

EXHIBIT B

Grant, Annie Lois, et al.v. Raffensperger, Brad, E

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

ANNIE LOIS GRANT, et al.,

Plaintiffs,

vs.

CIVIL ACTION FILE

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

NO. 1:22-CV-00122-SCJ

Defendants.

COAKLEY PENDERGRASS, et
al.,

Plaintiffs,

CIVIL ACTION FILE

vs.

NO. 1:21-CV-05339-SCJ

BRAD RAFFENSPERGER, et
al.,

Defendants.

REMOTE VIDEO DEPOSITION OF
ORVILLE VERNON BURTON, PH.D.

February 17, 2023

1:24 p.m.

Suite 200

1600 Parkwood Circle

Atlanta, Georgia

Tracy A. Williams, B-2168, RPR

Jesse Wiggins, Videographer

1 other people, and it might lead me to it.

2 Q. Okay. And then you read everything you
3 could and that -- and then summarized that
4 information. Would that be fair to say?

5 A. Yes, and analyzed it and put it together
6 so that it's not just one source, but all evidence
7 that sort of points in a direction.

8 Q. Okay. I'm going to refer back to your
9 report. I may need to just leave it up for a while,
10 but -- sorry about that.

11 We are going to go to Page 3, and the
12 second paragraph there on Page 3 of your report
13 indicating that "For the next 40 years, Georgia
14 failed to go to a redistricting cycle without
15 objection from the Department of Justice."

16 Do you see that statement there?

17 A. Yes.

18 Q. Okay. And you would agree that the
19 redistricting plans drawn in 1971, 1981, '91, and
20 2001 were drawn by Democratic legislatures, correct?

21 A. Yes.

22 Q. And you would agree that the
23 Republican-drawn maps in 2011 were precleared by the
24 Department of Justice on the first attempt, correct?

25 A. Yes.

1 Q. And on Page 4 -- and on Page 4, I'm going
2 to scroll down to that full paragraph above the
3 heading "Expert Credentials." And there you conclude
4 that "Race unquestionably contributes to Georgia's
5 partisan divides today. And, similarly, those
6 divides cannot be fully explained without discussing
7 race."

8 Is that correct?

9 A. Yes.

10 Q. And I believe also in your report, you say
11 that "Partisanship and race are and have been
12 inextricably intertwined in Georgia."

13 Does that sound right?

14 A. Yes.

15 Q. So in other words, you conclude that race
16 and partisanship cannot be separated, correct?

17 A. Correct, today in Georgia.

18 Q. Today in Georgia. And you further state
19 that -- I believe on Page 4, you indicate that -- so
20 you're not saying that all voters that identify with
21 the Republican party in Georgia are racist. Have I
22 read that correctly?

23 A. You have read what I said there correctly.
24 I would rephrase it to say that it doesn't matter.
25 And I'm not saying that anyone is racist. But I am

1 A. I thought that I did. That's what I was
2 attempting to do in the report.

3 Q. Okay. And how do you measure intent?

4 A. With examples and the context in which
5 they're used, which I outlined specific examples in
6 Georgia.

7 Q. And on -- let's look at Page 67. You refer
8 to an example of a racial appeal. And then if we go
9 ahead and -- sorry -- look at Page 68 concerning a
10 robocall imitating Oprah Winfrey during the Stacey
11 Abrams campaign. Do you see that?

12 A. I do.

13 Q. Okay. Did you research how widely
14 distributed that call was?

15 A. I don't remember.

16 Q. Do you know how many people received that
17 robocall?

18 A. Do not.

19 Q. Would it surprise you if it was a total of
20 583 people in Georgia? And I can refer you to an
21 exhibit if that would help.

22 A. No. I would hope it would be less than
23 that. It's so disgusting. But, no, it would not
24 surprise me.

25 Q. Did you evaluate the impact of that, of the

1 robocall?

2 A. I did not. But as I noted here, someone
3 said that racist appeals didn't hurt the candidates
4 making them in Georgia. Throughout the South, it
5 actually helped them.

6 Q. Are any of the racial appeals that you
7 discuss in your report, Dr. Burton, in Georgia from a
8 State House race in recent elections?

9 A. I don't remember without going back, you
10 know, into the report and see. I think I was just
11 looking at the level, explaining how these work in
12 Georgia. I'm not sure I paid attention to whether
13 they were in the State House or just in the general
14 elections where we had someone like a black candidate
15 like Warnock.

16 Q. Okay. Did your research show any racial
17 appeals in any state legislative races in the state
18 of Georgia in the last ten years?

19 A. I don't remember if I did or not. I
20 discussed different candidates or different people
21 using these appeals, but I don't know if it was in
22 the legislature or just at the state level.

23 Q. Okay. Do you recall specifically looking
24 at examples of racial appeals in a State Senate race
25 here in Georgia?