --

THE COURT: Let me add, the home of the Bulldogs.

THE WITNESS: That's correct.

THE COURT: Go ahead, Mr. Hamilton.

MR. HAMILTON: Shall we talk more?

BY MR. HAMILTON:

**Q.** In the enacted map, Athens is divided among two Senate districts, that's Senate District 46 and 47, and four House Districts, 120, 121, 122, and 124; is that right?

**A.** Are you asking on the map that was just adopted or the previous?

**Q.** Yes, the enacted map.

**A.** I think that's correct. I'm not looking at the map in front

of me, but that does sound correct.

**Q.** Those divisions were not consistent with public comment, were they?

**A.** The county is divided between multiple districts, so yes.

**Q.** In fact, the Athens voters , the public comments, urged the unification of Athens, didn't they?

**A.** They did, I believe.

**Q.** Do you know the political makeup of Athens voters?

**A.** Not specifically.

**Q.** And we've touched on this a little earlier. In your comments about District 23 in the Esselstyn State Senate plan, you said in paragraph ten in your report that it's below 50 percent black voter registration. Do you recall that?

**A.** Paragraph ten?

**Q.** Um-hum. Yes.

**A.** Can you restate that question again?

**Q.** Sure. So, sorry, paragraph 11 actually.

You say in the fourth line, District 23 as drawn is below 50 percent on black voter registration. Do you see that?

**A.** Yes, I see it.

**Q.** You don't provide the actual data from which you calculate that percentage; right?

**A.** Correct.

**Q.** You don't actually even give us an actual specific percentage number?

**A.** That's correct.

**Q.** And we don't -- so we don't know the specific number of white registered voters or black registered voters?

**A.** In this report you do not. But I do have the data available.

**Q.** All you say is below 50 percent, which could be 49.9, 39, 29, 19, all of those are numbers are below 50 percent; correct?

**A.** It would be below 50 percent, yes.

**Q.** Now, the truth is we simply don't know the race of approximately 8.8 percent of Georgia registered voters; isn't that true?

**A.** I don't know that specific number, but I'm sure there is some percentage that we don't know.

MR. HAMILTON: Your Honor, I have another document drawn from the Secretary's website. If I might mark this as Exhibit 70.

THE COURT: Okay.

MR. HAMILTON: And may I approach?

THE COURT: Yes.

MR. HAMILTON: And may I provide a copy to the witness?

THE COURT: Yes.

MR. HAMILTON: Your Honor, again, this is drawn from the Secretary of State's database. I believe this is the information you asked for just a moment ago during the direct examination. It's the voter registration statistics drawn from the Secretary of State, and I move the admission of Exhibit 70 as the admission of a party opponent.

MR. TYSON: We have no objection, Your Honor. It's publicly available.

MR. SAVITZKY: No objection.

THE COURT: 70 is admitted with objection.

(Plaintiff's Exhibit 70 was received and marked into evidence.)

MR. TYSON: Your Honor, I'm sorry. One thing just to clarify. I believe this report happens at a particular -- whatever day it's polled. So I'm not sure -- this is a snapshot in time, but I do believe this is continuously updated. I realized there isn't a particular date on this --

THE COURT: What date, Mr. Hamilton? Is this representing -- this says 9/27/2021. On the front page it says updated 9/27/2021.

MR. HAMILTON: That's right.

THE COURT: That's what I'm accepting for 70, 9/27/2021.

MR. HAMILTON: For that point -- the variation isn't going to matter. This is the data that was available, I believe, on the publicly-available website at the time the map was drawn.

THE COURT: All right.

BY MR. HAMILTON:

**Q.** So this document, you're familiar with these voter registration statistics?

**A.** Yes.

**Q.** They report active registered voters by race and gender on a

county-by-county basis?
**A.** Yes.
**Q.** And then there's county totals on the far right of these columns?
**A.** Yes.
**Q.** And if we go all the way down to the bottom of the table, there are statewide totals?
**A.** Yes.
**Q.** And there are some abbreviations here. Just to orient us, the abbreviations are up at the top. They're called race codes. Do you see that?
**A.** Yes.
**Q.** So let's look at Cobb County, and I know that these are small numbers here. So, hopefully, your sight is better than mine, but it's on line 33. And the fourth column from the right side is "UK male voters." Do you see that?
**A.** Yes.
**Q.** Those are male voters of unknown race; correct?
**A.** Correct.
**Q.** All the other columns to the left of that break out the race by male and female; correct?
**A.** Actually, the OT is considered "other." So I don't believe you would know the race of that category either.
**Q.** Just so that we're oriented, starting from the right-hand side of this table counting four over, first, it's -- that column

reports the unknown male voters, unknown race male voters?
**A.** Correct.
**Q.** Next column to the right is unknown female voters?
**A.** Yes.
**Q.** Those are female voters for whom we do not know the race?
**A.** Correct.
**Q.** And the next column to the right is unknown voters, that is, voters for whom we know neither gender nor race?
**A.** Correct.
**Q.** And then the far-right column is the total voters for that particular --
**A.** Correct.
**Q.** Now that we're oriented, let's look at the data for Cobb County as an example.
For Cobb County, the number for unknown male voters is 20,695; is that right?
**A.** That is what this report says, yes.
**Q.** So there are 20,695 male voters in Cobb County for whom we don't know if they are black or white or anything else about their racial makeup; correct?
**A.** Correct.
**Q.** And then if we look at female voters, the next column over there's 21,978 female voters for whom race data is not available; correct?
**A.** Yes.

**Q.** And then the next column to the right is unknown gender voters for whom race data is not available. And that number is 356; is that right?

**A.** Yes.

**Q.** And the sum of those three numbers is 43,029. And I provided a calculator up there, if you don't trust my math, to allow you to sum those three columns, which is the sum of 26,095, 21,978, and 43,079 -- I'm sorry, 26,095, 21,978, and 356 totals to 43,029 voters.

**A.** I'll take your word for it.

**Q.** So there's 43,029 voters in Cobb County for whom we don't have -- who are registered voters for whom we don't know the race?

**A.** Correct.

**Q.** And the total number of registered voters in Cobb County is listed in the far-right column; correct?

**A.** Yes.

**Q.** And in this case that's 532,814?

**A.** Yes.

**Q.** So we don't know the race of 43,029 registered voters out of a total of 532,814 voters in Cobb County alone?

**A.** That's correct.

**Q.** So we can do the same thing if we go all the way down to the bottom of the statistics here at the bottom of the chart, there are 319,167 male voters for whom the State does not have race data; correct?

**A.** Correct.
**Q.** 317,496 female voters for whom the State goes not have race data?
**A.** Yes, that's what this says.
**Q.** 5,629 registered voters whom the State knows neither gender nor race data; correct?
**A.** Correct.
**Q.** So the grand total -- again, the calculator is in front of you if you don't trust my math -- there are 642,292 voters in the State of Georgia for which Georgia does not have race data; correct?
**A.** Correct.
**Q.** There's a total of 7,234,431 registered voters in the State of Georgia; correct?
**A.** Correct.
**Q.** Again, if you want to check my math here, expressing 642,292 voters as a percentage of 7,234,431 is about 8.8 percent; correct?
**A.** I'll take your word for the math.
**Q.** Okay. It's awfully difficult to report the precise racial makeup of registered voters in any particular district or county because there is at least an 8.8 percent margin of error on account of this missing data; isn't that true?
**A.** I would disagree with that.
**Q.** You don't mention the missing race data anywhere in your report, do you?

**A.** Correct. As I said before, I expected there would be time for more detailed analysis and data later.

**Q.** You don't describe how you reached the conclusions that you report in your expert report?

**A.** I'm sorry, I don't understand the question.

**Q.** Well, you -- you articulate a conclusion about voter registration numbers in your report but without explaining how it is that you reach that conclusion?

**A.** Well, I'm doing the analysis looking at the data. That's how I reach the conclusion. Again, I thought there would be additional information provided later on beyond this report. That was my understanding.

**Q.** So you'll agree with me, won't you, that at least as to vote -- black voting age population, black VAP, the Senate District 23 in the Esselstyn illustrative plan is over 50 percent?

**A.** Can you repeat? Which -- Senate 23?

**Q.** 23.

**A.** It's -- and my report says district barely crosses 50 percent AP Black voting age population. So I assume that means it is over 50 percent.

**Q.** It's a majority/minority district?

**A.** According to the VAP, yes, black voting age population, yes.

**Q.** In fact, according to your report, it's 50.43 any part black voting age population?

**A.** I'm looking at the Cooper one. I apologize. What number of

the report are you looking at?

**Q.** Page 10, paragraph 21.

**A.** I was on the wrong one. Yes, I see that.

THE COURT: Let me ask a question right here. Does the Secretary of State's office take into consideration AP black, which is any black or single-race black?

THE WITNESS: No, Your Honor, they do not.

THE COURT: They do not?

THE WITNESS: Uh-huh.

THE COURT: So would that affect the statistics then if the person that was drawing these maps was looking at any part black as opposed to -- since the Secretary of State does not take into considering any part black, it's just straight black, would that affect whether it would be below 50 percent or higher than 50 percent?

THE WITNESS: It could affect it either way, Your Honor. It just depends on what fields you're looking at in the census data. There are multiple different categories for the race fields, and the reports we standardly produce on our print maps, we're using non-Hispanic race categories, which are the single race alone. So they are not in combination with any other race category; whereas AP can overlap with other categories as people are in multi-racial categories, and also, the numbers won't add up to a perfect amount, which is another reason we use the single-race categories on our report so people can take a map and

add that up to 100 percent.

THE COURT: That could explain the difference of where some -- what you all show below 50 percent and whereas Dr. Cooper has 50 percent; right?

THE WITNESS: Correct. And the data we show is pulled from the Secretary of State's office at the voting precinct level. So it's more specific than the county level. And that would be -- we have all of those categories that's presented here in our system combined into single-race categories, not by gender. We don't usually need gender data for what we do. But the categories are broken up by each of the race categories so we can see the percent by precincts per each of the precincts. As they whole, then we know that data is completely accurate for those race categories as reported by the Secretary of State's office.

THE COURT: All right, Mr. Tyson, when you send me this information later, make sure you put at the top "single-race black" and add the information that Ms. Wright just pointed out, because that is important.

MR. TYSON: Yes, Your Honor, we will.

THE COURT: Thank you.

THE WITNESS: You're welcome.

BY MR. HAMILTON:

**Q.** All right. I just want to continue with where we're going and then I'll circle back to that.

We just talked about District 23 in the Esselstyn illustrative

plan. I think you testified that the black voting age, any part black voting age population is 50.43 in that district; correct?

**A.** Yes.

**Q.** So if the Court is asking whether this illustrative district is a majority/minority black voting age population district, the answer is yes?

**A.** Can you say that one more time? I missed part of it.

**Q.** If the Court wants to know if this illustrative District No. 23 is a majority/minority district, the answer is yes?

**A.** If your metric is the AP race category, then yes.

**Q.** The same is true of District 28 in the Esselstyn plan?

**A.** I don't see the number on here for 28.

**Q.** Let's go to Exhibit 3, page 54. And I'll just put it on the screen to make it easy for you. We go to the far-right column for District 28.

**A.** Yes, this is --

**Q.** 57.28 percent?

**A.** Yes.

**Q.** Okay. The same is true for District 25 in the Esselstyn report, it's page 9, table 1?

**A.** If my eyes are looking correctly, I think that's correct. Yes.

**Q.** And District 23 is a majority/minority as well; correct?

**A.** I think that's the one I mentioned at 50.43.

**Q.** Okay. And then if we go to the Esselstyn reported attachment,

page 108, District 64 is?

**A.** Which, the House? On which plan are we looking at?

**Q.** The Esselstyn report for House District 64. It's page -- Exhibit 3, page 108 to 113 is the range of pages for the districts I'm about to read.

64 is a majority/minority district; correct?

**A.** According to AP age populus, it's 50.24 percent.

**Q.** And the illustrative Exhibit 74 is also 53.94 percent any part black voting age population?

**A.** Yes, that's what this shows.

**Q.** District 117 is also a majority/minority district at 51.56?

**A.** Yes, that is what's shown.

**Q.** District 145 is a majority/minority district at 50.38?

**A.** Yes, 50.38 AP VAP.

**Q.** 149 is majority/minority district at 50.02?

**A.** Yes, the AP VAP appears to 50.02.

**Q.** All of these were majority/minority districts that could have been drawn by the Legislature but were not?

**A.** They're districts that were drawn on this plan. I don't know. Comparing the two is kind of --

**Q.** All right. The same is true with respect to the plan that the Pendergrass plaintiffs prepared for the Congressional map, the proposed Congressional District 6, is about 50 percent black voting age population; correct?

**A.** I don't see that in front of me.

**Q.** That's Exhibit 1, the Cooper report at page 21.
**A.** I think they have to pull it up.
**Q.** It should be on the screen now. It reports the black voting age population of 50.23 percent; correct?
**A.** Yes, that's what that says.
**Q.** That's a majority/minority district?
**A.** Yes, according to that.
**Q.** That could have been drawn by the Legislature?
**A.** Various ways you can draw them, but yes.
**Q.** Let me close with a couple of questions about Bibb County.
You testified that minority voters in Bibb County wanted to keep House District 142 and 143 in Bibb County? Is that your testimony?
**A.** Yes, the two districts that were currently there with the incumbents that currently represent them.
**Q.** And then you suggested that the Esselstyn plan does the opposite of that?
**A.** What I suggested is that the community there, part of that community that makes up one of those districts or both of those districts there, would be divided between different districts on that proposal.
**Q.** But Districts 142 and 143 are still wholly within Bibb County; isn't that right?
**A.** But wholly within the county doesn't mean they're still made up of the same community and same makeup of the districts that

they current are.

**Q.** All right. And in Mr. Esselstyn's illustrative map, the remainder of Bibb County is included in two additional majority black districts; isn't that true?

**A.** I don't have that in front of me.

**Q.** You don't know?

**A.** Well, I don't have it to review right now.

**Q.** Let's take a look at Exhibit 3.

MR. HAMILTON: Page 22, Trish, will you pull that up.

BY MR. HAMILTON:

**Q.** Does that allow you to answer the question?

**A.** Yes. So the area in downtown Macon that you see divided between 142, 143, 145 and 149 are all dividing the downtown Macon area into multiple districts which would divide up that community.

**Q.** Now that you have the map in front of you, you can confirm Districts 142 and 143 are still wholly within Bibb County in Mr. Esselstyn's map? That is a true statement; right?

**A.** Yes, that is a true statement.

**Q.** And the rest of Bibb County is included in two additional majority black districts; isn't that true?

**A.** According to the map on the screen, yes. That's what they're shaded as.

MR. HAMILTON: Thank you. No further questions.

THE COURT: Let me make sure I understand correctly. You were saying that Districts 145 and 149 divide downtown Macon.

You want to put that map back up.

THE WITNESS: Right in -- the fingers right in the middle where they all intersect.

THE COURT: So they would have three different representatives in downtown Macon?

THE WITNESS: Potentially four, depending upon which precinct you decide as the core city part of Macon is. They cooperated in and consolidated their government, but when you think of the downtown Macon area, what was the downtown core of the city before they consolidated their government, it's right in that center area where they meet.

THE COURT: Before we do redirect, let's take a break right here.

MR. TYSON: Your Honor, to pose a timing issue. Mr. Morgan is our next witness. He has a meeting with the New Jersey Redistricting Division virtually starting at 1:00. Is that correct?

MR. MORGAN: Yes.

MR. TYSON: So just thinking of timing here, I don't know how long --

THE COURT: Go ahead. Are we going to have redirect on Ms. Wright?

MR. SAVITZKY: Yes, we would like to cross-examination Ms. Wright as well.

MR. TYSON: I'll keep my direct on Mr. Morgan really

short. I just want to make everyone aware about a timing issue. We may lose him for a window of time in the early afternoon. Dr. Alford is available in that window, though.

THE COURT: What we might want to do is call Dr. Alford -- well, you call your case as you see fit. We'll work it out where he'll get to testify from Jersey (multiple crosstalk). We'll work it out where he can testify here. I have to tell you, I have to take a 20-minute break. I've scheduled a conference call, and I need to go in and tell them I can't do it and then come back. I'll be right back. We'll say 11:15 we'll start right back.

(Whereupon, a break was taken.)

THE COURT: You may begin.

MR. SAVITZKY: Good morning, Your Honor.

THE COURT: Good morning, sir.

CROSS-EXAMINATION

BY MR. SAVITZKY:

**Q.** Good morning, Ms. Wright.

**A.** Good morning.

**Q.** My name is Ari Savitzky, the attorney for the Alpha Phi plaintiffs. I'm going to ask you some questions this morning.

Ms. Wright, I know we are catching you during a very busy time right now.

**A.** That's correct.

**Q.** Your office is overseeing the redistricting process not just

for Congress and for the State Legislature, but it also does technical reviews for the local governments and county governments; that's correct?

**A.** Yes, that's correct.

**Q.** We've been post perennial census redistricting season?

**A.** Yes.

**Q.** And so that technical review has sort of been -- was peaking over the last month or so?

**A.** It is actually a small part of what I do. We actually work with the local governments. We actually create their maps as well. So it's a combination of all those things.

**Q.** Okay, okay. I know your time is valuable. So thank you for being here.

**A.** Thank you.

**Q.** Ms. Wright, it's fair to say you have some experience when it comes to redistricting?

**A.** Yes.

**Q.** And you know that there are certain principles that a map drawer follows when they're drawing district lines?

**A.** Yes.

**Q.** And if we could pull up Alpha Phi Plaintiffs 15. We talked about these already, but they're the -- I think it's the Senate version, but the guidelines that you followed; is that right?

**A.** Yes, this is the committee guidelines.

**Q.** And let's just briefly -- I know we talked about these

already. So I don't want to get too deep into it, just sort of rehash. One of those guidelines is equal population, right, drawing districts that are substantially equal as practicable in terms of population size. Do I have that right?

**A.** Yes, that's correct.

**Q.** And for the General Assembly you're trying to hit a deviation of, I think, one percent for Senate District, and is it two percent?

**A.** We didn't establish a firm set range. We drew districts as close to zero as possible and then see where the range fell as a result of that. And if we could tighten this to a smaller deviation, then we did.

**Q.** As close as possible?

**A.** Yes.

**Q.** One percent is probably the lowest, most stringent standard, you know, you could apply at the State Legislative level; would you agree with that?

**A.** I'm sorry?

**Q.** At the State Legislature redistricting level, that one percent deviation is probably the most stringent standard you could apply?

**A.** And I guess you could try to do it tighter if you wanted to, but I think it would be really difficult to draw it tighter.

**Q.** The next set of principles on here and -- let's go to the next page of this. There we go. Here are the actual -- sorry. We have compliance with the -- with Section 2 of the Voting Rights

Act, U.S. Constitution and the Georgia Constitution. Do you see that here, Nos. 3 and 4, I believe; is that right?

**A.** Yes, I do.

**Q.** Okay. We don't have to blow it up. That's fine.

And then you have to be contiguous, no multi-member districts. And then there is a set of things to consider. You should consider boundaries of counties and precincts. Do I have that right?

**A.** Yes.

**Q.** Compactness and communities of interest?

**A.** Yes.

**Q.** And those are "should" considers?

**A.** Yes.

**Q.** Should considers. I imagine there are some tradeoffs, though, when you start thinking about these different factors; is that right?

**A.** You could say that.

**Q.** Would you say it is a balancing act?

**A.** Yes.

**Q.** To balance the different factors, especially the sort of "should consider" factors?

**A.** Yes. You try to consider all of them, but sometimes you do have to make those determinations.

**Q.** And just I think the last one is, effort should be made to avoid unnecessary pairing of incumbents; right?

**A.** Actually, the last one is the one that says it's not intended to limit consideration of other principles, but next to last.

**Q.** Okay. I want to ask you a little more about communities of interest.

Would you agree with me, community of interest is anything that unites people in an area and brings them together?

**A.** Yes.

**Q.** Would you say that a community of interest is sort of in the eye of the beholder?

**A.** It can be.

**Q.** Would you say a community of interest could be a municipality or like a county or a city or town?

**A.** It could be.

**Q.** Would you say it could be a region or a broader area of the state?

**A.** I mean, a region sounds like a large area. So when you start talking about large areas, it's not as much as a community of interest, I would think, but --

**Q.** I think you testified earlier this morning it could be an area of the state?

**A.** It could -- it could be a section, a portion of a certain area.

**Q.** It could be something sort of economic, commercial in nature?

**A.** I think there is a variety of things it could be.

**Q.** But it could be something economic or commercial in nature?

**A.** It could be.
**Q.** It could be a roadway as you discussed with Mr. Tyson earlier, I think?
**A.** It could be that it shares things of a certain -- yeah, a major road.
**Q.** It could be demographic similarities?
**A.** I suppose it could be if you defined a certain racial group that defines themselves as a community of interest, yes.
**Q.** Racial, socioeconomic?
**A.** Age, sure.
**Q.** Those could all be a community of interest?
**A.** As you said, it's kind of in the eye of the beholder.
**Q.** There is one more factor I want to get to, Ms. Wright, before we finish the preliminaries and look at a couple of maps.
Looking back at the guidelines, it says "All plans adopted by the committee, by Section 2 of the Voting Rights Act as amended." Did I get that right? That's No. 3.
**A.** Yes.
**Q.** And that means ensuring that Legislative maps don't dilute the minority vote?
**A.** Yes.
**Q.** To comply with the Voting Rights Act and avoid diluting, for example, black voting strings, it might be necessary to draw the new black majority district in the area where the black population is large and concentrated enough?

**A.** It could be met.
**Q.** And that's federal law. So that's not a "should consider," that's a must -- "must consider," must do, if you have to do it?
**A.** Right. Complying with the Voting Rights Act is federal law, yes.
**Q.** Okay. No matter who -- let's say they vote unanimously to pass a map, but if it doesn't comply with the Voting Rights Act, that's -- it's outside the guidelines?
**A.** Can you state that again?
**Q.** Yeah. It doesn't matter, you know, which party, which politicians, you know, support a map; if the map violates the Voting Rights Act, it's outside the guidelines and --
**A.** Yes, these are the guidelines that the committee voted to work within.
**Q.** So I think it's time to look at a couple of maps. Let's turn -- first, let's go to paragraph 13 of your declaration. Could we bring up the right declaration. Paragraph 13. We'll start with -- this is about Senate District 17 in the illustrative maps drawn by Mr. Cooper.
You say District 17 connects the black population in Stonecrest to Ola and to the Ola and Lake Dow communities in Henry County. Stonecrest shares few, if any, characteristics with the Ola and Lake Dow communities in Henry County. Do I have that right so far?
**A.** Yes.

**Q.** And you say, I cannot identify any community of interest that supports the creation of this district?
**A.** Yes.
**Q.** Now, Ola and Lake Dow are sort of small, unincorporated communities; is that right?
**A.** Yes.
**Q.** And actually, they're not separate municipalities?
**A.** No, they're not a municipality.
**Q.** If I sent someone a letter in Ola, I could put McDonough on the envelope and it would get to them?
**A.** If that's their address, yes.
**Q.** Because they live in McDonough for all intents and purposes?
**A.** I'm not sure. It's something like that.
**Q.** Are you aware that Ola and Lake Dow are in the municipality of McDonough?
**A.** No, I don't believe that they are.
**Q.** Stonecrest is a municipality?
**A.** Yes.
**Q.** McDonough is a municipality?
**A.** Yes.
**Q.** McDonough is in District 17, in the illustrative District 17?
**A.** I would have to look at the map. I'm not a hundred percent sure.
**Q.** All right, let's pull it up. Alpha Plaintiffs 1, page 180, I think it's exhibit -- anyway, in the record it's Alpha Phi 1, page

108. Okay.

Do you see that, District 17 over here?

**A.** Yes.

**Q.** It's McDonough. Do you see that?

**A.** Yes, I do.

**Q.** Okay. Stonecrest is -- I guess it's up here in DeKalb right along that line there.

**A.** Yes, it's in southeast DeKalb.

**Q.** All right. So looking at two incorporated municipalities of some size, apples to apples, we should talk about McDonough and Stonecrest.

**A.** I would also say that those two municipalities are quite different.

**Q.** Okay. Were you aware that those are both cities of populations of over 25,000?

**A.** Yes, but Stonecrest is significantly larger than McDonough.

**Q.** You're aware that they are both located in the suburbs?

**A.** Yes, I'm aware of that.

**Q.** Are you aware that they both have similar rates of educational attainment; particularly high rates of bachelor degrees or higher education?

**A.** I have not done that type of analysis of both cities.

**Q.** You didn't do that type of analysis?

**A.** No.

**Q.** Are you aware that, in particular, they have black populations

of particularly high -- bachelor's or higher educational attainment?

**A.** I have not studied the educational levels of those cities.

**Q.** You didn't study any of the socioeconomic attributes of those communities?

**A.** No, I have not. Not of those two cities.

**Q.** You said in your report you cannot identify any community of interest in this area?

**A.** Well, you're talking Ola and Lake Dow. So then I mentioned -- I'm talking about actual city. When it's McDonough -- it's two different areas.

**Q.** McDonough is within District 17?

**A.** McDonough is, yes.

**Q.** And Stonecrest is within District 17?

**A.** Yes, but I didn't discuss McDonough. And so I'm talking about Ola and Lake Dow.

**Q.** Okay.

**A.** I did not consider McDonough in comparing Stonecrest. I was looking at the region of Ola and Lake Dow, which is not the City of McDonough.

**Q.** And you're aware McDonough is significantly larger than Ola and Lake Dow?

**A.** I'm sorry, say that again?

**Q.** You're aware that McDonough is significantly larger than Ola and Lake Dow?

**A.** I don't know what the population size of that area is. I just know where the region is. So... since it's not a municipality, to measure the population size of it.

**Q.** You're aware that McDonough is the county seat of Henry County?

**A.** Yes, I am.

**Q.** So let's look at enacted 20, 21, enacted 2020 map, District 17. PDX 1, page 42. Okay.

So on the right here that's the 2021 map; is that right?

**A.** Yes, it appears to be.

**Q.** And in the 2021 map, District 17 still is McDonough; right? McDonough, and goes out to Newton County here; right? About half of Newton County, and then it goes out to Walton County and then goes all the way up to Morgan County. Do I have that right?

**A.** Yes.

**Q.** Morgan County is a more rural area; is that right?

**A.** More than what?

**Q.** More than McDonough?

**A.** Not the Ola and Lake Dow area, no. I wouldn't think that it is.

**Q.** The Ola and Lake Dow area is a mix; right?

**A.** Ola and Lake Dow areas of Henry County are similar in rural nature to Morgan County and Walton County.

**Q.** And they're different than McDonough?

**A.** Yes, but McDonough is, what I said before, is different than

Stonecrest in terms of the type of city that it is. It is a definitely a small-town feel, more of the type of city feel you would find in the City of Madison.

**Q.** And they also shared some similarities?

**A.** Which? Who?

**Q.** McDonough and Stonecrest also shared some similarities?

**A.** I don't think that they do --

**Q.** Okay.

**A.** -- which is what I said in my report.

**Q.** But you didn't study the various --

**A.** I didn't break down the educational levels, no.

**Q.** Or any socioeconomic?

**A.** I'm familiar with both areas, and so that's what I'm basing that on.

**Q.** So keeping county whole is one of the principles in the guidelines; right?

**A.** Yes.

**Q.** Just looking at Newton County, the 2021 plan splits Newton County between District 17 and District 43; is that right?

**A.** That's correct.

**Q.** Now, let's just pull up quickly PDX 009, and we'll look at these same lines and the way that it shows on the black voting age percentage and the different precincts. Actually, unfortunately, they're switched around. Let's zoom in on the left side here. Okay?

All right. See that -- that line is splitting the county; am I right? It shows the most heavily black precincts are on one side of the line, split off into 43?

**A.** That's what that appears to show, yes.

**Q.** Okay. And the black voting age population of District 43 is 65 percent black?

**A.** I don't have that information in front of me.

**Q.** We can go back to the other image. It's Plaintiffs 142. Good. All right.

You see over here on the right side, it's 64.3 percent black voting age population?

**A.** Okay.

**Q.** All right. And the rest of Newton County is here in that District 17 that we're talking about?

**A.** Yes.

**Q.** Let's talk about the next district, District 23, and let's go back to your report for just one second.

**A.** Sure.

**Q.** Paragraph 11, please.

You say there's no basis to connect Augusta with Warner Robins or Milledgeville and Warner Robins other than race. That's what you say in the report?

**A.** Yes.

**Q.** Now, let's look at District 23, it's Alpha Plaintiffs 184 -- one, and then page 184.

Ms. Wright, are you aware that there is an important freeway that connects specifically Warner Robins, Milledgeville and Augusta?

**A.** No, I'm not. You said from Milledgeville to Augusta?

**Q.** The Fall Line Freeway?

**A.** No.

**Q.** You're not aware of the Fall Line Freeway?

**A.** Are you talking about I-20?

**Q.** No. I'm talking about -- you can see -- it's actually on here. Let's pull it up. PDX 21, page 12. Can we do that? Do you see this is from the Georgia Department of Transportation study? You can see it here.

**A.** I'm not sure which one you're talking about.

**Q.** Just zoom in here right here on Baldwin County. Right in the center.

THE COURT: Are you talking about 441 South?

MR. SAVITZKY: Well, right here in Baldwin County it's 24.

THE WITNESS: I've actually driven from Augusta to Warner Robins, and it's very difficult to do because there is not a single transportation route to travel to make that trip.

BY MR. SAVITZKY:

**Q.** This is what the Georgia Department of Transportation was discussing in this report.

Can we go to page 6 of the report, please. Same document,

page 6.

THE COURT: What are we looking at?

MR. SAVITZKY: Let's see the title. Sorry. This is a study from the Georgia Department of Transportation.

THE COURT: I guess I'm trying to figure out what you're talking about that connects Baldwin and Augusta and Milledgeville.

BY MR. SAVITZKY:

**Q.** Can we just see the title page, page 1 of this exhibit, please.

All right. This is the "Connect Central Georgia Study" from the Georgia Department of Transportation. Do you see that?

**A.** Yes, I see that. From July of 2013.

**Q.** Okay. Let's go to page 6 now. All right. And looking at that first paragraph -- this area has been a strategic target for economic development -- this area has been a strategic target -- the third line -- for economic initiatives. And we don't have to highlight it, just if I read that part right. "Strategic target for economic development initiatives." Do I have that right?

**A.** That's what that paragraph says.

**Q.** And going down here, it's a business case for transportation in Georgia. Completion of the Fall Line Freeway.

**A.** It looks like it is a study they were doing about the fact that transportation in this area was difficult.

**Q.** Were you aware that the Fall Line Freeway just received federal funding in the bipartisan infrastructure?

**A.** No, I was not.
**Q.** All right. In your direct testimony you talked about the Black Belt; is that right?
**A.** Yes.
**Q.** Pull up Alpha 1, page 82. I'm showing you the appendix to a report, the Georgia Budget and Policy Institute, identifying certain counties in Georgia for study and education. Just sort of looking at the metric they use. The third line. School districts are considered if they have one of the following criteria: The majority of black student population, majority of students living in poverty and a history of enslaved labor. Did I read that correct?
**A.** Yes, I think so.
**Q.** Okay. And then let's go down where it says -- the last paragraph, school systems that met two of the criteria were included in the selection.
Would you agree that counties that ended up being included in this study share certain demographic socioeconomic similarities?
**A.** That's possible that they do. It depends on other factors as well.
**Q.** In your report -- let's go back to the report, paragraph 11. You say, "The proposed district adds minority population to District 22. It takes it far outside of traditional boundaries in Richmond County." Do I have that right?
**A.** Yes.

**Q.** Are you familiar with the districting principle as maintaining existing district course?

**A.** Yes.

**Q.** Those aren't in the guidelines for the State of Georgia?

**A.** I think that would fall under No. 9 on the guidelines, other things that we could consider.

**Q.** Okay. Anything else you can consider, but not specifically in the guidelines?

**A.** Right.

**Q.** All right. Just one other second. I'm going to show you a map, PDX 23.5. Two maps. Nope. Nope. Nope. There we go.

So we can see the freeway I was talking about before, you can see the map from that study. Both of them tend to show a sort of east/west sort of like central Georgia across the state; right?

**A.** Yes.

**Q.** Very quickly let's go to plaintiff's one, page 48. Nope. Nope. We're looking for P DX1, page 48. I apologize.

There we go.

Now, the shape on the right here, this is existing district 236789, right?

**A.** Yes.

**Q.** Sort of oriented more north to south; is that right?

**A.** Yes.

**Q.** And District 23 on the left is oriented more east to west?

**A.** Yes.

**Q.** Let's look at another district. And turn to paragraph 12 here and bring your report back up, please. Paragraph 12 you say, "I cannot identify a reason for drawing District 28 aside from a purely racial goal." Do I have that right?

**A.** Yes, that's what that says.

**Q.** You say the district here bears no connection to any type of community. Do I have that right?

**A.** Which line is it?

**Q.** Right here, right in the middle it's highlighted "bears no connection to any type of community"?

**A.** Yes.

**Q.** Now, I think the specific communities that you talk about are Jonesboro and Griffin. Are those the ones you discuss in this paragraph?

**A.** Yes, I think so. Yes.

**Q.** When you said those areas had no connection, did you consider whether they had commonalities with respect to --

**A.** I didn't do an analysis of each city with education levels and socioeconomic --

**Q.** Poverty levels?

**A.** No, I did not.

**Q.** Labor force population?

**A.** No.

**Q.** No? Are you aware that Jonesboro and Griffin are literally connected by US 41, the old Dixie Highway?

**A.** Yes, I do know that.
**Q.** Are you aware that the Jonesboro and Griffin High school football teams play against each other?
**A.** No, I don't keep up with the fall high school football schedule.
**Q.** Would it surprise you that they play with each other?
**A.** No. They're both south metro schools.
**Q.** You concluded those areas have no connection to each other?
**A.** I think that in a district map that that's a little bit different than two schools that play each other in football.
**Q.** Let's look at District 73. Turning to 16 of your report, paragraph 16. You say the illustrative District 73 connects communities that "share little to no common interests." Am I reading that correctly?
**A.** Which line?
**Q.** It's highlighted. "Share little to no common interests."
**A.** Yes, that's in reference to Districts like 78 and 109.
**Q.** Is it?
**A.** Yes. "It creates significant changes to surrounding districts like 78 and 109 by connecting communities that share little to no common interests."
**Q.** It -- the sentence -- the subject of the sentence "it" being the proposed District 73?
**A.** It creates change to the surrounding districts by connecting those communities.

**Q.** You don't mention any of those particular communities in your report, do you?
**A.** No.
**Q.** Let's look at paragraph 17 in your report. And this is about District 110. You state that the new black majority district in the illustrative plan would result in Spalding County being included in more than its traditional two House districts; is that right?
**A.** Yes.
**Q.** And you also say illustrative House District 129, you mentioned touches five different counties?
**A.** Yes.
**Q.** You didn't do any analysis of county splits, unique county district splits, anything like that in assessing these plans?
**A.** I have not done that level of analysis of report yet.
**Q.** You don't know which plan has more county splits, more unique county district splits?
**A.** That was not an instruction I was given.
**Q.** Let's just pull up Alpha 1, page 356. And this is the 2021 plan; right?
**A.** Yes.
**Q.** And just looking at Spalding County, does the enacted plan split Spalding County into its traditional two State House Districts?
**A.** I have already testified it would now be in three on the

adopted plan.

**Q.** And does it split the City of Griffin?

**A.** I believe it follows voting precinct boundaries lines there. So it's possible that it does. I cannot tell that on this map.

**Q.** And the black voting age population of all three of those districts in Spalding County in Griffin is under 50 percent?

**A.** Yes.

**Q.** Let's talk about District 144. Go to paragraph 18 of your declaration.

You say District 144 unites disparate communities in a single district; is that right?

**A.** Yes.

**Q.** You testified already that sometimes communities that are different go in the same district; correct?

**A.** Sometimes.

**Q.** It's not a problem, necessarily, to unite disparate communities in a single district, is it?

**A.** But the guidelines say that we were going to consider communities of interest, so we do try to consider that where we can.

**Q.** Of course. And the enacted map does contain districts where disparate communities are united in a single district?

**A.** It can happen. We also try to comply with the previous boundary lines in order to reduce the drastic impact on the voters. So sometimes these communities are already having

multiple representatives or senators in those areas. So if that's the case, sometimes we maintain that.

**Q.** You said Milledgeville and Eatonton share some things in common?

**A.** They are similar in size cities.

**Q.** Similar-sized cities, both county seats and neighboring counties?

**A.** Yes.

**Q.** District 144, and let's pull up Alpha 1, page 186. Excuse me, no. Alpha 1, 360. The illustrative 144 -- let's go back two pages -- there we go -- includes Eatonton and Milledgeville, which are, as you just said, similar cities?

**A.** Yes, it does.

**Q.** You also say -- let's go back to your report now. Still on paragraph 18. "District 144 divides Twiggs and Wilkinson Counties into different districts; they have historically been in the same district."

**A.** Yes, that's correct.

**Q.** You say they are communities of interest?

**A.** You could say that, yes.

**Q.** Twiggs County is also park of the Macon metro area according to the U.S. Census Bureau; is that right?

**A.** I don't know that for a fact. If you say so.

**Q.** I can show you the metro area if you want.

**A.** Fine.

**Q.** Wilkinson County is not part of the metro area; right?
**A.** I don't have that information.
**Q.** All right. Would you pull up PDX 50 just to look at it, just to confirm. Okay.
So you can see this is the Macon, Warner Robins combined statistical area, U.S. Census Bureau, Twiggs County in Wilkinson; right?
**A.** I see that there, yes.
**Q.** Okay. Uniting Twiggs County with the other parts of that metropolitan statistical area would also respect communities of interest?
**A.** I think a long-standing relationship between two counties that have shared the same representation would be something I would consider a higher priority than this designation from the U.S. Department of Commerce as to what a metropolitan statistical area would be.
**Q.** But you would agree that metro areas are something that one should consider in the community of interest analysis?
**A.** I don't usually get into metropolitan statistical areas. It's not something I refer to.
**Q.** It is in the eye of the beholder?
**A.** I guess, if that's what you want to say.
**Q.** Okay. And you also -- we can look at the declaration again, paragraph 18, you say Milledgeville was included in District 44 because of race. Is that your conclusion?

**A.** Yes.
**Q.** Milledgeville is white?
**A.** I don't know the demographics specifically of the City of Milledgeville.
**Q.** Well, PDX 51, it's the American Community Survey Data or data on Milledgeville's population. Keep going.
**A.** That appears to be what the American Community Survey shows.
**Q.** Okay.
**A.** I don't usually refer to the American Community Survey since those are estimate data and not official census data.
**Q.** Understood. We can go to Alpha 1, page 360. All right.
And you in your report criticize the illustrative District 144 for splitting Baldwin and Putnam Counties. Do I have that right? Paragraph 18 of your report?
**A.** I think it's the way that it split the counties, but yes.
**Q.** Look at paragraph 18 really quick. I just want to make sure I have it right. There we go.
**A.** Yes, the cities of Eatonton and Milledgeville.
**Q.** The district drawn in the adopted House plan in the same area respects county boundaries?
**A.** Yes.
**Q.** Look at Alpha 1, page 360, back at that map of the 2021 enacted plan. It looks like it splits Baldwin County; is that right?
**A.** There is one precinct there.

**Q.** It looks like it splits Putnam County, too; right?
**A.** Yes, it does.
**Q.** Let's turn to paragraph 19 in your declaration. And you say the illustrative House plan connects areas that have nothing in common. That Albany and Thomasville have nothing in common.
**A.** Are you asking a question? I didn't hear.
**Q.** I'm asking you if that's what it says.
**A.** That's what it says.
**Q.** Are you aware that they are the two largest cities in the southwest Georgia area?
**A.** Yes, but that doesn't mean they have something in common.
**Q.** And are you aware they are connected by the old Dixie Highway and specifically, the 62-mile stretch?
**A.** I'm sure that they are. Most of the large cities have some connection somewhere.
**Q.** And you're aware that they work together on economic and regional development?
**A.** I do not do that type of analysis.
**Q.** All right. Let's talk about that voter registration analysis very quickly. We'll go back to paragraph ten in your report, please. Ten in your report, please.
**A.** Which one?
**Q.** Paragraph ten. You say the Cooper State Senate plan adds majority black districts using the any-part black voting age population census metric. Six of the new districts created have a

registration of less than 50 percent; is that right?
**A.** Yes.
**Q.** Okay. Now we can pull up PDX 18. Now, this is the raw data that you used with your analysis; right?
**A.** It looks like it, yes.
**Q.** Okay. And if we can just -- what you did is, you took each precinct and you took the total number of black registered voters in the numerator and the total number of registered voters in the denominator; is that right?
**A.** I don't create the formula that goes into the data column that we use.
**Q.** Okay. You didn't do this analysis?
**A.** So this is all built into our system in a way we pull from -- the Secretary of State's office provides this data to us, we compile this into a format that goes into our system -- we pull it into our system, and then it's allocated to our geographic files.
**Q.** Okay.
**A.** I'm not the person who does that.
**Q.** Let's look at the summary table in the second tab here. So I recreated the analysis, the second tab, please. Okay. So here we have in the yellow, these are the majority black districts in the illustrative Senate plan, and the green ones are the ones that you say are under 50 percent black registered voters; right? So now we have those here, and you can see in most of the questions from the Court earlier, if you percent registered voters who are black

using your analysis, 45.9 percent; right?
**A.** Correct.
**Q.** 49.5, 49.1, you can go down quickly -- scroll through the rest. Right. 48, 47, okay. If we back out that unknown number, because we know the denominator includes folks of unknown race; right?
**A.** Right.
**Q.** Some of whom could be black?
**A.** Correct.
**Q.** So when we don't include the unknown number, do you think that those are still under 50 percent?
**A.** I have not done the analysis, but I think you could say the same, that the unknown number could also be white population which could affect the number the other way.
**Q.** So you don't know if your assessment of the Sixth District is accurate?
**A.** I have not pulled out one portion of it. I'm looking at the race category for the voter registration as it allocates within our data.
**Q.** If we could go to the third tab very quickly.
So if you back out the unknown, what happens to those numbers? Are any of them still under 50 percent? 53, 53, 52. Go back up to the top. They're all over 50 percent; right?
**A.** That's what that shows.
**Q.** Okay.

**A.** But I don't know that you can exclude that percentage. They are a percentage of the voters in the district. You just don't know what they identify their race as.

**Q.** So you don't know if your assessment is accurate?

**A.** I'm saying that the data we use is what it is. It is precinct by level data that we pull from the Secretary of State's office to give us an idea of what the registration numbers are. I'm saying that according to our data, those numbers are under 50 percent.

**Q.** If we had to -- when you include unknown race in the denominator but not in the enumerator --

**A.** You can pull things in and out all you want to; it's going to change the numbers. That's what you do when you play with the numbers. I'm looking at straight across the voter registration, all of the fields, what the percentage is. I don't know what is in the field. I don't know what is in the other field. I don't feel I'm at liberty to pull it out of the voter registration data, because I don't know. I just can't eliminate it and say that would -- that's one race or another. I can't tell you that.

**Q.** And if we know the race of those unknown voters, it might be over 50 percent for every single district?

**A.** If we knew the race of unknown voters, they wouldn't be unknown. They would be in the race categories that they would be defined as.

MR. SAVITZKY: Okay, I think that's it. Thank you very much, Ms. Wright.

THE COURT: Redirect?

MR. TYSON: Thank you, Your Honor.

REDIRECT EXAMINATION

BY MR. TYSON:

**Q.** Ms. Wright, just a couple of questions. Mr. Hamilton asked you about the time period it took for the Legislature to adopt the map. Do you recall that?

**A.** Yes.

**Q.** Did drawing the three redistricting maps take longer than six days?

**A.** Yes.

**Q.** Any estimate of how long it took?

**A.** A couple of months, maybe.

THE COURT: Drawing the maps took a couple of months?

THE WITNESS: Yes.

BY MR. TYSON:

**Q.** Mr. Savitzky asked you a lot of questions about communities of interest and educational attainment and labor force participation. Do you recall that testimony?

**A.** Yes.

**Q.** Do you ever use the educational attainment of voters as a factor when you're drawing redistricting maps?

**A.** No, I do not.

**Q.** Do you ever use the socio -- I should say the labor force participation rate with voters when you're drawing redistricting

maps?
**A.** No.
**Q.** Mr. Savitzky showed you some maps about the Fall Line Freeway. Do you recall that testimony?
**A.** Yes.
**Q.** Okay. And you indicated you had tried to drive from or driven from Augusta to Warner Robins. Is there an interstate that connects those two cities?
**A.** No, there's not.
**Q.** Did you have to take multiple different highways to get across?
**A.** Yes.
**Q.** I know we can all thank Senator Warnock for getting us from Columbus to Macon, but right now is there an interstate that connects those cities?
**A.** No, there's not.
**Q.** And on the maps that Mr. Savitzky showed you, did the highways that were in the highlighted portion go into Houston County or into Macon?
**A.** I believe they went into Macon. I didn't see anything that went into Houston.
**Q.** On the charts that Mr. Savitzky showed you right at the end there, I was trying to count the number of districts that showed below 50 percent on voter registration, but majority on AP black VAP -- and I believe I counted six districts that were below 50

percent on voter registration using your metric. Does that sound right to you?

**A.** Six is what I had in my report. So that also sounds accurate.

THE COURT: The information you'd already given to me, would also show a percentage for -- or actually the total registered voters and white voters as well?

MR. TYSON: Yes, Your Honor. I think Ms. Wright could also provide all of the racial categories for voters for each of the plans, if that would work.

THE WITNESS: Could I clarify, too, the data we use is from the general election of 2020, because we create that file every two years to correspond to the precincts as they were used for each general election. So the data that we would be pulling from was from November of 2020's data from the Secretary of State's office into the file, because we know that that is what was used for that election, those precinct boundaries.

THE COURT: That's pretty much up to date then?

THE WITNESS: Yes.

MR. TYSON: That's all I have, Ms. Wright. Thank you.

THE COURT: Any recross?

MR. HAMILTON: Yes, Your Honor.

RECROSS-EXAMINATION

BY MR. HAMILTON:

**Q.** A couple of questions here. You said it took a couple of months to draw the maps?

**A.** Yes.

**Q.** When you draw remedial maps, it takes considerably less time; isn't that true?

**A.** Yes.

**Q.** In fact, when you worked with Judge Jones in the Crumbly case, you drew that map between May 2 and May 7, 2012; correct?

**A.** That's correct. It's much easier to draw a local redistricting map then a statewide one.

MR. HAMILTON: Thank you. No further questions.

THE COURT: Recross?

MR. SAVITZKY: No, Your Honor.

THE COURT: Thank you.

THE WITNESS: Thank you, Your Honor.

MR. TYSON: Your Honor, while Ms. Wright is leaving, we would like to go ahead and move Exhibit 41 into evidence, the report that we just finished discussing.

THE COURT: Any objection?

MR. HAMILTON: No objection.

THE COURT: Any objection from the Alpha Phi attorneys for Exhibit 41 coming into evidence?

THE DEPUTY CLERK: Which report is that?

MR. TYSON: Ms. Wright's report.

MR. HAMILTON: I'm sorry, Your Honor, you moved the admission of Ms. Wright's report?

MR. TYSON: I just did.

MR. HAMILTON: We object to the admission of Ms. Wright's report, as I previously argued, Your Honor. I just want to state that for the record. I recognize the Court has overruled the objection.

THE COURT: All right. I think Alpha did as well.

MR. SAVITZKY: Yes.

THE COURT: All right. It is admitted. I'm allowing it in over objection. I'm allowing Ms. Wright's declaration in over objection.

(State's Exhibit 41 was received and marked into evidence.)

MR. TYSON: Thank you, Your Honor. It's noon. I believe I can get through Mr. Morgan's direct relatively quickly. It is mostly statistics, and it's in the report.

THE COURT: Let's do direct, and we will break for lunch, and Dr. Morgan can talk to the New Jersey situation and come back after lunch and do the cross.

MR. TYSON: That will work. Mr. Morgan.

THE COURT: Thank you.

THE DEPUTY CLERK: Do you solemnly swear that the evidence you shall give in the matter now before this Court, shall be the truth, the whole truth and nothing but the truth, so help you God?

THE WITNESS: Yes.

THE DEPUTY CLERK: Have a seat. If you could please

state and spell your name for the record.

THE WITNESS: My name is John Morgan, J-O-H-N, M-O-R-G-A-N.

THE DEPUTY CLERK: Thank you.

JOHN MORGAN, having been duly sworn, takes the stand and testifies as follows:

DIRECT EXAMINATION

BY MR. TYSON:

**Q.** Good afternoon, I guess, Mr. Morgan.

**A.** Good afternoon.

**Q.** For us to get started here, can you briefly summarize for the Court your background and experience in the area of redistricting?

**A.** Sure. I first started redistricting in 1991. So this is my fourth redistricting cycle.

The day after I graduated from the University of Chicago, I immediately went to Lansing, Michigan, and started doing redistricting plans there; the next week, basically. So this is my fourth redistricting cycle. I've done redistricting work in 20 states. And this time around, I've been involved in the Michigan Independent Redistricting Commission, the Virginia Commission for Redistricting. I've been involved with the New Jersey Legislative and Congressional Redistricting Commission, and I've been involved in a few other states as well for this cycle.

**Q.** And when you draw maps for a commission, are you the expert map drawer for that commission?

**A.** Yes.
**Q.** Have you evaluated district plans drawn by others as part of your work?
**A.** Yes.
**Q.** And is the process of redistricting analyzing demographic data topics, would that require technical and specialized knowledge?
**A.** Yes, I would say so.
**Q.** Have you ever participated in a case where remedial plans were drawn?
**A.** Yes.
**Q.** Have you ever been admitted as an expert by any court on redistricting and demographic data?
**A.** Yes, I have.
**Q.** And can you briefly give us a few examples of your prior admission as an expert?
**A.** Sure. In the New Mexico State House case, which was a state -- before the state court, I was an expert brought in on that trial. And the plan that was adopted was principally drawn by me with guidance from the Court. The Court -- I spent a lot of time testifying in court, you know, made suggestions, and we made changes to that. That was in New Mexico. I also filed expert reports in Gwinnett County here, Fayette County, expert reports for Virginia in the Congressional redistricting. I've also been called to testify as a fact witness in several cases. I've worked with Legislative bodies all across the county.

**Q.** And we were talking before -- are there many people in the county that do what you do in terms of drawing redistricting maps?
**A.** There are a few. I like to say we're kind of like cicadas. We go underground for ten years, and every ten years we come out of the ground. But at this point, it turns out, I'm probably one of the most experienced people in the county. This is my fourth circle.

MR. TYSON: And, Your Honor, we would move pursuant to Federal Rule of Evidence 702, that Mr. Morgan be qualified as an expert on redistricting and the analysis of demographic data.

THE COURT: Do you wish to voir dire?

MS. KHANNA: No, Your Honor. We'll ask during cross.

MR. SAVITZKY: Same, Your Honor.

THE COURT: I'll allow Mr. Morgan to testify as an expert in this area.

**Q.** Mr. Morgan, the Court has read your declarations. We've read those. I don't want to repeat them. If you want paper copies, they are in the dark-colored notebook there to your right, numbers one, two, and three. What I want to have us do is briefly walk through your declarations. Exhibit 1 is the declaration you submitted in the Alpha Phi Alpha case; is that correct?
**A.** Yes.
**Q.** You conducted an analysis of Mr. Cooper's plans on that, using your redistricting process; correct?
**A.** Yes. I loaded the plans into the redistricting software, and

I looked at the data from those plans.

**Q.** And you provided opinion in paragraph nine, the information on the number of majority black districts using any-part black voting age population; right?

**A.** Yes, I do.

**Q.** Okay. And in paragraph ten, you prepared a chart showing the number of majority black State Senate districts comparing 2021, the Democratic proposal, and Mr. Cooper's plans; is that right?

**A.** Yes. And also there were some contemporaneous plans introduced by the Democratic caucus, I believe.

**Q.** And you note on this chart there's an increase of the districts between 50 and 52 percent AP black VAP; is that right?

**A.** Yes, comparing those three plans there and comparing the adopted plan to the Cooper plan.

**Q.** And based on your experience in redistricting, is that notable in any way?

**A.** Yes. I mean, that is definitely an increase, and those are at the lower end of the black percentages here, yes.

**Q.** Have you seen situations in your work where districts that were barely majority did not necessary elect a candidate of choice?

MS. KHANNA: Objection, your Honor. This is outside of the scope of his report.

MR. TYSON: I just asked in terms of his factual knowledge, Your Honor. Not expert testimony.

THE COURT: I will allow him to testify as to facts, but not as an expert.

MR. TYSON: Thank you.

THE WITNESS: Yes. And specifically in Virginia, I'm aware of situations where districts that were barely majority black voting age population did not elect candidates of choice. In fact, the current Lieutenant-Governor of Virginia was elected in one such district, although that district was higher percentage in 2001. But I'm thinking of District 75, which was a district that was drawn in the remedial plan and then in 2021, the -- the candidate of choice, I believe, from the minority community was not reelected.

MS. KHANNA: Objection.

THE COURT: Well, I see your point. Mr. Tyson, he's going into material in Virginia about percentages. I am going to sustain the objection based on that, because that's not just something that is factual that an everyday person can look up and see. I will sustain the objection on that.

MS. KHANNA: Thank you, Your Honor.

MR. TYSON: Thank you, Your Honor.

BY MR. TYSON:

**Q.** Mr. Morgan, you also noted in your next paragraph, 11, that the remedial Senate plan has 19 majority black Senate Districts?

**A.** Yes, using the AP black voting age population, which was the metric that was used in Mr. Cooper's report, primarily.

**Q.** And so eight of those 19 are in that 50-to-52 percent range, looking at those two paragraphs together?

**A.** That's correct.

**Q.** And similarly for the State House districts, Mr. Cooper's plan, can you just tell us about what happens from the -- compared to the 2021 adopted plan to Mr. Cooper's plan, that 50-to-52 percent range of AP VAP black?

**A.** There are five more districts in that range.

**Q.** And Mr. Cooper's includes five more districts above the adopted plan number of the majority black districts?

**A.** Yes. The total number bottom of the chart shows the total majority black districts using AP VAP black.

**Q.** And you conducted an incumbent analysis on Mr. Cooper's plan?

**A.** Yes, I did, on the initial plan, and then I did look at the second report by Mr. Cooper.

**Q.** And based on those analyses, Mr. Cooper's plans, even his second version of the plan, still compare more incumbents than the adopted plans?

**A.** Yes, that's correct.

**Q.** You ran the core constituency reports. Can you please briefly explain to the Court what the core constituency reports look for?

**A.** Sure. In the core constituency, you compare a draft plan or a plan you want to use to an existing plan or any plan. So, for example, you would show in Mr. Cooper's plan and Mr. Esselstyn's plan -- Dr. Esselstyn's and Dr. Cooper's plan, you can compare

those. In this case what I ran was on Dr. Cooper's plan versus the enacted plan to see which districts were in common.

**Q.** And you found there was only one district for both plans that was in common with the 2021 plans in Mr. Cooper's plan?

**A.** That's correct. I believe it was House District 3. I identified it in the report. That's right. It's the same in both places.

**Q.** And Mr. Cooper's plans, the next part of your analysis, split more precincts and more counties than the adopted plans?

**A.** Yes, that's correct.

**Q.** And then you conducted a compactness analysis here, Chart 5. Are the bolded numbers indicating the district that is more compact on these metrics?

**A.** Yes, that's correct.

**Q.** Let's look at your declaration in the Grant case. This would be -- Exhibit 2.

And I see you conducted the same analysis for the plans drawn by Mr. Esselstyn; is that right?

**A.** That's right.

**Q.** And as to the number of majority black districts in Mr. Esselstyn's plan, can you tell us what happens to the districts between 50 and 52 percent black as compared to the adopted plan?

**A.** Yes. In his plan there are two more districts in that category. So it goes from one in the adopted plan to three in the

Esselstyn plan.

**Q.** And then what about districts between 52 and 55 percent?

**A.** That goes from one to three.

**Q.** And Mr. Esselstyn's plan adds three majority black Senate Districts over the adopted plan?

**A.** Yes. The way he counted them, he says there are three, yes, and there are three.

**Q.** Next I want to look at paragraph 12 for majority black House Districts. Can you tell the Court what happened to the number of districts between 50 and 52 percent AP black VAP on the adopted plan versus the remedial plan?

**A.** Yes. There were two in the adopted plan, and the Esselstyn's plan there were 11. So that's an increase of nine. It's a change of nine.

**Q.** And Mr. Esselstyn's plan adds five additional districts above the 2021 adopted plan on AP black VAP?

**A.** That's right.

**Q.** You also conducted an analysis, an incumbency analysis for Mr. Esselstyn's plans, and can you summarize your findings to the Court on that?

**A.** Yes. There were more incumbents paired on that plan than the adopted plan.

**Q.** Is that true for the House plan and the Senate plan?

**A.** I believe so.

**Q.** You indicate that you ran a core constituency report. How did

Mr. Esselstyn's plans differ in comparison to the adopted plans from Mr. Cooper's?

**A.** Well, Mr. Esselstyn's plan had a lot more districts that were in common between the enacted plan and his plan. So in that sense what I would say is it is possible that there were areas of the state that were not changed.

MR. SAVITZKY: Your Honor, objection. I don't think either of the reports compare the Esselstyn plan to the Cooper plans together.

MR. TYSON: Your Honor, Mr. Morgan ran those plans. I was trying to refer to the adopted plan. How much does Mr. Cooper's plan differ from the adopted plan -- Mr. Esselstyn's plan differs from the adopted plan. I think Mr. Morgan can testify about there is a difference between those two, and one is better than the others.

MR. SAVITZKY: So that's a comparison of the Esselstyn plan and the Cooper plan, which is not in either reports.

THE COURT: Let's go with this, Mr. Tyson. He testified about the Esselstyn plan, the adopted plan, the Cooper plan. I can make the determination based on what he testifies.

MR. TYSON: Certainly, Your Honor, thank you.

MR. SAVITZKY: Thank you.

THE COURT: Sustained.

BY MR. TYSON:

**Q.** In your reports on split geography, what do they show in terms

of splits for the House and Senate plan versus Mr. Esselstyn's House and Senate plans?

**A.** You're referring to?

**Q.** Paragraph 21 and then paragraph 22.

**A.** The adopted plan split 29 counties and 47 precincts. The Esselstyn plan split 34 counties and 49 precincts.

**Q.** And then for the House plan, does Mr. Esselstyn's plan split more counties?

**A.** Yes, 69 in the counties in the adopted plan and 184 voting precincts, and in the adopted plan and the Esselstyn plan, there are 70 counties and 191 voting precincts.

**Q.** A similar chart on compactness, in Chart 5, shows the different calculated scores?

**A.** Yes, I believe those were the districts that were identified as new majority African-American districts in Mr. Esselstyn's report, and that's why those were shown.

**Q.** And the districts that are bold, they are the districts that are more compact using those various calculations?

**A.** Yes.

**Q.** Let's move next to Pendergrass Exhibit 3. And Pendergrass you evaluated a Congressional plan drawn by Mr. Cooper?

**A.** Yes.

**Q.** In paragraph 9 you indicated you counted the number of majority non-white districts. What is a majority non-white district?

**A.** Well, in this case, you would take a value such as the non-Hispanic white, and then the converse of that would be the total minority population. So you would look at the non-Hispanic white, and the converse of that would give you the information on majority non-white.

**Q.** So I would be -- just so I'm clear, so a 49.99 percent non-Hispanic white district would be considered a majority non-white district?

**A.** Yes.

**Q.** And how many of those kinds of districts does the adopted Congressional plan have?

**A.** There are five districts that are majority non-white voting age population.

**Q.** And that's out of 14 districts total?

**A.** Yes, 14.

**Q.** You indicate that Mr. Cooper's plan reduced the any-part black voting age population in District 13. In your view, was that part of him -- well, let me ask it this way.

Did Mr. Cooper's plan reduce the black population in District 13?

**A.** Yes.

**Q.** And you also prepared in Chart 1 core retention analysis; is that right?

**A.** Yes.

**Q.** So what does this core retention analysis show?

**A.** This is similar to the other points we discussed, we're comparing the Esselstyn plan to the adopted plan, or separately comparing the Cooper plan to the adopted plan. In this case we're comparing the Pendergrass Congressional plan to the adopted Congressional plan to see how they compare. I'm sorry.

THE COURT: Wait a minute.

THE WITNESS: No, no, I'm sorry. May I correct myself, please. This is to the plan from -- the benchmark plan.

BY MR. TYSON:

**Q.** The 2012 plan?

**A.** Right. Sorry, I did want to correct myself. So in this case we're looking at the enacted plan. How does it compare to keeping territory in the preexisting plan from 2012 or -- yeah. And then in this case, we're looking at the remedial or the Cooper plan and how it keeps those groups together. Sorry, I misspoke on that.

**Q.** So am I reading it correctly then that of the 2011 version of the Congressional plan, that's District 6, less than five percent of the population that was in that District 6 is in District 6 on Mr. Cooper's plan?

**A.** Yes. The district numbered six, five percent of the population.

**Q.** You also indicated in paragraph -- let's see, one more thing on that before I leave that issue.

The 2021 adopted plan, it looks like the lowest number of core retention is District 6, but it's still 52.86 percent black; am I

reading that right?

**A.** Yeah, in relation to the 2012 plan, that's correct. I believe these were districts that were changed in the Cooper plan. There were other districts that were unknown. Presumably, they could have been drawn the same way.

**Q.** And so on the 2021 plan, it retained at least -- well, more than half of the population that was already in District 6?

**A.** Yes.

**Q.** You also indicated that you compared Mr. Cooper's remedial Congressional plan to the 2021 adopted plan. And what did you find out about District 6 in that analysis?

**A.** District 6 is very changed. So none of the population in the adopted plan is in the Cooper version District 6.

**Q.** And you indicate that there was a substantial discontinuity between the districts in the Cooper remedial plan and the adopted plan. Do you see that?

**A.** Yes.

**Q.** What do you mean by substantial discontinuity?

**A.** Well, again, if you're looking -- comparing the adopted plan to the Cooper plan, there were -- districts did not intersect -- and specifically District 6, intersected none -- no population at all.

**Q.** And in Mr. Cooper's remedial plan, you found 15 splits more counties and precincts than the adopted plan?

**A.** Yes. The adopted plan splits 12 counties and 44 voting

precincts. The remedial Cooper plan splits 14 counties and 49 precincts.

**Q.** Then you ran a series of compactness scores again for Chart 2. And correct again that the bold numbers indicate the more compact, using that particular calculation?

**A.** Yes, that's correct.

**Q.** Have you reviewed Mr. Cooper's rebuttal report to the Legislative Districts, your analysis of the Legislative Districts he drew?

**A.** Yes, I did.

**Q.** Have you ever seen a jurisdiction use the percentage of bachelor's degrees in a county to draw maps?

**A.** I have not, no.

**Q.** The last thing I want to ask you about, Mr. Morgan. So in attachment to Mr. Cooper's Pendergrass report, page 68 of that report, do you see this population summary report here?

**A.** Yes.

**Q.** And this is 2020 census data for the illustrative plan?

**A.** Yes.

**Q.** So in looking at this number, Mr. Cooper reports -- do you know what 18 plus SR black is?

**A.** Yes. In Mr. Cooper's report he indicated that SR is single-race black.

**Q.** So on this analysis --

MR. SAVITZKY: Your Honor, objection. I don't think

this is discussed anywhere in Mr. Morgan's report.

MR. TYSON: Your Honor, this is a report that he was commenting on and reviewing its data. I think he can comment about the data that's evaluating.

THE COURT: This data came from?

MR. TYSON: Mr. Cooper's report.

THE COURT: Why can't he tell us what is in Mr. Cooper's report?

MR. SAVITZKY: Well, he didn't mention it in his own report.

THE COURT: I'm going to allow it.

MR. TYSON: And just very briefly, Your Honor. I'm not going to belabor this.

BY MR. TYSON:

**Q.** District 5 of this AP -- I'm sorry, single race to voting age population, the percentage is -- on single race -- I'm sorry, Mr. Morgan. I've got myself turned around here.

18 plus single-race black is single-race black voting age population; right? You just said that; right?

**A.** Yes.

**Q.** So on that metric, District 6 is below 50 percent, or is District 6 below 50 percent?

**A.** It's below 50. It is 48.01.

**Q.** And is District 13 below 50 percent on that metric?

**A.** Yes, it's 49.4.

MR. TYSON: That's all the questions I have for you.

THE COURT: We'll break for lunch.

How long do you need talking to people from New Jersey?

THE WITNESS: A couple of hours. 3:30.

THE COURT: Let's do this then. Let's bring Mr. Alford in at 1:30, and we'll do direct and cross on Alford. At 3:30 you all do cross on Dr. Morgan.

MR. TYSON: That will work. Dr. Alford is available.

THE COURT: Thank you. We'll be back here at 1:30. Have a good lunch.

(Whereupon, the hearing broke for lunch at 12:30 p.m.)

C E R T I F I C A T E

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF GEORGIA

I do hereby certify that the foregoing pages are a true and correct transcript of the proceedings taken down by me in the case aforesaid.

This the 12th day of February, 2022.

/s/Viola S. Zborowski

VIOLA S. ZBOROWSKI, CRR, CRC, CMR, FAPR
OFFICIAL COURT REPORTER