

EXHIBIT F

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

Page 1

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 the 2010 census."

2 A. Yes.

3 Q. Okay. And were the maps that you refer to
4 that packed black voters, were they challenged by
5 anyone?

6 A. I know that in 2010, they were being
7 challenged. I cannot remember if that went to court
8 or if they were approved by the Justice Department
9 before they got the court case together. But I know
10 that Stacey Abrams and Jason Carter, Jimmy Carter's
11 grandson, were working to challenge it. But I don't
12 remember what -- I think the Justice Department
13 approved the plan is my memory. But it may be wrong.

14 Q. Okay. So were the maps ever found to be
15 illegal, to your knowledge? Again, I know you're
16 not --

17 A. No, no. I don't think they were, not to my
18 knowledge.

19 Q. Okay. And then you reference in the next
20 paragraph and talk about 2015 mid-decade
21 redistricting in 2015. And you would agree that that
22 case was dismissed after the Democrats won their
23 seats, correct?

24 A. Yes. I thought I said that in the report.

25 Q. Okay. And you'd agree that the 2015 maps

1 were never found to be illegal by any court, correct?

2 A. That's right. Correct. Yes.

3 Q. Okay. And then regarding redistricting,
4 again in 2010, the Georgia legislature created a
5 record number of majority districts. Does that sound
6 correct to you?

7 A. Yes. Well, excuse me. Would you state the
8 question again?

9 Q. Sure. In -- regarding redistricting in
10 2010, the Georgia legislature created a record number
11 of majority districts. I believe you say that in
12 your report.

13 A. You mean majority black districts? I think
14 you said "majority districts," and I think I said
15 "majority black districts."

16 Q. You did. I apologize. I misspoke.

17 A. But you meant majority black districts?

18 Q. Yes, sir.

19 A. Yes.

20 Q. Okay. Thank you. And that was the plan
21 drawn by the Republican legislature that was
22 precleared by the Department of Justice, correct?

23 A. Yes.

24 Q. And then let's look at Page 47. Actually,
25 what I would like to do is, we'll look at Page 47.

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?

1 A. The same answer, I do not.

2 Q. Okay. On Page 70, you refer to when
3 Governor Kemp faced a primary challenge from former
4 Senator David Perdue. You would agree that Perdue
5 lost the primary overwhelmingly, correct?

6 A. I don't remember overwhelmingly, but he
7 lost.

8 Q. Okay. And on page --

9 A. Yes, against Kemp, yes.

10 Q. Okay. And on Page 73, you talk about
11 Donald Trump. But you would agree that Donald Trump
12 lost the election in Georgia in 2020, correct?

13 A. Yes. By how many votes, did he remind us?

14 Q. On Page 74, the first full paragraph, you
15 refer to Jody Hice. Do you see that?

16 A. Yes.

17 Q. And Jody Hice lost the primary, correct?

18 A. Yes.

19 Q. Also, you refer to Butch Miller --

20 A. Yes.

21 Q. -- and Butch Miller also lost the primary
22 election, correct?

23 A. Yes.

24 Q. On Page 76 --

25 A. Okay.